

**Act No. 20
of 1923.**

Extension
of operation
of Acts No.
13 of 1920,
No. 30 of
1921 and
No. 10 of
1922.

Amendment
of section
ten of Act
No. 13 of
1920.

Amendment
of section
eleven of Act
No. 13 of
1920.

Amendment
of section
fourteen of
Act No. 13
of 1920.

Short title.

1. Notwithstanding anything to the contrary in the Rents Act, 1920, as amended by the Rents Act Extension and Amendment Act, 1921, and the Rents Acts Extension and Further Amendment Act, 1922, the provisions of those Acts shall continue in operation during the period between the thirtieth day of June, 1923, and the commencement of this Act, and until the thirtieth day of June, 1924.

2. Section *ten* of Act No. 13 of 1920 is hereby amended by the insertion after the word "condition" of the words "or to enter into or carry out any fictitious or artificial agreement".

3. Paragraph (c) of sub-section (1) of section *eleven* of Act No. 13 of 1920 is hereby amended by the insertion after the word "himself" of the words ", his major or married child or children,".

4. The definition of "dwelling" in section *fourteen* of Act No. 13 of 1920 is hereby amended by the insertion at the end thereof of the following words:

"but does not include premises licensed under the provisions of any law relating to the sale of intoxicating liquor".

5. This Act may be cited for all purposes as the Rents Acts Extension Act, 1923.

**Act No. 21
of 1923.**

See Act 25/1930

ACT

To provide for improved conditions of residence for natives in or near urban areas and the better administration of native affairs in such areas; for the registration and better control of contracts of service with natives in certain areas and the regulation of the ingress of natives into and their residence in such areas; for the exemption of coloured persons from the operation of pass laws; for the restriction and regulation of the possession and use of kaffir beer and other intoxicating liquor by natives in certain areas and for other incidental purposes.

(Assented to 15th June, 1923.)

(Signed by the Governor-General in English.)

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:—

**Act No. 21
of 1923.**

Reservation
of areas and
provision of
accommoda-
tion
for native
occupation.

1. (1) Subject to the approval of the Minister after reference to the administrator, any urban local authority may—

(a) define, set apart and lay out one or more areas of land for the occupation, residence and other reasonable requirements of natives, either as extensions of any area already set apart for that purpose or as separate areas. Any land so defined and set apart is hereinafter called a location ;

(b) define, set apart and lay out any portion of a location or any other area of land as an area or areas wherein, on such terms and conditions and within such limits as, with the approval of the administrator and the Minister, the urban local authority may by regulation prescribe, natives shall be permitted to acquire the lease of lots for the erection thereon of houses or huts for their own occupation. Any area of land defined and set apart under this paragraph is hereinafter called a native village. The provisions of any law in force in the province concerned governing the establishment of townships shall not apply in respect of any area so defined and set apart ;

(c) provide one or more buildings or groups of buildings or huts (hereinafter called native hostels) either within or without the limits of any location or native village for the accommodation of natives not living under conditions of family life on such terms and conditions as, with the approval of the administrator and the Minister, the urban local authority may by regulation prescribe ;

(d) provide buildings or huts within any location or native village for the accommodation of native families on such terms and conditions as, with the approval of the administrator and the Minister, the urban local authority may by regulation prescribe ;

(e) require every employer of more than twenty-five natives (including the Union Government or any provincial administration) and any employer of natives on work of a temporary nature within the urban area to provide or to hire accommodation for the natives in his employment in a location or native hostel or elsewhere subject to the approval and under the control of the urban local authority.

(f) see act 25/1930 s 1.(b)

(2) The approval of the Minister under sub-section (1) of this section may be withheld until he is satisfied in regard to the suitability of area and situation of the land set apart and the title thereto, the general plan and lay-out of the location or native village, the situation, nature and dimensions of any building and the provision made for water, lighting, sanitary

amended by
act 25/1930 s 1(a)
New para (e) act 46/37 2.

Act No. 21 of 1923. and other necessary services for the location, native village or hostel, as the case may be.

Minister's powers where inadequate or unsuitable accommodation is provided for natives in urban areas.

2. (1) Whenever it appears to the Minister, after reference to the administrator, and after a local inquiry held in public by an officer appointed by the Minister for that purpose at which the urban local authority and other parties interested shall be entitled to be heard, that the provision made in the area of any urban local authority for the needs of natives ordinarily employed within that area for normal requirements is inadequate or unsuitable, the Minister may, by written notice given through the administrator, require that local authority within such time as may be stated in the notice, to make all or any of the provisions mentioned in section *one*.

(2) No location, native village or native hostel shall be removed, curtailed or abolished without the consent of the Minister, after reference to the administrator, and upon such terms and conditions as to compensation and otherwise as the Minister after consultation with the urban local authority may direct.

Minister's powers upon failure of local authority to comply with requirements made under section *two*.

3. (1) Upon the failure of an urban local authority within the time fixed in any notice given under section *two* or within any extension of that time granted by the Minister after reference to the administrator, to comply with any requirement notified under that section, the Minister may, after reference to the administrator and after written notice to the urban local authority, carry out such works and do all such things as may be necessary to give effect to that requirement; and for that purpose the Minister is hereby authorized to exercise all such rights, powers and authorities as might have been exercised by the urban local authority in that behalf.

(2) Whenever an administrator, in the exercise of powers conferred upon him by section *eleven* of the Public Health Act, 1919, has assumed the administration and control of any location or native village in any urban area, the Governor-General may, by proclamation in the *Gazette*, declare that, from and after a date to be specified therein, all powers and duties exercised or performed by the administrator shall be exercised and performed by the Minister who, for that purpose, shall have all the powers and authorities conferred upon the administrator by section *eleven* of the Public Health Act, 1919.

(3) At such time as the Governor-General may deem fit and subject to such conditions as he may impose, any administration and control vested in the Minister under this section may, by proclamation of the Governor-General in the *Gazette*, be re-vested in the urban local authority concerned.

(4) Any expenditure reasonably incurred by the Minister under this section in excess of revenue derived from the exercise of the powers vested in him may be recovered by the Minister—

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- (a) by action in a competent court against the urban local authority in default ; or
- (b) by levying a special rate upon all rateable property within the area of the urban local authority in default ; 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 urban local authority in default,

or by all three or any two of such methods of recovery and the Minister's certificate shall be *prima facie* evidence of the amount due by the urban local authority under this section.

Restrictions on transactions for acquisition of lots or premises in a location or native village.

4. (1) Save as is specially provided in this Act, no person other than a native or a company the interest wherein is held exclusively by natives shall enter into any agreement or transaction for the acquisition of any lot or premises situate in a native village or location or of any right to any such lot or premises or of any interest therein or servitude thereover.

(2) Any person who is a party to any attempted acquisition or to any agreement or transaction or to any act or default which is in contravention of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds and, if any such act or default constituting the offence is a continuing one, the offender shall be liable to a further fine not exceeding five pounds for every day on which the act or default continues.

(3) Notwithstanding anything in this Act contained—

(1932) AD 44 (a) any coloured persons ordinarily resident in a location recognized by law as a place for the residence of natives in any urban area at the commencement of this Act and their descendants may reside in such location or, in the event of its removal or abolition in any native village or location established in such area in place thereof, and as long as they continue so to reside may acquire the lease of lots or rent premises for their own occupation therein ;

(b) where in any urban area there are at the commencement of this Act coloured persons ordinarily resident in a location recognized by law as a place for the residence of natives, the urban local authority shall, subject to such conditions as may be prescribed, permit coloured persons to reside in any native village or location established in such area and to rent premises for their own occupation therein until such authority has satisfied the Minister that adequate and suitable accommodation is available for coloured persons elsewhere in such area.

act 46/37 no 394

Segregation of natives in urban areas.

amended act 46/37 s. 5.

(4 hrs) → (1933) NPD 67 (1932) AD 138
5. (1) Whenever the Governor-General deems it expedient, he may, by proclamation in the *Gazette*, declare that, from and after a date to be specified therein, all natives within the limits of any urban area or any specified portion thereof other

✓ Act 25/1930 s 3 (a)

Act No. 21 of 1923. than those exempted under sub-section (2) of this section, shall reside in a location, native village or native hostel. ^{subject to the provisions of this section} ^

(1941) C.P.D. 175

(2) The following classes of natives shall be exempted from the operation of any proclamation issued under sub-section (1):—

- (a) Any native who, being at the date specified in any such proclamation the registered owner of immovable property within the urban area valued for rating purposes at seventy-five pounds or more, has been registered as prescribed, so long as he continues to be the registered owner of and to be ordinarily resident on such property ;
- (b) any native who having acquired immovable property as described in paragraph (a) by devolution or succession on death from a registered native owner, whether under a will or on intestacy has been registered as prescribed so long as he continues to be the owner of and to be ordinarily resident on such property ;
- (c) in the province of the Cape of Good Hope any native who, being a registered parliamentary voter, has been registered as prescribed ;
- (d) any person being the wife, minor child, unmarried daughter or *bona fide* dependent of any native exempted under paragraph (a), (b) or (c) of this sub-section, so long as that person continues ordinarily to reside with such native, or any widow of such native or minor child of such native residing with the widow ;
- (e) any native who is at the time actually employed in *bona fide* domestic service and for whom sleeping and sanitary accommodation to the satisfaction of the urban local authority has been provided by his employer. The burden of proving that such a native is so employed shall be on the native or on his employer ;
- (f) any native for whom accommodation outside a location, native village or hostel is provided by his employer under the provisions of paragraph (e) of sub-section (1) of section one ;
- (g) any native resident of a mission house, private hostel or similar institution specially approved by the Minister with the concurrence of the urban local authority concerned, which approval with like concurrence may be withdrawn ;
- (h) any native residing in an area within the jurisdiction of the urban local authority which the Minister, by notice in the *Gazette*, has, with the concurrence of the urban local authority concerned, approved for the residence of natives ;
- (i) any native who at the date when any portion of a location in the Orange Free State is set aside for the residence of coloured persons under sub-section (3)

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(1932) NPD 698
v Act 25
1930 s 3 (b)

act 46/37 (1934) PD 363
secs. 6, 7, 8, 9, 10
G.G. 1/1/40 p. 556
(1930) EDL 222

see act 46/37
see 6.

(1933) NPD 67
(1931) EDL 73

(1935) TRD 197
(1934) EDL 70

Powers of local authority in respect of establishment and maintenance of locations, native villages and native hostels.

amended by act 46/37
see 12 + 13.

of section *twenty-seven* is residing in such portion and who receives from the urban local authority written permission to continue to reside therein;

(j) any other native ~~whose application for exemption has been granted~~ ^{who has been exempted}, either permanently or for a prescribed period, by the urban local authority.

(3) Any person who, in an urban area, harbours or otherwise provides accommodation for an unexempted native outside the limits of a location, native village or native hostel, shall be guilty of an offence.

6. (1) Except with the approval of the Minister, no owner, lessee or occupier of land situate outside an urban area within three miles of the boundary thereof shall allow any natives not exempted under section *five* to congregate, or any such native to reside upon such land or any such native to occupy any dwelling thereon except in the case of a native who is in the *bona fide* employment of such owner, lessee or occupier. ^{(b) (4) (5) + (6) see see 3 (c) + (d) act 25/1930.} ^{new s.s. (1) see act 25/1930 s 4 (a)}

(2) The Governor-General may by proclamation in the *Gazette* increase the limit of three miles mentioned in subsection (1) of this section up to five miles in the case of any particular urban area.

(3) Any person who contravenes any provision of this section shall be liable on conviction to a fine not exceeding fifty pounds.

(4) The provisions of this section shall be in addition to and not in substitution for the provisions of any law relating to the occupation of or residence upon land by natives.

(5) This section shall not apply to the congregation or residence of natives in any township or native reserve lawfully established prior to the commencement of this Act or in any township specially exempted by the Minister. ^{new s.s. (5) see act 25/1930 s 4 (b)}

7. (1) For the purpose of providing, setting apart, establishing, equipping and maintaining any location, native village or native hostel, whether under this Act or otherwise, any urban local authority may, subject to the approval of the Minister after reference by him to the administrator—

(a) acquire any land or interest in land within or without the urban area deemed by the urban local authority to be necessary. In default of agreement with the owner or the holder of the interest, the provisions of the law in force in the province in which the land is situate relating to the expropriation of land for public purposes shall apply in respect of such acquisition, and if in any province there is no such law, the provisions of Proclamation No. 5 of 1902 of the Transvaal and any amendment thereof shall *mutatis mutandis* apply: Provided that, in determining the amount payable for any land or interest in land so acquired, there shall be allowed not more than the price which may be fairly computed to be the price which would be obtained for such land as between a willing seller and a willing buyer, *plus*, in the case of damage sustained by the owner of such land

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as a direct result of the expropriation, an amount not exceeding ten per cent. of that price: Provided further that when an urban local authority wishes to acquire land without the urban area and such land is portion of a farm and such acquisition would unduly interfere with the full and beneficial occupation of the remainder of the said farm the urban local authority shall not be entitled to expropriate such land unless it expropriates such portion of the remainder of the said farm as is reasonable in the circumstances of the case, and in default of agreement the matter shall be decided by arbitration in accordance with the law in force relating to arbitration in the province in which such land is situate, or if there is no such law in force in the province concerned then the matter shall be decided by the law relating to arbitration in force in the province of the Transvaal;

- (b) borrow moneys on the security of the urban local authority's rates, or on the security of any location, native village or native hostel or under any law to provide facilities for the construction of dwellings, subject to repayment upon such terms and conditions as may be approved.
- (c) advance moneys or supply material on credit to approved natives for the construction of houses or huts subject to such terms and conditions as may be approved.

(2) Any urban local authority may acquire any land within the area under its jurisdiction or any interest in such land owned or held by a native and the provisions of paragraph (a) of sub-section (1) of this section shall apply in respect of such acquisition.

(3) Whenever any native residing in an urban area on land of which he is the owner or in which he holds any interest (other than a tenancy terminable by him on the giving of one month's notice or any shorter notice) is required under the provisions of this Act to reside elsewhere than on such land the urban local authority exercising jurisdiction shall acquire such land or interest at a price, in default of agreement, to be determined in the manner described in paragraph (a) of sub-section (1) of this section:

Provided that, notwithstanding anything in sub-sections (2) and (3) of this section, no native owning land or holding any interest in land in the province of the Cape of Good Hope shall be compelled to sell such land or part with his interest in such land and the obligation of an urban local authority in that province under sub-section (3) hereof shall be deemed to be discharged in respect of any such native as is therein mentioned if a *bona fide* offer to acquire the land or interest in land affected thereby at such price as may have been fixed by a single arbitrator approved by the magistrate of the district has been

Act No. 21 of 1923. made by the local authority to such native and has been refused by him.

(4) Notwithstanding anything in Proclamation No. 5 of 1902 of the Transvaal or any other law contained, the cost of any arbitration proceedings in connection with the acquisition of any land or interest in land under sub-section (2) or (3) of this section shall be borne by the urban local authority acquiring such land or interest.

(5) The powers conferred by this section shall be exercised by an urban local authority in accordance with the relevant provisions of any law governing such authority.

Native
revenue
account.

see Act 21
1923 s 9.

act 46/1937
14 (1).

(6) New S.S. See Act 25/1930 s 5.
(7) Act 46-37 s 13 (1)
8. (1) From and after the commencement of this Act, every urban local authority which has, whether before or after such commencement, set apart any area of land for the occupation and residence of natives, or has under its administration and control any location, native village or native hostel whether established under this Act or not, shall open and keep an account to be called the native revenue account into which shall be paid—

- (a) all moneys lawfully paid to the urban local authority in respect of fines imposed by any judicial authority for a contravention by any person of any by-law or regulation governing such area, location, native village or native hostel;
- (b) any revenue derived by the urban local authority from native pass or registration fees;
- (c) any moneys derived by the urban local authority from the sale of kaffir beer;
- (d) the rentals received for trading sites within locations or native villages and the profits accruing from the conduct by the urban local authority of any business within a location or native village; and
- (e) all rents, fees for services and other revenue of any kind whatsoever derived by the urban local authority from occupants or residents of any such area, location, native village or native hostel in respect of their occupation or residence therein.

(2) The native revenue account shall be chargeable with all services rendered by the urban local authority to or in respect of any area of land defined and set apart for native use, occupation or residence, or of any location, native village or native hostel under the administration and control of such authority and with no other service except any service which may specially be chargeable thereto under the provisions of this Act or any other law, or which may be certified in writing by the Minister to be a service rendered for the benefit of native residents within the area of the urban local authority.

(3) Any credit or debit balance on any existing account of an urban local authority of a nature similar to the native revenue account or any other asset or liability of a local

Act No. 21 of 1923. authority held or incurred in relation to natives shall, if so required or authorized by the Minister, be transferred to the native revenue account.

(4) The appropriation of moneys from the native revenue account shall not take place otherwise than in accordance with estimates of expenditure which have been passed by the urban local authority, and approved in writing by the Minister.

(5) Any moneys standing to the credit of a native revenue account and not immediately required for lawfully authorized services may be temporarily invested in such manner, for such time and on such conditions as the Minister may approve.

(6) Any deficit on the native revenue account may be met by an advance from the general funds of the urban local authority on such terms and conditions as the Minister may approve.

(7) Nothing in this section contained shall be construed as prohibiting an urban local authority from appropriating, in accordance with the law governing such authority, to the expenditure arising from any location, native village or native hostel, moneys from other sources than the native revenue account, or from supplementing the native revenue account by moneys from general revenue.

(8) The native revenue account shall be audited in the same manner as the other accounts of the urban local authority are audited; the cost of such audit of the native revenue account shall be borne thereby.

Rent charges and charges for services rendered to location, etc., by urban local authority

9. (1) The rental charged for the occupation of any lot, house, hut, or building let for residential purposes in a location, or native village or the amount charged for accommodation in a native hostel shall be such as the Minister may in all the circumstances consider to be fair and reasonable in the case of such location, native village or native hostel.

(2) The charges made by an urban local authority for water, lighting, sanitary and other services rendered to a location, native village or native hostel or to any inhabitant thereof shall not exceed the ordinary charges made for the like services rendered by the urban local authority in any other portion of its area.

Native advisory boards.

(1933) TPD 74 (1930) TPD 641

10. (1) For every location or native village under the control of an urban local authority there shall be established a native advisory board. The board shall consist of not less than three natives resident within the area of jurisdiction of the urban local authority in addition to a chairman who may be a European: Provided that coloured persons resident in a location or native village shall be eligible as members of the native advisory board for such location or native village until such time as adequate and suitable accommodation is available for coloured persons elsewhere in the urban area. The mode of election or selection of members of such boards, the procedure, the period and conditions of office, and their duties

Act 46/37
Sec 15.

Act 46/37. 16.

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and functions shall be defined by regulations made by the urban local authority under this Act.

S.S.1 deemed to have been in operation on and after 1st January 1924 v act 25. 1930 § 6 (2)
 (2) Whenever a native advisory board as aforesaid has been established and is performing its functions for any location or native village in an urban area no regulation for such location or native village shall be made or withdrawn by the urban local authority under sub-section (3) of section *twenty-three* without consultation with such native advisory board.

Proviso: see 5 6 (1) act 25. 1930.

(1930) OPD 99

Officers for
management and
inspection
of native
affairs in
urban areas.

act 46/37 17.

11. (1) Every urban local authority shall appoint one or more officers or assign one or more of its officers for the management of any location, native village or native hostel within its area. No officer so appointed or assigned shall assume the duty of such management until he has been licensed as prescribed. The Minister may, at any time on good cause shown, after reference to the urban local authority concerned, withdraw any licence so granted, whereupon the officer concerned shall cease to perform any duty in the management of native affairs in the urban area.

(2) The Minister may appoint one or more officers who shall at all reasonable times have the power to inspect any location, native village or native hostel, whether established under this Act or not, and any premises within the area of an urban local authority upon which natives are accommodated. It shall be the duty of such officers to confer with the urban local authority and in consultation with the urban local authority to inquire into any matter affecting the well-being and welfare of natives which may come to their notice, and they shall have access at all reasonable times to the books and accounts of any urban local authority within whose area any location, native village or native hostel is situated.

(3) An urban local authority, through its officers, shall accord all reasonable facilities to any officer in the execution of his powers and duties under sub-section (2).

(4) An officer exercising any power of inspection under sub-section (2) shall when necessary transmit a written report to the Minister as to the facts ascertained on such inspection and the Minister shall cause a copy of any such report to be transmitted to the urban local authority concerned.

Proclaimed
areas and
the powers
which may
be exercised
therein.

*As to P.M.Bing
Pg 82. GO
25/1/30*

act 46/37. 18.

12. (1) The Governor-General may by proclamation in the *Gazette* declare any urban area the local authority of which has, either before or after the commencement of this Act, made or has been required to make any of the provisions mentioned in section *one* of this Act or any area, defined in such proclamation, in which natives are congregated in large numbers for mining or industrial purposes to be an area (hereinafter called a proclaimed area) subject to the provisions of this section, and may exercise in respect of that area, or may

Act No. 21 of 1923. authorize any urban local authority to exercise in respect of the whole or any part of that area falling within its jurisdiction, such of the following powers as may be specified in the said proclamation or in any subsequent proclamation :—

- (a) To require the registration by the employer of every contract of service entered into by a male native and the payment by the employer in respect of such registration of a fee, which may differ in different proclaimed areas, not exceeding two shillings per month ; to require employers of such natives to report the termination of such contracts or the desertion from service of such natives, and to require every such native under a contract of service and every employer of such a native to produce on demand to an authorized officer such evidence of the contract as may be prescribed. The registering officer may refuse to register a contract of service if he is satisfied that it is not *bona fide*. The registration of a contract of service under this Act shall be regarded, where the native is a native labourer under the Native Labour Regulation Act, 1911, as the registration of the native to his employer for the purposes of that Act ;
- (b) to require every male native entering the proclaimed area, from within the Union and every native entering such area from beyond the Union except such natives as may be specially exempted by regulation, to report his arrival within a prescribed period, to obtain a document certifying that he has so reported, and to produce such document on demand to an authorized officer during such period as may be prescribed ;
- (c) to require every male native who remains in the proclaimed area after the termination of a contract of service without finding other employment, after the expiration of his licence as a togt or casual labourer or on discharge from imprisonment to report as prescribed, to obtain a document certifying that he has so reported, and to produce such document on demand to an authorized officer during such period as may be prescribed ;
- (d) see act 25. 1930 s 7 (a)
- (e) to refuse permission to any native who appears to the officer concerned to be under the age of eighteen years and who does not adduce evidence to the contrary to the satisfaction of the officer to enter or reside in the proclaimed area unless accompanied by, coming to or residing with a parent or guardian and to return such native unless so accompanied to the place to which he belongs : Provided that any such native not so accompanied may be permitted to enter or

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reside in the proclaimed area if coming to, or engaged in, approved employment and if the person introducing or employing him undertakes to return him to his home when so required and makes a deposit to cover the cost of such return when called upon so to do ;

- † (e) to establish, equip, control and manage such accommodation as may be necessary for natives seeking employment in the proclaimed area ;
- (g) (f) to require every male native following the occupation of togt or casual labourer in the proclaimed area to be licensed, to pay such licence fee and to carry such badge as may be prescribed and to require every such native to take service by the day under such conditions as may be prescribed ;
- (h) *see act 25. 1920 s 7 (b)*
- (i) (g) to require every native who enters the proclaimed area or who remains in the proclaimed area without finding other employment after the termination of a contract of service, or after the expiration of his licence as a togt or casual labourer, or on discharge from imprisonment to report to a prescribed officer and to reside at a place to be prescribed until he has found employment and to allow exemption from the provisions of this paragraph in circumstances to be prescribed ;
- (j) (h) to require every native who, within a prescribed period after his arrival in the proclaimed area, or after the termination of a contract of service, or after the expiration of his licence as a togt or casual labourer or after discharge from imprisonment has failed to find employment, to depart therefrom within a specified time and not to return thereto within a specified period :

Provided that the wife, minor child or *bona fide* dependent of any native exempted in terms of sub-section (2) of this section, while accompanying or ordinarily residing with such native, and a native visitor to the proclaimed area holding such document as may be prescribed, shall be exempt from the provisions of paragraphs (g) and (h) of this sub-section.

✓ Act 25/1920
s 7 (d)

(2) The following natives shall be exempt from the provisions of sub-section (1) of this section :— *shall may be required to produce on demand to an authorised officer proof that they fall within one of the classes hereby exempted.*

- (a) In the province concerned, natives who hold letters of exemption granted under any law in force in the province of Natal, Transvaal or Orange Free State but not any sons of such natives ;
- (b) in the province of the Cape of Good Hope, any native who is a registered parliamentary voter ;
- (c) those who are the registered owners of, or the *bona fide* purchasers of land in any **such** township as is defined in paragraph (i) of sub-section (1) of section eight of Act No. 27 of 1913 ;

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- (d) chiefs and headmen approved in such manner as may be prescribed ;
- (e) ministers of religion who are marriage officers, teachers whose salaries are paid or defrayed directly or indirectly, in whole or in part, by the Government or any provincial administration, and interpreters of the various courts of the Union ; provided they are approved in such manner as may be prescribed :

Provided that any contract of service entered into by a native so exempted may, with the assent of such native, be registered as provided in paragraph (a) of sub-section (1) of this section.

x (a)(g) & (h)
v Act 25. 1930
s 7 (e)

(3) Whenever an urban local authority exercises the powers conferred by paragraphs (a) and (f) of sub-section (1) of this section, all fees due under those paragraphs from employers or from natives within the area in which the urban local authority is lawfully exercising powers under those paragraphs shall be received by the urban local authority and shall by it be credited to any native revenue account of such urban local authority kept under the provisions of this Act and all expenditure incurred in the exercise of such powers shall be charged against that account.

Possession
of certifi-
cates or
documents
by persons
other than
the owners.

13. Any person who becomes possessed of any certificate or document issued under the preceding section or the regulations relating thereto other than his own shall forthwith hand or transmit such certificate or document to such officer as may be prescribed.

Offences.

- 14.** (1) Every person shall be guilty of an offence who—
- (a) with intent to deceive makes use, for any purpose whatsoever, of any certificate or document issued under section *twelve* or the regulations relating thereto other than his own ;
- (b) wilfully alters, defaces, destroys or mutilates any certificate or document issued under section *twelve* or the regulations relating thereto, or unlawfully withholds such certificate or document from any person entitled to the possession thereof ;
- (c) in any way aids or abets any person in the commission of any of the offences described in paragraphs (a) and (b) of this sub-section.

(2) Every person who counterfeits or forges any certificate or other document or stamp referred to in section *twelve* or the regulations relating thereto, and every person who without authority sells or otherwise disposes of any such document or stamp shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding six months, to both

Act No. 21 of 1923. such fine and imprisonment, or to such imprisonment without the option of a fine.

Amendment of section *thirteen* (1) (c) of Financial Relations Act, 1913.

15. (1) Paragraph (c) of sub-section (1) of section *thirteen* of the Financial Relations Act, 1913, is hereby repealed.

(2) All revenue derived under this Act from the registration of contracts in those areas which were described as labour districts under Proclamation No. 299 of 1911 or any amendment thereof shall, so long as such areas continue to be labour districts under the Native Labour Regulation Act, 1911, be raised and received by the Governor-General, but the proceeds of such revenues shall, instead of being paid into the Consolidated Revenue Fund, be paid over by the Treasury (without deduction for the cost of collection) to the Transvaal Province in such manner as the Treasury may approve.

Census of natives in urban area.

new 16. act 46/37. 19.

16. In any urban area the urban local authority may from time to time cause a census to be taken of all natives resident in that area or any portion of it, and of their status, occupations, means of livelihood and any other matter relating to them.

(1934) TPD 36

Manner of dealing with idle, dissolute or disorderly natives in urban areas.

new ss v act 25. 1930 s 8. (a)

act 46/37. 22

(1941) T.P.D. 34

(1941) T.P.D. 302.

(1931) TPD 234

(1930) TPD 453

17. (1) Whenever in any urban area or in any area proclaimed under section *twelve* any police officer, police constable, officer appointed under sub-section (2) of section *eleven*, or officer of a location, native village or native hostel has reason to believe or suspect that any native within the urban area or the proclaimed area as the case may be is habitually unemployed, or is by reason of his own default not possessed of the means of honest livelihood, or is leading an idle, dissolute or disorderly life, or is a native who having been ordered under sub-section (1) (h) of section *twelve* to depart from a proclaimed area has failed to depart within the specified time or has returned before the expiration of the specified period, it shall be lawful for him to bring that native or cause him to be brought before a magistrate, native commissioner or native sub-commissioner who shall require the native to give a good and satisfactory account of himself.

v act 25/1930 s 8 (b)

ditto (c)

(2) In the event of any native so required to give a good and satisfactory account of himself failing to do so, the magistrate, ^{or} native commissioner ~~or native sub-commissioner~~ inquiring into the matter may adjudge him to be an idle or disorderly person and order—

new ss (a) v act 25/1930 s 8 (d)

(a) that he be removed (from the urban area or proclaimed area as the case may be and sent to the place to which he belongs, and that he do not return to the area from which he is removed within a period specified in such order; or

(b) that he be sent to and detained for a period not exceeding two years in a farm colony, work colony, refuge, rescue home, or similar institution established

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or approved under section *fifty* of the Prisons and Reformatories Act, 1911, or any amendment thereof and perform thereat such labour as may be prescribed under that Act or the regulations thereunder, for the occupants.

If any such native, after having been removed from the urban area or proclaimed area as the case may be and sent to the ^{district} place to which he belongs in accordance with paragraph (a) of this sub-section, returns within the specified period to the urban area or the proclaimed area as the case may be he shall be guilty of an offence.

see Act 25/1930 s 8 (e)

v Act 25/1930 s 8 (b)

(3) In the investigation of any question arising under sub-section (1) a magistrate, ^{or} native commissioner, ~~or native sub-commissioner~~ shall keep a record of the proceedings and may, in his discretion, summon to his assistance two natives to sit and act with him as assessors in an advisory capacity.

(4) see Act 25/1930 s 8 (f)

Restrictions in respect of the employment of natives residing elsewhere than in a hostel or compound.
Act 26/37
Sec 23

18. (1) No person shall except with the approval of the Minister employ as native labourers more than fifty natives resident in any urban area ^{who are residing elsewhere in such area than in a native ^{location, village or} hostel provided by the urban local authority or by the employer under section one of this Act or in a compound and who are not exempted under paragraph (a), (b), (c), (d), (e), (g), or (j) of sub-section (2) of section five from the operation of any proclamation issued under sub-section (1) of that section.}

v Act 25/1930 s 4

(2) For the purpose of sub-section (1) of this section the expression "native labourer" shall have the meaning assigned to it by section two of the Native Labour Regulation Act, 1911. ^{and the expression "compound" shall mean accommodation occupied exclusively by male natives.}

(3) Every person who contravenes sub-section (1) of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for every day on which the offence continues.

Prohibition of intoxicating liquor within locations, etc., and of kaffir beer in urban areas, subject to exceptions.

19. (1) Notwithstanding anything in any law contained, no person shall introduce into a location, native village or native hostel any intoxicating liquor as defined by the liquor laws in force in the province in which the location, native village or native hostel is situated and no person shall be in possession of any such intoxicating liquor within a location, native village or native hostel unless such introduction or possession—

- (a) is supported by the written order of a duly qualified medical practitioner certifying that the liquor is required for medicinal purposes by the person specified therein; or
- (b) is, in the opinion of the officer in charge of the location, native village or native hostel, for sacramental purposes; or
- (c) is (in the case of kaffir beer) made lawful by reason of the operation in such location or native village

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of the provisions of ^{secs 20, 21 or 21 bis} ~~either of the next two succeeding sections.~~

1940 ED 2 44
1940 NPD 199
1935 TPD 151
Act 46/37
Sec 24.
(1938) PD 309
(1941) T.P.D. 191.
(1938) AD 523
940 PD Domestic
44 brewing of
kaffir beer in
certain cir-
cumstances.
(1933) PD 123-12
loc. nat. vill.
within an urban
area.
New see 20/
act 46/37. 25.

(1931) EDL 86
(2) No person shall brew, manufacture, introduce, sell, supply or be in possession of kaffir beer in an urban area unless such brewing, manufacture, introduction, sale, supply or possession is authorized under the provisions of ~~either of the next two succeeding sections,~~ ^{secs 20, 21 or 21 bis} or under ~~section forty-nine (1) of the Liquor Licensing Ordinance, 1902 of the Transvaal and provision of the Liquor Act 1928, or any amendment thereof.~~ ^{act 25. 1930 s 10 (b)}

20. (1) Where the domestic brewing of kaffir beer is permitted in any location or native village under sub-section (2) or sub-section (3) of this section, it shall be lawful for householders in such location or native village, subject to such conditions as may be prescribed, which may or may not include the issue of permits, to brew, manufacture, use or possess for domestic consumption such limited quantities of kaffir beer as may be prescribed in respect of such location or native village.

(2) Where in any urban area the brewing of kaffir beer for domestic consumption is, at the commencement of this Act, permitted by law in any location, whether subject or not to the issue of permits granted for the purpose, domestic brewing shall after the commencement of this Act be permitted in such location in accordance with the provisions of sub-section (1) of this section unless and until the permission for the domestic brewing of kaffir beer in such locations is withdrawn under sub-section (4) of this section.

(3) Whenever the urban local authority for any urban area, after consultation with or reference to the native advisory board for any location or native village in such area communicates to the Minister a resolution passed after at least seven days' notice that it is advisable to permit domestic brewing of kaffir beer within such location or native village the Minister may, after requiring or obtaining such information as he may deem desirable as to the opinion of the natives resident in such location or native village, declare by notice in the *Gazette* that from and after a date to be stated therein the domestic brewing of kaffir beer shall be permitted within such location or native village and such permission shall remain in force unless and until the same is withdrawn under sub-section (4) of this section.

(4) If it is shown to the satisfaction of the Minister on the representation of or after consultation with the local authority concerned that in any location or native village in which the domestic brewing of kaffir beer is permitted, such brewing is unsuited to local conditions by reason of the floating character of the native population or is proving detrimental to the interests of the natives owing to its abuse, he may by notice in the *Gazette*, declare that from and after a date, to be specified in such notice, the permission for the domestic brewing of kaffir beer shall be withdrawn.

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(5) During the continuance of any permission granted under sub-section (2) or sub-section (3) of this section the operation of any law inconsistent with the exercise of such permission shall, to the extent of the inconsistency, be deemed to be suspended and on the withdrawal under sub-section (4) of such permission any law, the operation of which was so suspended, shall again have effect.

(6) *v Act 64. 1934 s 16*

Exclusive
municipal
supply of
kaffir beer in
certain cir-
cumstances.

*Amended
Act 46/37. 26.*

21. (1) Whenever domestic brewing of kaffir beer is not permitted in an urban area, or the urban local authority for any urban area desires, or the Minister proposes, for such reasons as are mentioned in sub-section (4) of section *twenty*, that the permission for the domestic brewing of kaffir beer in such area should be withdrawn in respect of every location and native village to which the same applies, the urban local authority may, after consultation with or reference to the native advisory board or boards in the urban area and in accordance with a resolution, passed by a majority of two-thirds after at least seven days' notice at a meeting at which not less than two-thirds of its members were present, represent to the Minister that the prohibition of the use of kaffir beer is not advisable or cannot be effectively enforced in such area and that it is advisable that the rights to manufacture, sell and supply kaffir beer within the area should be granted to and exercised exclusively by the urban local authority and the Minister may, after requiring or obtaining such information as he may deem desirable as to the opinion of the native residents of the area, declare, by notice in the *Gazette*, that from and after a date to be stated therein the urban local authority shall have the exclusive rights to manufacture, sell and supply kaffir beer within its area: Provided that nothing in this section contained shall be construed as prohibiting or restricting the brewing and supply of kaffir beer under ~~the authority of the Governor-General in accordance with section forty-nine (1) of the Liquor Licensing Ordinance, 1902 of the Transvaal.~~ *any provision of the Liquor Act, 1928, or any amendment thereof.*

*v Act 25. 1930
s 11 (a)*

(2) During the continuance of any notice issued under sub-section (1) of this section the operation of any law inconsistent with its provisions shall to the extent of the inconsistency be deemed to be suspended. The Minister may at any time withdraw any such notice, and thereupon the right granted to the urban local authority under sub-section (1) shall cease and any law the operation of which was suspended by that notice shall again have effect.

*v Act 25/1930
s 11 (b)*

(3) Kaffir beer manufactured by an urban local authority under this section shall be sold and supplied in no other premises than an eating house established and controlled by the urban local authority and only for consumption on the premises: Provided that ~~where the eating house is situated in a location or native village,~~ the urban local authority may by resolution passed as in sub-section (1) provided, authorize an officer exercising ~~in the location or native village~~ powers under sub-

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section (1) of section *eleven* to issue in approved cases written permits for the supply or sale of kaffir beer, not exceeding a maximum quantity to be prescribed, for consumption off the premises.

(4) Kaffir beer manufactured, sold or supplied by an urban local authority under sub-section (1) of this section shall not exceed the strength of three per centum by weight of absolute alcohol and shall not be sold to male natives under the age of eighteen years or to female natives.

(5) In any area in respect of which a notice has been issued under sub-section (1) of this section any person who manufactures, sells or supplies kaffir beer or who is found within the area in possession of kaffir beer, save under the conditions permitted by sub-section (3) of this section, shall be guilty of an offence and liable on conviction for a first offence to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence, to a fine not exceeding fifty pounds or to imprisonment without the option of a fine for a period not exceeding three months or to both such fine and imprisonment.

(6) All expenditure incurred by an urban local authority in connection with the manufacture, sale and supply of kaffir beer under this section shall be debited against, and all receipts from the sale of kaffir beer by that authority shall be credited to, the native revenue account.

(7) Notwithstanding anything in this section contained, in any urban area in the province of Natal in which the exclusive right to manufacture, sell and supply kaffir beer under the Native Beer Act, 1908, of Natal is being exercised at the commencement of this Act, the urban local authority shall from the commencement of this Act have the exclusive rights to manufacture, sell and supply kaffir beer as if a notice had been duly issued under sub-section (1) of this section, and sub-sections (2), (3), (4), (5) and (6) of this section shall apply accordingly.

(21 bis) act 46/37. 27. (1938) W L D 212

Trading in
location or
native
village.

22. Any urban local authority which has under its administration and control any location or native village, may—

- (a) let sites within the location or native village for trading or business purposes;
- (b) prohibit hawking within the location or native village and
- (c) prohibit the carrying on of any business within the location or native village in any other place than a site rented for trading or business purposes:

Provided that—

- (i) no site shall be let under paragraph (a) to a person who is not a native; and no person who is not a native shall be employed on a site so let; but

See new section

Act 25/1920

s 12.

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(ii) if the Minister is satisfied that the reasonable needs of the native residents are not met by business establishments on such sites, the urban local authority may carry on within the location or native village the business of a general dealer, butcher, baker or eating house keeper and open such shops and do all such things as may be necessary for that purpose.

Regulations

23. (1) The Governor-General may make regulations, not inconsistent with this Act as to all or any of the following matters—

P.M. Burg area
GN 769. GG 25/4/30

- (a) the medical supervision and examination of natives within an urban area or a proclaimed area ;
- (b) the licensing of officers appointed or assigned under sub-section (1) of section *eleven*.
- (c) the duties of officers appointed under sub-section (2) of section *eleven* ;
- (d) the exercise of the powers referred to in sub-section (1) of section *twelve* of this Act and all matters incidental thereto ;
- (e) the nature and management of the accommodation for natives seeking employment in proclaimed areas ;
- (f) the conditions under which all contracts of service registered under this Act shall be regulated and enforced, the conduct of native servants in relation to employers and of employers in relation to native servants under such contracts, the restriction of the period of such contracts, the regulation of the circumstances in which deductions may be made from the wages of natives employed under such contracts or the prohibition of such deductions, and generally the control and protection of natives employed under such contracts ;
- (g) the summoning and payment of native assessors under sub-section (3) of section *seventeen* ;
- (h) any matter to be prescribed by the Governor-General under this Act,

Amended
act 46/37. 28.
GN. 762. GG. 2/6/39
" 766 P. 529.

and generally for the better carrying out of the objects and purposes of this Act.

Differing regulations may be made in respect of different areas.

GG. 17-2-39
p. 429,
applicable to
P.M. Burg.

(2) The Minister may make regulations, not inconsistent with this Act and having the force of law in any urban area as to all or any of the following matters :—

- (a) The powers and duties of the police, or of officers under this Act in respect of entry into and search with or without warrant of any premises on which it is reasonably suspected that kaffir beer is being made, kept, supplied or sold in contravention of this Act;

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(1938) AD 523

- (b) the seizure and confiscation of any kaffir beer made kept or procured in contravention of this Act;
- (c) the management and control of the premises on which kaffir beer is sold or supplied under section *twenty-one*, and the maintenance of good order therein;
- (d) the composition, the method of manufacture or brewing and the analysis of kaffir beer made, supplied or sold by an urban local authority and the management and control of the breweries of the urban local authority;
- (e) the provision of co-operative arrangements between different local authorities for the manufacture and supply of kaffir beer ~~and~~
- (f) the facilitating and giving effect to any co-operative arrangement between urban local authorities under section *twenty-four*. ~~and~~

(1935) AD 313
(1933) TPD 74
(1932) TPD 1
(1941) O.P.D. 185
(1931) N.P.D. 173
(1931) TPD 378

9 (see Act 25/1930 s 13 (a).
(3) An urban local authority may, by resolution passed after at least seven days' notice thereof at a meeting at which not less than two-thirds of its members are present, make regulations not inconsistent with this Act, as to all or any of the following matters:—

v Act 25/1930 s 13 (b)

- (a) The terms and conditions of residence in locations, native villages and native hostels;
- (b) the management and control of locations, native villages and native hostels and of the accommodation provided under paragraph (e) of sub-section (1) of section *one*, and the maintenance of good order, health and sanitation therein;
- (c) the employment of officers and other persons for the management and control of locations, native villages and native hostels and for the carrying out of any services required by this Act or the regulations thereunder to be performed by the urban local authority and the definition of the powers, duties and functions of such officers and other persons including the supervision by such officers and other persons of the housing of natives residing on private premises outside locations;
- (d) the mode of election or selection of members of native advisory boards, the procedure of such boards, the period and conditions of office, and the definition of the duties and functions of members of such boards;
- (e) the erection and use of dwellings, buildings and other structures in locations, native villages and native hostels, the removal or destruction of unauthorized or abandoned buildings or structures; and the building of schools and payment of grants in aid of native schools (including night schools);
- (f) the grant of housing loans and the terms and conditions of repayment thereof;

(1935) TPD 220

- (1753) W.L.D. 513
- Act No. 21 of 1923.
v Act 25/1930 s 13 (c)
- (g) the allotment of sites in locations or native villages for church, school ~~or~~ ^{of business} trading purposes and the conditions of tenure of such sites;
- v Act 25/1930 s 13 (d)
- (h) the establishment, management and control of native servants' registries, institutions for the training of native servants, building societies, deposit and remittance agencies, savings banks, hospitals, dispensaries, maternity homes, lodging houses, baths, wash-houses, recreation buildings or grounds, ^{dance halls} eating houses, and any other institution deemed by the urban local authority to be necessary or advisable in the interests of natives;
- (i) the persons by whom and the manner in which any census under this Act shall be taken;
- Amended sec Act 25/1930 s 13 (e)
- (j) the prohibition, restriction or regulation of the sale or supply of sprouted grain within the urban area and of the introduction into or possession in any location, native village or native hostel of liquid yeast, sprouted grain, or other like fermenting agency for the purposes of the manufacture of kaffir beer, unless in the case of a location or native village such manufacture is for the time being permitted under section *twenty*;
- (k) the conditions under which kaffir beer may be brewed, manufactured, used or possessed and the quantities of kaffir beer which may be brewed, manufactured, used or possessed in any location or native village in which the domestic brewing of kaffir beer is permitted under the provisions of section *twenty*;
- (l) the regulation or restriction of the keeping of animals in locations, native villages or native hostels, the grazing of stock belonging to natives or to residents in a location or native village on the commonage or any portion of the commonage and the charges to be made in respect of such grazing;
- New ss v Act 25/1930 s 13 (f)
- (m) the fixing of the hours between which it shall not be lawful for persons other than residents to be within a location, native village or native hostel except under the authority of a prescribed permit;
- v Act 25/1930 s 13 (g)
- (n) the setting ^{at the requisition of the use of natives} apart for the exclusive use of natives or non-natives of any public place or portion of a public place within the area of the urban local authority;
- (o) the prohibition of the carrying by natives of any knobkerries or dangerous weapons and the confiscation thereof on conviction for carrying them in contravention of such prohibition;
- (1955) T.M. 220
- (p) tariffs of fees and charges for rent, water, sanitary, health, medical and other services or any consolidation of such services and the collection and recovery of such fees and charges;

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(1935) TPD 220
(1934) TPD 24

(g) the imposition of penalties in respect of the failure to pay any rents, fees or other charges made or authorized under this Act or the regulations thereunder and the summary ejection from a location, native village or native hostel of any resident failing within a reasonable time of due date to meet his obligations

(v) (s) *v Act 25/1930 s 13 (a)* in respect of residence therein, and generally for the better carrying out of the matters and purposes committed to the urban local authority under this Act.

Any urban local authority which has under its administration and control any native village or any area of land set apart for natives in which natives are permitted to acquire the lease of lots shall make regulations providing for the lessee of any lot being permitted to erect his own house or hut thereon. Such regulations may prescribe the requirements in respect of the design and dimensions of the house or hut and the materials of which it shall be built with which the lessee shall comply.

3 No regulation made under the authority of this sub-section shall be of force or effect until it has been approved by the administrator and by the Minister and has been promulgated in the manner prescribed for the promulgation of regulations under the law governing such urban local authority.

6 Any urban local authority promulgating any regulations under this section shall cause the same to be translated into the language or languages used by the native inhabitants of the area of such authority or by any considerable portion of them, and shall arrange that copies of such regulations or summaries thereof shall in such language or languages be posted in a conspicuous place in any location, native village or native hostel under the control and management of the urban local authority.

(1934) TPD 241

(4) In any regulation made under this section, provision may be made for the imposition of penalties for contravention thereof to an extent not exceeding that set out in section twenty-five of this Act.

(5) *Law 55 v Act 25/1930 s 13 (1)*

Co-operation by neighbouring urban local authorities for purposes of this Act.

24. Subject to the approval of the Minister, after reference to the administrator, any urban local authority may co-operate with any other neighbouring urban local authority or authorities in carrying out or complying with all or any of the provisions of this Act.

General penalties.
v Act 25/1930 s 14

25. Any person who contravenes any provision of this Act or of any regulation made thereunder or who makes default in complying with any provision of this Act with which it is his duty to comply shall, if no penalty is specially prescribed in this Act or the regulations for the contravention or default, be liable on first conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard

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25 bis. Act 46/37 Sec 29.

Savings.

26. Nothing in this Act shall be construed as—

- (a) invalidating or affecting in any manner whatever any agreement or any other transaction for the purchase of land lawfully entered into prior to the commencement of this Act, or as prohibiting any person from purchasing at any sale by order of a competent court any land which was hypothecated by a mortgage bond passed before the commencement of this Act; or
- (b) preventing the acquisition at any time of land or interests in land by devolution or succession on death whether under a will or on intestacy; or
- (c) preventing the due registration in the proper deeds registry whenever registration is necessary and lawful, of documents giving effect to any such agreement, transaction, devolution or succession as is in this section mentioned; or
- (d) preventing a person other than a native who at the commencement of this Act is lawfully carrying on any *bona fide* business, trade or handicraft in any building or permanent structure in a location or native village and who for the purposes of such business, trade or handicraft had acquired interests in the land on which or in the immediate neighbourhood of which such building or permanent structure is erected, from continuing to occupy such building or permanent structure or in the event of the removal or abolition of a location or native village, from occupying premises for the same purpose within any location or native village established in place thereof or from disposing of such interests to a person other than a native, provided such person is approved by the Minister; or
- (e) preventing any person from lawfully carrying on within any existing location or native village or in the event of its removal or abolition within any location or native village established in place thereof any business duly licensed before the commencement of this Act or from carrying on such business under any renewal of such licence; or
- (f) preventing any person from acquiring any limited interest in land for public, mission, education,

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v Act 25/15
New (g) Act 46/37
Rec 30.

recreation, trading or industrial purposes, if the acquisition of such interest in land has been sanctioned by the local authority and approved by the Minister ;

or *as provided in section eighteen*
(g) affecting any compound in a labour district under the Native Labour Regulation Act, 1911, or any other compound or place for accommodating natives which the Minister may exempt from its operation ;

or
(h) applying to the Ndabeni or New Brighton locations at Cape Town and Port Elizabeth, respectively, until such time as the Governor-General, by proclamation in the *Gazette*, declares that it shall apply and the repeal of any law affecting any such locations shall not take effect until the publication of such proclamation.

(1931) TPD,
Repeal of laws.

27. (1) Subject to the provisions of the last preceding section, the laws specified in the Schedule to this Act are repealed to the extent indicated in the fourth column of that Schedule but, notwithstanding any such repeal, all regulations lawfully made under such laws and in force immediately prior to the commencement of this Act shall continue in force for a period of twelve months or until repealed by regulations made under this Act whichever period may be the shorter, provided that any such regulation not inconsistent with the provisions of this Act may be continued in force with the approval of the Minister as a regulation made under this Act.

v Act 25/16 (1) 1930

deemed to have been in operation on and after 1 Jan 1925

(2) Whenever a proclaimed area has been declared under sub-section (1) of section *twelve* of this Act the Governor-General may, in any regulation made in respect of such area under paragraph (2) of sub-section (1) of section *twenty-three* repeal, in respect of its application to such area so much of any law or regulation as he deems inconsistent with the operation of such regulation. *see ss (3) 516 Act 25/1930.*

(3) All locations established under any laws repealed by sub-section (1) of this section shall be deemed to be locations established under this Act, and any provisions existing under any such laws for the compulsory residence of natives in locations shall continue in force until superseded by proclamation issued under sub-section (1) of section *five* :

See Act 25/1930

Provided that in the case of any existing location in the Orange Free State established under any law so repealed such location shall not be deemed to be a location established under this Act until such date, being not more than twelve months from the commencement of this Act, as may be fixed in respect thereof by the Minister, and there shall be excluded from any location deemed to be so established such portion, if any, of the existing location as the Minister may, after consultation with the urban local authority, have determined to be reasonably required for the residence of coloured persons, and may, by notice in the *Gazette*, have set aside for that purpose.

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Exemption
of coloured
persons from
operation
of pass laws.

Interpreta-
tion of
terms.

an officer licensed
under 55(1) of sec 11
Act 25/1930 s 17.

Amended
act 46/37 sec 31.

28. After the commencement of this Act any existing law or regulation which makes compulsory the carrying or possession of a pass shall be deemed to be repealed in so far as it affects coloured persons: Provided, however, that this section shall apply to coloured persons residing together with natives in any existing location in the Orange Free State only from the date when a portion of such location shall have been set aside as a place of residence for such coloured persons under the proviso in sub-section (3) of section *twenty-seven*.

29. In this Act and any regulation, unless inconsistent with the context—

“authorized officer” means a magistrate, justice of the peace, a European member of the police, and such other officers as may be authorized by the Minister to demand the production of documents under this Act or the regulations;

“coloured person” means any person of mixed European and native descent and shall include any person belonging to the class called Cape Malays;

“kaffir beer” means the drink commonly brewed by natives from kaffir corn or millet or other grain, and, except for purposes of section *twenty* and sub-sections (1), (3) and (4) of section *twenty-one*, includes fermented liquor made from prickly pears (commonly called prickly pear beer), fermented liquor made from honey (commonly called honey beer) and any other fermented liquor which the Governor-General may from time to time, by proclamation in the *Gazette*, declare to be included in this definition;

“Minister” means the Minister of Native Affairs or any other Minister of State for the time being acting on his behalf;

“native” means any person who is a member of an aboriginal race or tribe of Africa. Where there is any reasonable doubt as to whether any person falls within this definition the burden of proof shall be upon such person;

“prescribed” means prescribed under this Act or the regulations;

“regulation” means a regulation made or in force under this Act;

“urban area” means an area under the jurisdiction of an urban local authority;

“urban local authority” means any municipal council, borough council, town council or village council, or any town board, village management board, local board, health board or health committee.

Short title
and com-
mencement
of Act.

30. This Act may be cited for all purposes as the Natives (Urban Areas) Act, 1923, and shall commence and come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

1st January 1924
P. 249. 1923.

Act No. 21
of 1923.Schedule.
LAWS REPEALED.

Pro- vince or Union.	No. and year of law.	Long or short title or subject of law.	Extent of repeal.
Cape of Good Hope.	Griqualand West Procla- mation No. 14 of 1872.	Registration of Contracts.	Sections <i>four to twelve</i> both inclusive in so far as they relate to urban areas.
"	Act No. 39 of 1879.	The Queenstown Municipality Act, 1879.	Section <i>thirty-seven</i> , in so far as it relates to natives and native locations.
"	Act No. 23 of 1880.	The East London Municipality Act, 1880.	Section <i>thirty-eight</i> , in so far as it relates to natives and native locations.
"	Act No. 11 of 1883.	The Kimberley Borough Act, 1883.	Sections <i>forty-nine</i> and <i>seventy-two</i> in so far as they relate to natives and native locations.
"	Act No. 30 of 1884.	The Kimberley Borough Amendment Act, 1884.	Sections <i>two</i> and <i>four</i> in so far as they refer to natives or native locations.
"	Act No. 20 of 1891.	The Vagrancy Act Amendment Act, 1891.	The whole.
"	Act No. 12 of 1893.	The Local Bodies Increased Powers Act, 1893.	The whole.
"	Act No. 11 of 1895.	The East London Municipality Amendment Act, 1895.	Sub-sections (24) to (31) inclusive of section <i>five</i> , sections <i>twelve</i> , <i>thirteen</i> and <i>fourteen</i> , in so far as they relate to natives or native locations.
"	Act No. 23 of 1897.	The Public Health Amendment Act of 1897.	Sub-section (7) of section <i>nine</i> and section <i>sixty-</i> <i>eight</i> .
"	Act No. 27 of 1897.	The Port Eliza- beth Municipal Act, 1897.	Sections <i>two hundred</i> <i>and four to two hundred</i> <i>and nine</i> inclusive.
"	Act No. 28 of 1898.	The Liquor Law Amendment Act, 1898.	Proviso (b) to section <i>seven</i> .
"	Act No. 40 of 1902.	The Native Re- serve Locations Act, 1902.	The whole.
"	Act No. 15 of 1904.	The Uitenhage Municipal Act, 1904.	Section <i>one hundred and</i> <i>twenty-three</i> and sub- sections (48) to (55) of section <i>one hundred</i> <i>and twenty-five</i> , in so far as they relate to natives or native locations.

Act No. 21 of 1923.	Pro- vince or Union.	No. and year of law.	Long or short title or subject of law.	Extent of repeal.
	Cape of Good Hope	Act No. 8 of 1905.	The Native Re- serve Locations Amendment Act, 1905.	The whole.
	"	Act No. 27 of 1905.	The King Wil- liam's Town Borough Act, 1905.	Sub-sections (41) to (48) inclusive of section <i>one hundred and twenty- four</i> , in so far as they relate to natives or native locations.
	"	Act No. 32 of 1909.	The Private Loca- tions Act, 1909.	Proviso to section <i>fifteen</i> , in so far as it relates to a municipality or vil- lage management board.
	Natal	Act No. 28 of 1902.	Act to enable Town Councils to make better provision in re- gard to the togt labour system in Boroughs.	The whole.
	"	Act No. 2 of 1904.	Act to enable Town Councils to establish locations.	The whole.
	"	Act No. 23 of 1908.	The Native Beer Act.	Sections <i>one to eight</i> in- clusive in so far as they relate to urban areas and sections <i>eleven to twenty-four</i> inclusive.
	Trans- vaal.	V.R.R. Art. 104 of 1871.	Coloured People in Towns.	The whole, in so far as it relates to natives.
	"	V.R.R. Art. 1256 of 1899.	Regulations for Towns.	Sections <i>thirty-six to thirty-nine</i> (inclusive), in so far as they relate to natives.
	"	Proclamation No. 37 of 1901.	The Native Passes Proclamation.	In so far as it relates to labour districts.
	"	Proclamation No. 7 of 1902.	The Pretoria Municipal Pro- clamation, 1902.	Sub-section (4) of sec- tion <i>twenty-seven</i> .
	"	Ordinance No. 27 of 1903.	Native Pass Pro- clamation Amendment Or- dinance.	In so far as it relates to labour districts.
	"	Ordinance No. 58 of 1903.	The Municipal Corporations Ordinance, 1902.	Section <i>thirty-seven</i> and sub-sections (45), (46), (47) and (50) of section <i>forty-two</i> .

Act No. 21 of 1923.	Province or Union.	No. and year of law.	Long or short title or subject of law.	Extent of repeal.
	Transvaal.	Ordinance No. 41 of 1904.	The Municipal Corporations Amendment Ordinance, 1904.	Section <i>twenty-one</i> and paragraph (e) of section <i>twenty-six</i> .
	"	Ordinance No. 17 of 1905.	The Municipal Amendment Ordinance, 1905.	Sections <i>one</i> and <i>two</i> .
	"	Ordinance No. 26 of 1906.	The Municipal Amending Ordinance, 1906.	Section <i>ten</i> in so far as it relates to natives or native locations.
	"	Ordinance No. II. (Private), 1906.	The Johannesburg Municipal Ordinance, 1906.	Sections <i>thirty-eight</i> and <i>thirty-nine</i> ; sub-sections (75) and (76) of section <i>forty-one</i> in so far as they relate to natives or native locations.
	"	Act No. 18 of 1909.	The Urban Areas Native Pass Act.	The whole.
	Orange Free State.	Law No. 8 of 1893.	Coloured People in Towns and Villages.	The whole, in so far as it relates to natives and native locations.
	"	Ordinance No. 35 of 1903.	The Bloemfontein Municipal Ordinance, 1903.	Sections <i>one hundred and eighteen</i> to <i>one hundred and twenty-one</i> inclusive in so far as they relate to natives and native locations.
	"	Ordinance No. 6 of 1904.	The Municipal Corporations Ordinance, 1904.	Sections <i>one hundred and three</i> to <i>one hundred and nine</i> inclusive in so far as they relate to natives and native locations.
	"	Ordinance No. 12 of 1904.	The Villages Management Ordinance, 1904.	Sub-section (15) of section <i>nineteen</i> .
	"	Ordinance No. 14 of 1905.	The Municipal Corporations (Supplementary) Ordinance, 1905.	Section <i>sixteen</i> , sub-sections (8) and (9) of section <i>seventeen</i> , and section <i>nineteen</i> in so far as they relate to natives and native locations.
	"	Ordinance No. 19 of 1905.	The Bloemfontein Municipality (Supplementary) Ordinance, 1905.	Section <i>seven</i> and sub-sections (7), (8) and (10) of section <i>nine</i> , in so far as they relate to natives and native locations.

Act No. 21 of 1923.	Pro- vince or Union.	No. and year of law.	Long or short title or subject of law.	Extent of repeal.
	Orange Free State.	Ordinance No. 36 of 1905.	The Bloemfontein Municipality Amendment Ordinance, 1905.	Section <i>twelve</i>
	,	Ordinance No. 18 of 1906.	The Villages Management Amendment Or- dinance, 1906.	Sections <i>nine, ten and eleven</i> , in so far as they relate to natives and native locations.
	,	Ordinance No. 16 of 1907.	The Bloemfon- tein Municipal Amendment Or- dinance, 1907.	Sub-section (4) of sec- tion <i>two</i> , in so far as it relates to natives and native locations.
	,	Act No. 12 of 1909.	The Licensing of Native Eating Houses Act, 1909.	In so far as it relates to native locations.
	Union	Act No. 48 of 1919.	The Native Re- serve Locations Acts (Cape of Good Hope) Further Amend- ment Act, 1919.	The whole.

Act No. 22
of 1923.

[Date of commencement—19th June, 1923.*

✓ Act 26/1930
4/1932

ACT

To amend the Currency and Banking Act, 1920
(Act No 31 of 1920).

(Assented to 14th June, 1923.)
(Signed by the Governor-General in English.)

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:—

Interpreta-
tion of
terms.

1. In this Act the expression "principal Act" means the Currency and Banking Act, 1920 (Act No. 31 of 1920) and any expression used in the principal Act shall, when used in this Act, bear the meaning assigned to it in the principal Act.

Amendment
of section
seven (3) of
Act No. 31
of 1920.

2. Section *seven* of the principal Act is hereby amended by the deletion of "1923" in sub-section (3) thereof and the substitution therefor of "1925".

* The Act was published for the first time in *Gazette Extraordinary* No. 1326 of the 19th June, 1923.