

HOMECANOS
Vend'g

GENERAL. 1975 - 1978

~~RAY~~

Expel

Whites,

Vendas

are told

Staff Reporter

SIBASA. — The leader of the opposition in the Venda Legislative Assembly, Mr. Baldwin Madau, said yesterday Whites should not be allowed to stay permanently in the homeland.

Mr. Madau was speaking during discussion on the establishment of the capital town of the Venda homeland.

Mr. Madau, Soweto sociologist and leader of the Venda Independence People's Party and Soweto sociologist, said the residence of the Venda cabinet ministers should be switched from the mosquito-infested valley of the homeland to the hillsides where the White officials stayed.

"Every time I see the nice houses of the Whites there my heart bleeds. Let us stop this White permanency in the Black homelands."

Earlier the Minister of the Interior, Mr. T. Netshimdupse, introducing the motion on the establishment of the homeland capital, said Whites would be allowed to be only visitors in the town.

113

① 113

② 256

③ 30

happy employees

ARMY BUILDS ROADS

A road in the Venda Black homeland in the Northern Transvaal is being built by the South African Army as a result of a request by the government of Venda. The road is being built by members of

15 Field Squadron as a part of its annual Active Citizen Force (ACF) training.

The road, which is being built over an existing road, runs through the Thengwe area. Maintenance of the existing roads is a problem to the Black homeland, and the building of the road will remove some pressure from the Venda Department of Works.

The importance of the new road is that it serves a large community and joins up with the main road to Sibasa, the homeland capital. It will also make Sibasa more accessible to the inhabitants of the Thengwe area.

At an official ceremony in Venda, the Chief Minister of Venda, Chief Patrick Mphephu, welcomed the Army. The ceremony consisted of a military parade followed by an address of welcome by Chief Mphephu, and a reply by Colonel G. J. Viviers, acting Officer Commanding Northern Transvaal Command. It is hoped that the road will be finished by the end of the year.

~~STAR 16/11/75~~
**R380 000 hotel
at Sibasa**

The Chief Minister of Venda, Chief P. R. Mphahlele, today announced that a R380 000 hotel would be built at Thoho-ya-Ndou, the new capital of the Venda Government at Sibasa.

The hotel would conform to two-star grading standards, he said.—Sapa.

S.A. Digest
26/9/75
113

R380 000 HOTEL FOR VENDA

The Chief Minister of the Black homeland of Venda, Chief P. R. Mphephu, announced that a R380 000 hotel would be built at Thoho-ya-Ndou, the new capital of the Venda government at Sibasa. The hotel would conform to two-star grading standards.

Building operations would start soon, and the complex would initially provide for 35 beds, as well as conference facilities, private dining rooms and ladies' bars.

The Venda government has taken steps to facilitate the establishment of the hotel, and is confident that the provision of high-class accommodation will contribute to the development of tourism in the homeland.

The Venda Government recently decided to award the work to the proposed Venda Development Corporation. Until such time as this corporation is established, the Bantu Investment Corporation will build and managed the new hotel.

(1) 113
~~(2) 115~~
~~(3) 117~~

VERKLARING DEUR SY EDELE M.C. BOTHA, L.V., MINISTER VAN BANTOE-
ADMINISTRASIE EN -ONTWIKKELING EN VAN BANTOE-ONDERWYS.

Met verwysing na die Proklamasies wat vandag in die Staatskoerant verskyn het waarby ontwikkelingskorporasies vir die self-regerende tuislande van, onderskeidelik, die Suid-Sotho-, Tsonga- en Venda-volkseenhede met ingang van 1 Desember 1975 ingestel is, het die Minister van Bantoe-administrasie en -ontwikkeling verklaar dat die korporasies na oorlegpleging met die betrokke tuislandregerings ingestel is en dat verdere beslag daardeur gegee word aan groter betrokkenheid en self-beskikking aan die kant van tuislandregerings. Die Minister het te kenne gegee dat die direksies van al die korporasies sal bestaan uit vyf Blankes wat regstreeks deur die Minister aangestel sal word en vyf Bantoe persone wat deur die betrokke tuislandregering genomineer en deur die Minister aangestel sal word. Die name van die direkteure sal eersdaags bekend gemaak word.

Die formaliteite vir die instelling van 'n groot aantal volkskorporasies is tans in die finale stadium van afronding en na verwagting sal die instelling van afsonderlike korporasies vir elke selfregerende tuisland vroeg volgende jaar afgehandel kan word.

UITGEREIK DEUR DIE DEPARTEMENT VAN INLICHTING OP VERSOEK VAN DIE MINISTERIE VAN BANTOE-ADMINISTRASIE EN -ONTWIKKELING EN VAN BANTOE-ONDERWYS.

PRETORIA.

28 NOVEMBER 1975.

113

APRIL 1976. (?)

HANSARD NO. 13

885

MONDAY, 26

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT:

- (1) Please refer to the explanation given in reply to Question No. 458.
 - (a) 650 000 hectares.
 - (b) 3.
- (2) (a) In the light of the explanation given and referred to above, the information cannot be readily furnished at this stage.
 - (b) 2.
- (3) (a) and (b) Due to the fact that Certificates of Citizenship have not yet been issued in terms of the Act to all Venda-speaking people the numbers requested can unfortunately not be furnished.
- (4) (a) and (b) As this question is also connected with citizens and the concept of economic activity which is being interpreted in different ways, the particulars cannot be furnished.
- (5) (a) (i) and (ii) In view of the fact that Certificates of Citizenship have not yet been issued to all Venda-speaking people, authentic information cannot be furnished.
 - (b) Falls away.

Venda Homeland

884

460 Mrs. H. SUZMAN asked the Minister of Bantu Administration and Development:

- (1) (a) What is the total area of the Venda Homeland and (b) of how many separate areas does it consist;
- (2) (a) what will be the final area of the Homeland and (b) of how many areas will it consist;
- (3) (a) what is the total number of Venda citizens and (b) how many of them are permanently resident in the Homeland;
- (4) how many of the economically active citizens are working (a) in and (b) outside the Homeland;
- (5) (a) what were the total earnings of the workers (i) in and (ii) outside the Homeland in the latest year for which statistics are available and (b) in respect of what year are these statistics given.

113

Homelands plan for industry^{5/5/76. DD.}

CAPE TOWN—Final details are being negotiated for the first stage of a bold plan to make South Africa's homelands 'the workshop of industry in Europe.'

The scheme involves the air freighting of industrial components from Europe to South Africa, assembling them at centres in the homelands, then air freighting them back to Europe — and all at a price cheaper than the task could be done in Europe.

The first stage of the plan — involving components from a French electronics firm being assembled at Sibasa in the Venda homeland — has reached the final negotiations, the indus-

trial promoter behind the project, Dr. J. H. Lange, told Sapa yesterday.

Dr. Lange, who outlined the project to delegates at the executive council meeting of the Federated Chamber of Industries here yesterday, said later that a series of similar projects was envisaged for the Venda industrial park which it was hoped would create 1 000 jobs.

The electronics project alone should create about 120 jobs.

F.M. 14/5/76

113

HOMELAND INDUSTRY The Sibasa shuttle

It's not often a single business venture brings smiles from exporters, Homeland leaders, big city businessmen and civil servants. That elusive dream will come true if ex-UCOFS Economics Professor Jan Lange pulls off his ambitious scheme for an industrial park at Sibasa in Venda-land.

The park — first of its kind in SA — will comprise various light industrial plants, a training centre and central service unit. The latter will provide common technical, purchasing and administrative facilities, thus giving industries the advantages of economies of scale and converting to variable costs what would otherwise be fixed costs.

Lange reckons the park could mean 1 000 new jobs for Venda. Cost of setting up the scheme is about R2,5m of which R1m has already been promised by the SA Bantu Trust. Lange claims he is on the point of tying up the remaining amount in the form of equity investment in his company, Venda Industrial Park.

He is especially keen to attract firms already operating in other areas which could send semi-manufactured materials to Sibasa for further processing. Biggest benefits would be for industries requiring large inputs of cheap, semi-skilled labour and plagued by the strictures of the Environment Planning Act.

Railways has agreed to provide daily three mechanical horses and seven semi-trailers to carry goods to and from the Reef at 11,75c/kg (only fractionally above the 11,5c/kg Lange reckons could be offered by private hauliers if they were allowed to serve the route).

He claims to have lined up about 10 manufacturers — mainly in the light engineering field — willing to use the industrial park as part of their production lines. Work to be done at Sibasa would include stamping, drilling, metal-forming and assembling.

More ambitious are plans to airfreight goods in from abroad, process them at Sibasa and re-export them for further manufacture in the country of origin.

Lange told the FCI last week that negotiations with a Paris electronics components firm are well-advanced. The wage differential between Paris and Sibasa is about 40:1. Even allowing for airfreight, EEC import duties, packaging, lost production time and local transport charges, the French company stands to save a lot of money.

No buildings have yet gone up on site at Sibasa. But Lange says plans have already been drawn up and construction will start as soon as the contracts with local firms have been sealed. He hopes the Jo'burg-Sibasa shuttle will be in full swing by the middle of next year.

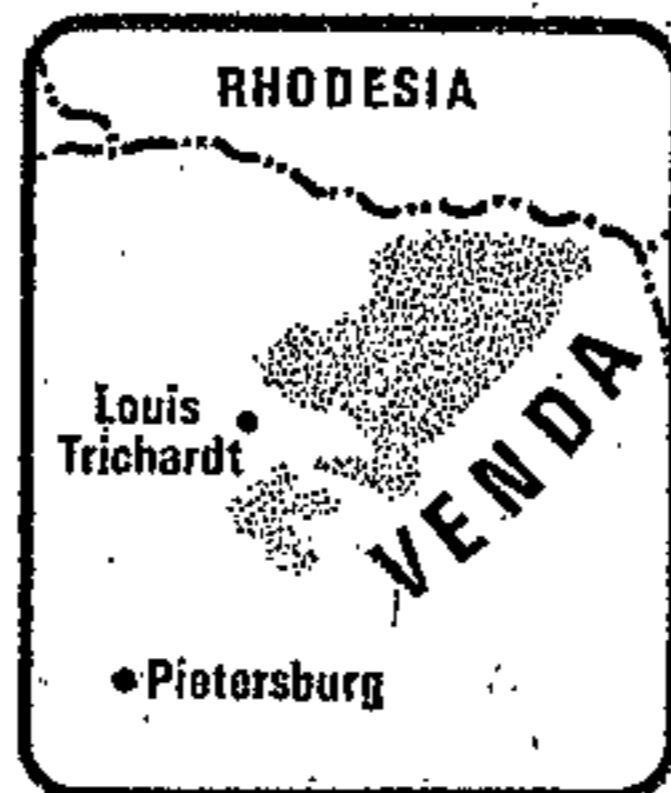
STAR 29/6/77

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Venda bid to gain autonomy

Staff Reporter

LOUIS TRICHARDT — The Venda Government hopes that it will soon be able to discuss the matter of independence for the homeland with the Prime Minister, Mr Vorster.



The Chief Minister of Venda, Chief Patrick Mphethu, said in Louis Trichardt last night that his Cabinet was considering the steps necessary to prepare Venda for independence.

Asked when this might be, Chief Mphethu said: "Perhaps next year."

He declined to give details of any proposals and requests Venda would make to the South African Government.

He did say, however, that Venda urgently needed the services of professional men such as doctors, teachers, engineers, accountants and agriculturists to develop its potential.

CAPITAL NEEDED

Venda covers more than 600 000 ha in the north-eastern Transvaal and has a total population of about 400 000, 70 percent living in the homeland.

Earlier in the day, speaking at Sibasa when he was presented with a newly published Venda economic review, Chief Mphethu spoke of the promised benefit to Venda of the probability that Iscor would find coking coal in the territory.

Among the benefits would be jobs for about 3 500 people.

"It has been estimated that R100-m will be necessary to start the mine and it is to be hoped that, even in these tight econom-

ic times, this capital will be found," said Chief Mphethu.

TAX-HAVEN HINT

The economic review was presented to the Chief Minister by Dr J J S Weidemann, director of the Bureau for Economic Research re Bantu Development.

Dr Weidemann noted that the income of Venda had increased from R0,33-m in 1971 to R4-m in six years, and said that the homeland was fast approaching financial self-sufficiency.

He recommended that Venda should investigate thoroughly becoming a tax-haven country providing favourable conditions for industrial and commercial entrepreneurs.

SOUTHERN AFRICA LABOUR AND

TELEPHONE 69-8531 (Ext. 453 440)



VENDA ECONOMY ^{FIN MAIL} Still a dumping ground ^{17/77} ⁽¹¹³⁾

"Venda is rapidly developing a healthy economy," says the Bureau for Economic Research on Bantu Development, Dear C (Benbo) in its survey of the area issued this week. But is it?

RESEAR Between 1971 and 1974, Venda GDP increased from R7.1m to R11.5m; per capita income from R10 to R14 a month; and gross national income from R38.8m to R61.2m.

A copy find i The area has tremendous agricultural potential, says Benbo. Job creation programmes are having some success — 56.5% of Venda's inhabitants who We wou cost o 1973-75 found jobs in the homeland area or in adjoining "white areas".

Certainly, Venda does have some advantages which other Bantustans lack.

Thank

Yours sincerely,

Francis Wilson

FRANCIS WILSON

For example, 68% of Vendas actually live there — the highest figure of all the Bantustans.

But Benbo's optimism seems a trifle misplaced. Its own figures show that Venda is still little more than an economic backwater — despite the fact that the area is starting independence negotiations with government.

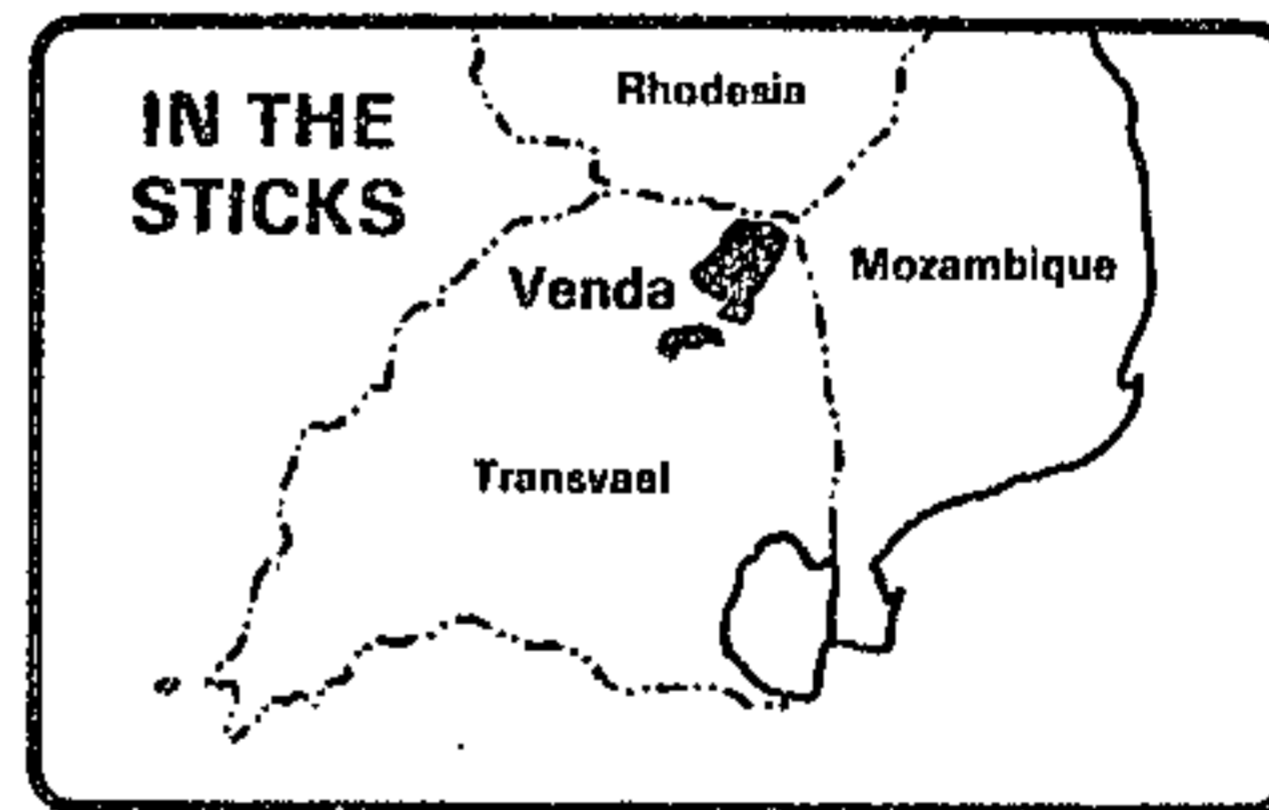
An increase from R10 to R14 a month may be a substantial improvement in per capita income. But it's still not enough to live on.

While GNI has increased impressively, 78% is earned in the common area by migrants — which says more about wage rises in the cities than about Venda's viability.

The land may be fertile, but it's also greatly overcrowded. Venda has no urban areas yet (a capital is being planned) — yet population density is 53 per km². The figure for the common area is 18 per km².

Venda's GDP is only marginally bigger than its government budget. A Benbo man tells the *FM* this is because much of the budget — a transfer from Pretoria — is spent on "imports" from "white SA". No wonder Benbo remarks that Venda's economy is "still largely dependent on government stimulus."

Venda is further from the "white" industrial areas than most Bantustans, the



nearest "industrial" area being Louis Trichardt. As a result only 3 700 of the area's 297 100 inhabitants commute to "white" areas.

Like other Bantustans, Venda is chiefly a labour pool for the common area. Migrant workers numbered 58 000 in 1975.

There is virtually no manufacturing industry in Venda. As a result, only 14% of the population is economically active. Most working men leave, and each male living in the area supports an average of 3.67 children — one of the highest figures for any Bantustan.

This, says Benbo, "makes it impossible for the individual to obtain certain essential services and amenities as well as to save" and thus places a heavy burden on government.



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STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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Vol. 146]

PRETORIA, 19 AUGUSTUS 1977
19 AUGUST

[No. 5716

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 173, 1977

WYSIGING VAN DIE VENDA-VERKIESINGS-PROKLAMASIE, 1973 (PROKLAMASIE R. 13 VAN 1973)

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971), wysig ek hierby die Venda-verkiesingsproklamasie, 1973 (Proklamasie R. 13 van 1973), ooreenkomstig bygaande Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Agt-en-twintigste dag van Julie Eenduisend Negehonderd Sewe-en-sewentig.
N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:
M. C. BOTHA.

BYLAE

Vervang artikel 61 deur die volgende artikel:

“Gevalle waarvoor nie voorsiening gemaak is nie.

61. In iedere geval waarvoor nie in hierdie Proklamasie of die Grondwetproklamasie voorsiening gemaak is nie, moet die bepalings van die toepaslike wette en regulasies en die gebruike met betrekking tot die hou van verkiesings van lede van die Parlement van die Republiek van Suid-Afrika gevolg word vir sover dit toegepas kan word op of aangepas kan word by die hou van verkiesings van lede van die Wetgewende Vergadering. Met dien verstande dat, ondanks andersluidende bepalings in hierdie Proklamasie of enige ander wet, by die verhoor van 'n verkiesingspetisie waarin die beswaar geopper word dat 'n lid of lede vir enige kiesafdeling in Venda onbehoorlik verkies of onbehoorlik verkies verklaar is, op grond van gebrek aan bevoegdheid, onbevoegdheid, korrupte of onwettige bedrywigheid, onreëlmatigheid of op welke ander grond ook, en wat ingevolge Hoofstuk VI van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet 46 van 1946), voorgelê is, die onus by die petisionarisse berus om tot bevrediging van die hof sodanige gebrek aan bevoegdheid, onbevoegdheid, korrupte of onwettige bedrywigheid, onreëlmatigheid of ander grond in sodanige petisie aangevoer, te bewys, en indien aldus bewys, om met 'n oorwig van waarskynlikheid te toon dat sodanige gebrek aan bevoegdheid, onbevoegdheid, korrupte of onwettige bedrywigheid, onreëlmatigheid of ander rede wat in sodanige petisie aangevoer word, die uitslag van die verkiesing in die bepaalde kiesafdeling kon beïnvloed het.”

62000—A

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 173, 1977

AMENDMENT OF THE VENDA ELECTION PROCLAMATION, 1973 (PROCLAMATION R. 13 OF 1973)

By virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Twenty-eighth day of July, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.
By Order of the State President-in-Council:
M. C. BOTHA.

SCHEDULE

Substitute for section 61 the following section:

“Cases for which no provision is made.

61. In every case not provided for in the Proclamation or in the Constitution Proclamation, resort shall be had to the applicable laws, regulations and practices which have reference to the conduct of elections of members to the Parliament of the Republic of South Africa, which shall be followed in so far as they can be applied or adapted to the conduct of elections of members of the Legislative Assembly: Provided that notwithstanding anything to the contrary in this Proclamation or any other law contained, at the trial of an election petition complaining of an undue return or an undue election of a member or members for any electoral division in Venda by reason of want of qualification, disqualification, corrupt or illegal practice, irregularity, or by reason of any other cause whatever, and presented in terms of Chapter VI of the Electoral Consolidation Act, 1946 (Act 46 of 1946), the onus shall be on the petitioners to prove to the satisfaction of the court such want of qualification, disqualification, corrupt or illegal practice, irregularity or other reason advanced in such petition, and if so proven, to show, on a preponderance of probability, that such want of qualification, disqualification, corrupt or illegal practice, irregularity or other reason advanced in such petition, could have affected the result of the election in the particular electoral division.”

5716—1

RDM 26/8/77

113

Talks on Venda

THE implications of independence were discussed by the Minister of Bantu Administration and Development, Mr M C Botha and the Chief Minister of Venda, Chief P R Mpephu and members of his cabinet yesterday.

A joint statement issued after the meeting said other matters that received attention were extra land for the homeland and the possible establishment of a nucleus for a Defence Force for Venda.

The discussions were also attended by Dr Ferdie Hartzenberg, Deputy Minister of Bantu Development, Dr Andries Treurnicht, Deputy Minister of Bantu Administration and of Bantu Education, Dr J C Otto, commissioner-general for the Venda national unit, the Secretary of Bantu Administration and Development, Mr I P van Onselen and senior officials of the department.

— Sapa.

workers who, upon presenting themselves at the Associations' to work in Southern Rhodesia'. In addition, the W.N.L.A. Agricultural Native Labour Limited (originally entered into an National Farmers' Union in 1943), whereby W.N.L.A. would Rhodesia farms those workers recruited for the mines but as 'unfit', remained undisturbed.^{12/} This agreement until 1965 when the A.N.L.L. folded up and ceased

'opsonistic competition' between the two bureaux worked of W.N.L.A., the higher wages stipulated on the latter's the all important determinant of the distribution of labour them. Only Nyasaland government limitations on permissible ment levels enabled the R.N.L.S.C. to secure a growing s as its permit maximum was periodically re-negotiated rthern Bechuanaland a similar pattern of W.N.L.A. superi- the supply of R.N.L.S.C. recruitees from this country being uth of latitude 22° S. the N.R.C. operated for the Chamber

establishment of the Federation in 1953, whereby Nyasaland

became more firmly under the political power of Southern Rhodesian employers, W.N.L.A. continued to dominate the Nyasaland foreign contract labour market. However, Southern Rhodesia continued to place most of its reliance on the 'free-flow' system though the R.N.L.S.C. did build up annual recruitment to a relatively high level. The peak was reached in 1956 with a total recruitment of 16 234 workers. After 1958, with the onset of economic recession in the Federation, the growth of a substantial labour surplus in Southern Rhodesia and the adoption of a new foreign labour policy by the Southern Rhodesian government, the R.N.L.S.C. contract system faced steadily increasing supply constraints. Its annual throughput began systematically to be run down. This occurred as W.N.L.A. hegemony in Nyasaland became more easily asserted and as farm wages fell seriously in real terms in Rhodesia after 1963. By 1960 the Chamber of Mines (S.A.) had recruited 83 000 'Tropicals' (20,9 per cent of all their African mine-workers in South Africa). By 1973, as may be seen in the table below, the figure for Malawian workers alone had reached 106 638 or 27,7 per cent of the total complement.

/Table 1

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ECONOMICS II
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(4) The Nippon Steel Corporation
Tokyo has developed its
briquette technology to the
commercial stage and is
marketing the process. Its first
order is to the Pohang Iron &
Steel Company in Korea.

The order is for a briquette
manufacturing plant with a
daily capacity of 1 785 tons. The
plant is scheduled to be
completed by November, 1978.

Nippon Steel's process diverts
30% of fine coal for the coke
ovens from a conveyor to the
briquette production facility,
where binding material is mixed

Iscor ^{COM} 24/9/77 confident on coking coal

Industrial Editor
ISCOR appears confident it has
found the solution to its coking
coal problem in the deposits of
coal that have been discovered
at Ellisras and in the Venda
homeland in the Northern
Transvaal.

The corporation does not
believe it will have to use bri-
quette technology which,
through a blend coking process,
enables steel producers to use
non-coking coal previously con-
sidered unsuitable for steel.

Iscor still has the problem,
however, of finding the cash to
fund the exploitation of these
deposits.

With the Venda deposit, es-
timated to be about 100 million
tons, which Iscor envisages can
be mined at a rate of a million
tons a year, the corporation has
turned to the mining industry
for help. About R90-million is
needed to develop a mine.

Several mining companies are
carrying out investigations and
have yet to decide whether they
are prepared to participate in a
mining project with Iscor in the
Venda homeland. Iscor is
confident that they will.

At Grootegeluk in the Ellisras
area, Iscor is keen on
developing a mine on its own.
But at this stage it has still to
find the cash. The sale of the rail
link between Sishen and
Saldanha Bay to the Railways
was to have offered a solution,
but this is no longer the case.

It will be several years before
Iscor will be able to make use of
either of the two mining
prospects. The shortage of
coking coal remains a problem
for the corporation which will
probably have to continue
importing part of its needs for
blending with South African low-
ash coal.

According to a spokesman,
Iscor while still confident it will
not now have to resort to
briquette manufacture to meet
its coking requirements, is still
keeping pace with developments
in this field and believes it has
as comprehensive a knowledge
of the technology as any in the
steel industry.

In this area is
attention in view of
big demand for hard
throughout the

The Nippon Steel Corporation
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briquette technology to the
commercial stage and is
marketing the process. Its first
order is to the Pohang Iron &
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30% of fine coal for the coke
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Venda, — Which way?

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VENDA, where the Chief Minister drives a Mercedes 280 SE and lives in a R122 000 four-bedroomed house; where 70% of the adult population have venereal disease brought back by migrants from Soweto; where Iscor stands to save R20 a ton by mining Venda coal instead of importing, saving South Africa millions of rands in foreign exchange; where tea pickers earn just over R1 a day; where Chief Mphahlele wants independence within two years... and where the average man has merely heard his name.

This week's talks between Venda's Chief Minister Patrick Mphahlele and the Minister of Bantu Administration and Development, Mr M C Botha, could be decisive for the homeland's future.

The result of the talks could be that the date for Venda's independence will be set for some time between December 1978 and June 1979.

orientated black group in South Africa, are mainly subsistence farmers' and migrant labourers.

Venda's 60-seat legislative assembly has 42 nominated and 18 elected members. Chief Mphahlele's party, the Venda National Party, holds all the nominated seats. In the 1973 elections the Venda Independence People's Party headed by Johannesburg marketing consultant Baldwin Mudau won 13 of the elected seats.

Elections may be called next year and, according to Venda government officials and advisors, a system of animal symbols representing the two parties viz the elephant for Chief Mphahlele's party and the lion for Mr Mudau's party, may be introduced.

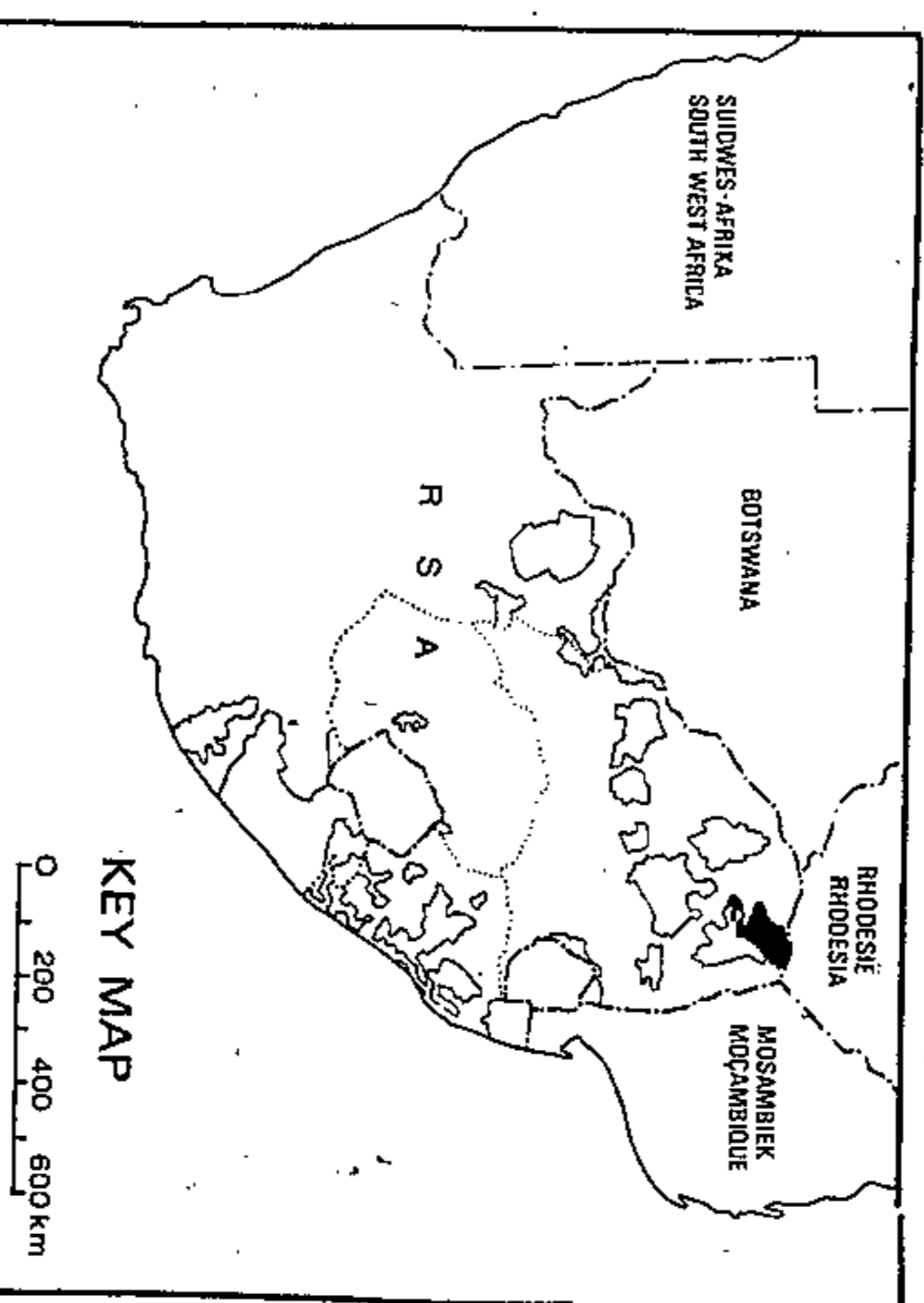
It would appear that the adoption of the elephant symbol by the Venda National Party will give it a decided advantage in the elections. The elephant is the national symbol of Venda.

Said one official: "It's quite simple — elephant stamp lion."

Economics advisor Mr Ron Smith, who has been seconded by the South African Government to Venda, said there was a problem explaining Government policy to the people, and he admitted they were politically isolated from the Government.

"But that's not my department — I don't like discussing Venda politics."

The Rev Nemakhavhani Mathew, an Anglican minister at Sibasa explained why he was prepared to go



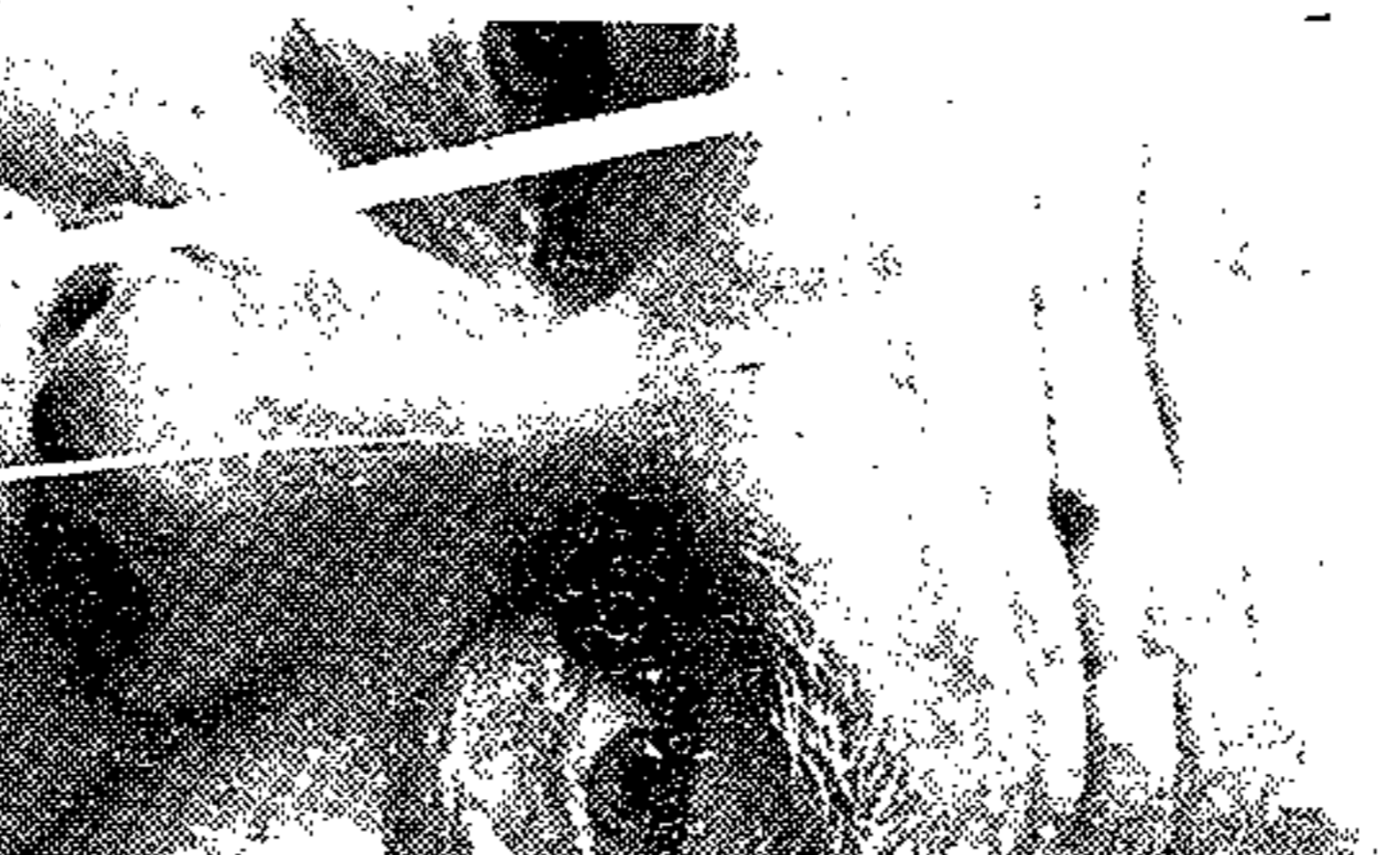
with the Government. "Only because I believe in moderation — I am not prepared for extremists. As a priest in Venda, I never discuss politics with the younger members of my flock. My moderation might chase them away."

"The problem with Mphahlele is that he explains nothing to his people — he no longer mixes with his people. He sits to them. 'Do not ask questions — just follow me. There is no need to understand.'"

"But we are not ready for independence — many do not want it."

And Philem N Mugeru, a clerk at the Tshvase Tea Plantation who returned to Venda from Soweto two years ago: "We should remain part of South Africa — that way we could be more sure that the development we need here would come to us."

Opposition leader Mr



Chief Patrick Mphahlele, Chief Minister of Venda, 500 km north of Johannesburg by road and bordering on Rhodesia, meets the Minister of Bantu Administration and Development, Mr M C Botha, tomorrow to discuss his homeland's future. PAUL BELL, who visited Venda recently, reports on the third homeland to opt for independence.

Mudau says he has told the Venda Government that if they take independence they can write him off as a non-Venda.

"The people are not ready for independence and the Government knows this. But the South African Government is leaning on them."

"South Africa is trying to show that if some homelands refuse to take independence because of the citizenship issue, others will."

"So, they are working on one of the weaker homeland leaders — Mphahlele."

"But the civil service is not trained. It will be like independence anywhere in Africa. Anyway, the youth are totally opposed to it."

"The power of the chiefs is steadily being usurped. There is less respect for them, especially among the young people, but the Government is just covering all this up. Mr Mudau said

"Do not forget that a good number of our people live across the border in Rhodesia and there is a lot of movement back and forth from Venda."

"What will the Government do if Frelimo or others try to use this as a passage to South Africa. A buffer zone will not help."

A buffer strip about 50 km long and 10 km wide has been created between the Limpopo River and Venda. Its inhabitants have been resettled elsewhere in the homeland to control the flow of people between Venda and Rhodesia.

Venda Government officials have expressed fears that this flow of people across the border could be used by terrorists trying to infiltrate Venda and South Africa.

"The Limpopo River has made us a divided people. There is only one kind of independence I would

consider — unification with a black Zimbabwe," Mr Mudau said.

If Venda's prospects for economic development are better than those of other homelands, there are also facets of its political development which could be its undoing.

A Government isolated from its people, ignoring dissent. A people struggling with the shift from traditionalism, both political and economic, to modernity. A vacuum of power waiting to be filled.

There are two keys to the development of the Venda economy — agriculture and coal. That is providing that Venda is able to obtain more than the share of income presently envisaged by developers.

Venda's economic neglect has been largely due to its distance from the chief markets of South Africa. Transport costs are high

and there is no railway — a project which may be developed by Iscor when coal production eventually begins near Masihi.

The lack of an economic infrastructure has been a big obstacle for white entrepreneurs and industrialists. And Venda's large supply of cheap labour as well as tax inducements offered by the South African and Venda governments has not been able to attract them.

Another retarding factor is the traditional subsistence economy of the Vendas, and land for development schemes is not readily available. Venda has a potential for agricultural export, but at present, it cannot feed itself.

"I see the work of the Development Corporation more as an aid to the Venda people rather than as an extension of Government policy. On anybody's terms this work is essential," said a corporation employee.

The general manager of the VDC, Mr Jan Viljoen, was, until six months ago, in charge of a corporation in charge of developing four homelands — Venda, Gazankulu, Swazi and Lebowa.

"But our task was too great. I suggested to Minister M C Botha that each homeland be given its own development corporation."

"Since then, I've been looking at Venda's agricultural potential. The potential is tremendous," Mr Viljoen said.

"The main problem is getting the people out of subsistence farming," Mr

MR M C BOTHA

^{A.A.}
Pupils on
5/10/77
rampage (113)

JOHANNESBURG

Thousands of pupils in the homelands of Venda, Gazankulu and Bophuthatswana went on the rampage yesterday, causing damage estimated at more than R4 000.

Maj-Gen Kriel, chief of the riot police, said 184 pupils have been arrested after several buildings and cars were damaged.

Among the buildings damaged was the Venda homeland Parliament, where windows were shattered, and the home of a white school teacher in Gazankulu at Mahla, was set alight. Damage was estimated at more than R3 000.

Pupils are also said to have stoned and set alight the home of a Mr Van Rooyen, who works for the Department of Works in Venda. Damage is estimated at R1 000.

The house of a black constable, Mr J. Tshishangu, in Venda, was also set alight.

113
Pupils sent home D.D. 6/10/77

JOHANNESBURG — Following unrest in the Venda homeland more than 12 000 pupils from 35 post primary schools have been sent home indefinitely.

Unrest in Venda was said to have started on Tuesday when about 1 000 pupils gathered at a local stadium carrying placards and later started stoning

cars and buildings causing damage estimated at thousands of rands.

The deputy commissioner of police in charge of riot control, Maj-Gen Kriel, said 35 youths were arrested after the disturbances in which two people are believed to have died.

It was quiet in the homeland yesterday. — SAPA.

All N. M. schools close in Venda

6/10/77
113

JOHANNESBURG — All post-primary schools in the Venda homeland have been closed down after Tuesdays rampage by schoolchildren who caused thousands of rands' damage to buildings, according to a spokesman for the Venda government.

About 33 schools and more than 13 000 pupils are affected by the order which came from the Venda government. No indication was given as to when the schools would be re-opened or whether pupils would be able to write examinations.

The Deputy Commissioner of Police in charge of riot control, Major-General Dawid Kriel, said 35 youths had been arrested after the disturbances in which two people are believed to have died.

He said incidents yesterday included the arrest of 73 schoolchildren after the pupils of a high school in a Grahamstown township had paraded with "offensive" placards.

There was "some agitation" against Black education in Fort Beaufort but no violence. Police were on the alert. — (Sapa.)

Hoard, v., ho bókella; n., pökello, letlotlo.
Hoarfrost, n., tsöhane, serume, serame ha se letse.
Hoarse, adj., ea cheleng lentsoe.
Hoary, adj., e putoa, e hlobo.
Hoax, n., thetso; v., ho thetisa, phöma.
Hoe, n., mohöma; v., ho lema ka mohöma, hlahöla.
Hog, n., kölöbe, fariki.
Hoist, v., ho phabamisa, emisa.
Hold, v., ho tsoara, rua, amohela; n., tsoaro; *to hold fast*, ho fuparela; *to take hold of*, ho nenesa.
Hole, n., lesöba, sekoti, mokoti, thöba, khatamoi.

Hiccough and hiccup, n., tsaabe; *to have the hiccups*, ho khitloa ke tsaabe.
Hide, v., ho pata, sireletsa, pipia, pipietsa, kunuta; *to hide oneself*, ho ipata, qachama, incanya.
Hideous, n., letlalo, lekoko.
HIDEOUS, adj., e mpe baholo ho talingoeng.
High, adj., e telele, kholo, phabameng, adv., holimo.
Highland, n., sehlabana, lithaba, malioti.
Highly, adv., ka ho phabama, haholo.
Highness, n., *elevation*, bolelele; *a title*, lebitso la ho hlompaha morena.
Highway, n., mulla o moholo.
Highwayman, n., sesenyi, lesholu la litsela, sehloa.
Hilarity, n., thabo, litsêho.
Hill, n., thabana, leralla, thota.
Hillock, n., thabana, lerallana, thotanyana.
Hilt, n., mofeng (babolo oa sabole).
Hind, adj., e morao.
Hind, n., khama e tsehali.
Hinder, v., ho thibela, thiba tsela.
Hindmost, adj., e ka mora' tsohle, e kamorao-rao.
Hindoo, n., motho oa naha ea India, Lekula.
Hindrance, n., thibelo, tsietsi.
Hinge, n., sehökelo, letloketso; v., ho fanyeha lemati.
Hint, v., ho hopotsa, ama taba, eletsa; n., khopotso, tamoso, mokhoathata.
Hip, n., letheka; *hip bone*, noka.
Hippopotamus, n., kubu.
Hire, v., ho alima, kalima, hira.
Hireling, n., mohlanka ea thotsoeng.
Hiss, v., ho hoeshetsa; n., lerata le etsoang ka ho hoeshetsa.
History, n., litaba tsa ho phela ha lichaba ha li ngoioa ka lenaneo.
Hit, v., *to strike*, ho ota; *to succeed*, ho nêpa, n., nêpo.
Hitch, v., ho löka; *to hitch on to*, ho lökela; n., *an impediment*, thibelo.
Hither, adv., ka 'ng'a koanö.
Hitherto, adv., ho fihlela mona.
Hive, n., ntlo ea linotši.

Hosiery, n., mesebetsi e kang likausi le tse joalo.
Hospice, n., ntlo ea ho amohela baeti maloting a Europe.
Hospitable, adj., e tsebang ho amohela baeti.
Hospital, n., ntlo ea ho oka bababi.
Host, n., motho ea amohelang motseti, kapa baeti; mong a hotele; lekhodla, sera.
Hostage, n., motho ea ntsetsoang lira, e le tšepiso kapa tebeleto.
Hostility, n., bora, hloeo, hlönamo, ntoa.
Hostler, n., 'maballi oa lipere lihoteleng.
Hot, adj., e futhumetseng; *to be hot*, ho chesa, futhumala.
Hotel, n., ntlo ea baeti, ea phapohelo, hotele.

Hue, n., mesebetsi e kang likausi le tse joalo.
Hugeness, n., bohohali.
Hulk, n., 'mele oa sekêpe (haholo sa khale).
Hull, n., *husk*, lekhapetla la litholoana tse ling; *of a ship*, 'mele oa setsekepe.
Hum, v., ho hōba, binela ka marang.
Human, adj., ea botho, ea setho.
Humane, adj., e mosa, e tletseng mohau.
Humanise, v., ho nolofatsa, thapisa, nthofatsa.
Humanity, n., botho, setho, mosa, mohau.
Humble, adj., e kokobetseng, e ikokobetsang, e nyenyane; v., ho kokobetsa, nyenyefatsa; *to be humble*, ho ikokobetsa; *to become humble*, ho kokobela.

Hoar, n., haka, sehökelo, sekhöketsane; v., ho hōkela, tsoasa qēba, tsoaketsa.
Hoop, n., kökōte, hupulo.
Hoop, v., ho leleka ka mehōo e nyatsang.
Hoop, v., ho pharuma, qötōma, tiōla; *of a bird*, ho thōēna.
Hope, n., tšēpo, tebello; v., ho tšēpa, lebella.
Hopeful, adj., e tšēpang, tšēpisang.
Hopeless, adj., e hlokapang tšēpo.
Hopple, v., ho etsa sepane, ho tlamasepane (joaleka pāre).
Horizon, n., bohōle moo pono ea motho e khurilana teng.

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GOVERNMENT GAZETTE

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PRETORIA, 19 OCTOBER 1977
19 OKTOBER 1977

[No. 5777]

PROCLAMATION

by the State President of the Republic of
South Africa

No. R. 276, 1977

REGULATIONS FOR THE ADMINISTRATION OF
VENDA

Under and by virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927). I make the regulations contained in the Schedule hereto and declare that, notwithstanding anything to the contrary contained in any other law, these regulations shall have the force of law in Venda.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventeenth day of October, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File R206/5)

SCHEDULE

REGULATIONS FOR THE ADMINISTRATION OF
VENDA

Definitions

1. In these regulations, unless the context otherwise indicates—

“Cabinet” means the Cabinet of Venda;

“chief” means a chief or acting chief recognised in terms of section 33 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975);

“Government” means the Government of Venda;

“headman” means a headman or acting headman appointed in terms of section 33 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975);

“meeting” means a meeting, gathering, assembly or procession at which more than five persons are present at any one time;

“Minister” means the Minister of Justice of Venda;

“person” means a Bantu as defined in section 35 of the Bantu Administration Act, 1927 (Act 38 of 1927);

65600—A

PROKLAMASIE

van die Staatspresident van die Republiek van
Suid-Afrika

No. R. 276, 1977

REGULASIES VIR DIE ADMINISTRASIE VAN
VENDA

Kragtens die bevoegdheid my verleen by artikel 25 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), maak ek die regulasies vervat in die bygaande Bylae en verklaar ek dat ondanks andersluidende bepalings vervat in enige ander wet, hierdie regulasies die krag van wet het in Venda.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewentiende dag van Oktober Eenduisend Negehoonderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-raad:

M. C. BOTHA.

(Lêer 206/5)

BYLAE

REGULASIES VIR DIE ADMINISTRASIE VAN
VENDA

Woordomskrywing

1. In hierdie regulasies, tensy dit uit die samehang anders blyk, beteken—

“hoofman” ’n hoofman of waarnemende hoofman aangestel kragtens artikel 33 van die Venda-wet op Stam- en Streksrade, 1975 (Wet 10 van 1975);

“Kabinet” die Kabinet van Venda;

“kaptein” ’n kaptein of waarnemende kaptein erken kragtens artikel 33 van die Venda-wet op Stam- en Streksrade, 1975 (Wet 10 van 1975);

“Minister” die Minister van Justisie van Venda;

“persoon” ’n Bantoe soos omskryf in artikel 35 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927);

“Polisie” enige polisiemag ingestel kragtens enige wet of enige lid van genoemde polisiemag;

“Regering” die Regering van Venda;

5777—1

"Police" means any police force established in terms of any law or any member of such police force:

"Venda" means the area referred to in section 2 of the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973).

Application of regulations

2. Wherever anything contained in any other law is inconsistent with these regulations, the provisions of these regulations shall for as long as they are in force, prevail over the provisions of any such other law.

Meetings, gatherings and assemblies

3. (1) Subject to the provisions of these regulations any meeting shall be unlawful, unless—

(a) the holding thereof has been authorised in writing by the Magistrate of the district in which it is held;

(b) it is held at the time and place and in accordance with such other conditions as such Magistrate may specify, as he is hereby authorised to do.

(2) A Magistrate, a commissioned or non-commissioned officer of the Police, may order the persons present at any unlawful meeting to disperse and forthwith to depart from the place of such meeting and he may give such further order as he may deem necessary to prevent a further unlawful meeting by such persons.

(3) Any person who fails or neglects to obey an order given in terms of subregulation (2) shall be guilty of an offence.

(4) If an order given in terms of subregulation (2) is not obeyed forthwith, the person giving such order may, notwithstanding the provisions of subregulation (3), take such steps or authorise the taking of such steps as in his opinion are necessary to effect execution of the order.

(5) The provisions of subregulation (1) shall not apply to any meeting—

(a) held for the purpose of a bona fide church service or a funeral;

(b) held in connection with the regulation of the domestic affairs of any household;

(c) of the members of a statutory body of persons, held exclusively for the purpose of transacting any business of that body;

(d) held for the purpose of instruction imparted under any law;

(e) being a bona fide sports gathering, concert or entertainment;

(f) of the Legislative Assembly, any tribal council referred to in section 3 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975), or regional council established in terms of section 12 of the said Venda Tribal and Regional Councils Act, 1975;

(g) held for official, administrative or judicial purposes;

Provided that a Magistrate, a commissioned or non-commissioned officer of the Police may at any time prohibit the holding of any specific meeting of a category referred to in paragraphs (a) to and including (e) whereupon such meeting shall be deemed to be unlawful for the purposes of these regulations.

(6) A Magistrate may, without prior notice to any person concerned, by writing under his hand prohibit any person from holding, presiding at, addressing or being present at any meeting authorised in terms of subregulation (1) or referred to in paragraphs (a) to and including (g) of subregulation (5).

"Venda" die gebied bedoel in artikel 2 van die Venda-grondwetproklamasie, 1973 (Proklamasie R. 12 van 1973); "vergadering" 'n vergadering, byeenkoms, samekoms of optog waarby meer as vyf persone op enige besondere tydstop aanwesig is.

Toepassing van regulasies

2. Waar ook al enigiets in enige ander Wet vervat, strydig is met hierdie regulasies, geld die bepalings van hierdie regulasies, vir solank hulle van krag is, bo die bepalings van enige sodanige ander wet.

Vergaderings, byeenkomste en samekomste

3. (1) Behoudens die bepalings van hierdie regulasies is enige vergadering onwettig, tensy—

(a) die hou daarvan skriftelik deur die Magistraat van die distrik waarin dit gehou word, gemagtig is;

(b) dit gehou word op 'n tyd en plek en ooreenkomstig sulke ander voorwaardes as wat genoemde Magistraat mag voorskryf, soos hy hierby gemagtig word om te doen.

(2) 'n Magistraat, 'n offisier of onderoffisier van die Polisie kan die persone wat op 'n onwettige vergadering aanwesig is, beveel om uiteen te gaan en om onverwylid te vertrek van die plek van sodanige vergadering en hy kan sodanige verdere bevel gee as wat hy nodig ag om 'n verdere onwettige vergadering deur sodanige persone te voorkom.

(3) 'n Persoon wat versuim of nalaat om 'n bevel kragtens subregulasie (2) gegee, te gehoorsaam, begaan 'n misdryf.

(4) Indien 'n bevel kragtens subregulasie (2) gegee, nie onverwylid gehoorsaam word nie, kan die persoon wat dié bevel gee, nie teenstaande die bepalings van subregulasie (3), enige stappe doen of die doen van enige stappe magtig wat na sy oordeel nodig is om uitvoering van die bevel te bewerkstellig.

(5) Die bepalings van subregulasie (1) is nie van toepassing nie op 'n vergadering—

(a) gehou vir die doel van 'n bona fide kerkdiens of begrafnis;

(b) gehou in verband met die reëling van die huishoudelike sake van 'n huishouding;

(c) van die lede van 'n by wet ingestelde liggaam van persone wat uitsluitlik vir die verrigting van besigheid van daardie liggaam gehou word;

(d) gehou vir die doel van onderrig wat ingevolge 'n wet gegee word;

(e) synde 'n bona fide sportbyeenkoms, konsert of vermaaklikheid;

(f) van die Wetgewende Vergadering, enige stamraad bedoel in artikel 3 van die Venda-wet op Stam- en Streeksrade, 1975 (Wet 10 van 1975), of streeksraad ingestel kragtens artikel 12 van genoemde Venda-wet op Stam- en Streeksrade, 1975;

(g) gehou vir amptelike administratiewe of geregtelike doeleindes;

Met dien verstande dat 'n magistraat, 'n offisier of onderoffisier van die Polisie te enige tyd die hou van enige bepaalde vergadering van 'n kategorie in paragrawe (a) tot en met (e) genoem, kan verbied, waarna sodanige vergadering onwettig geag word vir doeleindes van hierdie regulasies.

(6) 'n Magistraat kan, sonder voorafgaande kennisgewing aan enige betrokke persoon, skriftelik onder sy handtekening enige persoon belet om 'n vergadering ingevolge subregulasie (1) gemagtig of in paragrawe (a) tot en met (g) van subregulasie (5) genoem, te hou, daarop voor te sit, dit toe te spreek of daarop aanwesig te wees.

(7) Any person who holds, presides at, addresses or is present at any unlawful meeting or who convened such meeting, or who permits an unlawful meeting to be held in his house, hut or kraal or on other premises or land under his control, or who fails or neglects to comply with any condition imposed in terms of subregulation (1) (b), or who, having been prohibited in terms of subregulation (6), holds, presides at, addresses or is present at any meeting referred to in the said subregulation (6), shall be guilty of an offence.

(8) In any proceedings under this regulation involving the question whether a meeting was or was not unlawful, it shall be presumed, unless the contrary is proved, that such meeting was unlawful.

Subversive or intimidating statements or actions

4. Any person who—

(a) makes any statement, verbally or in writing, or performs any act which is intended or is likely to have the effect of subverting or interfering with the authority of the Government or any officer [including an officer designated to assist the Government in terms of the provisions of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971)] in the employ of the Government, or of any chief or headman;

(b) makes any statement, verbally or in writing, or performs any act which consists of or contains any threat that any person in Venda will be subjected to any boycott, or will suffer any violence, loss, disadvantage or inconvenience to his person or property or to the person or in the property of any member of his family or household;

(c) organises or takes part in any organised boycott of any meeting convened by an officer of the Government or by any chief or headman;

(d) organises any boycott, or takes part in any organised boycott, with the object of causing loss, disadvantage or inconvenience to anyone or anybody;

(e) treats the chief or headman to whose authority he is subject with disrespect, contempt or ridicule, or fails or neglects to show that respect and obedience and to render such services to such chief or headman as should be shown or rendered in accordance with Bantu law and custom;

(f) by threatening a scholar, enrolled at a school in Venda, or a member of his family or household with violence, loss, disadvantage or inconvenience, whether to his or such member's person or property, or by any other means influences such scholar to refrain from attending classes at such school or sitting for any examination or by intimidating such scholar in any manner whatsoever causing such scholar to refrain from attending such classes or sitting for such examination,

shall be guilty of an offence.

Prohibition orders

5. (1) The Minister, on the authority of the Cabinet, may, without prior notice to the person concerned, issue an order against such person, prohibiting him from entering into, being in or remaining in any part of Venda as may be specified in such order for such period as the Minister may determine.

(2) Any person who neglects or refuses to comply with any order made in terms of subregulation (1), shall be guilty of an offence.

(7) 'n Persoon wat 'n onwettige vergadering hou, daarop voorsit, dit toespreek of daarop aanwesig is, of daardie vergadering belê het, of wat toelaat dat 'n onwettige vergadering in sy huis, hut of kraal of op 'n ander perseel of grond onder sy beheer, gehou word, of wat versuim of nalaat om 'n voorwaarde ingevolge subregulasie (1) (b) opgelê, na te kom, of wat, nadat hy kragtens subregulasie (6) verbied is, 'n vergadering genoem in subregulasie (6) hou, daarop voorsit, dit toespreek of daarop aanwesig is, begaan 'n misdryf.

(8) In enige geding ingevolge hierdie regulasie waarin die vraag ontstaan of 'n vergadering onwettig of nie onwettig was nie, word veronderstel dat, tensy die teendeel bewys word, sodanige vergadering onwettig was.

Ondermynende of intimiderende verklarings of optrede

4. 'n Persoon wat—

(a) 'n verklaring, mondelings of skriftelik, doen of enige handeling verrig waarvan die bedoeling is of die waarskynlike uitwerking sal wees die ondermyning van of inmenging met die gesag van die Regering of 'n amptenaar [insluitende 'n amptenaar ingevolge die bepalinge van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), toegewys om die Regering behulpsaam te wees], in diens van die Regering of van 'n kaptein of hoofman;

(b) 'n verklaring, mondeling of skriftelik, doen of enige handeling verrig, wat bestaan uit 'n dreigement of 'n dreigement bevat, dat 'n persoon in Venda aan 'n boikot onderwerp sal word of dat geweld, verlies, benadeling of ongerief hom aangedoen sal word, hetsy aan sy persoon of eiendom of aan die persoon of eiendom van enige lid van sy familie of huishouding;

(c) 'n boikot organiseer of deelneem aan 'n georganiseerde boikot van 'n vergadering belê deur 'n amptenaar van die Regering of deur 'n kaptein of hoofman;

(d) 'n boikot organiseer of deelneem aan 'n georganiseerde boikot met die doel om verlies, nadeel of ongerief aan enigeen of enige liggaam te doen;

(e) 'n kaptein of hoofman aan wie se gesag hy onderworpe is, met onerebiedigheid, minagting of bespottig bejeën of nalaat of versuim om daardie eerbied en gehoorsaamheid te betoon aan en sodanige dienste te verrig vir sodanige kaptein of hoofman as wat ooreenkomstig Bantoereg en -gewoonte betoon of verrig moet word;

(f) 'n ingeskrewe skolier van 'n skool in Venda of 'n lid van sy familie of huishouding dreig met geweld, verlies, benadeling of ongerief, hetsy aan sy of sodanige lid se persoon of eiendom, of op enige ander wyse sodanige skolier beïnvloed om hom daarvan te weerhou om klasse by sodanige skool by te woon of enige eksamen af te lê, of deur sodanige skolier op welke wyse ookal te intimideer om hom daarvan te weerhou om klasse by te woon of enige eksamen af te lê,

begaan 'n misdryf.

Verbodsbevele

5. (1) Die Minister kan, met die goedkeuring van die Kabinet en sonder voorafgaande kennisgewing aan die betrokke persoon, 'n bevel uitreik teen sodanige persoon wat hom verbied om enige deel van Venda soos in die bevel bepaal mag word, binne te gaan, daarin te wees of daarin te vertoef vir sodanige tydperk as wat die Minister mag bepaal.

(2) 'n Persoon wat nalaat of weier om aan enige bevel gemaak ingevolge subregulasie (1), te voldoen, begaan 'n misdryf.

Execution of orders

6. The Police are hereby authorised to render assistance, including the application of the necessary force, to any Magistrate in respect of the exercise of any power, conferred upon him by these regulations.

Indemnity

7. No civil action whatsoever in respect of any cause of action arising out of or in connection with the operation of these regulations shall be capable of being instituted against the Government, the Cabinet or any Minister of Venda, any officer contemplated in paragraph (a) of regulation 4 or any person acting under the authority or by direction of a magistrate or the Police.

Arrest and detention

8. (1) Notwithstanding anything to the contrary in any other law contained no person in Venda may—

(a) hamper or deter any person from the lawful maintenance of law and order;

(b) promote by intimidation, the achievement of any unlawful object;

(c) cause, encourage, or further insurrection against, or forcible resistance to, the Government;

(d) by violence or forcible means, further or encourage the achievement of any political aim by any person, including the bringing about of any social or economic change;

(e) in accordance with the direction or under the guidance of or in co-operation with or with the assistance of any foreign government or any foreign or international body or institution, further or encourage the achievement of any political aim by any person, including the bringing about of any social or economic change;

(f) without good cause, embarrass the Government, the Cabinet or any officer contemplated in paragraph (a) of regulation 4 in relation to the administration of the affairs of the Government.

(2) The Minister may, with the approval of the Cabinet, order in writing any commissioned officer of the Police to arrest and detain, or cause to be arrested and detained, any person who has or whom the Minister, on good grounds, suspects of having, contravened any of the provisions of subregulation (1), or who conspires with or incites, or advises any person to contravene any of the provisions of subregulation (1).

(3) Any person detained in terms of subregulation (2) may be lodged in any police cell, police lock-up or prison for a maximum period of 90 days or until such time as his release is ordered by the Minister, whichever is the sooner.

(4) No person shall, except with the consent of the Minister, have access to any person detained in terms of subregulation (2): Provided that not less than once each week such person shall be visited by the Magistrate, Additional Magistrate or Assistant Magistrate of the district in which he is detained.

(5) No court shall have jurisdiction to order the release from custody of any person detained in terms of subregulation (2).

Prohibition of interdicts

9. No interdict or other legal process shall be issued for the stay of any order issued, decision made or direction given under these regulations, nor shall any such order, decision or direction be suspended by reason of any appeal against a conviction under these regulations.

Uitvoering van bevel

6. Die Polisie word hierby gemagtig om hulp te verleen, insluitende die toepassing van die nodige geweld, aan 'n Magistraat in verband met die uitoefening van enige mag by hierdie regulasies aan hom opgedra.

Vrywaring

7. Geen siviele geding hoegenaamd ten opsigte van 'n eisoorzaak wat ontstaan uit of in verband met die werking van hierdie regulasies kan teen die Regering, Kabinet of 'n Minister van Venda, 'n amptenaar in paragraaf (a) in regulasie 4 bedoel, of 'n persoon wat optree kragtens die gesag of lasgewing van 'n magistraat, of die Polisie ingestel word nie.

Arres en aanhouding

8. (1) Ondanks andersluidende wetsbepalings mag geen persoon in Venda—

(a) enige persoon afskrik van die wettige handhawing van wet en orde nie;

(b) die verwesenliking van enige onwettige oogmerk deur vreesaanjaging bevorder nie;

(c) 'n opstand of gewelddadige verset teen die Regering veroorsaak, aanmoedig of bevorder nie;

(d) deur geweld of gewelddadige wyse die verwesenliking deur enige persoon van enige politieke oogmerk, insluitende die tweewegbring van enige maatskaplike of ekonomiese verandering, aanmoedig of bevorder nie;

(e) ooreenkomstig die voorskrifte of onder leiding van of in samewerking met of met die hulp van enige buitelandse regering of enige buitelandse of internasionale liggaam of instelling die verwesenliking van enige politieke oogmerk deur enige persoon insluitende die tweewegbring van enige maatskaplike of ekonomiese verandering, bevorder of aanmoedig nie;

(f) sonder grondige redes die Regering, die Kabinet of enige amptenaar in paragraaf (a) van regulasie 4 bedoel in die verleentheid stel met betrekking tot die administrasie van die sake van die Regering nie.

(2) Die Minister kan, met die goedkeuring van die Kabinet, enige offisier van die Polisie skriftelik beveel om 'n persoon wat enige van die bepalinge van subregulasie (1) oortree het of met 'n persoon saamgesweer het of 'n persoon aangeraai het om enige van die bepalinge van subregulasie (1) te oortree of wat die Minister om grondige redes vermoed aldus opgetree het, te arresteer en aan te hou of te laat arresteer en aan te hou.

(3) 'n Kragtens subregulasie (2) aangehoudene mag in enige polisiecel, polisie-toesluitingsplek of gevangenis vir 'n maksimum tydperk van 90 dae aangehou word of totdat sy vrylating deur die Minister beveel word, watter tydperk ookal die kortste is.

(4) Geen persoon sal, behalwe met die toestemming van die Minister, toegang hê tot 'n kragtens subregulasie (2) aangehoudene nie: Met dien verstande dat sodanige persoon ten minste eenkeer per week besoek word deur die Magistraat, Addisionele Magistraat, of Assistent Magistraat van die distrik waarin hy aangehou word.

(5) Geen hof is bevoeg om die vrylating uit hegtenis van enige persoon wat kragtens subregulasie (2) aangehou is, te beveel nie.

Verbod op interdikte

9. Geen interdik of ander geregtelike prosesstukke word uitgevaardig vir die opskorting van 'n bevel uitgereik, besluit geneem of lasgewing uitgereik ingevolge hierdie regulasies, en sodanige bevel, besluit of lasgewing word ook nie opgeskort as gevolg van 'n appél ten 'n skuldigbevinding ingevolge hierdie regulasies nie.

Penalties

10. (1) Any person convicted of any offence under these regulations shall be liable on conviction to a fine not exceeding R600 or in default of payment, to imprisonment for a period not exceeding three years, or to such imprisonment without the option of a fine, or to both such fine and imprisonment.

(2) A Magistrate's Court shall have jurisdiction to impose the penalties prescribed by this regulation.

Strafbepalings

10. (1) Enigeen wat aan 'n misdryf ingevolge hierdie regulasies skuldig bevind word is by skuldigbevinding strafbaar met 'n boete van hoogstens R600, of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met sowel sodanige boete as gevangenisstraf.

(2) 'n Magistraatshof het regsrag om enige straf op te lê wat by hierdie regulasies voorgeskryf word.

AGROPLANTAE

This publication is a continuation of the South African Journal of Agricultural Science Vol. 1 to 11, 1958-1968 and deals with Agronomy, Ecology, Agrostology, Genetics, Agricultural Botany, Landscape Management, Herbicides, Plant Physiology, Plant Production and Technology, Pomology, Horticulture, Pasture Science and Viticulture. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at 50 cents per copy or R2 per annum, post free (foreign 60 cents per copy or R2,40 per annum).

AGROPLANTAE

Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958-1968 en bevat artikels oor Akkerbou, Ekologie, Graskunde, Genetika, Landbouplantkunde, Landskapbestuur, Onkruidmiddels, Plantfisiologie, Plantproduksie en -tegnologie, Pomologie, Tuinbou, Weiding en Wynbou. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienselike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Die tydskrif is verkrygbaar van bogenoemde adres teen 50 sent per eksemplaar of R2 per jaar, posvry (buitelands 60 sent per eksemplaar of R2,40 per jaar).

THE FLOWERING PLANTS OF AFRICA

This publication is issued as an illustrated serial, much on the same lines as Curtis's Botanical Magazine, and for imitating which no apology need be tendered.

The desire and object of the promoters of the publication will be achieved if it stimulates further interest in the study and cultivation of our indigenous plants.

The illustrations are prepared mainly by the artists at the Botanical Research Institute, and the Editor is pleased to receive living plants of general interest or of economic value for illustration.

Each part contains 10 plates and costs R1,50 per part. Two, three or four parts may be published annually, depending on the availability of illustrations. A volume consists of four parts. From Volume 27, the price per volume is: Cloth binding, R10; morocco binding, R14.

Obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria.

DIE BLOMPLANTE VAN AFRIKA

Hierdie publikasie word uitgegee as 'n geïllustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die redakteur verwelkom geskikte bydraes van 'n wetenskaplike en kunststandaard afkomstig van verwante inrigtings.

Onder huidige omstandighede word twee dele van die werk gelyktydig gepubliseer, maar met onreëlmatige tussenpose; elke deel bevat tien kleurplate. Intekengeld bedra R1,50 per deel; Vier dele per band. Vanaf band 27 is die prys per band in linne gebind R10; in morocco-leer gebind R14.

Verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria.

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N.M. 27/10/77 (113)

Clamp in Venda

PRETORIA — Regulations prohibiting the holding of meetings unless authorised by a magistrate and dealing with subversive or intimidating statements and actions are proclaimed for the Venda homeland in a special Government Gazette yesterday.

Similar regulations were proclaimed for the Ciskei on September 30.

In both cases they were proclaimed at the request of the homeland governments, a spokesman of the Department of Bantu Administration and Development told Sapa.

The regulations, among other matters, provide for detention of up to 90 days for persons suspected of insurrection or forcible resistance to the Venda Government.

Councillor also a Venda diviner

113

Mercury Reporter

JOHANNESBURG — City Councillor Mrs. Rae Graham and Venda diviner Mashudu are one and the same person, who combines in a serene, sane and completely unshizophrenic personality the most amazing disparate beliefs.

Being a trainee diviner (mungoma) of the Venda tribe, with whom she lived for 10 years, would seem, to preclude her from some of the fundamental Western beliefs and values.

But she is "a good Christian and church worker," a trained nurse who believes in scientific Western medicine and, in spite of being steeped in Venda custom and lore, an urbane councillor campaigning for the preservation of the environment.

She talks breezily of "referring" patients to African MDs when "throwing the bones" does not provide a cure. And the MDs do the same in return.

Address

More than a few eyebrows were raised in the medical profession recently when she addressed a Witwatersrand University medical student seminar on the role of the witch-doctor in African health care.

"We don't always have success with our patients — but then neither do the MDs.

"We mungomas are not really witch-doctors. The witch-doctors about whom most people read are the sangomas. They deal with evil.

"They go into trances, throw fits and so on with the help of frenzied drumming. They predict the future and they don't use bones.

"Mungomas are much more gentle. I am a diviner. Like a psychologist.

"With the help of the bones I try to analyse my patients, to divest myself of my personality and tune into theirs."

"Mashudu" insists that there is nothing repulsive about witchcraft or about the long initiation ceremonies she has gone through and still has to go through.

"If there were any repulsive rites, I wouldn't have done it," she said. I will not step out of my culture.

She had to slaughter a
of her initiation



Venda mungoma "Mashudu" — alias Johannesburg City Councillor Mrs. Rae Graham throws the bones. Not yet fully-fledged, she still has to "earn" seven bones. She demonstrated for the Mercury at her Durban hosts' home before giving a public lecture last night.

that as fi into the mungoma craft, but she says it was quick and painless.

Her entry into the craft came only after years of intimate knowledge of the Venda customs, rites, music and dances.

The "great privilege" accorded her is reflected in the Venda name given her — Mashudu. It means "the lucky one."

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No. R. 313, 1977 G.G. 5860 11/1/77 113
AMENDMENT OF THE REGULATIONS FOR THE
ADMINISTRATION OF VENDA (PROCLAMATION
R. 276 OF 1977)

Under and by virtue of the powers vested in me by
section 25 of the Bantu Administration Act, 1927 (Act
38 of 1927), I hereby amend the Schedule to Proclama-
tion R. 276 of 1977 by the substitution of the following
subregulation for subregulation (4) of regulation 8:

"(4) No one shall, except with the consent of the
Minister, have access to any person detained in terms of
subregulation (2). Provided that not less than once each
week such person shall be visited by the Magistrate,
Additional Magistrate, or Assistant Magistrate of the dis-
trict in which he is detained."

Given under my Hand and the Seal of the Republic of
South Africa at Pretoria, this Second day of November,
One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President
by Order of the State President-in-Council
M. C. BOTHA

65450—A

No. R. 313, 1977

WYSIGING VAN DIE REGULASIES VIR DIE
ADMINISTRASIE VAN VENDA (PROKLAMASIE
R. 276 VAN 1977)

Kragtens die bevoegdheid my verleen by artikel 25 van
die Baatoc-administrasiewet, 1927 (Wet 38 van 1927),
wysig ek hierby die Bylae tot Proklamasie R. 276 van
1977 deur die vervanging van subregulasie (4) van
regulasie 8 deur die volgende subregulasie:

"(4) Niemand sal, behalwe met die toestemming
van die Minister, toegang hê tot 'n kragtens subregulasie
(2) aangehoude persoon. Met dien verstande dat sodanige
persoon ten minste een keer per week besoek word deur
die Magistraat, Addisionele Magistraat of Assistent Magi-
straat van die distrik waarin hy aangehou word."

Gegee onder my Hand en die Seël van die Republiek
van Suid-Afrika te Pretoria, op hede die Tweede dag van
November Eenduisend Negehoenderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident
Op las van die Staatspresident-in-rade:
M. C. BOTHA.

5800—1

AMENDMENT OF THE REGULATIONS FOR THE ADMINISTRATION OF VENDA (PROCLAMATION R. 276 OF 1977)

Under and by virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I hereby amend the Schedule to Proclamation R. 276 of 1977 by the substitution of the following subregulation for subregulation (1) of regulation 5:

“(1) The Minister, on the authority of the Cabinet, may—

(a) without prior notice to the person concerned, issue an order against such person, prohibiting him from entering into, being in or remaining in any part of Venda as may be specified in such order for such period as the Minister may determine;

65462—A

WYSIGING VAN DIE REGULASIES VIR DIE ADMINISTRASIE VAN VENDA (PROKLAMASIE R. 276 VAN 1977)

Kragtens die bevoegdheid my verleen by artikel 25 van die Bantoe-administrasiewet, 1927 (Wet 38 van 1927), wysig ek hierby die Bylae tot Proklamasie R. 276 van 1977 deur die vervanging van subregulasie (1) van regulasie 5 deur die volgende subregulasie:

“(1) Die Minister kan, met die goedkeuring van die Kabinet—

(a) sonder voorafgaande kennisgewing aan die betrokke persoon, ’n bevel uitreik teen sodanige persoon wat hom verbied om enige deel van Venda soos in die bevel bepaal mag word, binne te gaan, daarin te wees of daarin te vertoef vir sodanige tydperk as wat die Minister mag bepaal;

5820—1

(b) in any manner which he deems fit, order that no person or anyone of a particular category of persons who inhabits or finds himself in any particular area shall, between 19h00 and 06h00 leave the limits of the stand, lot or site on which he resides or finds himself, except under a permit issued under the hand of the Magistrate of the district concerned.”

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-third day of November, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(b) op enige wyse wat hy goed dink, beveel dat geen persoon of iemand van ’n bepaalde kategorie persone wat in ’n bepaalde gebied woon of hom daarin bevind, tussen 19h00 en 06h00 die grense van die erf, perseel of terrein waarop hy woon of so ’n erf, perseel of terrein waarop hy hom bevind, mag verlaat nie behalwe kragtens ’n permit uitgereik onder die handtekening van die Magistraat van die betrokke distrik.”

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Drie-en-twintigste dag van November Eenduisend Negehonderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

Venda makes its move towards independence

SIBASA — A third South African homeland yesterday took another step towards independence.

The Chief Minister of Venda, Chief Patrick Mphephu, said he hoped to hold talks with the Prime Minister, Mr Vorster, after being given a mandate by his party to opt for independence.

He said he would raise the independence question during the current session of the Venda Legislative Assembly in which his Venda National Party holds 48 of the 60 seats.

Until now strongly opposed to independence, the opposition Venda Independence Party which holds 13 of the 18 elected seats in the Assembly is now taking a neutral stand on the issue.

The VIP leader, Mr Aldwin Mudau, said yesterday: "We are uncommitted. We will leave it to the people to decide in the elections in July."

The VIP's new attitude has also provoked the resignation of the party secretary, Mr Esroma Nethomonda, who said

yesterday: "I decided to quit homeland politics because I did not want to carry the stigma of selling out my people."

Opening the Assembly earlier, the Deputy Minister of Education and Training, Dr Treurnicht, said the pro capita income of Venda amounted to R171 and compared "very favourably" with other developing countries and surpass that of 26 other African states.

Since 1971 Venda's pro capita income had sustained an increase of 12 per cent. — DDC-SAPA.

a city?

3. What sort of work (if any) would you rather do - either on a farm or somewhere else?

4. What jobs would you like your children to do?
Why?

5. If worker has not been to school: Why didn't you go to school?

If worker began but did not complete schooling: Why didn't you finish your schooling?

Problems

1.. What would you most like to see changed in your working conditions? (wage, payment in kind, hours, holidays)

In your living conditions? (housing, recreational facilities)

HANSARD 9 4 April 1978.
Question 8 Cols. 573

① 113
~~② 113~~

INTRODUCTION

The origins of fish culture was practised in the world and remains the largest fish culture is as much as the paddy fields in which they are raised.

The culture of fish in a 2500 BC Egyptian papyrus pond. The bible refers to what was also common to the sea of Galilee.

573

FRIDAY, 7

Per capita income in Vendaland

*8. Mr. R. A. F. SWART asked the Minister of Plural Relations and Development:

What was the *per capita* income in Vendaland in 1977 or the latest year for which figures are available.

†The DEPUTY MINISTER OF DEVELOPMENT:

1975—R225.

is evidence that fish were raised in the world, and carp were raised in the paddy fields as the paddy fields

A bas-relief found on the wall of a pond. It depicts fisherman to cast their nets into the sea of Galilee.

Aquaculture in its many forms has spread across the world and is assuming an ever-increasing importance. Sea fisheries production has already passed its peak and will slowly decline because of the destruction of natural food chains by exploitation and pollution. The world's food production has been unable to keep pace with the population increase, especially in developing nations. There is therefore a need to increase food production by all possible means, firstly by stimulating existing means of production, and secondly by introducing new sources of food. Fish Farming, although still in its infancy in most Third World countries, has an important part to play as an integrated element of the rural economy.

FAO figures show that protein from foods of animal origin is dangerously lacking in the everyday diet of much of the population of Africa. This can cause ill-health, poor growth and susceptibility to disease. Fish culture is one of the best ways of increasing the supply of protein. Fish meat contains as much as 60% high quality protein on a dry water basis, and fish converts raw food into protein at a far more rapid rate than most land based animals.

It is interesting to consider some of the factors that enable fish to grow so rapidly. The fact that they are cold blooded means that they do not have to use up energy in maintaining body heat. This energy can be used for growth. Fish live in a medium more or less the same density as their bodies, and therefore do not require a heavy bone structure to support themselves against the force of gravity. The ratio of flesh to

No. R. 81, 1978

CONDUCT OF ELECTIONS OF ELECTED MEMBERS OF THE VENDA LEGISLATIVE ASSEMBLY.—AMENDMENT OF PROCLAMATION R. 13 OF 1973

By virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Third day of April, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

1. Substitute for the expression "R50" in section 11 (1) the expression "R100".

2. Substitute the following section for section 22:

"22. (1) A candidate may use an emblem on a ballot paper in order to denote the political party which he represents.

(2) The electoral officer shall on application by a candidate effect an emblem referred to in subsection (1) on the ballot paper opposite the name of the candidate concerned: Provided that a candidate who wishes to use such emblem shall, within seven days after the sitting of a nomination court, inform the electoral officer in writing of the emblem and if no such notice is given his name shall appear on the ballot paper without any emblem opposite thereto.

(3) Every ballot paper to be used for voters who wish to vote shall be in the form contained in Annexure E hereto."

3. Substitute the following for the form of the back of the ballot paper in Annexure E:

Note:	Full name, address and occupation of candidate	Emblem of candidate, if any	
Vote for..... candidate(s) only			

No. R. 82, 1978

VENDA.—DISSOLUTION OF THE LEGISLATIVE ASSEMBLY, DETERMINATION OF THE DATE FOR THE DESIGNATION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY, DATE FOR A GENERAL ELECTION, PERIOD AND HOURS OF POLL AND THE DATE AND PLACE OF NOMINATION COURTS

By virtue of the powers vested in me by section 7 of the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973) and section 8 of the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973)—

I hereby dissolve the Venda Legislative Assembly with effect from Wednesday, the fifth day of July 1978;

No. R. 81, 1978

HOU VAN VERKIESINGS VAN DIE VERKOSE LEDE VAN DIE VENDA- WETGEWENDE VERGADERING.—WYSIGING VAN PROKLAMASIE R. 13 VAN 1973

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), wysig ek hierby die Venda-verkiesingsproklamasie, 1973 (Proklamasie R. 13 van 1973), ooreenkomstig bygaande Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Derde dag van April Eenduisend Negehoenderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

1. Vervang die uitdrukking "R50" in artikel 11 (1) deur die uitdrukking "R100".

2. Vervang artikel 22 deur die volgende artikel:

"22. (1) 'n Kandidaat kan van 'n embleem op 'n stembrief gebruik maak om die politieke party wat hy verteenwoordig, aan te dui.

(2) Die verkiesingsbeampte moet op aansoek van 'n kandidaat 'n embleem in subartikel (1) bedoel teenoor die betrokke kandidaat se naam op die stembrief laat aanbring: Met dien verstande dat 'n kandidaat wat van so 'n embleem gebruik wil maak, binne sewe dae na die sitting van 'n nominasiehof die verkiesingsbeampte skriftelik van die embleem in kennis moet stel en indien geen sodanige kennis gegee word nie, verskyn sy naam op die stembrief sonder enige embleem daarteenoor.

(3) Iedere stembrief wat gebruik moet word deur kiesers wat wil stem, moet in die vorm vervat in Aanhangsel E hiervan wees."

3. Vervang die vorm van die agterkant van die stembrief in Aanhangsel E deur die volgende:

Opmerking:	Volle naam, adres en beroep van kandidaat	Embleem van kandidaat, indien enige	
Stem vir slegskandidaat/ kandidate			

No. R. 82, 1978

VENDA.—ONTBINDING VAN DIE WETGEWENDE VERGADERING, BEPALING VAN DATUM VIR DIE AANWYSING VAN LEDE VAN DIE WETGEWENDE VERGADERING, DATUM VAN 'N ALGEMENE VERKIESING, TYDPERK EN URE VAN STEMMING EN DATUM EN PLEK VAN NOMINASIE-HOWE

Kragtens die bevoegdheid my verleen by artikel 7 van die Venda-grondwetproklamasie, 1973 (Proklamasie R. 12 van 1973) en artikel 8 van die Venda-verkiesingsproklamasie 1973 (Proklamasie R. 13 van 1973)—

(a) ontbind ek hierby die Venda- Wetgewende Vergadering met ingang van Woensdag, die vyfde dag van Julie 1978;

(b) I hereby determine—

(i) that the designation of members of the Venda Legislative Assembly by the regional councils mentioned in section 3 (1) (c) of the said Venda Constitution Proclamation, 1973, shall take place on or before the 20th day of July 1978;

(ii) that a general election for the election of members of the Venda Legislative Assembly shall be held on Wednesday, the fifth day of July 1978, and on Thursday, the sixth day of July 1978;

(iii) that Wednesday, the third day of May 1978, shall be the day on which nomination courts shall sit to receive nomination for candidates for election as members of the Venda Legislative Assembly for each of the electoral divisions mentioned in the first column of Schedule A hereto;

(iv) that the nomination court for each of the said electoral divisions shall sit at the place indicated in the second column of Schedule A opposite the electoral division concerned;

(v) that the number of members to be elected in each electoral division shall be the number stated opposite each electoral division of Schedule A; and

(vi) that if a poll is required to be held in accordance with the provisions of section 10 (c) of Proclamation R. 13 of 1973, the hours at which poll shall commence and close on each polling day shall be as set out in Schedule B hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Third day of April. One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE A

Electoral Division	Place where nomination court will be held	Number of members to be elected
1. Sibasa.....	Magistrate's Office, Sibasa....	12
2. Dzanani.....	Magistrate's Office, Dzanani..	11
3. Vuwani.....	Magistrate's Office, Vuwani..	11
4. Mutale.....	Magistrate's Office, Mutale..	8

SCHEDULE B

Polling stations	Period during which poll shall take place	Hours at which poll shall commence and close on each polling day
(a) Within the four polling districts of Venda.....	5 and 6 July 1978	07h00-21h00
(b) Outside an area referred to in (a) above at polling stations at the seats of returning officers.....	5 July 1978....	08h00-16h30
(c) Outside an area referred to in (a) above at polling stations other than those referred to in (b) above....	5 July 1978....	07h00-21h00

(b) bepaal ek hierby—

(i) dat die aanwysing van lede van die Venda- Wetgewende Vergadering deur die streeksrade genoem in artikel 3 (1) (c) van genoemde Venda-gronwetproklamasie, 1973, voor of op die 20ste dag van Julie 1978 moet geskied;

(ii) dat 'n algemene verkiesing vir die verkiesing van lede vir die Venda- Wetgewende Vergadering op Woensdag die vyfde dag van Julie 1978, en Donderdag die sesde dag van Julie 1978, gehou moet word;

(iii) Woensdag, die derde dag van Mei 1978, as die dag waarop nominasiehowe sitting sal hou om nominasies te ontvang van kandidate vir verkiesing tot lede van die Venda- Wetgewende Vergadering vir elkeen van die kiesafdelings in die eerste kolom van Bylae A hiervan gemeld;

(iv) dat die nominasiehof vir elk van die bedoelde kiesafdelings sitting sal hou op die plek in die tweede kolom van Bylae A teenoor die betrokke kiesafdeling aangedui;

(v) dat die getal lede wat in elke kiesafdeling verkies moet word die getal is wat teenoor elke kiesafdeling genoem in Bylae A vermeld word; en

(vi) dat indien 'n stemming ingevolge die bepaling van artikel 10 (c) van Proklamasie R. 13 van 1973 moet plaasvind die ure wanneer die stemming op elke stemburo moet begin en eindig, moet wees soos uiteengesit in Bylae B hiervan.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Derde dag van April Eenduisend Negehoenderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE A

Kiesafdeling	Plek waar nominasiehof sitting sal hou	Aantal lede wat verkies moet word
1. Sibasa.....	Magistraatskantoor, Sibasa..	12
2. Dzanani.....	Magistraatskantoor, Dzanani	11
3. Vuwani.....	Magistraatskantoor, Vuwani..	11
4. Mutale.....	Magistraatskantoor, Mutale..	8

BYLAE B

Stemburo's	Tydperk waartydens stemming sal plaasvind	Ure wannere stemming op elke stemburo moet begin en eindig
(a) Binne die vier stemburo's van Venda.....	5 en 6 Julie 1978	07h00-21h00
(b) Buite 'n gebied in (a) hierbo genoem by stemburo's by die setels van kiesbeambptes	5 Julie 1978....	08h00-16h30
(c) Buite 'n gebied in (a) hierbo genoem by stemburo's, uitgesonderd dié in (b) hierbo genoem.....	5 Julie 1978....	07h00-21h00

AMENDMENT OF THE VENDA CONSTITUTION PROCLAMATION, 1973 (PROCLAMATION R. 12 OF 1973)

Under and by virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Third day of April, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

1. In section 1—

- (a) delete the definition of "chief-in-council"; and
- (b) insert the following definitions after the definition of "Legislative Assembly":

"'regional council' means a regional council established in terms of section 12 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975);

'tribal council' means a tribal council referred to in section 3 of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975)."

2. In section 3—

- (a) substitute the following subsection for subsection (1):

"(1) The Legislative Assembly shall be known as the Venda Legislative Assembly and shall consist of 84 members, namely:

- (a) The 25 chiefs of the 25 tribes in Venda in respect of which tribal councils have been established;

WYSIGING VAN DIE VENDA-GRONDWETPROKLAMASIE, 1973 (PROKLAMASIE R. 12 VAN 1973)

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), wysig ek hierby die Venda-grondwetproklamasie, 1973 (Proklamasie R. 12 van 1973), ooreenkomstig bygaande Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Derde dag van April Eenduisend Negehonderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

1. In artikel 1—

- (a) voeg die volgende omskrywing in na die omskrywing van "Kommissaris-generaal":

"'stamraad' 'n stamraad bedoel in artikel 3 van die Venda-wet op Stam- en Streeksrade, 1975 (Wet 10 van 1975);" en

- (b) vervang die omskrywing van "kaptein-in-rade" deur die volgende omskrywing:

"'streeksraad' 'n streeksraad ingestel ingevolge artikel 12 van die Venda-wet op Stam- en Streeksrade, 1975 (Wet 10 van 1975);"

2. In artikel 3—

- (a) vervang subartikel (1) deur die volgende subartikel:

"(1) Die Wetgewende Vergadering staan bekend as die Venda- Wetgewende Vergadering en bestaan uit 84 lede, naamlik:

- (a) Die 25 kapteins van die 25 stamme in Venda ten opsigte waarvan stamrade ingestel is;

(b) two headmen of the Gwamasenga Tribal Council;

(c) fifteen members who shall be designated by the regional councils in the manner provided in subsection (2) within 14 days of the election of the members referred to in paragraph (d); and

(d) forty-two members elected in the manner provided in subsection (3).";

(b) substitute the following subsection for subsection (2):

"(2) A regional council in Venda shall meet at a place determined by the magistrate of the area in which the region of such council is situated, under the chairmanship of the chairman of the regional council in the region concerned and shall designate from among the members of the tribal councils within the region concerned, the following number of persons as members of the Legislative Assembly, namely:

- (a) Five members for the District of Sibasa;
- (b) five members for the District of Vuwani;
- (c) three members for the District of Dzanani; and
- (d) two members for the District of Mutale;

Provided that not more than one member shall be so designated from any tribal council.";

(c) substitute the following subsection for subsection (3):

"(3) The citizens entitled to vote in any electoral division shall elect—

- (a) twelve members in respect of the Sibasa Electoral Division;
- (b) eleven members in respect of the Vuwani Electoral Division;
- (c) eleven members in respect of the Dzanani Electoral Division; and
- (d) eight members in respect of the Mutale Electoral Division.";

(d) substitute the following subsection for subsection (4) (b):

"(b) For the purposes of this subsection "deputy" shall mean a deputy appointed in terms of section 33 (3) (a) of the Venda Tribal and Regional Councils Act, 1975 (Act 10 of 1975)."

3. Substitute for the figure "12" where it appears in section 6 (1) (iv) the figure "6".

4. Substitute the following subsection for subsection (2) of section 9:

"(2) Should the seat of an elected member of the Legislative Assembly become vacant in terms of section 8, the vacancy shall, unless the term of the Legislative Assembly will have expired before such vacancy can be filled, be filled within three months in the manner provided in section 3 (3), and the laws referred to in section 5 (3) shall apply *mutatis mutandis* in regard to any election for filling such vacancy and any nominations for such election."

5. Substitute the following paragraph for paragraph (b) of section 30:

"(b) the regional and tribal councils within Venda and the names and periods of office of members thereof;"

(b) twee hoofmanne van die Gwamasenga-stamraad;

(c) vyftien lede wat binne 14 dae na die verkiesing van lede in paragraaf (d) bedoel deur die streeksrade aangewys word op die wyse in subartikel (2) bepaal; en

(d) twee-en-veertig lede verkies op die wyse bepaal in subartikel (3).";

(b) vervang subartikel (2) deur die volgende subartikel:

"(2) 'n Streeksraad in Venda vergader op 'n plek bepaal deur die magistraat van die gebied waarin die streek van sodanige raad geleë is, onder voorsitterskap van die voorsitter van die streeksraad in die betrokke streek en wys uit die lede van die stamrade in die betrokke streek, die volgende getalle persone as lede van die Wetgewende Vergadering, aan, naamlik:

- (a) Vyf lede vir die distrik Sibasa;
- (b) vyf lede vir die distrik Vuwani;
- (c) drie lede vir die distrik Dzanani; en
- (d) twee lede vir die distrik Mutale;

Met dien verstande dat hoogstens een lid uit die lede van 'n stamraad aldus aangewys word.";

(c) vervang subartikel (3) deur die volgende subartikel:

"(3) Die burgers wat geregtig is om in elke kiesafdeling te stem, verkies—

- (a) twaalf lede ten opsigte van die kiesafdeling Sibasa;
- (b) elf lede ten opsigte van die kiesafdeling Vuwani;
- (c) elf lede ten opsigte van die kiesafdeling Dzanani; en
- (d) agt lede ten opsigte van die kiesafdeling Mutale;

(d) vervang subartikel (4) (b) deur die volgende subartikel:

"(b) Vir die toepassing van hierdie subartikel beteken "gevolmagtigde" 'n gevolmagtigde aangestel kragtens artikel 33 (3) (a) van die Venda-wet op Stam- en Streeksrade, 1975 (Wet 10 van 1975)."

3. Vervang die syfer "12" waar dit in artikel 6 (1) (iv) voorkom deur die syfer "6".

4. Vervang subartikel (2) van artikel 9 deur die volgende subartikel:

"(2) Indien die setel van 'n verkose lid van die Wetgewende Vergadering ingevolge artikel 8 vakant raak, moet die vakature binne drie maande aangevul word, tensy die ampstermyn van die Wetgewende Vergadering ten einde sal geloop het voordat sodanige vakature aangevul kan word, op die wyse bepaal in artikel 3 (3) en die wette in artikel 5 (3) bedoel, is *mutatis mutandis* van toepassing in verband met enige verkiesing vir die aanvulling van sodanige vakature en enige nominasies vir sodanige verkiesing."

5. Vervang paragraaf (b) van artikel 30 deur die volgende paragraaf:

"(b) die streeks- en stamrade binne Venda en die name en ampstermyne van die lede daarvan;"

29/4/78 R.D.M.

More uhuru, as Transkei links are cut

(113)

By PATRICK LAURENCE
Deputy Political Editor

AS THE final severing of diplomatic ties between South Africa and Transkei approached deadline yesterday, talks were held in Cape Town to set the Venda homeland on the road to independence.

All South African diplomats have to be out of Transkei and all Transkei diplomats out of South Africa after the weekend, following Transkei's decision to break off diplomatic ties.

When Transkei became independent in October 1976 it still had outstanding land claims and its de-

cision to cut formal links came after the transfer of Transkei - claimed East Griqualand from Cape to Natal.

After an hour-long meeting yesterday with the Venda Chief Minister, Chief Patrick Mphephu, the Prime Minister, Mr Vorster, announced yesterday it was agreed in principle that Venda would become independent in the second half of 1979.

Venda, like Transkei, has land demands which it hopes will be realised through negotiation after independence.

Chief Mphephu said yesterday: "We are still busy

negotiating for more land and for the consolidation of the territory into one unit. We feel there is no problem about taking independence first and then later negotiating for more land."

Venda consists of two pieces of territory separated by a strip held by the Shangaan homeland of Gazankulu. There are about 460 000 Vendas, of whom about two-thirds live in Venda.

Venda is situated in the Northern Transvaal. It would have shared a border with Rhodesia but for a Defence Force decision to set up a no-mans' land

buffer.

Mr Vorster described the Venda decision to formally request independence yesterday as "an exceptionally historical day."

Mr Vorster added: "What was significant was that the request was not only for independence for the territory but also included independence for the Venda people wherever they might be working and living at the moment."

It is clear the concept of granting independence to people as well as to a territory is closely linked with the citizenship policy which entails depriving all people from the homelands of South African citizenship and giving them the citizenship of the newly-independent homeland.

The distribution of land between white and black and the citizenship policy have been the two most controversial issues in relations between South Africa and the two already-independent homelands of Transkei and Bophutha-Tswana.

25/3/78 P.D.M. 113

Clash of symbols in homeland poll

Political Staff

SYMBOLS will be used to identify political parties on ballot papers for the first time in a homeland election when Venda goes to the polls in July for its independence poll.

Both the ruling Venda National Party (VNP) and the opposition Venda Independence Party (VIP) have agreed to the use of symbols although the opposition leader, Mr Baldwin Mudau, objected stren-

uously at first.

The VNP, lead by Chief Patrick Mphephu, has chosen clasped hands to symbolise its message of unity. The VIP has opted for a raised hand with the "V for Victory" sign.

In a letter to the Department of Plural Relations Mr Mudau objected to the use of symbols as "retrogressive" and alleged they would be used to "manipulate the democratic process" by the Mphephu Government.

The same letter accused the Venda Government of issuing instructions to chiefs and headmen to order their followers to vote for the VNP or risk dismissal.

Mr Mudau later repeated his allegations in a letter to the Venda Secretary of the Interior, Mr J Geyser, demanding guarantees that the independence election would be "free and fair".

Among Mr Mudau's demands was one that the

Venda emergency regulations, promulgated last October, be suspended for both the election campaign and the election days of July 5 and 6.

The emergency regulations provide for:

⊗ Prohibition of all meetings except those authorised in writing by magistrates.

⊗ Punishment of persons who make statements "likely to have the effect of subverting" the authority of government of-

ficers, including chiefs and headmen.

⊗ Detention without trial of persons who contravene sections of the regulations, including embarrassing the Government "without good cause".

In reply to Mr Mudau's letter, Mr Geyser refused to withdraw the regulations but assured him that, under Venda electoral rules, the "electorate receives full protection and should have no fear from any source."

Mr Mudau was satisfied with this assurance and his party is putting up candidates in all 42 elected seats (another 42 are filled by designated chiefs and headmen).

Mr Mudau said yesterday: "We are going into the election in full faith that it will be free and fair and that we will be able to compete favourably."

The Venda election will be unusual in two aspects: not only will it be the first election in which symbols are used on ballot papers but it will be the first independence election in which both parties are in favour of independence.

The VIP has recently switched its policy from anti-independence to pro-independence.

Venda to go it alone next year

CAPE TOWN — The Prime Minister, Mr. Vorster, announced here yesterday the Venda homeland in the north-eastern Transvaal would be the third homeland to gain independence.

After an hour-long meeting with the Chief Minister on Venda's request for independence, it had been decided in principle that independence would be granted during the second half of next year.

Mr. Vorster was accompanied by the Minister of Plural Relations and Development, Dr. Connie Mulder, and his three deputy ministers, Dr. Andries Treurnicht, Dr. Ferdie Hartzenberg and Dr. Willie Vosloo, the Commissioner-General of Venda, Dr. J. C. Otto, and departmental heads.

Historic

Chief Mphephu was accompanied by his Minister of Health, Mr. T. Netshim-bupfe, Minister of Works, Mr. F. N. Ravele and Minister of Education, Mr. E. R. B. Nesengani.

After the meeting, Mr. Vorster said that Chief Mphephu had formally requested that independence be granted to the homeland during the second half of 1979.

"It is an exceptionally historical day and it was a great honour for me to be able to grant his request on behalf of the Government.

"I do not doubt in the slightest that it was the correct decision on the part of the Venda Government and I do not doubt in the slightest that this decision will give great satisfaction to the Venda people and that it will be a great advantage to them.

Significant

"What was significant was that the request was not only for independence for the territory but also included independence for the Venda people wherever they might be working and living at the moment."

In an interview, Chief Mphephu said there were still outstanding land claims to be settled and negotiations were underway for the transfer of "several thousand hectares."

The present small size of the homeland (618 000 hectares) was not a hinderance.

There was no problem about taking independence first and later negotiating for more land, he said.

About 30 percent of the total population of 600 000 live outside the homeland. — (Sapa.)

PROCLAMATION

by the State President of the Republic of
South Africa

No. R. 170, 1978

CONDUCT OF ELECTIONS OF ELECTED MEMBERS OF THE VENDA LEGISLATIVE ASSEMBLY.—AMENDMENT OF PROCLAMATION R. 13 OF 1973

By virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Thirteenth day of June, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

Substitute the following subsection for subsection (2) of section 24:

"(2) Such polling officer shall thereupon, with due regard to the maintenance of secrecy and in the presence of two witnesses and a person of the voter's own choice who shall accompany him, read to such voter the names of the candidates for the particular electoral division and at the same time inform him of the emblem (if any), referred to in section 22, appearing opposite the name of any such candidate on the ballot paper, and affix a cross in the space provided on the ballot paper opposite the name (or names) of the candidate (or candidates) or emblem selected by word of mouth or indicated, as the case may be, by such voter and shall thereafter fold the ballot paper and put it into the ballot box."

113

PROKLAMASIE

van die Staatspresident van die Republiek van
Suid-Afrika

No. R. 170, 1978

HOU VAN VERKIESINGS VAN DIE VERKOSE LEDE VAN DIE VENDA- WETGEWENDE VERGADERING.—WYSIGING VAN PROKLAMASIE R. 13 VAN 1973

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), wysig ek hierby die Venda-verkiesingsproklamasie, 1973 (Proklamasie R. 13 van 1973), ooreenkomstig bygaande Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Dertiende dag van Junie Eenduisend Negehonderd Agt-en-seventig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

Vervang subartikel (2) van artikel 24 deur die volgende subartikel:

"(2) Sodanige stemopnemer moet daarop met behoorlike inagneming van die handhawing van geheimhouding en in die teenwoordigheid van twee getuies en 'n persoon van die kieser se eie keuse wat hom moet vergesel, aan sodanige kieser die name van die kandidate vir die bepaalde kiesafdeling voorlees en hom terselfdertyd in kennis stel van die embleem (as daar is) in artikel 22 bedoel wat teenoor die naam van enige sodanige kandidaat op die stembrief verskyn, en 'n kruis in die ruimte op die stembrief aanbring teenoor die naam (of name) van die kandidaat (of kandidate) of embleem wat mondeling deur sodanige kieser gekies of aangedui is, na gelang van die geval, en vou daarna die stembrief en plaas dit in die stembus."

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. 1394

30 June 1978

DEFINITION AND SETTING APART OF A TOWNSHIP KNOWN AS THOHoyANDOU, VENDA

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, do hereby, on behalf of the Minister of Plural Relations and Development under the powers vested in him by regulation 4 (1) (a) of Chapter 1 of the Regulations for the Administration and Control of Townships in Bantu Areas, published under Proclamation R. 293 of 1962, define and set apart, under the name of Thohoyandou, the areas of land described in the Schedule hereto as a township for the occupation, residence and other reasonable requirements of Bantu.

W. L. VOSLOO, Deputy Minister of Plural Relations and Development.

(file T60/4/1616/7)

SCHEDULE

The following areas of land, situate on the farm Mpapuli 278 MT, District of Sibasa, Venda, as shown on the under-mentioned plans approved by the Secretary for Plural Relations and Development and filed in his office, copies of which are available in the office of the Township Superintendent:

(a) Unit C, in extent 21,262 9 hectares—General Plan BA286/1977; and

(b) Unit P, in extent 68,512 3 hectares—General Plan BA282/1977.

DEPARTEMENT VAN PLURALE BETREKKINGE EN-ONTWIKKELING

No. 1394

30 Junie 1978

BEPALING EN AFSONDERING VAN 'N DORP BEKEND AS THOHoyANDOU, VENDA

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, bepaal en sonder hierby af, namens die Minister van Plurale Betrekkinge en Ontwikkeling kragtens die bevoegdheid hom verleen by regulasie 4 (1) (a) van Hoofstuk 1 van die Regulasies vir die Administrasie en Bestuur van Dorpe in Bantoegebiede, afgekondig by Proklamasie R. 293 van 1962, onder die naam Thohoyandou, die grondgebiede beskryf in die Bylae hiervan as 'n dorp vir die okkupasie, bewoning en ander redelike behoeftes van Bantoes.

W. L. VOSLOO, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling.

(file T60/4/1616/7)

BYLAE

Die volgende grondgebiede, geleë op die plaas Mpapuli 278 MT, distrik Sibasa, Venda, soos aangedui op ondergenoemde planne wat deur die Sekretaris van Plurale Betrekkinge en Ontwikkeling goedgekeur is en in sy kantoor bewaar word en waarvan afskrifte beskikbaar is in die kantoor van die Dorpsuperintendent:

(a) Eenheid C, groot 21,262 9 hektaar—Algemene Plan BA286/1977; en

(b) Eenheid P, groot 68,512 3 hektaar—Algemene Plan BA282/1977.

Star 5/7/78

Venda candidates in race for seats

113
Political Reporter

A total of 87 candidates are to contest 42 seats in the Venda general elections this week — the last elections expected to be held before the homeland becomes independent next year.

Chief Patrick Mphahlele's ruling Venda National Party and Mr Baldwin Mubhele's Venda Independence Party are contesting all 42 seats in the election. There are also three independent candidates.

Polling in areas outside the homeland takes place today. Polling booths will

be open in the homeland today and tomorrow.

In the past, Venda's 60-seat legislative assembly has had 42 nominated and 18 elected members. The VNP has held all the nominated seats, while the VIP won 13 of the elected seats in the last election. The number of elected members has now been increased to 42. Both parties are in favour of independence.

Venda, South Africa's northernmost homeland, is due to become independent in the second half of next year. Preparations are already under way for the event.

RDM 5/7/78

113

Venda go to the ballot box today

By PATRICK LAURENCE
Deputy Political Editor

VENDA voters go to the polls today in an independence election which differs markedly from similar elections in Transkei and BophuthaTswana.

Where the pro-independence parties in Transkei and BophuthaTswana were opposed by anti-independence parties, the ruling Venda National Party (VNP) faces a different situation.

The opposition Venda Independence Party (VIP) — campaigning under the

slogan "Tshedza" (light to dispel darkness) — has shifted from a position of strong opposition to independence to one of benevolent neutrality. The VIP manifesto declares: "Independence is negotiable."

The second difference is that the voters will be able to identify and select parties of their choice by symbols, an innovation which will simplify matters for the illiterate among the 68 000 registered voters.

All previous homeland elections in which identifiable political parties

have participated, have favoured the ruling party.

To quote three recent examples: the ruling parties in Transkei and BophuthaTswana won more than 90% of the contested seats while the ruling Inkatha movement won a clean sweep in KwaZulu.

Whether the VIP of Mr Baldwin Mudau can reverse the trend will be one of the interesting features of today's election. The VIP won 13 of the 18 popularly-contested seats in 1973.

The number of popularly elected seats has been increased to 42 for the independence election. The same number of seats are filled by designated chiefs and headmen.

The VNP of Chief Patrick Mphahlele — which has ruled through majority support from the designated tribal leaders — has strengthened its position since the 1973 election, although it still has minority support from popularly elected members when the legislative assembly dissolved.

Ruling Venda

party ^{RDM}
faces ^{18/7/78} (113)
defeat

By STEVE ICGAME and
PATRICK LAURENCE
THE opposition Venda In-
dependence Party (VIP)
has taken a commanding
lead in the Venda general
election. It was author-
itatively learnt yesterday.
A VIP victory would be
against the pattern of re-
cent homeland election
results, where the ruling
parties have decisively de-
feated the opposition. In
the two most recent
homeland elections, in
KwaZulu and Ciskei, the
ruling parties had a clean
sweep.

According to informed sour-
ces, the VIP seemed set
to win 31 of the 42 popu-
larly elected seats. The
prediction is based on
polling in Venda.

Results from polling sta-
tions in "white" areas
have still to come in. But
they are likely to favour
the VIP above the ruling
Venda National Party
(VNP) of Chief Patrick
Mphahlele.

The VIP outlook is more
modern than the VNP's
— its slogan Tshedza
means enlightenment —
and it has greater appeal
to Venda living in the
major urban centres.
About a third of the
Venda live in "white"
South Africa.

Should the VIP capture
seats in the electoral
divisions of Sibasa (12),
Vuwani (11) and Mutale
(8), as expected, the final
result will depend on the
allegiance of the 42 de-
signed chiefs and head-
men.

With an expected 31 popu-
larly elected seats to its
credit, the VIP will need
to win the support of only
12 chiefs and headmen
to have a majority.

In the last Venda general
election, the VIP captur-
ed 13 of the then 18
popularly elected seats —
but failed to win over
sufficient chiefs and head-
men to become the gov-
erning party.

A feature of the VIP cam-
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tematic wooing of the
chiefs through its prom-
ised protection of the in-
stitution of chieftainship.

The VIP leader, Mr Bald-
win Mudau, is in Venda
at present and is known
to be canvassing support
from chiefs and headmen.

In the 1973 general election
he was unable to gain ac-
cess to them because they
had been taken on a trip
to the Maveloti game re-
serve by Chief Mphahlele.

Mr Mudau has alleged that
Chief Mphahlele has plans
to take designated chiefs
and headmen to Durban.
He has threatened to
take legal action if they
do not...

(113) 18/7/78 DA

Opposition may win Venda poll

2. Have
If ye

used?

JOHANNESBURG — The opposition Venda Independence Party has taken a commanding lead in the Venda general election, it was learnt yesterday.

an expected 31 popularly elected seats, the VIP needs 12 of the 42 chiefs and headmen to have a majority.

3. What

A VIP victory would be against the pattern of recent homeland elections where the ruling parties have decisively defeated the opposition.

Results from polling stations in white areas still have to come in but they are likely to favour the VIP above the ruling Venda National Party of Chief Patrick Mphephu.

4. What

In the two recent homeland elections in KwaZulu and Ciskei, the ruling parties won a clean sweep.

A feature of the VIP campaign has been its systematic wooing of the chiefs with its promised protection of the institution of chieftainship.

According to informed sources the VIP seemed set to win 31 of the 42 popularly elected seats. With

The VIP used to oppose independence but changed its stance to neutrality for the two-day election a fortnight ago. — DDC.

Do you discuss these problems with workers on this or on other farms?

Have you ever thought of joining together to get something changed?

To occasional and contract workers only

Will you try to come back to this farm?

Why/Why not?

July 22, 1978

Natal, Mercury 22/7/78.
113

Venda Opposition's major victory

SIBASA — The Opposition Venda Independence Party (VIP) has scored a major victory by winning 31 of the 42 elected seats in Venda's pre-independence General Election.

However, the final result will depend on what support the VIP can canvass among the remaining 42 nominated members of the 84-seat Assembly.

When the Legislative Assembly was dissolved earlier this year, the ruling Venda National Party (VNP) of the Chief Minister, Chief Patrick Mphephu, had the support of 41 of the 42 Chiefs and appointed members of the Assembly.

Should the VIP succeed in gaining the support of only 13 of the 42 nominated members, the party could upset Venda's independence scheduled for the middle of next year.

The VIP leader, Mr. Baldwin Mudau, is against independence for the homeland.

Mr. Mudau has been canvassing support among the Chiefs and headmen for some time now and is presently in the homeland.

The Venda Secretary for the Interior and Electoral Officer, Mr. M. J. Geysler, said the average percentage poll was 52 percent. That meant about 55 000 more people voted than in the 1973 election.

The Minister of Works, Mr. F. N. Ravele, was among the 11 successful VNP candidates in the Dzanani constituency, where more than 280 000 votes were cast as against 98 000 by the Opposition VIP candidates.

Mr. Mudau's party polled 70 percent of the total number of votes, while Chief Mphephu's ruling party scored only 30 percent. Three in-

dependent candidates who stood in the Sibasa constituency each lost their R100 deposits.

The Minister of Education and Culture, Mr. E. R. B. Nesengani, was among 11 VNP candidates who lost to VIP members in the Vuwami constituency.

However, he was immediately nominated to the Legislative Assembly by the Vuwami Regional Authority.

If Chief Mphephu managed to retain the support of 41 of the 42 Chiefs, headmen and appointed members he should be able to remain in power.

But this will depend on what happens during the special session in the homeland on August 29 and 30, when the new members are sworn in and a Chief Minister and Speaker are elected. — (Sapa.)

14. Werker se vorige werk

Plek (plaas, dorp, Tydperk Soort werk Weeklikse loon
distrik)

1.

2.

3.

4.

5.

Rede waarom werker elke werk verlaat het:

1.

2

3.

4.

5.

Venda poll winners may not rule

2/17/78
H3

Although the opposition Venda Independence Party (VIP) won the homeland elections last week it is still not certain whether they will take over the Government.

The VIP still needs the support of at least 12 chiefs or headmen to run the homeland and VIP leader, Mr Baldwin Mudau, has expressed concern that this support could be blocked by homeland leader Chief Patrick Mphephu.

Such support would bring the party's strength in the Legislative Assembly to 43 seats and leave the ruling Venda National Party with 41 seats.

But the VIP will be hard put to find this support because the Venda National Party, headed by Chief Mphephu, has a free hand in the selection of the 15 people to be nominated to the Legislative Assembly.

In addition to the 15 nominated members, there are 27 chiefs and headmen who are members of the Legislative Assembly purely by virtue of their standing as chiefs and headmen.

In the recent election the VIP won 31 of the 42 elected seats and the VNP only 11.

In 1973, when the party won two-thirds of the then 18 elected seats it was robbed of outright victory by the chiefs and nominated members who sided with Chief Mphephu.

Radio Venda signalled the sorry position in which the VIP finds itself when it announced, soon after the election results were published, that the results did not mean the VIP would take over the Government.

Everything, said the radio, depended on what the chiefs, headmen and nominated members would do.

The Venda Legislative Assembly is made up of 42 elected members and 42 chiefs and headmen, including the nominated members.

But it means the election has assured Venda of a strong opposition.

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Carving up SA

ADM 25/7/78

113

VENDA is a fine example of the implementation of Nationalist policy.

In 1973, Chief Minister Patrick Mphahlele, who was being groomed by the Government to take independence, needed the support of Venda chiefs to stay in power. About 40 chiefs were taken — all expenses paid — to Manyeleti game reserve where they were allegedly urged to support him. Isolated for four days, they returned to the Legislative Assembly five minutes before voting took place.

Chief Mphahlele was duly re-elected Chief Minister.

But he was soon forced to call on the Government to close the Legislative Assembly because more and more chiefs were defecting to Mr Baldwin Mubhele's opposition party. Protecting himself further, he in-

voked Government-approved powers to appoint and dismiss chiefs.

It appears, however, that the Government was not prepared to take too many chances. Officials from Pretoria started visiting Mr Mubhele to woo him. He was apparently non-committal about independence, but his election propaganda favoured it.

After winning 31 of the 42 elected seats in last week's election, Mr Mubhele now needs the support of 12 of the 42 nominated chiefs to unseat Chief Mphahlele.

If Pretoria believes Mr Mubhele will take independence, it will undoubtedly use its influence to secure the support of the chiefs for him. Alternatively, it will back Chief Mphahlele — despite his overwhelming defeat.

That's how South Africa is being carved up.

Monday,
July 31, 1978

DD

(113)

Venda court case

JOHANNESBURG — The leader of the opposition Venda Independence People's Party, Mr Baldwin Mudau, says his party is to institute court proceedings against the ruling Venda National Party for alleged "corruption" during the recent elections in the homeland.

The VIPP won 31 of the 42 seats in the election.

In an interview yesterday, Mr Mudau said he had proof there was "corrup-

tion," particularly at Dzanani, a stronghold of the Chief Minister, Chief Patrick Mphephu.

Referring to whether his party would be able to form the next government of the homeland, he said that would depend on the outcome of the proceedings he had instituted.

According to the Venda constitution, a ruling party has to have the support of at least four chiefs. — SAPA.

RDM
22/8/78
113

22 held in Venda swoop on opposition

Political Staff

AT LEAST 22 prominent Venda citizens, including nine opposition members of the Venda Legislative Assembly, were detained at the weekend, it was learnt yesterday.

Rand Daily Mail informants in Sibasa, capital of Venda, included members of the legislative assembly. The leader of the opposition Venda Independence Party (VIP), Mr Baldwin Mudau, received similar information from party sympathisers.

Mr Mudau yesterday strongly condemned the detentions, warning that the VIP would boycott the opening of the legislative assembly next month unless the detainees were released immediately.

Mr Mudau's VIP last month won a majority of the popularly elected seats — 31 of the 42 — in the second Venda general election.

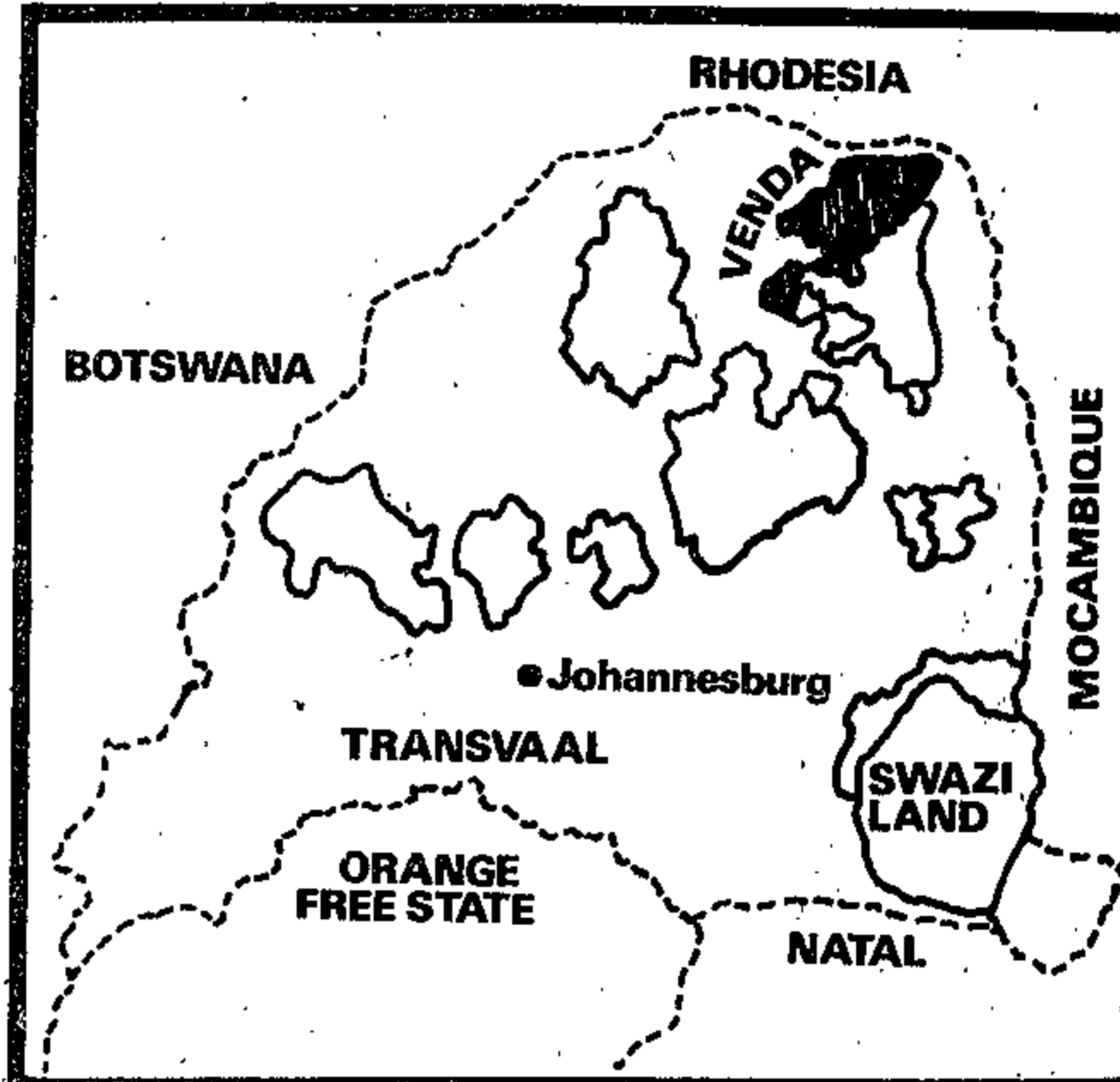
The Venda Chief Minister, Chief Patrick Mphephu, has opened independence negotiations with the Prime Minister, Mr Vorster.

Though he had the backing of most of the 42 designated chiefs and headmen in the legislative assembly when it dissolved, he cannot be certain of re-election as chief minister when the assembly reconvenes on September 12.

Attempts yesterday to trace Chief Mphephu and his Minister of Justice, Chief J Rambuda, for comment failed.

Their secretaries refused to comment.

The Minister of Plural



Relations, Dr Connie Mulder, said last night: "I can't comment at all. I know nothing about the background or reasons for these arrests. But I will investigate when I get back to my office."

Dr Mulder was in Durban en route to the Ciskei, where he will open the Ciskei Legislative Assembly.

The Commissioner General to Venda, Dr J C Otto, declined to comment on the detentions. He said they were a matter for the Venda Government to deal with.

An official conceded unofficially, however, that about 20 people had been detained.

Last October, on the day of the crackdown against black consciousness organ-

isations, emergency powers were extended to the Venda authorities. They included the power to detain people for 90 days.

The nine detained legislative assembly members are: Mr G M Ligege, Mr O A Makhuvha, Mr J A Budeli, Mr D Nevhulandzi, Mr S M Mahwasane, Mr H T Ndwamato, Mr M C Nelwamondo, Mr P R Ngwana and Mr E M Ramabulana.

Also detained were two magistrates — Mr C Booi and Mr H Nemavhola — and an assistant magistrate Mr E Lukoto.

The other detainees are Mr E Nevhulandzi, Mr W Maphiswane, Mr B Nevhondo, Mr M Sigwavhulimi, Mr P Mariba, Mr G Nevondo, Mr F Nemutandane, Mr J Ramawa, Mr H Ndwammbi.

22 detained in Venda

Mercury Correspondent

113

JOHANNESBURG — At least 22 prominent Venda citizens, including nine opposition members of the Venda Legislative Assembly, were detained at the weekend, it was learnt yesterday.

Informants in Sibasa, capital of Venda, said detainees included members of the Legislative Assembly. The leader of the opposition Venda Independence Party (VIP), Mr. Baldwin Mudau, received similar information from party sympathisers.

Mr. Mudau yesterday strongly condemned the detentions, warning that the VIP would boycott the opening of the Legislative Assembly next month unless the detainees were released immediately.

Mr. Mudau's VIP last month won a majority of the popularly elected seats, 31 of the 42, in the second Venda general election.

The Venda Chief Minister, Chief Patrick Mphephu, has opened independence negotiations with the Prime Minister, Mr. Vorster.

Though he had the backing of most of the 42 designated chiefs and headmen in the legislative assembly when it dissolved, he cannot be certain of re-election as chief minister when the Assembly reconvenes on September 12. He is expected to make a statement on the arrest today.

Persistent attempts yesterday to trace Chief Mphephu and his Minister of Justice, Chief J. Rambuda, for comment, failed yesterday.

37 may face charges in Venda

37/8/78
113

Thirty-seven people—many of them active in the opposition Venda Independence People's Party—who were detained by police in Venda at the weekend may face criminal charges, according to the Venda Chief Minister, Chief Patrick Mphephu.

Following a Cabinet meeting in Sibasa yesterday, Chief Mphephu released a statement in which he said the decision to detain the 37 people was the result of information received which "convinced the government that the maintenance of law and order was in jeopardy."

"Investigations into the activities of the detainees will be undertaken in due course by the police so that the law may take its course. It is expected that criminal action will follow," the statement continued.

Mr Baldwin Mudau, leader of the VIP which captured 31 of the 42 elected seats in the recent general elections, threatened to withdraw from homeland politics unless the detainees—among who are at least nine VIP men—are set free.

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THE PERCENTAGE SHARE OF INDUSTRIES IN GDP

5 years with
Central year

Agriculture,
forestry and
fishing

Mining and
Quarrying

Secondary
Industry

Services

44,9
46,4
47,3
46,8
48,5
50,3
54,1
52,3
50,2
49,9
48,2

RAM 23/8/78 (113)

Venda detainees now number 37

By STEVE KGAME
Political Staff

ANOTHER 16 people have been detained in Venda, bringing to 37 the number of people jailed under emergency powers since the weekend.

At least 10 opposition MPs are among the detainees.

Venda's pro-independence Chief Minister, Chief Patrick Mphephu, said yesterday the arrests had been made because his government was convinced that the maintenance of law and order was in jeopardy.

Criminal proceedings against the detainees would follow investigations by South African police operating in the territory, he said.

Mr Baldwin Mudau, leader of the opposition Venda Independence Party, claimed that Chief Mphephu was attempting to intimidate chiefs and MPs because he feared losing next month's election for the position of chief minister.

Mr Mudau, a Johannesburg-based sociologist, is beyond reach of the emer-

gency powers which apply only to people living in Venda.

His party holds 31 of the 42 popularly elected seats in the Venda Legislative Assembly. At least one third of its elected MPs are now in jail.

Chief Mphephu's statement did not give any breakdown of the 37 detainees, but the Rand Daily Mail established that an opposition member of the Assembly, Mr J T Kgabo (Vuwani constituency) was being held.

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The reasons for this were that the rise in agricultural production was not sufficient to keep up with the growth of population and the expansion of railways enabled foreign producers to compete effectively for the new markets. (35) Further problems in agriculture were the scourges of pestilence and droughts, abrupt fluctuations in market price and the shortages of labour experienced by white farmers. As mentioned already, the state played an important role in obtaining a labour supply for white farmers, and it also assumed an increasing role in agriculture in directly assisting farmers through price supports, a marketing policy which raised agricultural prices well above the competitive level and subsidised credit. Shortly before the Second World War agricultural production slowed down again, but intervention by the State again reversed the situation. (36) Over the whole post-war period, the physical volume of food production has generally grown at faster rates than food consumption - Table 3. However, the physical volume of livestock products has not kept pace.

Whether the situation would have been any different had the State not provided large scale support for white farmers and if the farming potential of black peasants had not been curbed by "overt political measures taken to coerce blacks into working for whites, rather than producing on their own account and by the discriminatory allocation of economic resources which has rigged the market against blacks" (37) is inconclusive. Currently 95% of agricultural output originates on white farms, although blacks have 23% of the more fertile land.

Since 1920, only a small percentage of the total food supply has been imported (see Table 4): of these imports, those of meat, animal fats and oils have been in the majority.

In Table 5, the relative prices of food at farm and retail level are shown. If production had not kept up with demand, food prices would have risen. It appears that there has been no sustained movement in relative prices up and down (columns IV and V). Up to the 1930's, relative prices decreased, but increased thereafter with a moderate decline in the late 1950's and early 1960's.

Since 1960, prices have increased faster at the retail level than at the farm level. Brand explains this as reflecting a widening margin between producer and consumer prices rather than a shortage. (38) Furthermore, since 1970 all prices have increased rapidly with the increase in food prices (column II) exceeding the increase in the CPI (column I).

Although the data should be treated with some caution, since they may conceal important relative movements between products, it appears that the supply of food has been adequate. Whether the distribution has been adequate will not be considered here.

(35) Wilson, p. 115
(37) Dighton (1977), p. 75
(36) see Wilson, p. 143 ff
(38) Brand (1969), p. 65

in literature, and in learning that rivaled, and perhaps surpassed, the classical ages of Greece and Rome they worshiped. Giovanni Boccaccio hailed the revival of poetry and Coluccio Salutati the restoration of literature; Filippo Villani, like the other two a well-known Florentine Humanist, congratulated the painters of his native city on rescuing their art from extinction.² It became a commonplace of educated opinion that the world was awakening to a new age of light after nearly a thousand years of barbarous darkness. What Wordsworth said about the French Revolution, the Humanists said about their very different revolution in Italy three and four centuries before him: "Bliss was it in that dawn to be alive, but to be young was very heaven."

The Humanists' pronouncements, with their single-minded exuberance, capture a great moment in the history of Europe. Since the end of the Roman Empire in the West there had been several revivals of the classics, notably at the court of Charlemagne early in the ninth century and in urban centers in the twelfth century. Beginning around 1100, literature, the arts, and philosophy had prospered impressively. But these so-called "renaissances" did not step beyond the circle of traditional culture and styles of thought. The Renaissance that had its inception around the 1330s in Italy was different in kind: it evolved a way of looking at the world and at man in which we may recognize our own.

While it was important and instructive, the confidence of the Humanists tells only part of the story. And the conventional picture of the Renaissance—glittering courts, prosperous cities, sensual paintings, expansiveness everywhere—wholly fails to capture the complexity of the age. The peasants and the urban poor, the bulk of Italy's population, lived on in misery; their unvarying routine was broken only by war and famine, and their superstitions survived as though nothing had happened among the educated. Even the educated sometimes saw the novelty around them with deep uneasiness. While the Humanists joyfully rediscovered ancient manuscripts, enjoyed the world of nature and man's inner life, gave voice to such secular passions as the desire for fame and glory, and experimented with a new individualism, there were many who feared all this innovation as a threat to traditional ways of thinking, standards of value, and ideals of conduct. The Renaissance was an age of heroism and crimes, of extravagant hopes and equally extravagant despair; the new individualism proved a source of pleasure and of anxiety. "True tragedy," Burckhardt noted, "which then found no place on the stage, stepped mightily through palaces, streets, and public squares." As Burckhardt also noted, it was in this mixture of freedom and fear, as much as in anything else, that the Renaissance was the mother of our modern age.

² Federico Chabod, *Machiavelli and the Renaissance* (1958), 152-153.

Call on Mulder to act on Venda detentions

Political Staff

THE leader of the opposition Venda Independence Party (VIP), Mr Baldwin Mudau, yesterday called on the Minister of Plural Relations, Dr Connie Mulder, to state where he stood on the detentions in the Venda homeland.

The Venda Government detained 37 prominent citizens, including 10 opposition members of the Venda Legislative Assembly, at the weekend.

Mr Mudau said: "I am surprised at Dr Mulder's silence. He promised a new deal when he took up his appointment as Minister of Plural Relations."

If Dr Mulder remained silent it would appear as though he were condoning an attempt by the Venda Government to thwart the will of the peo-

ple, Mr Mudau said.

Mr Mudau's VIP captured 31 of the 42 popularly elected seats in the Venda general election last month. Until the detentions, the party appeared to have a good chance of ousting the ruling Venda National Party (VNP) when the Legislative Assembly meets on September 12.

Before agreeing to participate in last month's general election, Mr Mudau sought assurances from a senior official in the Department of Plural Relations that the election would be free and fair.

Mr Mudau was referred to the Venda electoral officer, Mr M J Geysler, who told Mr Mudau in writing: "The electorate received full protection and should have no fear from any source to vote, campaign

or stand for election."

Mr Mulder was approached for comment on Monday night while on route for the congress of the Cape National Party and the opening session of the Ciskei Legislative Assembly.

He said, at the time: "I can't comment at all. I know nothing about the background or reasons for these arrests. But I will investigate them when I get back to my office."

Dr Mulder is not scheduled to return to his office until next week.

The Venda Government was given powers to detain people for up to 90 days last October.

Attempts yesterday by the Rand Daily Mail to obtain the names of all 37 detainees were unsuccessful.

In striking began in decades depression declined, sance was some me and luck Augsburg Laborers, But in ge markets, following consequence nor med. nature d small me old scou onlooker The catastroph plague in of that y disease h England a mouse:

hopes only to wash them as it resumed its lethal work. While the Black Death was at its worst in the fourteenth century, it broke out several times in the fifteenth century as well, and remained an ever-present menace right into the eighteenth century. Its mortal effects were, and remain, incalculable. In

³ The two most prominent forms of the plague were bubonic—named for the buboes, or swellings, produced when it attacked the lymph glands—and pneumonic, which attacked the lungs. Both were highly contagious, the latter more than the former, and both were almost invariably deadly.

Five more held in Venda swoop

29/8/78

(113)

Mercury Correspondent

JOHANNESBURG — Another five Venda citizens, including an Opposition member of the Venda Legislative Assembly, were detained at the weekend, according to informed sources.

The weekend detentions bring the number of people detained in the past 10 days to 42 and the number of Opposition members of the Legislative Assembly to 11 — or more than a quarter of the number of popularly elected members.

The Opposition member detained at the weekend was Mr. S. N. Sinyegwe, one of

the successful Venda Independence Party candidates in last month's general election.

The Venda Secretary for Justice confirmed yesterday that there had been further detentions, but declined to give any details. The Minister of Plural Relations, Dr. Connie Mulder, refused to comment.

113 10/18
29/8/78

Five more held in Venda: Mulder still mum

By PATRICK LAURENCE
and STEVE KGAME

ANOTHER five Venda citizens — including an opposition member of the Venda Legislative Assembly — were detained at the weekend, according to Rand Daily Mail sources.

The detentions bring the total number of people detained in the past 10 days to 42 and the number of opposition members of the Venda Legislative Assembly to 11 — or more than a quarter of the total number of popularly elected members of the assembly.

The opposition assembly member detained at the weekend was Mr S N Sinyegwe, one of the successful Venda Independence Party (VIP) candidates in the Mutale constituency in last month's general election.

The Venda Secretary for Justice, Mr J P van der Merwe, confirmed yesterday that there had been further detentions but declined to give details.

The Minister of Plural Relations, Dr Connie Mulder, yesterday refused to comment on the Venda detentions. As a result he was slammed by a Progressive Federal Party spokesman, Mrs Helen Suzman, for evading his responsibility as the Minister in charge of black affairs.

Dr Mulder declined last week to comment on detentions as he was on the way to the Ciskei and was unaware of them. However, he undertook to investigate the situation when he returned to his office.

He again refused to comment yesterday and gave no reason for his decision.

Mrs Suzman yesterday described Dr Mulder's refusal as a "scandalous opting out" as Venda was still part of South Africa and included among the responsibilities of his portfolio.

Mrs Suzman said: "The Minister cannot escape his responsibility. Venda is still part of South Africa. What little credibility separate development might still have will be destroyed as the will of the people is thwarted for the second time."

In the 1973 election the opposition VIP of Mr Baldwin Mudau captured more than two-thirds of the elected seats but was kept out

of office by an alliance among the Chief Minister, Chief Patrick Mphephu, and designated chiefs and headmen.

In last month's election Mr Mudau's party captured three-quarters of popularly elected seats, 31 out of 42, only to see 11 winners jailed without trial.

Attempts by the "Mail" to obtain an official list of the names of those detained have been blocked at every turn.

Apart from a general statement justifying the detentions as necessary for the maintenance of law and order, the Venda Government has refused to comment.

The detentions were carried out by the South African Police on the orders of the Venda Minister of Justice, according to a Venda Government spokesman.

5 more held in Venda

JOHANNESBURG — Another five Venda citizens, including an opposition member of the Venda Legislative Assembly, were detained at the weekend.

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"What little credibility separate development might still have will be destroyed as the will of the people is thwarted for the second time," she said.
— DDC.

Death before birth in Vendaland

THE CONTINUING detentions in the Venda homeland are a blot on that territory and on South Africa.

By the latest count, 47 people are being held, including 11 opposition members of the Legislative Assembly. Many of the victims are senior officials of the Venda Independence Party, which won 31 of the 42 seats in the election last month, and some of them have been closely concerned with a probe into alleged irregularities in the election.

The VIP is by far the leading political party in the homeland but since 1973, when it won two-thirds of the elected seats, it has been kept out of office by an alliance between the Chief Minister, Chief Patrick Mphahlele, and the designated chiefs and headmen.

Only after a firm assurance from the authorities that last month's elections would be free and fair did the VIP leader, Mr Baldwin Mudau, agree to take part. Now his party, which represents the majority of the Venda people, is being decimated by detentions without trial under pow-

ers granted by the Government last October.

The Minister of Plural Relations, Dr Connie Mulder, has refused to comment, but there is no way he can escape responsibility for these deplorable events. Venda is still part of South Africa, and Dr Mulder is the Minister with authority over it.

How can there be thoughts of a stable, independent Venda when it is being governed by a minority group apparently bent on retaining power by locking up its opponents in the name of law and order? And what of South Africa's security in such a situation, in which the Government must inevitably be seen as condoning the actions of its proteges?

Venda's position on the Rhodesian border will make it a natural haven for terrorist infiltrators in time to come. Will the local people be inclined to oppose them when a so-called democracy produces such injustice?

These are very real dangers, and any Government alive to them would act to put matters right.

VENDA FM 1st Sept 1978
A sordid story

(15)

Independence for bantustans at all costs, even though it means the imprisonment of the public representatives of a political party that has just won a sweeping election victory — this is the grim message spelled out by the continuing detentions in Venda.

At least 47 people — including 11 members of the legislative assembly representing the majority party, the VIP (Vendaland Independence Party) — have been arrested during the last 10 days in that troubled bantustan.

This tiny homeland, on the north-eastern borders of the Transvaal has a *de jure* population of less than 500 000 of whom about 70% actually live within its borders.

A month ago the VIP of Baldwin Mudau convincingly beat the pro-apartheid and pro-independence VNP (Vendaland National Party) of Chief Minister Patrick Mphahlele, when it won 31 of the 42 elected seats. There were indications that it would gain sufficient support (it needed only 12) among the 42 headmen and nominated members who also sit in the legislative assembly to run the country.

The election result was a shattering blow to the SA government. It had already started negotiations on independence with Mphahlele, and confidently predicted that this would be granted by not later than 1980.

Mudau has ostensibly not committed his party on the independence issue, but



Connie Mulder . . . silent about the silenced

merely stated that it was something to be negotiated. Before the election Mudau received visits from BOSS representatives who wanted him to clarify his position on independence, clearly reflecting the SA government's alarm about the possibility of Mphahlele losing the election.

Strangely, the responsible SA Minister, Dr Connie Mulder (Plural Relations), will not talk to the press on the matter. Mudau tells the *FM* that if his party members are not released before September 12, when the Chief Minister has to be elected, then the VIP will withdraw completely from homeland politics.

Says Mudau: "The events have proved to be a farce and most undemocratic. It means that political decisions are taken in Pretoria and not in Venda. The arrests are designed to intimidate those chiefs who had already promised to vote for the VIP. Our members arrested were those involved in canvassing the chiefs."

Some of the others arrested were black

magistrates who took affidavits from voters about alleged election malpractices being investigated by the VIP.

In the statement explaining the detentions, Chief Minister Mphahlele said that the homeland government was convinced that "the maintenance of law and order was in jeopardy. Criminal actions would follow the arrests."

In this sordid story the SA government comes out worst. Firstly for creating a system whereby the clear wishes of the majority of the people can be so easily thwarted, and secondly for not ordering the immediate release of the detainees. After all, Venda is still SA territory.

FM 1/9/78

Trouble in Venda (113)

Four more people were detained in the Venda bantustan, bringing the total number of opposition supporters detained to 47. The detentions are likely to cripple the credibility of Venda's expected decision to become the third bantustan to accept independence.

SEPARATE development promised to create a necklace of orderly Black states around South Africa, wedded to democracy, rooted in Western values, loyal to their White creators.

Then came Transkei — which practises the jailing of political opponents and has broken off relations with South Africa.

Then came BophuthaTs-wana — whose opposition lost interest in the pre-independence elections because with 50% of the legislature Government nominees a "safe" result was assured before one vote was cast.

And now there is Venda, whose ruling party is contemplating independence while South Africa helps it to hamstring the opposition party which would be in power if democracy prevailed.

Not even in African banana republics has there been a more curious voting history than has been seen in Venda — an unviable, strategically important little Bantustan on the Rhodesian border.

This week the homeland was the subject of a starry-eyed "analysis" on the TV propaganda programme News Review.

Viewers may well be forgiven for wondering whether this idyllic territory could possibly be the same one as gave birth to the following quaint version of a free election: 31 out of 42 seats were won by the opposition Venda Independence Party. This would have led them into power, but 47 members of the VIP, many of them members of the Legislative Assembly, were jailed.

This manipulation of power is not new. The history of the attempt to keep Chief Mphephu on top makes sorry reading.

In the last elections five years ago the opposition

A very strange road to

VENDA'S LEADER OF OPPOSITION CAN'T EVEN GO HOME — FOR FEAR OF BEING ARRESTED

By JOHN MATISONN, Political Correspondent

VIP won 13 out of 18 elected seats. With a number of VIP-supporting chiefs, Chief Mphephu's ousting seemed assured.

Four days before the election of the chief minister all the chiefs were invited on a trip to the Manyeleti game reserve. There were claims that gifts were promised.

A newspaper reported that 38 morning suits costing R70 each were bought

by the Venda Government for the parliamentarians supporting Chief Mphephu. The branch of the outfitters, Glass and Leo, and their Pietersburg head office confirmed that the suits had been ordered.

All those who went on the tour arrived by bus at the Legislative Assembly five minutes before the opening. Chief Mphephu was elected by a 42-18 majority.

Then, on November 25, it

was reported that an Information official was investigating bribery and corruption rumours concerning the election. The official claimed he had been unable to find any evidence which supported the allegations — and in particular an allegation that the Venda Government had promised suits to any member of the legislature who would vote for Chief Mphephu.

Chief Mphephu first denied that suits had been ordered or promised to members of the Assembly. Later he said several "parliamentary" suits had been ordered for members of his party.

The Leader of the Opposition at the time, Mr Mutisila, sent telegrams about the allegations, which some members were prepared to back up with affidavits, to Radio Bantu for broadcast.

They were not broadcast, but he was charged with criminal libel by Chief Mphephu. The Attorney General withdrew the charges.

Dr Eschel Rhodie, then Secretary for Information, denied that any of his officials had investigated the allegations, but Dr Rhodie retracted his denial to the newspaper according to a report, after learning that a conversation between the reporter and one of his officials had been witnessed.

Other informants of the

newspaper denied they had said what they were quoted as saying, though the reporter had signed and witnessed statements from them.

The two witnessed confirmations by the outfitters stating that an order for suits had been received were then denied.

Now it is election time again, five years on. And it is against the background of five years past that the arrest of the opposition must be seen.

Once again there has been a clear and unequivocal victory for the opposition party. But power is still outside their grasp since more than a third of the elected opposition delegates are in jail and — unless something unexpected happens — they will not be able to take part in the election of the Chief Minister about a week from now.

This action shows a determination to go through with Venda independence at all costs and despite the obvious resistance of the majority of voters to the

If you were a Venda, who would you choose?

WHO would you support if YOU were a Venda voter — Chief Patrick Mphephu, the present Chief Minister, or Mr Baldwin Mudau, Leader of the Opposition?

Chief Mphephu is being lauded in the Government-supporting Press for his decision to embrace independence for his far-flung Northern Transvaal homeland.

He has a Standard 5 education and reads Venda haltingly. In English or Afrikaans he requires an interpreter for any conversation going beyond introductory remarks.

Some of his electoral candidates are illiterate and have to give thumbprints when they stand for elections.

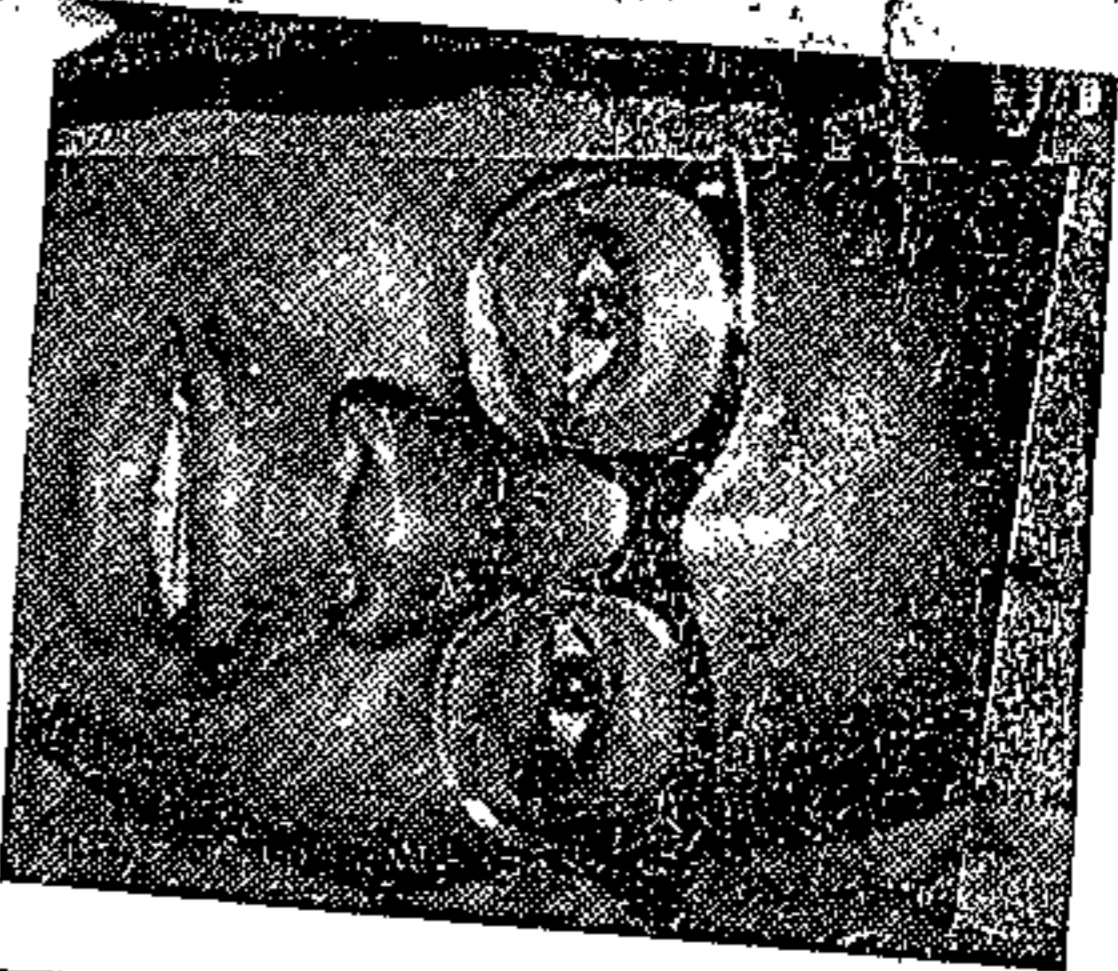
Mr Mudau is a Johannesburg-based

sociologist with a BA in anthropology and sociology from the University of South Africa. He also has a three-year diploma in social science.

He does not have a history of refusing to work through Government-created systems. He was a superintendent at the University of the North (Turffloop) and sat on the school committee in Dube.

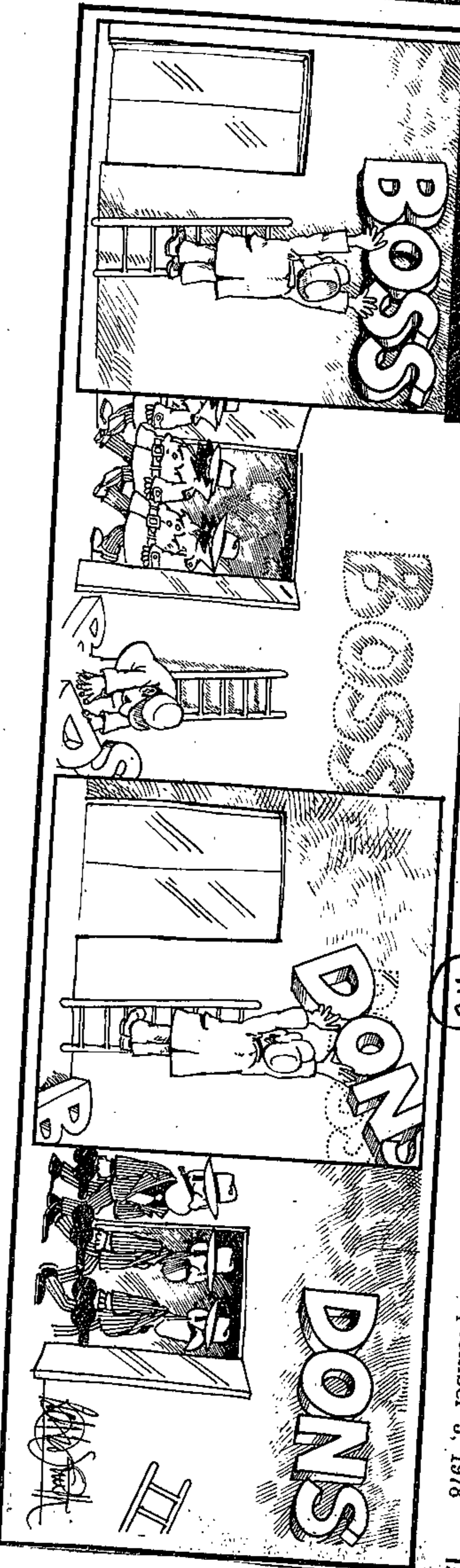
His English is fluent. And he speaks Venda, Sotho, Northern Sotho, and Zulu. The average education of the candidates of his Venda Independence Party is matriculation.

Some have degrees, some have less schooling. None of his candidates is illiterate.



● Chief Mphahlele
... in power.

Richard Smith



rhuru



● Mr. Mudau... homeland is not economically viable.

leadership which is leading them to it. Vanda is by no means typical of what is happening in some homelands, but is getting a worse deal than others. Vanda is a more vital strategic area than most of the homelands, and it does between

Rhodesia, Mozambique, and South Africa. What makes developments there particularly worrying is that the more credible, better educated, more widely supported, more up-to-date and modern leader and political party are being kept out by the

guileless, if effective, method of arrests.

The Leader of the Opposition has become disillusioned with homeland politics. What's the point, he argues. He cannot even go to Vanda for fear of being arrested too.

When the first two homelands became independent South African Government representatives boasted that the homelands plan had brought democracy, freedom, peace, and "self-rule" to Transkei and Bophuthatswana.

In his opening speech at the Transkei independence celebrations the late State President, Dr Nico Diederichs, said that "never has a new state been born with such goodwill and common purpose."

He had a special word of praise for the "wise leadership" of Chief Kaiser Matanzima, who has since severed diplomatic ties with South Africa.

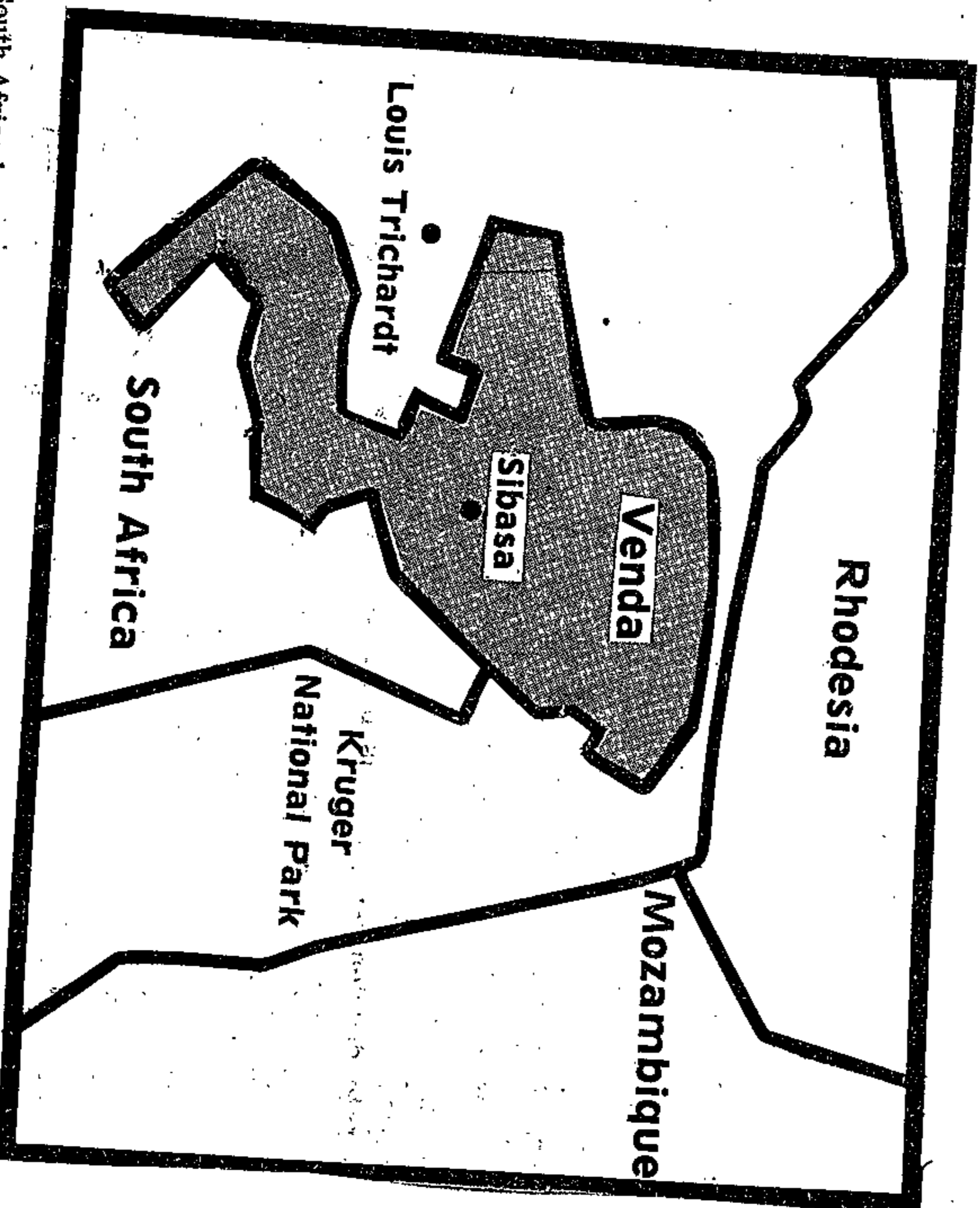
In Mbabatho, addressing Bophuthatswana's leaders, South Africa's head of state continued in the same terms.

"You are getting your republic without violence. You are getting your republic after the Parliament of

South Africa has voluntarily and with its very best wishes withdrawn its authority over you."

There is no doubting that Chief Mphahlele can give the South African Government the independent homeland it so desperately wants, but at the same time there can be no question that this will increase instability in the area, not create a climate of peace and goodwill.

It seems that the Government wants to give and not give independence."



says Mr Mudau, "They say they are giving it, but they don't mean it. There is no economic viability, the state can't defend itself, interference in our political life continues from Pretoria."

"The Government tells us the sky is the limit in the homelands but still interferes and there is no democracy. The chiefs are used. They are afraid to lose their wages. And the Government still wants to use them to dictate to the people. They are vassals of the Government. How can they arrest my members who have been elected?"

It's a clear choice — independence and instability or a respected opponent in power.

By Harry Mashabela

Venda, the tiny homeland east of Louis Trichardt in the northern Transvaal, today stands out as a territory gripped by fear.

Inhabitants look suspiciously at strangers arriving at Hotel Thohoyandou — the modern establishment at Sibasa put up by the Venda Development Corporation of the Louis Trichardt Punta Milia national road.

They think newcomers are members of the Security Police.

It is a fear engendered by continuing detentions without trial of political opponents of Chief Pat-

rick Mphephu's Venda National Party — the party defeated at the polls during the recent pre-independence general elections.

The detentions started during the third weekend of last month when police swopped on the opposition Venda Independence People's Party (VIP), winners of the elections, and jailed 22 men including nine members of the Venda Legislative Assembly and six public servants. Two magistrates, a school

inspector and three school principals were the public servants.

Many people, some of them leading businessmen, have since been detained.

Mr Baldwin Mudau, the VIP leader — he lives in Johannesburg — has placed the number of people detained without trial at about 50 since the middle of last month.

Events in Venda at a time when the territory is supposed to be planning for the official opening on

September 12 of the Legislative Assembly and the election of a Chief Minister as well as a new government, indicate the dice are loaded against the real aspirations of the people.

VIP won 31 of the 42 elected seats at stake in the general election and was short of only 12 men to take over the government.

Its task was to gain sufficient support from 42 chiefs and headmen nominated to the assembly.

But now the detentions have complicated the party's problems.

Chief Mphephu, the present Chief Minister, whose Venda National Party lost the elections, is now certain of overwhelming support from the nominated chiefs and headmen in the 84-member Legislative Assembly.

For chiefs and headmen who may have entertained ideas of supporting the VIP have been frightened off.

Star 6/9/78 (113)
Homeland gripped by fear

3. What sort of work (if any) would you rather do - either on a farm or somewhere else?

4. What jobs would you like your children to do?

Why?

5. If worker has not been to school: Why didn't you go to school?

If worker began but did not complete schooling: Why didn't you finish your schooling?

Problems

1.. What would you most like to see changed in your working conditions? (wage, payment in kind, hours, holidays)

In your living conditions? (housing, recreational facilities)

SA Minister named in Venda vote petition

THE Venda Legislative Assembly is going ahead with electing a Chief Minister in Sibasa this week — despite the opposition Venda Independence Party filing a petition with the Supreme Court asking that elections in one electoral district of Venda be set aside.

The Registrar of the Supreme Court said the petition was filed on August 30. It was brought by Mr Baldwin Mudau (leader of the VIP) and 11 unsuccessful VIP candidates in July's general election.

Respondents are the Minister of Plural Relations, Dr Connie Mulder, Chief Minister Patrick Mphahlele, and the 11 successful candidates in the Dzanani division.

At least 50 opposition supporters, including 11 newly-elected legislative assembly members, have been arrested in Venda.

Mr Mudau said the action was aimed at preventing support being organised among chiefs and headmen.

The VIP needs support from only 12 chiefs and nominated members (of the 42 who sit in the assembly) to overthrow Chief Mphahlele's Government. It holds 31 of 42 elected seats.

Mr Mudau said "It is important to the South African Government that Chief Mphahlele stay since he has agreed to independence."

He also said that three months before the April general election he wrote to the deputy secretary in charge of political development in the Department of Plural Relations.

His letter said there had been "gross interference by the South African Government in the democratic process in Venda."

"This unwarranted interference seriously threatens peace here and jeopardises claims that government there is democratic."

"My plea is that this covert hand be removed."

Mr Mudau told me that when Dr Connie Mulder took over the Department of Plural Relations early this year, he wrote to him following his statement that his door was open to all

"I asked for an appointment and enclosed a memorandum outlining the basis of discussion. My letter has not been acknowledged."

In the memo, which he gave to the Sunday Express, he said:

"It is my belief that the VIP should be able to retain the support of the majority of the Venda people. This mass support must immediately give credence to the belief that, if the desires of the Venda people are properly recognised, the VIP shall be able to curb the present unrest."

"It is this political dimension which gives the VIP a strategic role. A vast number of Vendas live across the Limpopo River and stability in the homeland would mean they would be less prone to infiltrate."

"Given the prospects of a new political structure in Zimbabwe and possible attempts to launch a terrorist campaign against the Republic, such stability appears strategically important to South Africa."

Mr Mudau said the VIP was not fundamentally opposed to a negotiated independence for the homeland.

As leader of Venda negotiating independence, he would ask that foreign affairs, defence and financial development remain in the hands of South Africa, and that Vendas remain South African citizens.

STUDENTS - 1978 PROJECTS

PROJECTS SUBMITTED

e Area.

Contract Labour System : Policies that restrict / with special reference to the Cape Peninsula. ment of Gamkaskloof.

A Case Study of S.A. Fine Worsteds. ular Case Study of Gobabeb in the Namib Desert. mic Housing Area - Sun Valley. t Struisbaai and Agulhas.

he Cape Town Metropolitan Area.

Consumer Behaviour.

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Housing Schemes on the Cape Flats.

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n Children in the Cape Peninsula.

Developmental Prospects.

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Potential.

Landscape 1900 - 1977.

Boycott plan may stop Venda election

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Political Staff

THE opposition Venda Independence Party (VIP) resolved at a special weekend meeting in Soweto to boycott the Venda Legislative Assembly session which opens in the Venda capital, Sibasa, tomorrow.

The decision, taken in protest at the detention of 12 VIP members of the Legislative Assembly by the Venda authorities in the past month, will mean the 19 VIP members who were not detained will also be absent from the session.

The absence of all 31 VIP members may prevent the Legislative Assembly from obtaining the quorum it needs to start the session, which is scheduled to begin with the election of a Chief Minister and Cabinet.

The Venda constitution says more than half of the members must be present for a quorum.

There are 84 members of the Legislative Assembly, made up of 42 elected members and 42 designated chiefs and headmen. A quorum requires 43 members.

If 12 designated chiefs and headmen stay away in sympathy with the VIP protest, the Chief Minister, Chief Patrick Mphahlele, may not be able to go ahead with his apparent intention of holding the election for his office.

The VIP has canvassed some chiefs and headmen

and received 14 sympathetic responses, its leader, Mr Baldwin Mudau, said at the weekend.

In another weekend development, Chief Mphahlele cancelled a visit to the Ciskei at the last minute. He was due to have led a 52-strong Venda party.

Chief Mphahlele's opponents alleged the visit's real purpose was to allow him to "school" Legislative Assembly members on who to elect as Chief Minister.

Ciskei sources said Chief Mphahlele telexed his Ciskei hosts advising them that "unforeseen circumstances" had forced him to cancel the trip. Chief Mphahlele was not available for comment.

Meanwhile, the VIP has filed a petition with the Supreme Court, contesting the election results in the electoral district of Dzanani. Chief Mphahlele's Venda National Party (VNP) scored its only success in Dzanani in the July general election.

The VIP, which won in the three remaining electoral districts, named the Minister of Plural Relations, Dr Connie Mulder, Chief Mphahlele and the successful VNP candidates in Dzanani as respondents.

Dr Mulder has declined to comment so far on the Venda detentions, although he has been challenged by Mr Mudau to state where he stands on the Venda actions.

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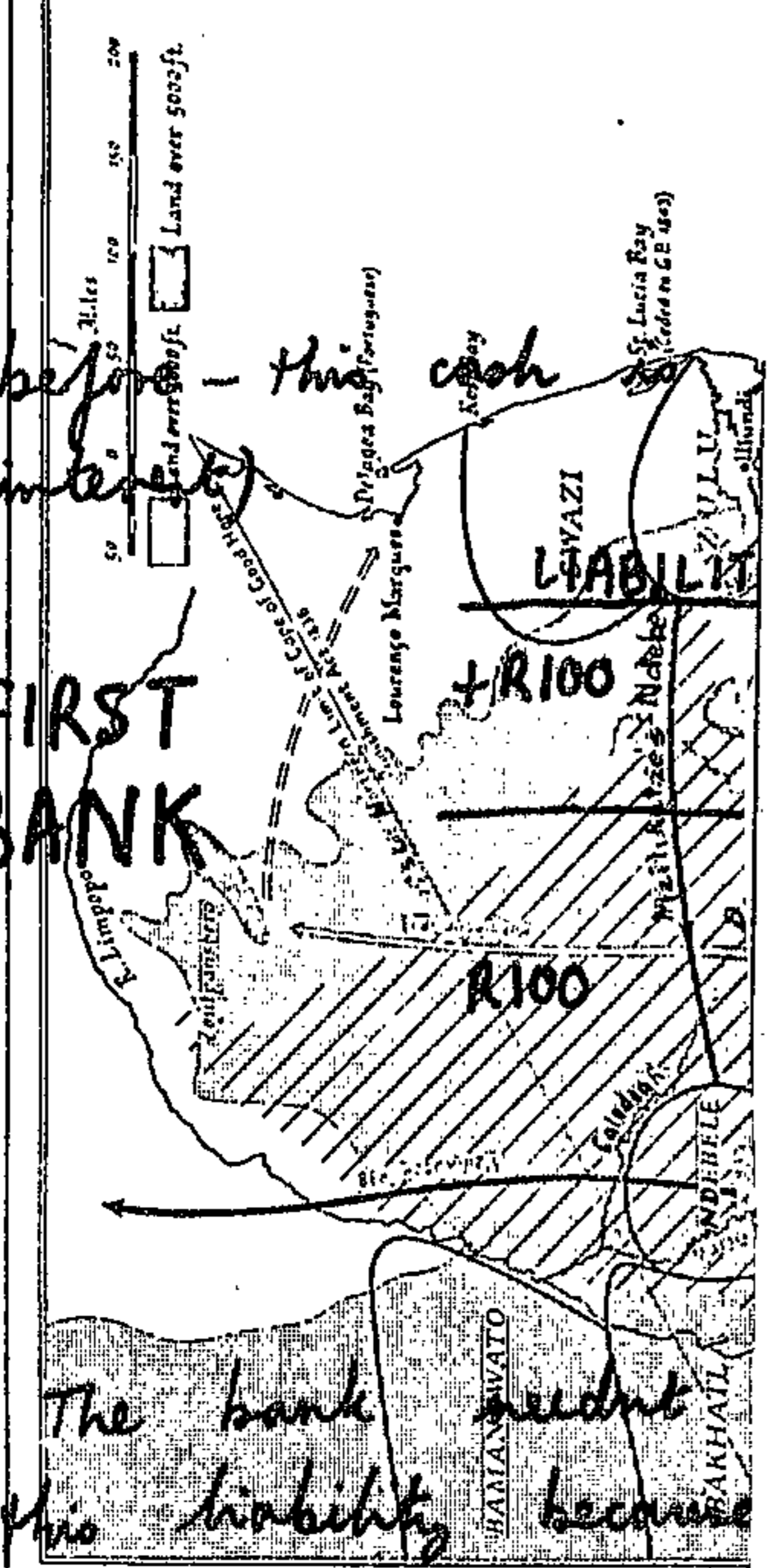
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FIRST BANK



Venda boycott halt bid fails

(3)

12/1/50

JOHANNESBURG — The Department of Plural Relations has failed in a last-minute attempt to stop an opposition boycott of the Venda Legislative Assembly after mass arrests in the homeland.

Mr Baldwin Mudau, leader of the opposition Venda Independence Party which has been hit by the detention of 12 of its Legislative Assembly members, said yesterday conditions he laid down for opposition participation had been turned down.

He said the opposition would now carry out its threat to boycott today's session of the Legislative Assembly — called to elect a Chief Minister.

The present Chief Minister, Chief Patrick Mphephu, ordered the arrests under emergency powers of the 12 opposition Legislative Assembly members and another 36 opposition supporters.

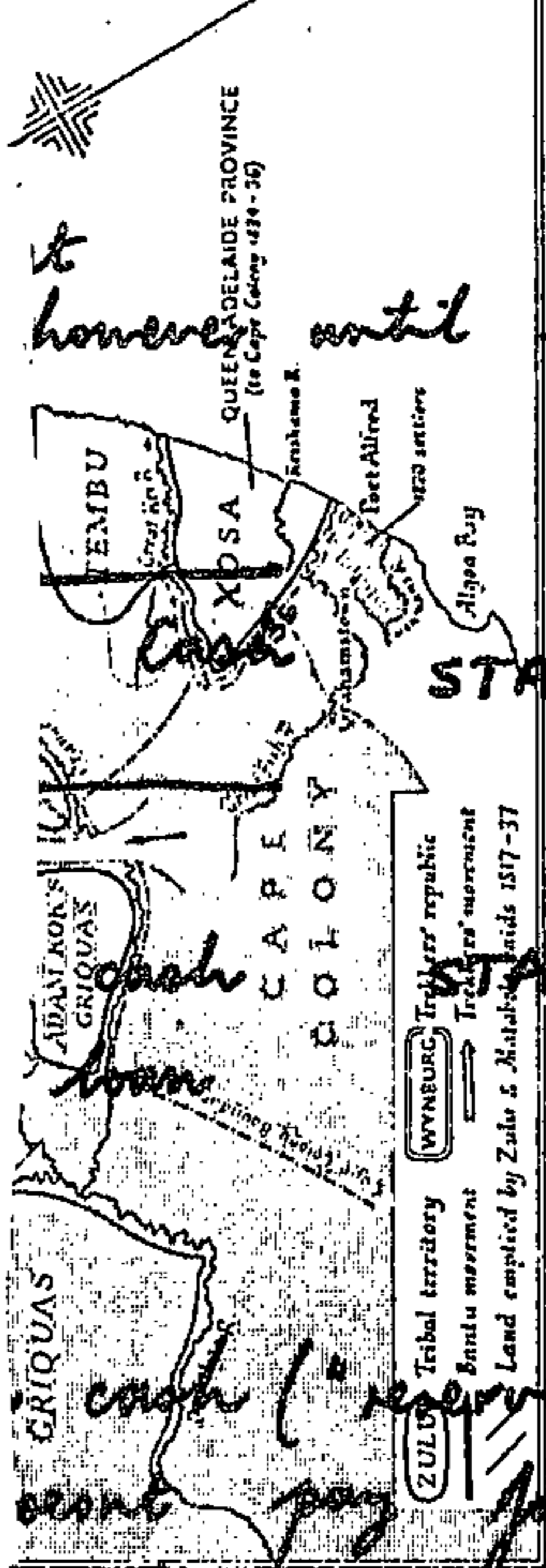
Mr Mudau said he would not attend the Legislative Assembly session today because he feared arrest.

He also said he was proceeding with a court action to upset Chief Minister Mphephu's victory in his Dzanani constituency in the Venda elections earlier this year.

The absence of all 31 VIP members may prevent the Legislative Assembly from obtaining the 43-member quorum it needs to start the session.

If 12 designated chiefs and headmen stay away in sympathy with the VIP protest, Chief Minister Mphephu may not be able to go ahead with the session.

The VIP claims it has 14 sympathisers among chiefs and headmen. — DDC.



(35) THE GREAT TREK IN SOUTH AFRICA

The bank needed this liability because transactions (accounts, wages cheques, of a client at the bank vaults a bookkeeper clients' interests are he can check his out of the Ndebele had tried to assimilate diverse tribes of subject peoples" (10) Moffat noted that at Mosega there were numerous villages of Hutu who were in their traditional way. In Matabeleland this occurred on a much larger scale. Though many Shona were incorporated in the age-regiment system many living in their traditional style in their own villages right in the heart of the country. (11) people in tributary areas had to acknowledge Mzilikazi's authority by sending him produce and herding his cattle but they still retained a freedom not possible in a centralised military despotism.

Mzilikazi was visited the beginning of the year for the first time, a few weeks before the indications of a new era for Mzilikazi to be a sovereign and a people without becoming identified with the people. Various people Mzilikazi travelled throughout the country visiting his people and encouraging them to what his court, where his subjects were treated with kindness. He was a stern ruler but punished only when a crime was serious to the peace of the state. Without his death in 1818 the Ndebele nation would have remained a tribal state.

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(10) Bruce, Page 271
 (11) Cooper in the Cambridge History of Africa Vol. 5 Page 347

By STEVE KGAME
Political Staff

Bid to stop Venda party's boycott fails

THE Department of Plural Relations has failed in a last-minute attempt to stop an opposition boycott of the Venda Legislative Assembly after mass arrests in the homeland.

Mr Baldwin Mudau, leader of the opposition Venda Independence Party (VIP), which has been hit by the detention of 12 of its assembly members, said yesterday conditions he had laid down for opposition participation had been turned down.

He said the party would now carry out its threat to boycott tomorrow's session of the Legislative Assembly called to elect a Chief Minister.

The present pro-independence Chief Minister, Chief Patrick Mphephu, ordered the arrest of the 12 opposition Legislative Assembly members and another 36 opposition supporters under emergency powers.

Mr Mudau said yesterday he was called to Pretoria late last week and told he would meet the Minister of Plural Relations,

Dr Connie Mulder.

But, he said, on his arrival he was met by the Secretary for Plural Relations, Mr I P van Onselen, and the head of the department's political section, Mr J L Serfontein.

He told them he would not attend the Legislative Assembly session tomorrow because he feared arrest.

He then laid down five conditions when asked by Mr van Onselen and Mr Serfontein whether he would be prepared to attend the session. They were:

- The unconditional release of all party members.
- Suspension of the elec-

tion of Chief Minister so that the opposition VIP could lobby support.

● A public assurance by Dr Mulder that he would not be arrested.

● An amendment to the Venda constitution opening the office of Chief Minister to commoners instead of chiefs only.

● An assurance that Vendas would be allowed to decide their own future without interference from Pretoria.

Mr Mudau said he also told Mr Van Onselen and Mr Serfontein he was proceeding with a court action to upset Chief Minister Mphephu's victory in

his Dzanani constituency in the Venda elections earlier this year.

"Mr Van Onselen assured me he was going to convey all that I said to him to the Minister and that he would phone me yesterday to give me Dr Mulder's reply," Mr Mudau said.

Mr C F S Holl, a departmental liaison officer, phoned yesterday to say his conditions could not be met.

Mr Van Onselen was not available for comment yesterday. Dr Mulder's office said the Minister "has no comment to make on the whole Venda situation".

The absence of all 31 VIP members may prevent the Legislative Assembly from obtaining the quorum it needs to start the session.

If 12 designated chiefs and headmen stay away in sympathy with the VIP protest, Chief Mphephu may not be able to go ahead with the election.

The VIP claims it has 14 sympathisers among chiefs and headmen.

TABLE 41 - Revenue as a percentage of expenditure in the agricultural sector (calculated from Brand, p.155)

Year	Revenue as a percentage of expenditure
1915	11.7
1920	11.9
1925	19.50
1930	19.50
1935	19.50
1940	19.50
1945	7.8
1950	9.6

In conclusion, the applicability of the models outlined in section 2 will be assessed. The nature of the operation of the model will be determined by the results of the model.

Wilson has suggested that the existence of a positive marginal product of labour in the subsistence sector is likely to be positive, but the increase in agricultural productivity through the use of modern inputs is likely to be zero. This has recently been attacked by Lipton who argues that the marginal product of labour in the subsistence agricultural sector is zero. This has been argued by Lipton who argues that the marginal product of labour in the subsistence agricultural sector is zero. This has been argued by Lipton who argues that the marginal product of labour in the subsistence agricultural sector is zero.

(56) Wilson, p.165
(58) Lipton (1977), pp 73-74
(57) Ranis & Fei (1966), p.9
(59) Ibid, p.79

Venda power struggle shattered as the police move in

By Tony Davis



Mr Baldwin Mudau . . . bitter at "window-dressing" tactics.

Baldwin Mudau is a bitter man.

He entered the Venda general election last month at the urging of the South African Government and his Venda Independence Peoples Party (VIP) won 80 percent of the elected seats.

Today 12 of the 31 elected VIP members are in detention, others are in hiding and the party is reconsidering its whole future in homeland politics.

Yesterday, Mr Mudau, a Soweto-based sociologist for a Johannesburg public relations firm, began calling his scattered VIP men together for urgent consultations on their future. This followed the decision of his party — the

113

Official opposition in Venda — to boycott yesterday's opening of the Venda legislative assembly in protest against the detentions during the past few weeks of nearly 50 party members and supporters.

The latest arrests are particularly galling for the man who is the first homeland politician to lead an opposition victory in a pre-independence election.

Five years ago, his VIP won almost two-thirds of the elected seats in the homeland's first general election, only to be defeated by Chief Minister Patrick Mphephu who rallied the support of the nominated chiefs and headmen. In the latest election,

Chief Mphephu's Venda National Party (VNP) won only 11 of the 42 elected seats — all of them in his own electoral district of Dzanani.

And Mr Mudau had lodged a petition with the Supreme Court protesting against election practices in that district.

Mr Mudau said he was persuaded to enter the 1978 general election only because of the South African Government's urging. "I was first approached by the Government in May 1977, and was asked under what conditions we would run for election," Mr Mudau said. "I knew that Mphephu's group was plotting not to allow us to campaign. He told chiefs not to allow us

in the villages. I also knew he didn't want any press coverage," he said. "We were assured by the South African Government we were allowed to campaign, there would be press coverage, there would be fair electoral practices and we would be free from intimidation. So we ran."

Mr Mudau said his party had the support of 14 of the 42 chiefs, ensuring a win in the Assembly before the detentions began.

He now claims that some of those who were involved in campaigning for tribal support were detained. "None of my people were involved in anything illegal."

South African Government officials had "urged" the VIP's participation, Mr Mudau said.

"The Government wanted to show everyone that educated blacks were running in the homeland election. But the detentions prove they don't want educated blacks in power. They just want chiefs and headmen."

Mr Mudau said the Government was surprised by the VIP's big victory. With the detentions, the chiefs now fear any contact with VIP members, many of whom have themselves gone into hiding, according to Mr Mudau. "The South African Government knew all

along there would be detentions. And there will probably be even more."

Last Friday, the Secretary for Plural Relations and Development, Mr I P van Onselen, contacted Mr Mudau and asked him to meet Government officials in Pretoria.

Mr Mudau said he was asked under what conditions he would return to Sibasa, the Venda capital. He told them he wanted his personal safety ensured as well as the release of all those in detention. This week the Government replied. According to Mr Mudau, a Plural Relations official told him no detainees would be released, another arrest was pending against a VIP

member and if Mr Mudau on his return to Sibasa made any "utterances" he could be arrested.

Mr Mudau refused to return to Sibasa, and yesterday the Legislative Assembly was opened under heavy police guard with the attendance of a lone VIP "rebel."

He, the 42 nominated chiefs and headmen and the 11 VNP members were sworn in. "All these meetings with the Government have amounted to nothing," Mr Mudau said. "The future of the VIP is bleak. "Venda is not a democratic state. It is a government by manipulation and Chief Mphephu is Pretoria's instrument."

Libm - 115
13/1/78

Boycotted Venda election delayed

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0.1	SIBASA. — Virtually the entire Venda opposition yesterday boycotted the Legislative Assembly session in protest against mass arrests in the homeland.	ii
0.2	Only two of the 31 Venda Independence Party (VIP) members of the assembly were present when the session, called to elect a Chief Minister, was officially opened by the Commissioner-General, Dr J C Otto.	iii
0.3	The opposition party members present were Chief M W Mashau and Mr E D Mulaudzi, both from the Vuani constituency.	1
0.4	The boycott was followed by an announcement that the election of Chief Minister would be postponed until today.	2
1.0	The present Chief Minister, Chief Patrick Mphephu, said the postponement had been made because of "legal implications", but he refused to explain what these were.	2
1.1	The boycott was launched by the opposition VIP leader, Mr Baldwin Mudau, after Chief Minister Mphephu had ordered the arrest under emergency powers of 12 VIP assembly members and another 36 VIP supporters.	3
1.2	Mr Mudau, who claimed the arrests were made to intimidate opposition supporters in the campaign for the election of a Chief Minister, also started court proceedings aimed at upsetting Chief Mphephu's victory in his Dzanani constituency in the Venda general election earlier this year.	5
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Venda to get more land

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In performin limitations. light on wor event like t consciousness to believe police acti believing t

Eighty-seven were 'Colour "do you disc communication It is useful

SIBASA — The possibility of further Marxist influence in SWA and Rhodesia remained "a real danger," the Commissioner-General for the Venda, Dr J. C. Otto, said here yesterday. Opening the first session of the third Venda Legislative Assembly, he said, if the Russians succeeded there, they would be able to concentrate directly on "the most-coveted prize of all" — South Africa.

"We must recognise the danger we are faced with and we must know what to do to check these forces of chaos, destruction and misery in our sub-continent."

Dr Otto said the South African Government had decided to buy certain farms to add to the homelands so that independent Venda would be fully consolidated.

It was not to Venda's credit that it had rich and fertile land and immense potential for agricultural

development, but was nowhere near succeeding in supplying its basic requirements.

Everything possible had to be done to increase production of all types of food so that all basic requirements for local consumption could be met and additional products were available for industrial processing and exports.

Chief Patrick Mphephu was unanimously re-elected Chief Minister of Venda in the Legislative Assembly here yesterday.

Earlier the only member of the opposition Venda Independence People's Party present, Mr Elias Mulautse, crossed the floor and joined the ruling Venda National Party.

Members of the VIPP boycotted the election in protest at the recent arrest of 11 of their MP and the mass detention of at least 40 of their supporters. — SAPA

ings and created the collectively staying

ery conscious of its cause it does shed prevail. While an ntly have shifted the

servations have led us ers once the unrest and sent our results class-race debate.

indicated that there plies to the question, level of contact and ried considerably.

LEVEL 1: 44% of the workers said that they did ... discuss anything with 'Coloured' workers, for such reasons as:

"we work in separate areas", and "we do not speak their language"

LEVEL 2: 35% said that they did communicate with 'Coloured' workers, but their conversations were not work-oriented,

LEVEL 3: 21% said that they "discussed their work problems, including their wage grievances, with 'Coloured' workers.

100%

It was found that there was a very definite association between the level of communication and the attitudes that the workers express towards:

- (a) helping 'Coloured' workers to improve their work situation,
- (b) thinking that 'Coloured' workers would help them improve their work situation.

Tables 12 and 13 below indicate that 75% of the workers at LEVEL 3 said that they would help 'Coloured' workers, and 63% say that they think 'Coloured' workers would help them. However these percentages drop considerably as the level of communication decreases. Thus the potential level of mutual co-operation appears to be reflected in the actual level of communication. This finding does not necessarily imply a causality between communication and co-operation nor, if it does exist, can a direction be assigned by us to the

NM 28/9/78 (113)

Venda crackdown against students

Mercury Correspondent

JOHANNESBURG — Mass arrests of opposition Venda Independence Party members of the Venda Legislative Assembly, which have been going on for two months, have now focused on students in the homeland.

The latest arrests, which took place last week, include five senior students from Lwenzhe High School in the Vuwani constituency where the opposition won all 11 elected seats in the general elections which were held in June.

by Mr. Baldwin Mudau, a Johannesburg sociologist, won 31 of the 42 popularly elected seats. In the homeland's previous election in 1973, the VIP won 15 of the 18 elected seats.

Chief J. Rambuda, failed yesterday. Since the arrests the Venda Government has refused to give any details.

So far Chief Mphephu has issued one statement saying the detention, under the Venda emergency laws, were ordered to maintain law and order.

Attempts to contact Chief Minister Patrick Mphephu or his Minister of Justice,

The VIP, which is led

(91)

peasant-farmers are poor in comparison to levels of living, locally there are some who are poorer and have less land than others who show most interest and those who have rather more land, are more interested in the market. For one thing, these peasants are elected reasons, these peasants are elected reasons, these peasants are elected reasons of the induced co-operative and For one thing, they are better able to contribute to the national economy. For another, the services that a co-operative can provide are more enthusiastic. The establishment is often an occasion on which the agricultural credit available to the co-operative is more market-oriented and innovative. It is more likely to see the use to which they can be put in a better position to incur expenses any innovation. As work on the land seldom remunerated, these positions are people who do not need to work every day, but have some spare time. Larger peasants who maintain some of their own land, and can have favours to spend, and can be more interested in relations with national government services, it is through a later phase that further credit, all in a different way, must be obtained. It will often specialise in those areas of most interest to the larger peasants. Because they as members of the board, will identify their problems with those of under-culture in general. It also happens that behind such co-operatives is a vision sought in increases of productivity. For which small peasants often ask, of industrial consumer goods, cannot be by the co-operative. Lack of capital

/ ...

(92)

does not allow it to give credit as does the local shop-keeper. If it should do so it would go bankrupt in short order, pushed along by the ubiquitous inflation.

e) The peasants affiliated to the co-operative are in general too poor to provide their organisation with sufficient working capital. The co-operative remains dependent upon the provision of government credit and the particular channels through which this flows.

f) Important credits are usually only allocated to specific projects, such as the adoption of a new crop or the acquisition of machinery. A factor which limits the possible success of such projects but is often underestimated is the lack of management qualities on the part of the co-operative. Management is so weak that losses are incurred instead of the anticipated and originally promised gains. Paradoxically, a manager who is capable of directing the various activities of a co-operative sufficiently well to make a profit is expected to do so for much less than he would earn were he to strike out on his own. Moreover, account books are often so much in arrears that it becomes impossible to tell whether fraudulent practices have occurred or not. This naturally creates a rich source of rumour and slander. As a result of the relative failure of projects and the partial inability of the organisation to repay credits, the government - which sees more glamour in a brand new project somewhere else than in a strenuous effort to rehabilitate an old project which was perhaps started in an earlier presidential period - withdraws further support.

g) If this happens, the rank and file members of the co-operative, who affiliated initially because they hoped to obtain substantial credit through the association, begin to lose interest and become spectators rather than participants. Rumours and distrust have already damaged relations in the community. Board members resign and are replaced by weaker figures. The co-operative finds itself more and more often short of money. One day an industry that provided the co-operative with some of its inputs stops deliveries. Members start buying and selling elsewhere. Machinery that breaks down is not repaired. It is all over.

/ ...

DD: 28/1/78
Venda
students (113)
arrested

JOHANNESBURG — The mass arrest of opposition Venda Independence Party members has switched from members of the Venda Legislative Assembly to students in the homeland.

Those arrested include five senior students from Lwenzhe High School in the Vuwani constituency where the opposition won all 11 seats in the general elections on June 1.

The Venda Government has refused to give details about the detention of party members. — DDC.

Costly homes for Venda MPs

Venda Cabinet Ministers are ahead of other South African homeland leaders when it comes to expensive houses.

A large construction company is building three houses for Venda cabinet ministers at a cost of almost R88 000 each.

Sted 29/9/78.
Houses for Bophuthatswana's cabinet ministers in Mmabatho which were built last year, cost between R50 000 and R60 000 each.

The President of Transkei, Mr Botha Sigcau, has a more opulent home which cost R500 000. Ven-

da opposition party leader, Mr Baldwin Mudau, said the money being spent on cabinet ministers' houses was a "total waste."

"Instead of putting money into developing necessary projects, they are wasting money," Mr Mudau said.

UNIVERSITY OF CAPE TOWN

Memorandum

8th August, 1978.

FROM Professor A.H.R.E. Paap,
Dean,
Faculty of Arts.

TO

Dear Colleague,

The sheet (Circular No. 19/78) attached to my circular re continuation and filling of vacant posts (dated 1st August) contains corrections of underlinings and scribbles effected by hand in the original.

This is most unfortunate and I do apologise for it.

Yours sincerely,



A.H.R.E. PAAP.

Star 3/10/78 (113)
Venda to be independent next year

The Venda homeland is to become independent next year, Chief Minister Patrick Mphephu said yesterday.

The Chief Minister said that although an exact date had not yet been fixed his homeland was ready for independence.

"Next year we shall be out from the central Government in Pretoria,"

Chief Mphephu said.

"Venda is an agricultural country and we also have two large coal deposits which will help our country's economy," he said.

The Venda Development Corporation was developing several multi-million-rand projects.

Chief Mphephu also said the VDC was looking

into the possibility of building a casino at the international hotel near Sibasa.

Chief Mphephu said that terrorists infiltrating from the north, presented a threat, but the South African Defence Force was guarding a corridor next to Rhodesia.

A Venda national army was being trained in

South Africa which would also serve to combat terrorists, he added.

Venda would be a multi-racial country, Chief Mphephu said. Whites would be able to take out citizenship, but as far as various South African racial laws such as the Immorality Act were concerned, there were no plans to drop them.

UNIVERSITY OF CAPE TOWN

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A.H.R.E. PAAP.

**Detainees
may be
freed**

Star
3/10/78
(113)

Political detainees in the Venda homeland would probably be released within the next few months, Chief Minister Patrick Mphahlele said yesterday.

He was referring to the 50 detained members and supporters of the opposition Venda Independence People's Party who were arrested by Venda police in the weeks since the homeland's general election.

The VIP won 31 of 42 elected seats in the election but boycotted the Legislative Assembly because of the detentions.

EMERGENCY

Twelve elected VIP members are among those detained under the homeland's emergency law.

Chief Mphahlele said no charges had been laid and added that the Venda Ministry of Justice was still investigating cases.

He also said the VIP members who were boycotting the Legislative Assembly had been invited to return.

The Chief Minister said a Venda National Army was at present being trained in South Africa and would serve to combat any terrorism in the homeland after it became independent next year.

The South African Defence Force operates in a narrow corridor along the border with Rhodesia.

Venda RDM arrests 6/10/76

Political Staff (113)

ANOTHER Venda MP has been arrested, bringing to 56 the number of Opposition Members detained in the Northern Transvaal homeland since August 19.

The arrest earlier this week of Mr H Ndwamato, a Venda Independence Party Member of the Legislative Assembly, means that 13 MPs are now in detention.

But in another development yesterday, Radio Venda reported that all detainees would soon be released.

Detained MPs would also be sent invitations to attend a session of the Legislative Assembly, the radio said.

A Rand Daily Mail source in Venda also disclosed yesterday that at least three detainees have been treated at the Donald Frazer hospital in Sibasa, but details of their complaints were not available.

The three people treated at the hospital were Mr J A Budeli, VIP president, Mr Wilson Moime, a prominent Venda businessman and Mr W Netshikulwe.

● Editorial Comment —

Page 12

Disgraceful episode (113) RDM 6/10/78

WHAT could be more cynical than the announcement this week — coinciding with the arrest of a 13th opposition member of the legislative assembly — that most Venda detainees will be released soon?

More than 50 people have been held since the homeland's pre-independence election in July, in which the opposition Venda Independence Party won 31 of the 42 seats!

The detentions were made in the name of law and order, but their effect was to wipe out opposition to the re-election of Chief Minister Patrick Mphephu, who

has ruled since 1973 — when he also lost the popular vote — with the aid of nominated chiefs and headmen. The VIP boycotted the assembly session, and Chief Mphephu was returned unanimously.

Now the Chief Minister, though clearly not the man who should be leading his people, is plunging on to pseudo independence for his tiny territory, which is less than half the size of Israel, not remotely viable economically and particularly vulnerable to terrorist infiltration on the Rhodesian border.

It has been a disgraceful episode, reflecting no credit at all on the Venda government or its sponsors in Pretoria.

RAM 9/10/78 (113)
By PATRICK LAURENCE
Deputy Political Editor

PRESIDENT Lucas Mangope of BophuthaTswana wrote to Mr John Vorster, then Prime Minister of South Africa, to protest against detentions in the Venda homeland.

Mr Neville Krige of the former-prime minister's Press secretariat, has confirmed that one of Mr Vorster's last actions in office was to reply to the BophuthaTswana leader.

President Mangope is understood to have told Mr Vorster he considered that the detention of opposition politicians in Venda had undermined the credibility of homeland leaders.

At least 56 leading Venda citizens — 13 of them Members of the Venda Legislative Assembly — have been detained over the past two months.

Venda: Mangope protested to PM

The detentions were apparently directed against leading members of the opposition Venda Independence Party (VIP).

The party, which won three-quarters of the popularly elected seats in the July general election, seemed set to unseat the Venda Chief Minister, Chief Patrick Mphephu.

Its popular victory seemed certain to bring at least some of the 42 designated chiefs and headmen in the assembly to its side.

The Minister of Plural Relations, Dr Connie Mulder, has refused to comment, in spite of assertions by Mrs Helen Suzman of the Progressive Federal Party

that the detentions would inevitably lose separate development "what little credibility it still enjoyed among blacks".

Both Transkei and BophuthaTswana held independence elections under emergency powers similar to those pertaining in Venda.

The ruling parties in both countries won resounding victories, all but annihilating their oppositions.

The Transkei election was characterised by the detention of leading members of the opposition Democratic Party before the election, but in BophuthaTswana no opposition politicians were detained before or after the poll.

KMM
**Detained
Venda 19/11/78
promoted** 1/3

SIBASA. — Three people detained during the recent security clampdown in the Venda homeland have been promoted to senior public service positions, according to two proclamations released in Sibasa.

Mr V R Figwuvhulimu and Mr V M Mamotho were each promoted to the rank of senior clerk and an assistant magistrate, Mr C N Booi, was promoted to magistrate.

Mr Figwuvhulimu, detained in August, was immediately restricted to his house in Ngovhela district after his release. Mr Mamotho was detained last year and released later.

Mr Booi is still in detention.

Four other Venda public servants were promoted to principal clerk and accountant posts. These positions were previously occupied by white officials. — Sapa

Star 20/10/78 (113)

Court told of chief's attacks on voters

Pretoria Bureau

Allegations that the Chief Minister of Venda, Chief Patrick Mphephu, whipped voters waiting at the polls in the recent election in the homeland with a hosepipe, have been made in the Pretoria Supreme Court.

The leader of the Independence Peoples Party, Mr Baldwin Madau, and 11 others have petitioned the Court to have the election of 11 members of the governing party declared invalid on the grounds of alleged irregularities.

The 11 members whose election is being disputed all belong to the Venda National Party of which Chief Mphephu is the leader.

They were all elected in the Dzanani constituency in July.

The petition says the number of voters who voted for the VIP in three of the four electoral areas was about 76 600, as opposed to the 11 600 who voted for the VNP.

NOT FAIR

In the Dzanani electoral area, on the other hand, the VIP received 8 900 votes as opposed to the 25 500 of the VNP. The applicant alleged that the election in this area was not fair or democratic.

Before the election, they allege, at a meeting addressed by Chief Mphephu at a kraal in the constituency, he promised to kill five head of cattle and throw a big feast, and would provide beer, if his party won.

At the same meeting Chief Mphephu allegedly said canvassers for the VIP should be stoned.

At another meeting he allegedly threatened to dispossess people of their fields if they voted for the VIP and to close down shops and withdraw trading licences belonging to or granted to people who voted for the VIP.

NOT STOPPED

While voting was taking place, the applicants alleged Chief Mphephu hit people who had come to vote with a hosepipe at one polling station. This was allegedly not stopped by the polling officer.

At another polling station white polling officers allegedly told the voters to vote for the VNP.

It is alleged a white man arrived at the same polling station with a truckload of voters. He allegedly told the polling officer they had come to vote for Chief Mphephu.

At the request of the white man, people already standing in the queue stood aside and "the white man's people were allowed to vote first."

The same thing allegedly happened at another polling station, where a white man allegedly brought two truckloads of voters to vote. He allegedly stood in the booth while the people he had brought voted.

TITLES C

- Industrial Location : Lansdowne
- The National P.D. Plan and the Black Migrant Worker Mobilisation : Policies that restrict access to the Cape Peninsula.
- The Social and Economic Development of the Textile Industry : A. Fine Worsteds.
- Labour in the Textile Industry : Gobabeb in the Namib Desert.
- Solar Radiation Patterns - Part 1 : Sun Valley.
- Commuting Patterns from an Ecoroute : Alhas.
- Nature of the Fishing Industry : Metropolitan Area.
- Residential Location Theory in the Plumstead Retail Trade Areas at Messina—A Venda poet, Mr R. Ratshitanga of Ngovhela near Messina, has been detained by Security Police, according to his wife, who said today her husband left their home on September 16 to visit relatives at Sibasa and had not returned.
- She eventually traced him to Messina but was refused permission to see him. She was referred to the Security Police at Louis Trichardt who, she said, also turned down her request.—Sapa.
- Language Variation in Residential Areas of Cape Town
- Labour Bureaux - A Study
- Residential Patterns of the Coloured Population in Cape Town.
- A Comparison between 2 Coloured Housing Schemes on the Cape Flats.
- A Case Study of Pinelands as a Garden City/Residential Suburb.
- Spatial Analysis of Burn Cases in Children in the Cape Peninsula.
- Brasilia - Success or Failure ? Developmental Prospects.
- Economic Blight in Muizenberg.
- A Study of Land Use Change in Salisbury's Central Business District.
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- An Economic and Social Discussion about the Residential Component in the Mill Street/Orange Street Area of Cape Town.
- An Evaluation of the O'Okiep Copper Company in the Namaqualand Copper District - A consideration of the effect on the area if the copper mines were to close down.
- The Transport System of a Bottling Industry in Lilongwe, Malawi.
- A Study into the Effects of Seasonal Winds and Sea Temperature on the Catching of Yellowtail at Fish Hoek Beach by Seine-Net Fishermen.
- Factors Determining the Ecological Environment of the Cape of Good Hope Nature Reserve, with Regard to the Alien Vegetation.
- A Study in Coloured Shopping in Athlone and Claremont.
- Models of Rural Land Reform - The Tanzanian Case.
- The Way in which Perceived Distances Differ from Actual Distances Within an Urban Area.
- Examination of the Importance of the Variable, "Length of Residence" on Local Imagery.
- Transkei : An Illustration of its Potential.
- Cape Town Electoral Districts.
- Perceptions of the Cape Peninsula Landscape 1900 - 1977.

STAR 24/10/78
**Constitution
draft (113)**

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The Venda Government is going ahead with the drafting of a constitution for an independent Vendaleland — without any representation from the Opposition Venda Independence Party (VIP).

This was confirmed today by Mr Joseph Ramabulana, the secretary for the Venda Legislative Assembly.

The VIP won 31 of the 42 elected seats. But since the detention by the Venda Government of 12 of its MPs, the party has refused to participate in homeland politics.

An angry Mr Baldwin Mudau, leader of VIP, said that the new constitution could not be respected as a national constitution.

"We are in the majority and if the constitution is drafted without us, then it means it is a Venda National Party constitution."

He called on the South African Government to arbitrate because Vendaleland was their baby.

onstituted the second tier and consisted from the local community in each region white Native Labour Officer for that area.

pyees with a view to keeping of employment of employees particular trades;

ports on any labour disputes arise; and

f labour disputes.

any principal industrialised area was task.

for Johannesburg, Benoni, Vereeniging,

ban, East London, Port Elizabeth and Cape

1954, while a further two, for Pietermaritz-

on 25th April 1969.¹⁵

At the time of the 1973 strikes, the 12 committees then in existence consisted of three white and five African members in Johannesburg, Benoni, Vereeniging, Krugersdorp, Germiston and Klerksdorp, of two white and five African members in Pretoria, Durban, Pietermaritzburg, East London and Port Elizabeth; and one white and five African members in Cape Town. In each case, the chairman of a committee was a white official on the fixed establishment of the Labour Department remunerated according to his rank in the public service. African members of regional committees were paid an allowance of R3,25 per meeting plus travelling costs and they were also reimbursed for the actual loss of wages incurred in attending to their duties.¹⁶ An aspect of these regional committees which seems astounding is that prior to mid-1973 a single divisional labour inspector presided over no fewer than six of the seven committees in the Transvaal, Pretoria being the exception. His duties covered African workers in the magisterial districts of Johannesburg, Heidelberg, Benoni, Boksburg, Brakpan, Springs, Nigel, Delmas, Vereeniging, Krugersdorp, Roodepoort, Randfontein,

15. Hansard 5 columns 355-60, 7 March 1973.
16. Muriel Horrell and Dudley Horner. A Survey of Race Relations in South Africa, 1973. Johannesburg, S.A.I.R.R., 1974 pp.273-275.
* Official terminology used to describe the indigenous population changed from 'Native' to 'Bantu' in the 'fifties.

By PATRICK LAURENCE
THE Venda Government yesterday released the first of the 13 opposition members of the Legislative Assembly from detention.

Mr G M Ligege, of the Venda Independence Party (VIP), was imprisoned without trial more than two months ago, along with about 20 other prominent Venda citizens.

His first action after leaving prison was to phone Mr Baldwin Mudau, leader of the VIP, and tell him he was free. Mr Mudau said: "They gave him no reasons. They just told him to go."

The release of Mr Ligege comes more than three weeks after a Venda Government spokesman promised that the detainees would soon be released.

Apart from Mr Ligege and 12 fellow VIP members of the Legislative Assem-

R.I.D. 113
3/1/78

Vendas free detained MP

bly, more than 40 people were detained in the wake of the July general election, in which opposition candidates won three-quarters of the popularly elected seats.

The Venda Secretary of Justice, Mr J P van der Merwe, said that as far as he was aware, Mr Ligege was the only person released yesterday. A few detainees had been released a fortnight ago after they complained of feeling unwell. They did not include any Legislative Assembly members.

Mr Mudau said yester-

day: "There is a lot of confusion. We do not know what is going on."

As soon as all detained VIP assembly members were free, the party would hold a meeting to decide whether there was any point in continued participation in homeland politics, he said.

The party has already rejected an invitation to serve on the recess committee drawing up a constitution for Venda, which is due to become South Africa's third independent homeland next year.

Venda prison death ^{11/17/75 R.P.} (13)

SIBASA — A 60-year-old man, who was arrested last Thursday by the Venda police for allegedly taking part in a ritual murder, was found dead in the Sibasa police cells at the weekend.

Mr. Jameson Sigama, of Beuster, near Sibasa, was arrested after the murder of his daughter-in-law, Mrs. Agnes Sigama.

Mr. Sigama was due to appear in court on Monday. A postmortem would be held on Saturday, sources said. — Sapa.

RAM
10/14/75
**Venda
detainee
released** (113)

SIBASA. — A Venda Government detainee, Mr Samson Mulaubzi, of Ngovhela, near Sibasa, has been released.

Mr Mulaubzi, 44, who was the personal secretary to the Venda Minister of Health, was detained with opposition party members and prominent Venda citizens without trial during the August security clampdown.

It was learned from a member of his party that he was released on Tuesday to attend and make arrangements for the funeral of his sister who died recently.

Conditions of his release were not clear.

The Venda Secretary for Justice, Mr J P van der Merwe, could not be reached for comment.
Sapa.

16 Venda detainees released

SIBASA — At least 16 people, including four members of the opposition Venda Independence People's Party (VIPP) have been released from detention in Sibasa.

The VIPP members are the party's president, Mr J A Budeli, a businessman, Mr O A Makhuvha, Mr Mayhina Mahwasane and Mr M C Nelwamondo.

The others are two senior magistrates at Mutali and here Sibasa: Mr T M Nemavhola and Mr C N Booi, a principal at Mhuyoya-Thomba Secondary School, Mr J M Nevholdo, a school teacher, Mr C M Neswiswi, two businessmen, Mr F Nemandani and Mr P Ndwambi, a secretary of the Tribal Authority, Mr A T Mudau, a personal clerk to the Venda Minister of Health, Mr S K Mulaudzi, and Mr J B Maphiswana, Mr R Raphala, Mr J Nedzanani and Mr D Ramabulani.

They were among the more than 50 Opposition party members and supporters detained by the Venda Government in August following alleged irregularities during the recent general elections in Venda.—Sapa.

Star 29/11/78 (113)

Detainees

home soon

All detainees held under Venda's emergency detention law in August will be released by December 16, the homeland's Secretary of Justice, Mr J P van der Merwe said today.

More than 50 supporters of the opposition Venda Independence Peoples Party (VIP), including 13 elected members of the Legislative Assembly, were detained in August.

Mr van der Merwe said the men were being released as their 90-day period in jail elapsed. Two were still held in Sibasa and another four in Dzanani.

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R/M 30/11/78
SADF and Venda ties close
— general

MADIMBO. — The relationship between the South African Defence Force and the people of Venda had a long history and was one of mutual respect and trust, the Chief of Army Staff Operations, Major General G J J Boshoff, said yesterday.

Speaking at the opening of the homeland's new Madimbo Airfield, Gen Boshoff said the SADF had rendered a variety of services to Venda during the development of the country and its peoples over the past few years.

"The SADF renders these services not because we expect any reward in return, but merely to prove that we are the friend of the black states and to prove that we are concerned with the weal and woe of the black people in South Africa.

"We have an obligation towards South Africa and we are therefore well prepared and ready to defend all its peoples, irrespective of the language they speak.

"This airfield is one more step in rounding off the operational preparedness of South Africa. It is necessary for the speedy deployment and movement of men and material on the northern borders of the country.

"On behalf of the Chief of the Defence Force I extend our sincerest appreciation to the Venda Cabinet and the members of the Legislative Assembly for the permission granted to the SADF to construct this important airfield. The Venda nation will without a doubt reap the greatest benefit from its existence," Gen Boshoff said. — Sapa.

RDM 4/12/78

113

Venda political strife may end

EFFORTS are under way to convene a reconciliation meeting between the two main parties in Venda, the homeland's leader of the opposition, Mr Baldwin Mudau, said yesterday.

Interviewed after a private meeting at his house, Mr Mudau said his party, the Venda Independence People's Party, had agreed it should attend such a

meeting.

The get-together is a result of a letter which Mr Mudau wrote to the Minister of Plural Relations and Development, Dr Piet Koornhof, drawing his attention to the "uneasy atmosphere" in the homeland.

According to Mr Mudau, Dr Koornhof had indicated his willingness to resolve

the impasse between the ruling party, the Venda National Party of Chief Patrick Mphephu, and the opposition party.

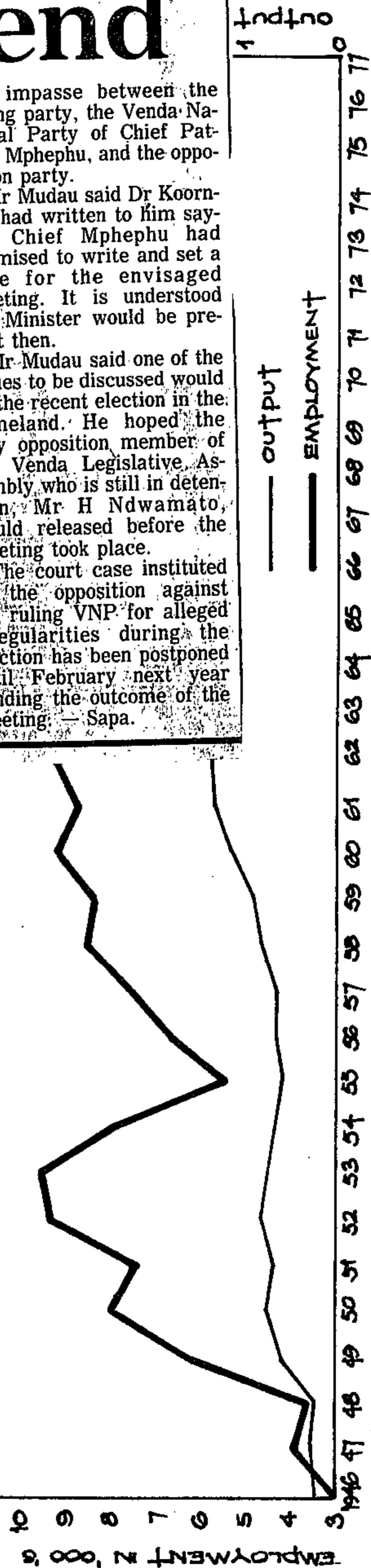
Mr Mudau said Dr Koornhof had written to him saying Chief Mphephu had promised to write and set a date for the envisaged meeting. It is understood the Minister would be present then.

Mr Mudau said one of the issues to be discussed would be the recent election in the homeland. He hoped the only opposition member of the Venda Legislative Assembly who is still in detention, Mr H Ndwamato, would be released before the meeting took place.

The court case instituted by the opposition against the ruling VNP for alleged irregularities during the election has been postponed until February next year pending the outcome of the meeting. — Sapa.

GRAPH 10: MINING EMPLOYMENT AND OUTPUT

MANGANESE



output

— output

— EMPLOYMENT

HOMELAND

VENDA

GENERAL

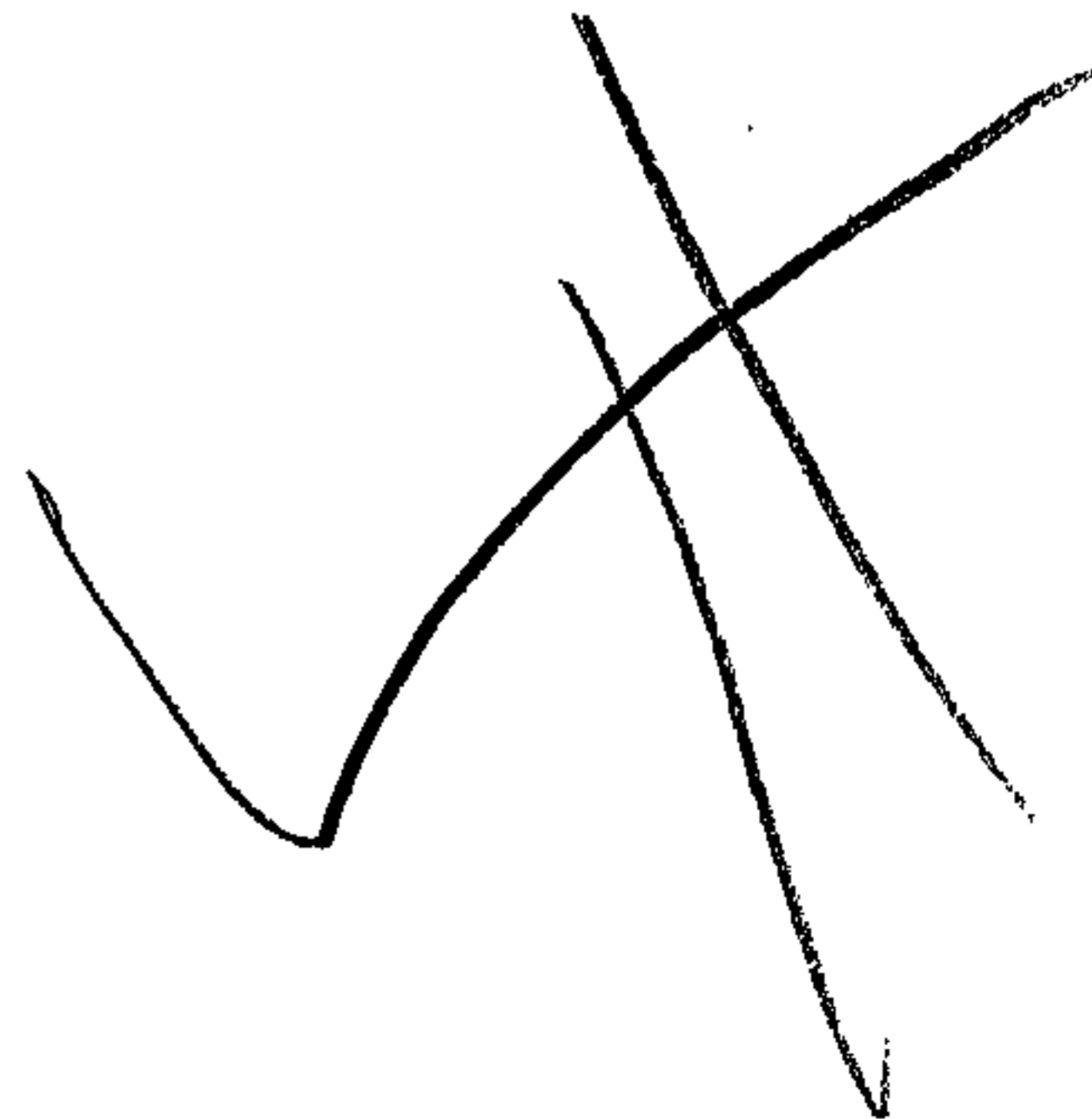
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31-12-79.

113.



Angus 11/6/79 (113)

Independence — at a price

AMID great pomp and ceremony, the Venda state will be born later this year. And like Transkei and Bophutha-Tswana, separate development's two other offspring, it will not be recognised by the outside world.

Covering an area of about 650 000 ha over two blocks of land in the Northern Transvaal, the Venda homeland borders on the Kruger Park in the east and on a buffer zone short of the Rhodesian border to the north.

About 500 000 people are due to become Venda citizens when the homeland gains its South African style independence, possibly as early as September this year.

South African Government spokesmen point to its great potential for agriculture, mining and tourism. Critics say that while about two-thirds of the people classified as Vendas lived in the homeland, more than 60 percent of its economically active men have had to seek work in the 'white' areas of South Africa. They point to the highly undeveloped state of the homeland.

But there is a great deal of development taking place in the vicinity of the Venda capital, Sibasa, as the homeland is readied for independence, with hundreds of thousands of rands being spent on residences for Cabinet Ministers and other senior officials.

A large stadium which will be the focal point of independence celebrations is being built at a cost of about R250 000.

At present Venda has a budget of about R37-million a year, of

which only about R6-million is raised by Venda itself. The rest comes from South Africa.

Like people classified as Tswanas or Transkeians, Vendas will lose their South African citizenship when homeland becomes independent. This is a loss which might mean little to blacks living within the homeland, but it is keenly felt by many living in urban areas.

The resentment that the loss of citizenship is causing among urban Trans-

AS the Venda homeland is steered towards 'independence,' concern is being expressed about the loss of South African citizenship by people classified as belonging to the homeland, writes political reporter TOM DUFF.

keians, Tswanas and soon the Vendas should not be underestimated.

They see their future as being inextricably linked with that of the urban areas and many of them resent being classified as citizens of some distant region. The citizenship provisions in the status of Venda Bill stipulate that all people of Venda origins, or who are associated with the Venda through language or custom, will become Venda citizens after independence.

Individuals have no choice between retaining their South African citizenship or opting for that of Venda.

The Progressive Federal Party and the New Republic Party have opposed the Bill at its first reading — the strongest form of parliamentary protest.

The Venda Government, led by its chief Minister, Chief Patrick Mphahlele, points out that the definition of citizenship contained in the draft constitution for an independent Venda was unanimously agreed on by the Venda Legislative Assembly.

Mr Ray Swart, Opposition spokesman on cooperation and development says this would be much more impressive were it not for the fact that when the Assembly met there was great pressure on members of the party opposed to the Venda Government, a number of whom were held in a security crackdown which followed the elections in the homeland.

In fact, the Opposition won about two thirds of the seats contested in the election, but the many nominated chiefs and headmen who also sit in the Assembly have supported Chief Mphahlele, giving him a comfortable majority.

It is promised that Vendas living in 'white' South Africa will not suffer any loss of rights after independence. Critics claim, however, that the children of these people who are born after independence will in fact have fewer rights.

They also point out that few countries in the world will recognise Venda passports. Although Vendas wanting to travel abroad will probably get South African passports, the amount of red tape that some Transkei and Bophutha-Tswana citizens have had to deal with in getting these does not make independence an attractive proposition.

Vendas 'prefer independence to baasskap'

15/6/79
Star
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Political Staff

THE ASSEMBLY — The main Opposition parties yesterday rejected a Bill which seeks to grant independence to the Venda homeland, claiming that the only reason the Vendas had chosen independence was because the alternative was perpetual subjection to baasskap and apartheid.

Both parties took the unusual step of opposing the introduction of the Bill at the first reading and when the Status of Venda Bill was introduced at the second reading yesterday both parties sustained their attack on the measure.

Mr Ray Swart (PFP Musgrave) said the policy of creating independent black homelands would in no way satisfy the ultimate political aspirations of the blacks.

"We are not opposed to the setting up of the appropriate infrastructure



for the better local administration of Vendaland or any other region in South Africa.

"But to do these things and to add a few trappings in an attempt to simulate a spurious independence, then excise a region from the responsibility and sovereignty of South Africa in the name of separate development, is something which we cannot be party to and which we reject — categorically," he said.

It was impractical to believe that 13 percent of the Republic's land area, producing a mere 2 percent of the national income, could support more than 70 percent of the population, Mr John Wiley (SAP, Simonstown) said.

But it would be illogical to oppose granting independence to Venda, which had requested greater freedom.

"Our view is, however, that the Government should rather have waited for the findings of the consolidation committee before granting independence. A federal link with Vendaland would have been preferable and negotiation was easier before independence than after it," he said.

NO RETURN

Mr D J N Malcomess (NRP, East London North) said Venda people living in South Africa were surrounded by discrimination against blacks.

The choice facing them was between total discrimination and "freedom" by independence.

They should be offered another alternative —

that of staying with the Republic in a confederation of states.

There was no possibility that Venda could ever be anything but dependent on South Africa, Mr Rupert Lorimer (PFP, Orange Grove) said during the debate.

"In 1976 Venda had only 13 km of railway line, 126 km of tarred road and its only industry had been a single bakery," he said.

"Is this a sound basis for an independent country?" Mr Lorimer asked.

The Deputy Minister of Co-operation and Development, Dr F Hartzenberg, said that in 1975 the Venda homeland had a higher per capita income than 28 African states and was maintaining a growth rate higher than that of 45 other African states.

Mr Horace van Rensburg (PFP Bryanston) warned that a day of reckoning would come when the white children of South Africa would have to pay for the citizenship and rights that blacks had lost.

The Bill contained the widest possible definition of Venda citizenship and the Venda, no matter how long they had been residing in so-called white South Africa, were simply going to be deprived of their even limited rights.

The Status of Venda Bill was read a second time after a division in which the Government defeated the Opposition by 93 votes to 16. The South African Party voted with the Government.

Venda is set for freedom

SIBASA — Venda was set on a firm course for independence during the latter half of 1979 and preparatory work was already far advanced, the Venda Chief Minister, Chief Patrick Mphahlele, said here yesterday.

Speaking in a New Year message, he said: "The year that has passed, while plunging Venda into unaccustomed political tension, can also be reviewed as one of the most momentous in the country's political development."

"A firm course for independence was finally set and although this landmark will only be reached by the latter half of 1979, much of the preparatory work is already far advanced." — (Sapa)

- 1. Para. 4.3 page 67
- 2. Para. 4.5 "
- 3. Para. 4.4 "
- 4. Para. 4.5 "

Government and the general lack of... away as migrants in South Africa;... poverty; with the ill-effects... with the high risks which attend... the complexity, mobility and... rather general and not unusual... and precisely how it can achieve... exactly which group it is trying... ty in the next statement. "For... ed by Government. The tone of this... Further it is... tend to be the worst off.

and in unusual environments who tend to be the worst off. Further it is... stated that "much it... is disturbing. It... each project, Government... to assist, precisely... this".⁴

The National Development Plan 1976-81 admits that "Government's limited... capacity to implement projects is a greater constraint on rural development... than the shortage of finance".¹ Also that increased knowledge of the... problems shows how much more difficult a task it is than was first thought... There is a need "for greater precision" in reaching those in small villages... and in unusual environments who tend to be the worst off.

35. Keynes fundamental psychological law states, in effect, that:

- (1) C will always increase by same amount as Y.
- (2) Consumption falls as income rises.
- (3) People will save some part of any increase in Y.
- (4) As consumption increases, so will income.
- (5) All of the above.

36. Empirical evidence shows that the long-run consumption function is a straight line running through the origin. Therefore:

- (1) $MPC < APC$.
- (2) $MPC > APC$.
- (3) $MPC = APC$ and both are constant.
- (4) $APS = 1$
- (5) APS is declining as the income level rises.

37. Assuming a closed economy (no G, T, X or M), if MPS increases so that it equals MPC:

- (1) Investment equals half of the total income.
- (2) The multiplier is 0,5.
- (3) The multiplier is 2.
- (4) There will be an inflationary gap.
- (5) $MPC + MPS$ will be > 1 .

38. When a family's income is low, and its current consumption spending is $>$ its current income:

- (1) The $MPC > 1$.
- (2) The $MPC = 1$.
- (3) MPC must be equal to the ratio of total C to total Y.
- (4) MPC is increasing.
- (5) None of the above statements are necessarily true.

39. A declining APC means that:

- 1. MPC must be declining.
- 2. The rich are saving a smaller percentage of incomes than the poor.
- 3. There can be no break-even point.
- 4. The APS must be rising.
- 5. The absolute amount consumed at each income level is falling.

40. The message of the "Paradox of Thrift" is that:

- (1) Saving causes depressions.
- (2) Individuals who try to save cannot succeed.
- (3) Increased total saving may, ceteris paribus, quite possibly have a contractionary effect on the economy.
- (4) Thrift is never a virtue.
- (5) The poor are more likely to be thrifty than the rich.

41. The greater the leakages from the income stream, the:

- (1) Greater will be Y
- (2) More taxes the go
- (3) Larger the MPC.
- (4) Smaller the APC.
- (5) Smaller the multiplier

42. The consumption schedule:

- (1) Raising the rate of interest
- (2) Expectations that income will rise
- (3) Redistributing income from high income to low income
- (4) Subsidising the interest rate
- (5) All of the above.

43. If all of any increase in imports or taxed away, the multiplier:

- (1) Infinity
- (2) 1
- (3) 0
- (4) -1
- (5) 0,5

44. If the MPW is 0,3 and the multiplier is 1,5, the level of investment:

- (1) About R17m.
- (2) R12,5m.
- (3) About R8m.
- (4) R5m.
- (5) R25m.

45. One of the major reasons for the multiplier being less than 1 is that:

- (1) It depends heavily on the interest rate
- (2) Consumer demand changes
- (3) The interest rate is too high
- (4) Investment goods wear out quickly.
- (5) Investment expenditure is not postponable.

46. If the present value of the expected returns on an investment project is greater than the current purchase price, we can conclude that:

- (1) The investment outlay should not be made.
- (2) The MEC is $<$ rate of interest.
- (3) The MEC is $>$ rate of interest.
- (4) The present value has been determined with the wrong interest rate.
- (5) The current supply price of the asset will decrease in the future.

Heed their views RDM 22/1/79

113

THE Prime Minister, Mr P W Botha, will be meeting eight homeland leaders in a series of separate discussions today, and there is likely to be some straight talking.

It is not clear why the Prime Minister has opted to meet the leaders individually instead of in a joint session, but in any case he will probably receive the same message from all of them except Venda's Chief Mphephu: that Nationalist policy is unacceptable.

The Government is not in the habit of paying too much attention to the opinions of the black people it rules, but we hope this time it takes careful note of what the

homeland leaders have to say.

If most remaining homelands are unwilling to co-operate with the Government in creating "independent states" for the black "nations", then the Government has no choice but to consider the alternatives. The homeland leaders' plans formulated at their meeting in December are thought to involve some form of federation which will take the urban blacks into account. As the Government's own constitutional proposals for South Africa outside the homelands make no provision for urban blacks, it has every reason to listen to the homeland leaders' views.

slow
6/3/79
113

Venda freedom date soon

Political Staff
THE ASSEMBLY — Arrangements for Venda's independence were progressing well and an independence date for the homeland would be announced as soon as possible, the Minister of Plural Relations and Develop-

ment, Dr P G J Koornhof, told the Assembly yesterday.

Speaking in the committee-stage debate on the Additional Appropriation Bill, he said the Cabinet committee which was having talks with Venda representatives would

meet in Cape Town soon.

The Minister gave details of various amounts running into millions of rands allocated for Venda's independence.

He said the amount allocated in the additional estimates was R5.9-million.

Projects for which provision had been made included government buildings, three ministerial residences, an independence stadium and the development of the territory's infrastructure for sewage, water, roads and power.

An amount of R250 000 was being allocated for Venda's independence celebrations.

Independence expenditure provided for in the Bantu Trust Account included amounts allocated for residences for the President and the Chief Justice.

Money had also been allocated for a prison and post office and radio equipment.

New era opens for the Vendas

Own Correspondent

CAPE TOWN — Projects related to the coming independence of Venda are far advanced, the Minister of Plural Relations, Dr Koornhof, said today.

At the opening of the Venda Legislative Assembly at Sibasa, Dr Koornhof said the people of Venda were about to enter a new era.

"Projects relating to the coming independence of Venda are far advanced. Worth mentioning are the new office complex, the parliamentary building, the Supreme Court, the presidential residence, the complex of buildings for the national force which is to be established, a prison complex with living quarters for staff, a building for Radio Venda and three more Ministerial residences.

"It is envisaged that all these buildings will be completed in the first half of this year."

Plans for the new capital, Thoho-Ya-Ndou, were now being implemented. A modern teachers' training college and an agricultural school had been established at the capital.

Projects which had been started included a shop and office complex costing about R2-million and a wholesale and hardware establishment built at a cost of R200,000, Dr Koornhof said.

One important contributing factor to the large increase in near money, and consequently M2, was of a technical nature though. This was the inclusion of Credit Bank for the first time into the monetary banking sector after its merger with Bank of Johannesburg in May. At the end of March total money and near money deposits with this bank amounted to R73,2 million, of which R12,3 million was in the form of current account deposits.

The seasonally adjusted supply of money and near money (M1) actually declined by 1,1 per cent over the two month period from the end of March to the end of May. Current account deposits and notes and coin in circulation (M1) actually declined by 1,1 per cent over notice deposits with the monetary banking sector) in short and medium term money component (i.e. in short and medium term (at annual rate) over the two months in the near money component (i.e. in short and medium term) to a substantial rise of more than 46 per cent year. The two large monthly increases were due entirely to a seasonal rise of more than 46 per cent only 4,1 per cent between December and March this with a seasonally adjusted annual rate of increase of 19,4 and 24,2 per cent in April and May, respectively, compared with a seasonally adjusted annual rate of increase of 4,1 per cent between December and March this year. The two large monthly increases were due entirely to a substantial rise of more than 46 per cent (at annual rate) over the two months in the near money component (i.e. in short and medium term) to a substantial rise of more than 46 per cent year. The two large monthly increases were due entirely to a seasonal rise of more than 46 per cent only 4,1 per cent between December and March this with a seasonally adjusted annual rate of increase of 19,4 and 24,2 per cent in April and May, respectively, compared with a seasonally adjusted annual rate of increase of 4,1 per cent between December and March this year.

Financial markets

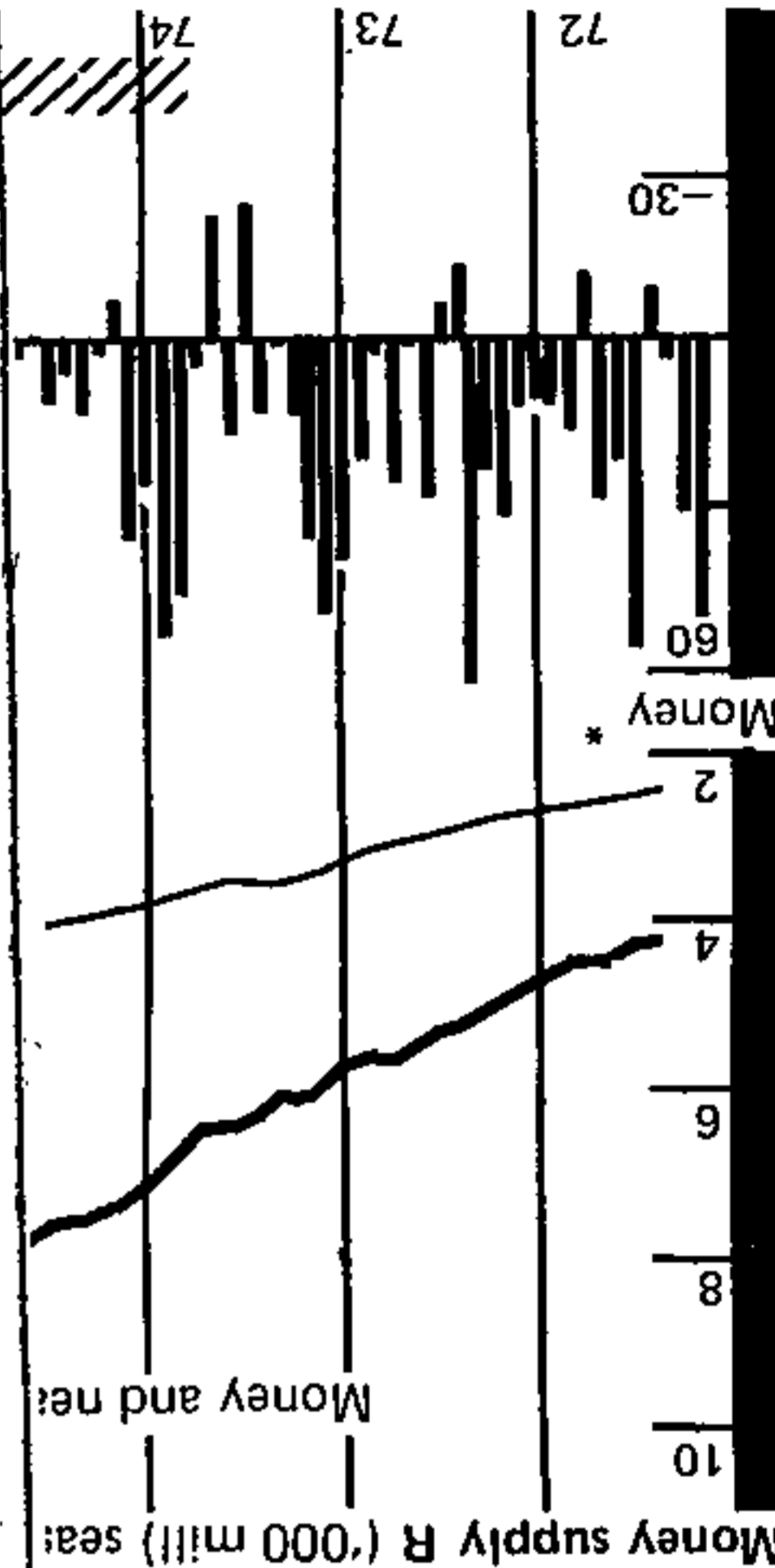
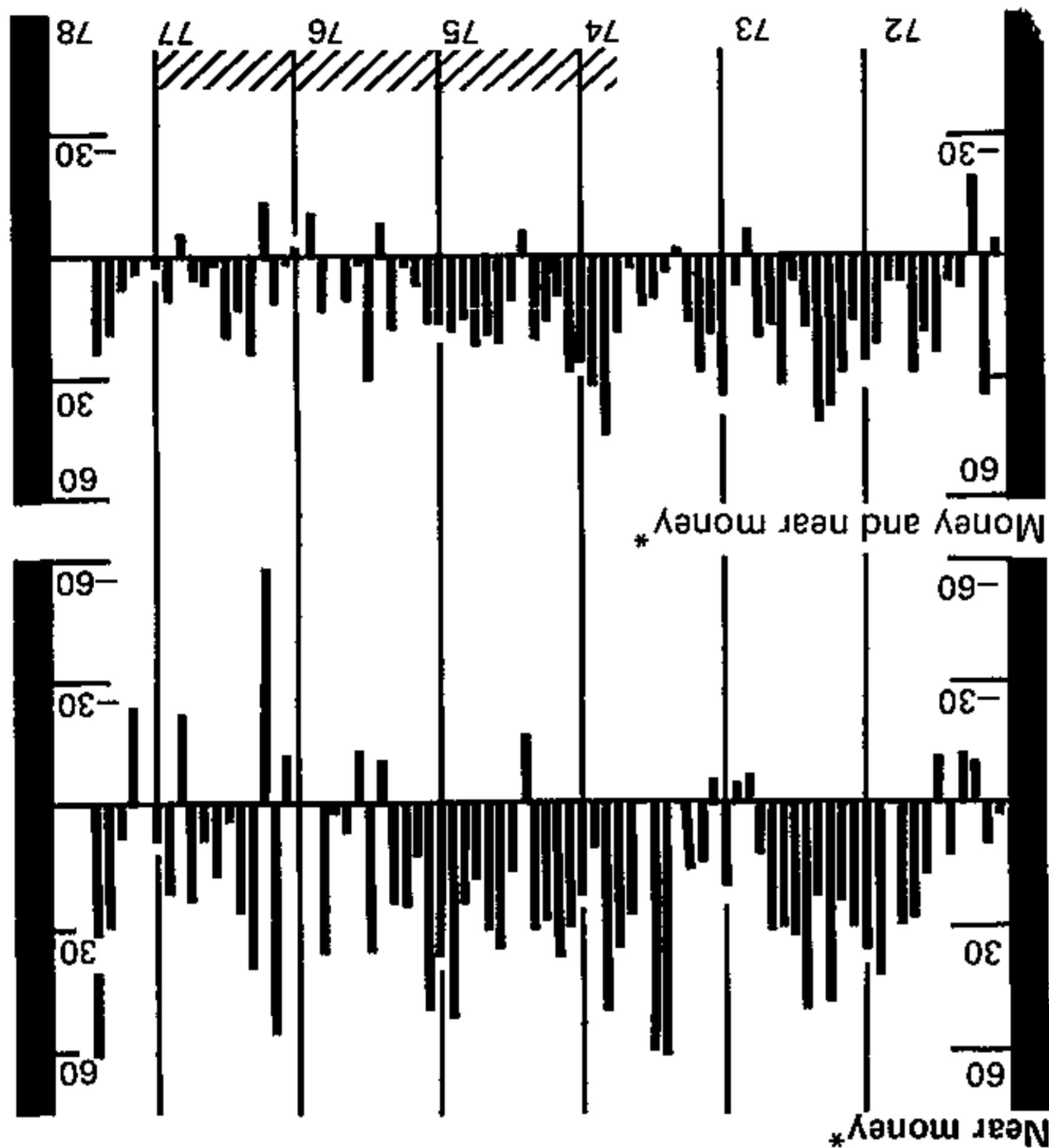
By contrast, conditions in the office furniture sector likely to be stabilised by the economy's recovery. market, particularly since black unemployment is housing for use this year and next should also lead to some increase in demand from this segment of the market, particularly since black unemployment is likely to be stabilised by the economy's recovery.

cannot be expected to improve for some time, at least until fixed investment by commerce and industry resumes growth. This is unlikely until later on next year.

This increase was a rise in credit extended by the banking sector to both the government and the private sectors. In the case of the commercial banks the increase was R177 million, of which R23 million was attributable to the relatively large borrowing of the Land Bank. The successful government stock issue in May and an increase in the commercial banks' non-liquid discounts and advances (by between R90 million and R100 million) accounted for the remainder. There are indications of further substantial increases in the supply of money and near-money during both June and July. Likely factors contributing to these increases were rises in lending to the private sector in June, to finance purchases ahead of the introduction of the general sales tax and inflationary financing in July of a part of this year's maize crop, now valued at some R730 million. Other factors which suggest a continued high growth rate in the supply of money and near-money are an apparent increase in the level of government expenditure in July, coupled with loan levy repayments and net redemptions of government stock during that month. Another technical factor adding to the money stock is the merging of Santam Bank and the Wellingtonse Eksekutieskammer with the Bank of Johannesburg — Credit Bank combination. Prior to the merger neither of the former two banks were included in the monetary banking sector.

s remained in the range of beginning of March, yields increased further in July. The

The money market was extremely marginal —



Walkout ⁽¹³⁾ by Venda

The shaky truce between the ruling Venda National Party and the Opposition Venda Independence People's Party (VIP) was torn apart yesterday when VIP members walked out of the Legislative Assembly.

The VIP leader, Mr Baldwin Mudau, said his party would no longer attend the pre-independence Legislative Assembly after the Government voted yesterday to deprive them of their parliamentary allowances from last September.

Venda opposition quits politics

THOHOYANDOU — All 30 opposition Venda Independence People's Party MPs decided unanimously yesterday to withdraw from politics in the homeland, according to the party leader, Mr Baldwin Mudau.

The decision was taken at a meeting after their mass walk-out from the Venda Legislative Assembly on Wednesday over a ruling that they were entitled to parliamentary allowances from the current session only — not from last year's September session which, it was alleged, they had boycotted.

In a statement after the meeting, Mr Mudau said as long as the Venda Government continued with "its

undemocratic way of handling things, we withdraw completely from Venda politics."

"We can no longer associate with the undemocratic, authoritarian and repressive Venda Government under the leadership of Chief Mphèphu.

"We are disgusted because of the contemptuous manner in which the decision was taken not to pay us. There was no discussion at all.

"And yet last December we read them a letter giving full reasons for our failure to attend the September parliamentary session. The fact that most of us were in detention during that period was arrogantly dismissed.

113

23/3/79

**DEPARTEMENT VAN PLURALE BETREK-
KINGE EN ONTWIKKELING**

No 579

23 Maart 1979

**UITBREIDING VAN DIE DORP
THOHoyANDOU, VENDA**

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, handelende namens die Minister van Plurale Betrekkinge en Ontwikkeling kragtens die bevoegdheid hom verleen by regulasie 4 (1) (b) van Hoofstuk 1 van die Regulasies vir die Administrasie en Bestuur van Dorpe in Swart Gebiede, afgekondig by Proklamasie R. 293 van 1962, brei hierby die dorp Thohoyandou, bepaal en afgesonder by Goewermentskennisgewing 1394 van 1978, uit deur die toevoeging van die grondgebied beskryf in die Bylae hiervan.

W. L. VOSLOO, Adjunk-minister van Plurale
Betrekkings en Ontwikkeling.

(Lêer T60/4/1616/7)

BYLAE

'n Sekere stuk grond, groot 110,968 0 hektaar, geleë in Venda op die plase Palmary Ville 254 MT en Chibase 213 MT, soos aangedui op Algemene Plan PB 220/1978 wat deur die Sekretaris van Plurale Betrekkinge en Ontwikkeling goedgekeur is en in sy kantoor bewaar word en waarvan 'n afskrif beskikbaar is in die kantoor van die Dorpsuperintendent.

**DEPARTMENT OF PLURAL RELATIONS AND
DEVELOPMENT**

No. 579

23 March 1979

**EXTENSION OF THE THOHoyANDOU
TOWNSHIP, VENDA**

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, acting on behalf of the Minister of Plural Relations and Development under and by virtue of the powers vested in him by regulation 4 (1) (b) of Chapter 1 of the Regulations for the Administration and Control of Townships in Black Areas, published under Proclamation R. 293 of 1962, hereby extend the Thohoyandou Township, defined and set apart by Government Notice 1394 of 1978, by the addition of the area of land described in the Schedule hereto.

W. L. VOSLOO, Deputy Minister of Plural
Relations and Development.

(File T60/4/1616/7)

SCHEDULE

A certain piece of land, in extent 110,968 0 hectares, situate in Venda on the farms Palmary Ville 254 MT and Chibase 213 MT, indicated on General Plan PB 220/1978 approved by the Secretary for Plural Relations and Development and filed in his office, a copy of which is available in the office of the Township Superintendent.

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RDM 23/3/79 (113)

Venda opposition party deserts assembly after pay row

— SESHEGO.— All 30 opposition Venda Independence Peoples' Party MPs yesterday decided to withdraw from the homeland's politics.

The party leader, Mr Baldwin Mudau, said the decision was taken at a meeting following a mass walk-out from the

Venda Legislative Assembly on Wednesday over a ruling that MPs were to forfeit their allowances for last year's session.

They allegedly boycotted the Assembly in September last year. Mr Mudau said as long as the

Venda Government continued with "its undemocratic way of handling things, we can no longer associate with the authoritarian and repressive Venda Government under the leadership of Chief Mphhephu (the Chief Minister)".

to ~~demure~~ process at Constantinople, his ships carried the image of the Virgin at their mastheads. In 1143, just before the Hêche on the Chartres clocher was begun, the Basileus John Comnenus died, and so devoted was he to the Virgin that, on a triumphal entry into Constantinople, he put the image of the Mother of God in his chariot, while he himself walked. In the Western Church the Virgin had always been highly honoured, but it was not until the crusades that she began to overshadow the Trinity itself. Then her miracles became more frequent and her shrines more frequented, so that Chartres, soon after 1100, was rich enough to build its western portal with Byzantine splendour. A proof of the new outburst can be read in the story of Citeaux. For us, Citeaux means Saint Bernard, who joined the Order in 1112, and in 1115 founded his Abbey of Clairvaux in the territory of Troyes. In him, the religious emotion of the half-century between the first and second crusades (1095-1145) centred as in no one else. He was a French precursor of Saint Francis of Assisi who lived a century later. If we were to plunge into the story of Citeaux and Saint Bernard we should never escape, for Saint Bernard incarnates what we are trying to understand, and his mind is further from us than the architecture. You would lose hold of everything actual, if you could comprehend in its contradictions the strange mixture of passion and caution, the austerity, the self-abandonment, the vehemence, the restraint, the love, the hate, the miracles, and the scepticism of Saint Bernard. The Cistercian Order, which was founded in 1098, from the first put all its churches under the special protection of the Virgin, and Saint Bernard in his time was regarded as the apple of the Virgin's eye. Tradition as old as the twelfth century, which long afterwards gave to Murillo the subject of a famous painting, told that once, when

the contemptuous manner in which the decision was taken not to pay us.

"And yet last December we read them a letter giving full reasons for our failure to attend the September parliamentary session. The fact that most of us were in detention during that period was arrogantly dismissed.

"(Chief Mphhephu) ignores that we represent over 95% of the Venda population and that we are capable of articulating the woes and aspirations of the hints depressed and defenceless masses in Venda." — Sappa.

for some official introduction to the foot of the Throne, found no intercessor with the Queen of Heaven more potent than Saint Bernard. You can still read Bernard's hymns to the Virgin, and even his sermons, if you like. To him she was the great mediator. In the eyes of a culpable humanity, Christ was too sublime, too terrible, too just, but not even the weakest human frailty could fear to approach his Mother. Her attribute was humility; her love and pity were infinite. 'Let him deny your mercy who can say that he has ever asked it in vain.'

Saint Bernard was emotional and to a certain degree mystical, like Adam de Saint-Victor, whose hymns were equally famous, but the emotional saints and mystical poets were not by any means allowed to establish exclusive rights to the Virgin's favour. Abélard was as devoted as they were, and wrote hymns as well. Philosophy claimed her, and Albert the Great, the head of scholasticism, the teacher of Thomas Aquinas, decided in her favour the question: 'Whether the Blessed Virgin possessed perfectly the seven liberal arts.' The Church at Chartres had decided it a hundred years before by putting the seven liberal arts next her throne, with Aristotle himself to witness; but Albertus gave the reason: 'I hold that she did, for it is written, "Wisdom has built herself a house, and has sculptured seven columns." That house is the blessed Virgin; the seven columns are the seven liberal arts. Mary, therefore, had perfect mastery of science.' Naturally she had also perfect mastery of economics, and most of her great churches were built in economic centres. The guilds were, if possible, more devoted to her than the monks; the bourgeoisie of Paris, Rouen, Amiens, Laon, spent money by millions to gain her favour. Most surprising of all, the great military class was perhaps the most vociferous. Of



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VAN DIE REPUBLIEK VAN-SUID-AFRIKA

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PRETORIA, 30 MAART 1979
MARCH

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[No. 6379]

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 53, 1979

WYSIGING VAN DIE VENDA-GRONDWETPROKLAMASIE, 1973 (PROKLAMASIE R. 12 VAN 1973)

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), wysig ek hierby die Venda-grondwetproklamasie, 1973 (Proklamasie R. 12 van 1973), deur paragraaf (c) van artikel 8 deur die volgende paragraaf te vervang:

“(c) indien sodanige lid (mits hy nie ’n kaptein is nie) versuim om vir ten minste vier dae van enige week van sitting van die Wetgewende Vergadering, die sittings van die Wetgewende Vergadering by te woon sonder die voorafverkreë toestemming daarvan, tensy sodanige lid voor die verstryking van die daaropvolgende week, indien die Wetgewende Vergadering dan in sitting is, en binne sewe dae na die aanvang van die daaropvolgende sessie indien die Wetgewende Vergadering dan nie in sitting is nie, vertoë tot die Speaker van die Wetgewende Vergadering gerig het waarin die redes vir sodanige afwesigheid so volledig moontlik uiteengesit word vir oorweging deur die Wetgewende Vergadering of sodanige komitee daarvan as wat hy vir dié doel aanstel en sodanige afwesigheid deur die Wetgewende Vergadering verskoon is: Met dien verstande dat in afwagting van sodanige verskoning sodanige lid geag word nie lid te gewees het nie gedurende die tydperk vanaf die laaste dag van die betrokke week waarin sodanige lid nie voormelde sittings bygewoon het nie tot die datum van sodanige verskoning.”

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Een-en-twintigste dag van Februarie Eenduisend Nege-honderd Nege-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-raad:

P. G. J. KOORNHOF.

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PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 53, 1979

AMENDMENT OF THE VENDA CONSTITUTION PROCLAMATION, 1973 (PROCLAMATION R. 12 OF 1973)

Under and by virtue of the powers vested in me by section 2 (3) of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby amend the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973), by the substitution for paragraph (c) of section 8 of the following paragraph:

“(c) should such member (if he is not a chief) fail to attend the sittings for at least four days of any week of sitting of the Legislative Assembly without its prior leave unless such member has, before the expiration of the following week, if the Legislative Assembly is then in session and within seven days after the commencement of the next session if the Legislative Assembly is then not in session, has submitted representations to the Speaker of the Legislative Assembly in which the reasons for such absence are explained as fully as possible for consideration by the Legislative Assembly or such committee thereof as it may appoint for the purpose and such absence is condoned by the Legislative Assembly: Provided that pending such condonation such member shall be deemed not to have been a member during the period from the last day of the week concerned in which such member did not attend the aforementioned sittings to the date of such condonation.”

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of February, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

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REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
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PRETORIA, 18 MAY 1979
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[No. 6449]

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 93, 1979

VENDA.—ESTABLISHMENT OF A HIGH COURT FOR VENDA, REGULATIONS FOR THAT COURT, THE VALIDITY OF PROCESS OF THE SUPREME COURT OF SOUTH AFRICA, AN APPEAL COURT FOR COMMISSIONERS' COURTS AND A DIVORCE COURT IN THE AREA OF JURISDICTION OF THE HIGH COURT OF VENDA AND THE ADAPTATION OF STATUTORY PROVISIONS IN REGARD TO MASTERS, DEPUTY MASTERS AND ASSISTANT MASTERS OF THE SUPREME COURT OF SOUTH AFRICA

1. By virtue of the powers vested in me—

(1) by section 34 of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby—

(a) with effect from 1 July 1979, establish a High Court to be known as the High Court of Venda (hereinafter referred to as the High Court) for the area referred to in section 2 of the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973), as defined on the said date, to replace any provincial division of the Supreme Court of South Africa, any Appeal Court for Commissioners' Courts and any Divorce Court which has jurisdiction in the said area: Provided that for the purposes of the provisions of this Proclamation in relation to the appointment of a Chief Justice for the High Court, the remuneration and allowances payable to him and the making of regulations in terms of subsection (2B) of the said section 34 regulating any matter mentioned in subsection (1) (g) of that section, the High Court shall be deemed to be established with effect from 1 June 1979; and

(b) make the regulations contained in the Schedule hereto for the said High Court;

(2) by section 25 of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act

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PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 93, 1979

VENDA.—INSTELLING VAN 'N HOËRHOF VIR VENDA, REGULASIES VIR DAARDIE HOF, DIE GELDIGHEID VAN PROSESSTUKKE VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA, 'N APPELHOF VIR KOMMISSARISHOWE EN 'N EGSKEIDINGSHOF IN DIE REGSGEBIED VAN DIE HOËRHOF VAN VENDA EN DIE AANPASSING VAN WETSBEPALINGS MET BETREKKING TOT MEESTERS, ADJUNK-MEESTERS EN ASSISTENT-MEESTERS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

1. Kragtens die bevoegdheid my verleen—

(1) by artikel 34 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971)—

(a) stel ek hierby, met ingang van 1 Julie 1979, 'n hoërhof in wat bekend staan as die hoërhof van Venda (hieronder die Hoërhof genoem) vir die gebied bedoel in artikel 2 van die Vendagrondwet-proklamasie, 1973 (Proklamasie R. 12 van 1973), soos op genoemde datum omskryf, ter vervanging van enige provinsiale afdeling van die Hooggereshof van Suid-Afrika, enige Appèlhof vir Kommissarishowe en enige Egskeidingshof, wat in gemelde gebied regsbevoegdheid besit: Met dien verstande dat by die toepassing van die bepalings van hierdie Proklamasie met betrekking tot die aanstelling van 'n Hoofregter vir die Hoërhof, die besoldiging en toelaes aan hom betaalbaar en die uitvaardiging kragtens subartikel (2B) van genoemde artikel 34 van regulasies vir die reëling van die een of ander aangeleentheid vermeld in subartikel (1) (g) van daardie artikel, die Hoërhof geag ingestel te wees met ingang van 1 Junie 1979; en

(b) vaardig ek hierby die regulasies in die Bylae ervan vervat, uit vir genoemde Hoërhof;

(2) by artikel 25 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936

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18 of 1936), I hereby determine, in relation to the area for which the said High Court is established, the following:

(a) Any reference in any law to a Master, Deputy Master or Assistant Master of or for a provincial division of the Supreme Court of South Africa shall be construed as a reference to a Master, Deputy Master or Assistant Master, as the case may be, of or for the High Court;

(b) any reference to the Minister in relation to the appointment of a Master, Deputy Master or Assistant Master for the High Court shall be construed as a reference to the Minister of Plural Relations and Development and he may, in his discretion, delegate any power, function or duty in connection with the High Court or its officials to the Secretary for Plural Relations and Development; and

(c) the process of a division of the Supreme Court of South Africa, an Appeal Court for Commissioners' Courts and a Divorce Court shall be of force in the area of jurisdiction of the High Court and any judgment or order of such division or court shall have the force of law in the area of jurisdiction of the High Court and may be served and executed in the area of jurisdiction thereof as if it were a process, a judgment or an order of the High Court.

2. This Proclamation shall be called the High Court of Venda Proclamation, 1979.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Seventh day of May, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE
HIGH COURT OF VENDA
REGULATIONS

Definitions

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Black States Constitution Act, 1971 (Act 21 of 1971) (hereinafter referred to as the Act), bears the meaning so assigned thereto, and—

“advocate” means any person whose name appears in the register referred to in section 8 of the Admission of Advocates Act, 1964 (Act 74 of 1964), and who has not been suspended or whose name has not been struck off the roll of advocates;

“Appellate Division” means the Appellate Division of the Supreme Court;

“area” means the area over which the Court has jurisdiction;

“attorney” means any person who is duly permitted to practise as an attorney in any part of the Republic and who has not been suspended or whose name has not been struck off the roll of attorneys;

“Chief Justice” means, except where it is a reference to the Chief Justice of the Republic, the Chief Justice of the Court appointed in terms of regulation 2 (1);

(Wet 18 van 1936), bepaal ek hierby, met betrekking tot die gebied waarvoor genoemde Hoërhof ingestel is, soos volg:

(a) Enige verwysing in enige wet na 'n Meester, Adjunk-meester of Assistent-meester van of vir 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika word uitgelê as 'n verwysing na 'n Meester, Adjunk-meester of Assistent-meester, na gelang van die geval, van of vir die Hoërhof;

(b) enige verwysing na die Minister met betrekking tot die aanstelling van 'n Meester, Adjunk-meester of Assistent-meester vir die Hoërhof word uitgelê as 'n verwysing na die Minister van Plurale Betrekkinge en Ontwikkeling en hy kan, na goeëdunke, enige bevoegdheid, funksie of plig in verband met die Hoërhof of sy ampsdraers deleger aan die Sekretaris van Plurale Betrekkinge en Ontwikkeling; en

(c) die prosesstukke van 'n afdeling van die Hooggeregshof van Suid-Afrika, 'n Appèlhof vir Kommissarishowe en 'n Egskeidingshof geld in die regsgebied van die Hoërhof en enige vonnis of bevel van sodanige afdeling of hof het regskrag in die regsgebied van die Hoërhof en kan in die regsgebied daarvan beteken en ten uitvoer gelê word asof dit 'n prosesstuk, vonnis of bevel van die Hoërhof is.

2. Hierdie Proklamasie heet die Proklamasie op die Hoërhof van Venda, 1979.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewende dag van Mei Eenduisend Negehonderd Nege-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE
HOËRHOF VAN VENDA
REGULASIES

Woordomskrywings

1. In hierdie regulasies, tensy uit die samehang ander blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Swart State, 1971 (Wet 21 van 1971) (hieronder die Wet genoem), geheg is, daardie betekenis en beteken—

“advokaat” 'n persoon wie se naam in die register bedoel in artikel 8 van die Wet op die Toelating van Advokate, 1964 (Wet 74 van 1964), verskyn en wat nie geskors of wie se naam nie van die rol van advokate geskrap is nie;

“Appèlafdeling” die Appèlafdeling van die Hooggeregshof;

“eiser” ook 'n applikant of ander party wat in 'n siviele geding om regshulp aansoek doen;

“gebied” die gebied waaroor die Hof regsbevoegdheid uitoefen;

“griffier” 'n griffier of 'n assistent-griffier aangestel kragtens die bepalings van regulasie 26;

“Hof” die Hoërhof van Venda ingestel kragtens die bepalings van artikel 34 van die Wet;

"civil summons" means any summons whereby civil proceedings are commenced, and includes any rule nisi, notice of motion or petition the object of which is to require the appearance before the Court of any person against whom relief is sought in such proceedings or of any person who is interested in resisting the grant of such relief;

"Court" means the High Court of Venda established in terms of the provisions of section 34 of the Act;

"court day" means any day other than a Saturday, a Sunday or a public holiday in Venda and only court days shall be included in the computation of any time expressed in days prescribed by the rules of court;

"defendant" includes any respondent or other party against whom relief is sought in civil proceedings;

"full court" means a court consisting of two or more judges;

"Government" means the Government of the Republic;

"indigenous law and custom" means the law and customs of the Black nations of the Republic;

"lower court" means any court (other than the Court or a division of the Supreme Court) or administrative tribunal which is required to keep records of its proceedings, and includes a magistrate or other officer holding a preparatory examination into an alleged offence;

"Minister" means the Minister of Plural Relations and Development;

"plaintiff" includes any applicant or other party who seeks relief in civil proceedings;

"Public Service" means the Public Service of the Republic;

"Public Service Commission" means the Public Service Commission referred to in the Public Service Act, 1957 (Act 54 of 1957);

"registrar" means a registrar or assistant registrar appointed in terms of the provisions of regulation 26;

"rules of court" means the regulations referred to in section 34 (2B) of the Act and "rules" or "court rules" shall bear a corresponding meaning;

"Secretary" means the Secretary for Plural Relations and Development;

"Supreme Court" means the Supreme Court of the Republic of South Africa.

Appointment, remuneration, tenure of office and pensions of judges

2. (1) The State President shall appoint, under his Hand and the Seal of the Republic, a Chief Justice and as many judges for the Court as he may from time to time determine.

(2) (a) The Chief Justice and all other judges of the Court shall be fit and proper persons and shall receive such remuneration and other benefits, allowances and privileges as are prescribed by or under the Judges' Remuneration Act, 1978 (Act 91 of 1978), for judges of the Supreme Court, and which shall not be reduced during their continuance in office: Provided that the remuneration of the Chief Justice shall equal that of a judge president of a provincial division of the Supreme Court.

(b) An appointment under subregulation (1) may, in the case of a person holding office in an acting capacity by virtue of any appointment under subregulation (4), be made with retrospective effect from the commencement of the period during which he so held office or, where he has so held office for two or more periods which together constitute a single uninterrupted period, from the commencement of the first of such periods.

"hofdag" enige dag wat nie 'n Saterdag, 'n Sondag of openbare vakansiedag in Venda is nie, en by die berekening van 'n tydperk van dae by die hofreëls voorgeskryf, word slegs hofdae ingesluit;

"hofreëls" die regulasies bedoel in artikel 34 (2B) van die Wet, en het "reëls" of "reëls van die hof" 'n ooreenstemmende betekenis;

"Hoofregter", behalwe waar daar verwys word na die Hoofregter van die Republiek, die Hoofregter van die Hof aangestel kragtens regulasie 2 (1);

"Hooggeregshof" die Hooggeregshof van die Republiek van Suid-Afrika;

"inheemse reg en gebruik" die reg en gebruike van die Swart volke van die Republiek;

"laerhof" 'n hof (wat nie die Hof of 'n afdeling van die Hooggeregshof is nie) of 'n administratiewe tribunaal, wat notule van sy verrigtings moet hou, en ook 'n magistraat of ander beampte wat 'n voorlopige ondersoek in verband met 'n beweerde misdryf hou;

"Minister" die Minister van Plurale Betrekkinge en Ontwikkeling;

"prokureur" 'n persoon behoorlik toegelaat om binne enige deel van die Republiek as prokureur te praktiseer en wat nie geskors of wie se naam nie van die rol van prokureurs geskrap is nie;

"Regering" die Regering van die Republiek;

"Sekretaris" die Sekretaris van Plurale Betrekkinge en Ontwikkeling;

"siviele dagvaarding" 'n dagvaarding waarmee 'n siviele geding begin word, en ook 'n bevel nisi, kennisgewing van mosie of petisie, wat ten doel het om die verskyning voor die Hof te vereis van iemand teen wie regshulp in so 'n geding versoek word, of van iemand wat daarby belang het om die verlening van bedoelde regshulp teen te staan;

"Staatsdiens" die Staatsdiens van die Republiek;

"Staatsdienskommissie" die Staatsdienskommissie bedoel in die Staatsdienswet, 1957 (Wet 54 van 1957);

"verweerder" ook 'n respondent of ander party teen wie in 'n siviele geding om regshulp aansoek gedoen word;

"volle hof" 'n hof wat uit twee of meer regters bestaan.

Aanstelling, besoldiging, ampsduur en pensioene van regters

2. (1) Die Staatspresident stel onder sy Hand en die Seël van die Republiek 'n Hoofregter en soveel ander regters as wat hy van tyd tot tyd bepaal, aan vir die Hof.

(2) (a) Die Hoofregter en alle ander regters van die Hof moet geskikte persone wees en ontvang die besoldiging en ander voordele, toelaes en voorregte wat by of kragtens die Wet op Besoldiging van Regters, 1978 (Wet 91 van 1978), vir regters van die Hooggeregshof voorgeskryf word en wat nie, solank hulle die amp beklee, verminder mag word nie: Met dien verstande dat die besoldiging van die Hoofregter gelyk is aan dié van 'n regter-president van 'n provinsiale afdeling van die Hooggeregshof.

(b) 'n Aanstelling kragtens subregulasie (1) kan, in die geval van iemand wat dan uit hoofde van 'n aanstelling kragtens subregulasie (4) in waarnemende hoedanigheid dien, terugwerkend gemaak word vanaf die begin van die tydperk wat hy aldus gedien het of, waar hy vir twee of meer tydperke wat tesame 'n enkele ononderbroke tydperk uitmaak, aldus gedien het, vanaf die begin van die eerste van daardie tydperke.

(3) (a) Any person appointed under subregulation (1) or (4), including a judge who has been seconded in terms of the provisions of section 34 (2) (b) of the Act to serve as a judge of the Court, shall, before commencing to exercise the functions of his office, take an oath or make an affirmation, which shall be subscribed by him, in the form set out below, namely:

"I,, do hereby swear/solemnly
(full name)

and sincerely affirm and declare that I will, in my capacity as a judge of the High Court of Venda, administer justice to all persons alike without fear, favour or prejudice and, as the circumstances of any particular case require, in accordance with the law and customs of the area over which the said Court exercises jurisdiction."

(b) Any such oath or affirmation shall be taken or made before the senior available judge of the Court, who shall at the foot thereof endorse a statement to the effect that such oath or affirmation was taken or made before him, which statement shall mention the date on which such oath or affirmation was so taken or made, and append his signature thereto: Provided that such oath or affirmation, which is to be taken or made by the first or only judge appointed for the Court, shall be taken or made before the Chief Justice of the Republic or any other person designated for that purpose by the State President.

(4) Whenever it is for any reason expedient that a person be appointed to act as a judge in the place of any judge of the Court or in addition to the judges of the Court or in any vacancy in the Court, the State President may appoint some fit and proper person so to act for such period as the State President may determine.

(5) Any appointment made under this regulation shall be deemed to have been made also in respect of any period during which the person appointed is necessarily engaged in connection with the disposal of any proceedings in which he has taken part as a judge and which have not been disposed of at the termination of the period for which he was appointed or, having been disposed of before or after such termination, are re-opened.

(6) (a) A judge of the Court shall not be removed from office except by the State President on the grounds of misbehaviour or incapacity.

(b) Any judge of the Court who holds office in a permanent capacity—

(i) shall retire from office on attaining the age of 70 years;

(ii) may retire from office if he has attained the age of 65 years and has completed at least eight years' pensionable service; and

(iii) may at any time, with the approval of the State President, retire from office if he becomes afflicted with a permanent infirmity of mind or body which disables him for the proper discharge of his duties of office, or if any other reason exists which is deemed sufficient by the State President.

(c) Any judge of the Court shall, on retirement, be paid the pension prescribed for judges of the Supreme Court by or under the Judges' Pensions Act, 1978 (Act 90 of 1978).

(7) The provisions of subregulations (3) and (6) (a) shall apply also in respect of a person appointed under subregulation (4), and the provisions of subregulation (2) (a) relating to the remuneration of any judge referred to in that paragraph shall apply also in respect of a person so appointed.

(3) (a) Iemand wat kragtens subregulasie (1) of (4) aangestel word, met inbegrip van 'n regter wat kragtens die bepalings van artikel 34 (2) (b) van die Wet afgegaan is om as regter van die Hof te dien, moet, voordat hy sy ampswerkzaamhede begin uitvoer, 'n eed of plegtige verklaring aflê, wat deur hom onderteken moet word, in onderstaande vorm, te wete:

"Ek,, verklaar hierby onder eed/
(volle naam)

plegtig en opreg dat ek in my hoedanigheid van 'n regter van die Hoërhof van Venda aan alle persone op gelyke voet reg sal laat geskied sonder vrees, begunstiging of vooroordeel en soos die omstandighede van 'n bepaalde saak vereis, ooreenkomstig die reg en gebruike van die gebied waarvoor bedoelde Hof jurisdiksie uitoefen."

(b) Sodanige eed of plegtige verklaring moet afgelê word voor die senior beskikbare regter van die Hof, wat daaronder 'n verklaring moet endosseer dat dit voor hom afgelê is, en die datum van aflegging daarvan moet vermeld en dit moet onderteken: Met dien verstande dat sodanige eed of plegtige verklaring wat afgelê moet word deur die eerste of enigste regter wat vir die Hof aangestel word, afgelê word voor die Hoofregter van die Republiek of 'n ander persoon deur die Staatspresident vir daardie doel aangewys.

(4) Wanneer dit om die een of ander rede raadzaam is dat iemand aangestel word om as 'n regter op te tree in die plek van 'n regter van die Hof of bo en behalwe die regters van die Hof of in 'n vakature in die Hof, kan die Staatspresident 'n geskikte persoon aanstel om aldus op te tree vir die tydperk wat die Staatspresident bepaal.

(5) 'n Aanstelling kragtens hierdie regulasie gedoen, word geag ook gedoen te wees ten opsigte van enige tydperk waartydens die aangestelde persoon hom noodsaaklikerwys besig hou in verband met die afhandeling van verrigtings waaraan hy as regter deelgeneem het en wat, by beëindiging van die tydperk waarvoor hy aangestel is, nog nie afgehandel is nie of wat, nadat dit voor of na sodanige beëindiging afgehandel is, heropen word.

(6) (a) 'n Regter van die Hof word nie van sy amp onthef nie behalwe deur die Staatspresident op grond van wangedrag of onbekwaamheid.

(b) 'n Regter van die Hof van sy amp in 'n permanente hoedanigheid bekleed—

(i) moet aftree by bereiking van die ouderdom van 70 jaar;

(ii) kan aftree indien hy die ouderdom van 65 jaar bereik het en minstens agt jaar pensioengewende diens voltooi het; en

(iii) kan te eniger tyd met die toestemming van die Staatspresident aftree indien hy aangetas raak deur 'n permanente geeste- of liggaamswakheid wat hom ongeskik maak om sy ampspligte behoorlik te vervul of indien daar 'n ander rede bestaan wat die Staatspresident voldoende ag.

(c) 'n Regter van die Hof word by aftrede die pensioen betaal wat by of kragtens die Wet op Pensioene van Regters, 1978 (Wet 90 van 1978), vir regters van die Hooggeregshof voorgeskryf word.

(7) Die bepalings van subregulasies (3) en (6) (a) is ook van toepassing ten opsigte van iemand kragtens subregulasie (4) aangestel, en die bepalings van subregulasie (2) (a) met betrekking tot die besoldiging van 'n regter bedoel in daardie paragraaf, is ook van toepassing ten opsigte van 'n persoon aldus aangestel.

(8) A judge of the Supreme Court seconded in terms of the provisions of section 34 (2) (b) of the Act to serve as Chief Justice shall be paid, apart from his salary as judge of the Supreme Court, an additional allowance in order that his salary, calculated together with the said allowance, shall equal that payable to a judge president of a provincial division of the Supreme Court.

Judge not to hold any other office of profit

3. (1) No judge of the Court shall, without the consent of the State President, accept, hold or perform any other office of profit or receive in respect of any service any fees, emoluments or other remuneration apart from his salary and any allowances which may be payable to him in his capacity as judge of the Court.

(2) Subject to the provisions of regulation 2 (8), no fees, emoluments or other remuneration, apart from his salary and any allowances which are payable to him in his capacity as judge of the Supreme Court, shall be paid to a judge of the Supreme Court seconded to act or serve as judge of the Court, merely by reason of the fact that such a judge acts or serves as a judge of the Court.

Constitution of the Court

4. (1) (a) Save as provided in these regulations or any other law, the Court shall, when sitting as a court of first instance for the hearing of any civil matter, be constituted before a single judge of the Court: Provided that the Chief Justice or, in his absence, the senior available judge of the Court, may at any time direct that any matter be heard by a full court consisting of as many judges as he may determine.

(b) A single judge may at any time discontinue the hearing of any matter which is being heard before him and refer it for hearing to the full court.

(2) The Court shall, subject to the provisions of subregulation (4) and except where it is in terms of any law required or permitted to be otherwise constituted, for the hearing of any appeal be constituted before not less than two judges: Provided that in the case of an appeal which could have been heard by an Appeal Court for Commissioners' Courts had these regulations not come into force, the Court shall be constituted before a single judge and two assessors who, in the opinion of the Court, have a good knowledge of indigenous law and custom.

(3) For the hearing of any criminal case as a court of first instance, the Court shall be constituted in the manner prescribed in the applicable law relating to procedure in criminal matters.

(4) During any period which may by rule of court be fixed as vacation or during any period for which only one judge has been appointed for the Court in terms of these regulations or is available, one judge thereof shall, notwithstanding anything contained in these regulations or any other law, be competent to exercise all the powers, jurisdiction and authority of the Court, including the hearing of appeals.

More than one court may sit at the same time

5. The Court may at any time sit in as many courts constituted in the manner provided for in these regulations as the available judges may allow.

(8) 'n Regter van die Hooggeregshof wat kragtens die bepalings van artikel 34 (2) (b) van die Wet afgegaan is om as Hoofregter te dien, word benewens sy salaris as regter van die Hooggeregshof, 'n bykomende toelae betaal ten einde sy salaris, bereken tesame met genoemde toelae, gelyk te maak aan die salaris betaalbaar aan 'n regter-president van 'n provinsiale afdeling van die Hooggeregshof.

Regter beklee geen ander winsbetrekking nie

3. (1) Geen regter van die Hof mag, sonder toestemming van die Staatspresident, 'n ander winsbetrekking aanvaar of beklee of daarin dien, of ten opsigte van enige diens enige gelde, emolumente of ander besoldiging benewens sy salaris en enige toelaes wat in sy hoedanigheid van regter van die Hof aan hom betaalbaar is, ontvang nie.

(2) Behoudens die bepalings van regulasie 2 (8) word geen gelde, emolumente of ander besoldiging, benewens sy salaris en enige toelaes wat in sy hoedanigheid van regter van die Hooggeregshof aan hom betaalbaar is, aan 'n regter van die Hooggeregshof wat afgegaan is om as regter van die Hof waar te neem of te dien, betaal nie bloot uit hoofde daarvan dat so 'n regter as regter van die Hof waarneem of dien nie.

Samestelling van Hof

4. (1) (a) Behoudens die bepalings van hierdie regulasies of ander wetsbepalings word die Hof, wanneer hy as 'n hof van eerste instansie vir die verhoor van 'n siviele aangeleentheid sit, voor 'n enkele regter van die Hof saamgestel: Met dien verstande dat die Hoofregter, of in sy afwesigheid die senior beskikbare regter van die Hof, te eniger tyd kan gelas dat 'n aangeleentheid verhoor word deur 'n volle hof wat bestaan uit soveel regters as wat hy bepaal.

(b) 'n Enkele regter kan te eniger tyd die verhoor van 'n aangeleentheid wat voor hom verhoor word, staak en dit vir verhoor na die volle hof verwys.

(2) Die Hof word, behoudens die bepalings van subregulasie (4) en behalwe waar hy ingevolge die een of ander wetsbepaling anders saamgestel moet of kan word, vir die verhoor van 'n appèl voor minstens twee regters saamgestel: Met dien verstande dat in die geval van 'n appèl wat deur 'n Appèlhof vir Kommissarishowe verhoor sou kon word indien hierdie regulasies nie van krag geword het nie, die Hof voor 'n enkele regter en twee assessore wat, na die mening van die Hof, 'n goeie kennis van die inheemse reg en gebruik het, saamgestel word.

(3) Vir die verhoor van 'n strafszaak as 'n hof van eerste instansie word die Hof saamgestel op die wyse in die toepaslike wetsbepalings op prosedure in strafregtelike aangeleenthede voorgeskryf.

(4) Gedurende enige tydperk wat by hofreëls as 'n vakansie tydperk bepaal is, of gedurende enige tydperk waarvoor slegs een regter kragtens hierdie regulasies vir die Hof aangestel is of waartydens hy beskikbaar is, is een regter daarvan, ondanks enigiets in hierdie regulasies of ander wetsbepalings vervat, bevoeg om al die bevoegdhede, jurisdiksie en gesag van die Hof uit te oefen, insluitende die verhoor van appèlle.

Meer as een hof kan terselfdertyd sit

5. Die Hof kan te eniger tyd in soveel howe, wat volgens voorskrif van hierdie regulasies saamgestel is, sittings hou as wat die beskikbare regters toelaat.

Persons over whom and matters in relation to which the Court has jurisdiction

6. (1) The Court shall have the same jurisdiction in the area as that which could have been exercised by a provincial division of the Supreme Court, an Appeal Court for Commissioners' Courts and a Divorce Court in terms of the common law or other applicable laws had these regulations not come into force and shall, in addition to any powers or jurisdiction conferred on it by law, have the power—

(a) to hear and determine appeals from all lower courts within its area of jurisdiction;

(b) to review the proceedings of all such courts; and

(c) in its discretion, and at the instance of any interested person, to inquire into and determine any existing, future or contingent right or obligation, notwithstanding that such person cannot claim any relief consequential upon the determination.

(2) The Court shall also have jurisdiction over any person residing or being outside the area who is joined as a party to any cause in relation to which the Court has jurisdiction or who, in terms of a third party notice, becomes a party to such cause.

(3) The provisions of this regulation shall not be construed as in any way limiting the powers of the Transvaal Provincial Division of the Supreme Court, the North-Eastern Appeal Court for Commissioners' Courts and the North-Eastern Divorce Court, as existing at the time of the coming into operation of these regulations, or as depriving such courts of any jurisdiction they could legally exercise at the time of such coming into operation, in order to enable such courts to finalise any unfinished work, including legal matters already instituted at the time of such coming into operation.

Seat and circuit courts

7. (1) The seat of the Court shall be in Thohoyandou: Provided that the Chief Justice may, by notice in the *Government Gazette* and the *Official Gazette* of Venda, from time to time divide the area into one or more circuit districts and may, from time to time, by like notice alter the boundaries of any such district for purposes of specific circuits of the Court.

(2) In each circuit district referred to in subregulation (1) there shall be held at such times and places as may be determined by the Chief Justice a court presided over by a judge of the Court.

(3) Such court shall, for all purposes, be deemed to be the Court and shall not constitute a separate division of the Court and all records in connection with the proceedings of the Court on circuit and its judgments, decrees, orders, and sentences shall be those of the Court.

Nature of Court and seal

8. (1) The Court is a court of record and shall have for use as the occasion may require a seal of the design described in the Annexure to these regulations.

(2) The seal shall be kept in the custody of the registrar of the Court.

Proceedings to be carried on in open court

9. Save as is otherwise provided in any law, all proceedings in the Court shall be carried on in open court.

Persone oor wie en aangeleenthede met betrekking waartoe die Hof regsbevoeg is

6. (1) Die Hof besit dieselfde regsbevoegdheid in die gebied as wat 'n provinsiale afdeling van die Hooggeregshof, 'n Appèlhof vir Kommissarishowe en 'n Egskeidingshof ingevolge die gemene reg of ander toepaslike wette sou kon uitoefen indien hierdie regulasies nie van krag geword het nie en is, afgesien van enige bevoegdheid of jurisdiksie regtens aan hom verleen, bevoeg—

(a) om appèlle van alle laerhowe binne sy regsgebied te verhoor en daaroor te beslis;

(b) om die verrigtinge van alle sodanige howe te hersien; en

(c) om na goeddunke, en op versoek van 'n belanghebbende persoon, enige bestaande, toekomstige of voorwaardelike reg of verpligting te ondersoek en te bepaal, al het so iemand nie regtens enige aanspraak op verligting uit hoofde van die bepaling nie.

(2) Die Hof besit ook regsbevoegdheid oor 'n persoon wat buite die gebied woon of is en wat gevoeg word as 'n party by 'n geding met betrekking waartoe die Hof regsbevoegdheid besit of wat ingevolge 'n derdepartykennisgewing 'n party by so 'n geding word.

(3) Die bepalings van hierdie regulasie word nie so uitgelê dat dit op enigerlei wyse die bevoegdhede van die Transvaalse Provinsiale Afdeling van die Hooggeregshof en die Noordoostelike Appèlhof vir Kommissarishowe en die Noordoostelike Egskeidingshof, soos dit by die inwerkingtreding van hierdie regulasies bestaan, beperk, of sodanige howe enige regsbevoegdheid wat hulle wettiglik by bedoelde inwerkingtreding kon uitoefen, ontnem nie, ten einde bedoelde howe in staat te stel om enige onafgehandelde werksaamhede, insluitende regsangeleenthede wat reeds ahangig gemaak is by bedoelde inwerkingtreding, af te handel.

Setel of Rondgange

7. (1) Die setel van die Hof is op Thohoyandou: Met dien verstande dat die Hoofregter by kennisgewing in die *Staatskoerant* en die *Amptelike Koerant* van Venda van tyd tot tyd die gebied in een of meer rondgangdistrikte kan indeel en van tyd tot tyd by dergelike kennisgewing die grense van sodanige distrikte kan verander vir doeleindes van bepaalde rondgange van die Hof.

(2) Daar moet in elk van die rondgangdistrikte bedoel in subregulasie (1), op die tye en plekke wat die Hoofregter bepaal, 'n hof voor 'n regter van die Hof gehou word.

(3) So 'n hof word vir alle doeleindes geag die Hof te wees, vorm nie 'n afsonderlike afdeling van die Hof nie, en alle stukke in verband met die verrigtinge van die Hof op rondgang en sy uitsprake, bevele, orders en vonnisse is dié van die Hof.

Aard van die Hof en seël

8. (1) Die Hof is 'n notulerende hof en moet 'n seël vir gebruik na vereiste van omstandighede hê, waarvan die ontwerp is soos in die Aanhangsel van hierdie regulasies beskryf.

(2) Die seël word in bewaring van die griffier van die Hof gehou.

Verrigtinge vind in ope hof plaas

9. Behoudens andersluidende wetsbepalings word alle verrigtinge in die Hof in ope hof gevoer.

Manner of arriving at decisions

10. (1) Save as otherwise provided in these regulations or any other law, the judgment of the majority of the judges of the full court shall be the judgment of the Court and where the judgments of a majority of the judges of the Court are not in agreement, the hearing shall be adjourned and commenced *de novo* before a new court constituted in such manner as the Chief Justice or, in his absence, the senior available judge, may determine.

(2) If at any stage during the hearing of any matter by a full court, any judge of such court dies or retires or otherwise becomes incapable of acting or is absent, the hearing shall, if the remaining judges constitute a majority of the judges before whom it was commenced, proceed before such remaining judges, and if such remaining judges do not constitute such a majority, or if only one judge remains, the hearing shall be commenced *de novo*, unless all the parties to the proceedings agree unconditionally in writing to accept the decision of the majority of such remaining judges or of such one remaining judge as the decision of the court.

(3) The provisions of subregulation (1) shall *mutatis mutandis* apply whenever in the circumstances set out in subregulation (2) a hearing proceeds before two or more judges.

Certified copies of court records admissible as evidence

11. Whenever a judgment, decree, order or other record of the Court is required to be proved or inspected or referred to in any manner, a copy of such judgment, decree, order or other record duly certified as such by the registrar under the seal of the Court shall be prima facie evidence thereof without proof of the authenticity of the registrar's signature.

Reference of particular matters for investigation by referee

12. (1) In any civil proceedings the Court may, with the consent of the parties, refer—

(a) any matter which requires extensive examination of documents or scientific, technical or local investigation which, in the opinion of the Court, cannot be conveniently conducted by it; or

(b) any matter which relates wholly or in part to accounts; or

(c) any other matter arising in such proceedings;

for inquiry and report to a referee to be appointed by the Court, and the Court may adopt the report of any such referee, either wholly or in part, and either with or without modifications, or may remit such report for further inquiry or for a further report or for consideration by such referee, or make such other order in regard thereto as may be necessary or desirable.

(2) Any such report or any part thereof which is adopted by the Court, whether with or without modifications, shall have effect as if it were a finding by the Court in the civil proceedings in question.

(3) Any such referee shall for the purpose of such inquiry have such powers and shall conduct the inquiry in such manner as may be prescribed by a special order of the Court or by the rules of court.

Wyse waarop tot beslissings geraak word

10. (1) Behoudens andersluidende bepalings van hierdie regulasies of ander wetsbepalings is die uitspraak van die meerderheid van die regters van die volle hof die uitspraak van die Hof, en waar die uitsprake van 'n meerderheid van die regters van die Hof nie met mekaar ooreenstem nie, word die verhoor verdaag en *de novo* begin voor 'n nuwe hof saamgestel op die wyse wat die Hoofregter of, in sy afwesigheid, die senior beskikbare regter bepaal.

(2) Indien in enige stadium gedurende die verhoor van 'n aangeleentheid deur 'n volle hof, 'n regter van sodanige hof te sterwe kom of aftree of andersins onbekwaam word om op te tree of afwesig is, word die verhoor, indien die oorblywende regters 'n meerderheid uitmaak van die regters voor wie dit begin het, voor daardie oorblywende regters voortgesit, en indien daardie oorblywende regters nie so 'n meerderheid uitmaak nie of indien slegs een regter oorbly, word die verhoor *de novo* begin, tensy al die partye by die verrigtinge skriftelik en onvoorwaardelik ooreenkom om die beslissing van die meerderheid van bedoelde oorblywende regters of van bedoelde enkele oorblywende regter as die beslissing van die Hof te aanvaar.

(3) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing wanneer 'n verhoor onder die omstandighede in subregulasie (2) uiteengesit, voor twee of meer regters voortgesit word.

Gesertifiseerde afskrifte van hofstukke as getuienis toelaatbaar

11. Wanneer 'n uitspraak, bevel, order of ander stukke van die Hof bewys of geïnspekteer moet word of daar op enige wyse daarna verwys moet word, is 'n afskrif van sodanige uitspraak, bevel, order of ander stuk, wat behoorlik deur die griffier onder die seël van die Hof as sodanig gesertifiseer is, prima facie-bewys daarvan sonder bewys van die egtheid van die handtekening van die griffier.

Verwysing van bepaalde aangeleenthede vir ondersoek deur skeidsregter

12. (1) Die Hof kan, in 'n siviele geding, met die toestemming van die partye—

(a) enige aangeleentheid wat 'n uitgebreide ondersoek van dokumente, of 'n wetenskaplike, tegniese of plaaslike ondersoek verg, wat na die oordeel van die Hof nie geredelik deur die Hof ingestel kan word nie; of

(b) enige aangeleentheid wat geheel en al of gedeeltelik op rekeninge betrekking het; of

(c) enige ander aangeleentheid wat uit bedoelde geding voortspuit;

vir ondersoek en verslag na 'n skeidsregter, wat deur die Hof aangewys moet word, verwys, en die Hof kan die verslag van so 'n skeidsregter in sy geheel of gedeeltelik aanvaar, met of sonder wysigings, of kan sodanige verslag vir verdere ondersoek of verslag of ooreweging deur bedoelde skeidsregter terugverwys, of 'n ander bevel ten opsigte daarvan uitvaardig wat nodig of wenslik is.

(2) So 'n verslag of enige deel daarvan wat deur die Hof aanvaar word, hetsy met of sonder wysigings, het die uitwerking van 'n bevinding van die Hof in die betrokke siviele geding.

(3) So 'n skeidsregter het, vir die doeleindes van bedoelde ondersoek, die bevoegdheids en behartig die ondersoek op die wyse wat by 'n spesiale hofbevel of by die hofreëls voorgeskryf word.

(4) For the purpose of procuring the attendance of any witness (including any witness detained in custody under any law) and the production of any document or thing before a referee, an inquiry under this regulation shall be deemed to be a civil proceeding.

(5) (a) Any person who is summoned to appear and give evidence or produce any document or thing before a referee and who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the inquiry or until he is excused by the referee from further attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control which he was summoned to produce shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(b) Any person who, after having been sworn or having made affirmation, gives false evidence before a referee at an inquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(6) Any referee shall be entitled to such remuneration as may be prescribed by the rules of court or, if no such remuneration has been so prescribed, as the Court may determine, and to any reasonable expenditure incurred by him for the purposes of the inquiry, and any such remuneration and expenditure shall be taxed by the taxing master of the Court and shall be costs in the cause.

Appeals to the Court

13. (1) Subject to the provisions of these regulations and any other law, the Court shall have the power to hear and determine appeals from lower courts in the area, and the provisions of any law relating to the powers of the Transvaal Provincial Division of the Supreme Court in connection with appeals from any such lower courts to the Supreme Court shall, subject to the provisions of these regulations and the rules of court, *mutatis mutandis* apply to any appeals to the Court.

(2) The provisions of this regulation shall not affect any other law relating to appeals against decisions of lower courts in civil matters and any reference to the Supreme Court or an Appeal Court for Commissioners' Courts in relation to such appeals shall be construed as a reference to the Court.

(3) Appeals in criminal cases heard by the Court shall *mutatis mutandis* be subject to the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977), and any reference in that Act to the Supreme Court or a division thereof shall be deemed to be a reference to the Court.

Appeals to the Appellate Division

14. (1) In addition to any jurisdiction conferred upon it by any other law, the Appellate Division shall, subject to the provisions of these regulations and any other law, have jurisdiction to hear and determine any appeal against a decision of the Court and the provisions relating to appeals against a judgment or order

(4) Vir die doeleindes van die verkryging van die aanwesigheid van 'n getuie (met inbegrip van 'n getuie wat kragtens 'n wetsbepaling in hegtenis gehou word) en die oorlegging van 'n dokument of saak voor 'n skeidsregter, word 'n ondersoek kragtens hierdie regulasie 'n siviele geding geag.

(5) (a) Iemand wat gedagvaar is om voor 'n skeidsregter te verskyn en getuienis af te lê of 'n dokument of saak oor te lê, en wat sonder voldoende rede in gebreke bly om op die bepaalde tyd en plek aanwesig te wees of om aanwesig te bly totdat die ondersoek voltooi is of totdat die skeidsregter hom verlof gee om nie meer aanwesig te wees nie, of wat weier om as getuie die eed of 'n plegtige verklaring af te lê, of wat na eedaflegging of die aflê van 'n plegtige verklaring in gebreke bly om 'n vraag aan hom gestel volledig en op bevredigende wyse te beantwoord, of wat in gebreke bly om 'n dokument of saak in sy besit of bewaring of onder sy beheer, en waarvan hy tot oorlegging gedagvaar is, oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(b) Iemand wat na eedaflegging of die aflê van 'n plegtige verklaring valse getuienis voor 'n skeidsregter by 'n ondersoek aflê, met die wete dat die getuienis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die regtens voorgeskrewe strawwe vir meened.

(6) 'n Skeidsregter is geregtig op die besoldiging wat by die hofreëls voorgeskryf word of, indien geen sodanige besoldiging aldus voorgeskryf is nie, wat die Hof bepaal, en op enige redelike uitgawes deur hom vir die doeleindes van die ondersoek aangegaan, en sodanige besoldiging en uitgawes word deur die takseermeester van die Hof getakseer en is koste in die geding.

Appèlle na die Hof

13. (1) Behoudens die bepalings van hierdie regulasies en enige ander wetsbepaling, besit die Hof die bevoegdheid om appèlle vanaf laerhowe in die gebied te verhoor en daaroor te beslis en is die wetsbepalings wat betrekking het op die bevoegdhede van die Transvaalse Provinsiale Afdeling van die Hooggeregshof in verband met appèlle vanaf sodanige laerhowe na die Hooggeregshof, behoudens die bepalings van hierdie regulasies en die hofreëls, *mutatis mutandis* van toepassing op alle appèlle na die Hof.

(2) Die bepalings van hierdie regulasie maak nie inbreuk op ander wetsbepalings betreffende appèlle teen beslissings van laerhowe in siviele aangeleenthede nie en enige verwysing na die Hooggeregshof of 'n Appèlhof vir Kommissarishowe met betrekking tot sodanige appèlle word uitgelê as 'n verwysing na die Hof.

(3) Appèlle in strafsake deur die Hof verhoor, is *mutatis mutandis* onderworpe aan die bepalings van die Strafproseswet, 1977 (Wet 51 van 1977), en enige verwysing in daardie Wet na die Hooggeregshof of 'n afdeling daarvan word geag 'n verwysing na die Hof te wees.

Appèlle na die Appèlafdeling

14. (1) Benewens enige regsbevoegdheid by enige wetsbepaling aan hom verleen, is die Appèlafdeling regsbevoeg om, behoudens die bepalings van hierdie regulasies en ander wetsbepalings, 'n appèl teen 'n beslissing van die Hof te verhoor en te beslis en is die bepalings met betrekking tot appèlle teen 'n uitspraak

of a provincial division of the Supreme Court shall, subject to the provisions of these regulations, apply as if the Court were a provincial division of the Supreme Court.

(2) Save with the leave of the Court there shall be no appeal to the Appellate Division against an interlocutory order or against a judgment or order on application by way of motion or petition or summons for provisional judgment or in a trial where the defendant is in default, or in connection with costs only, which by law vests in the discretion of the Court or against a judgment or order given by consent, or against a judgment or order given by the Court in an appeal to it or upon review by it: Provided that, where such leave has been refused, the Appellate Division may, on application being made to it, grant such leave, and may vary any order as to costs made by the Court in refusing leave.

Grounds for review of proceedings of lower courts

15. (1) The grounds upon which the proceedings of any lower court may be brought under review before the Court area—

- (a) absence of jurisdiction on the part of the court;
- (b) interest in the cause, bias, malice or corruption on the part of the presiding judicial officer;
- (c) gross irregularity in the proceedings; and
- (d) the admission of inadmissible or incompetent evidence or the rejection of admissible or competent evidence.

(2) Nothing in this regulation shall affect the provisions of any other law relating to the review of proceedings in lower courts and any reference in any law to the Supreme Court or an Appeal Court for Commissioners' Courts in relation to reviews shall be construed as a reference to the Court.

No process to be issued against judge except with consent of the Court

16. (1) Notwithstanding anything to the contrary in any law contained, no summons or subpoena against any judge of the Court or the Supteme Court shall in any civil action be issued out of any court in the area, except with the consent of the Court.

(2) Where the issuing of a summons or subpoena against a judge to appear in a civil action has been consented to, the date upon which such judge must attend court shall be determined in consultation with the Chief Justice or, in his absence, the next senior available judge of the Court.

Scope and execution of process

17. (1) The provisions of section 26 (1) of the Supreme Court Act, 1959 (Act 59 of 1959), shall apply to process of the Court.

(2) Any warrant or other process for the execution of a judgment given or order issued against any association of persons corporate or unincorporate, partnership or firm may be executed by attachment of the property or assets of such association, partnership or firm.

Time allowed to enter appearance

18. The time allowed for entering appearance with regard to a civil summons served shall be not less than—

- (a) 21 court days if the summons is to be served in the area; and

of bevel van 'n provinsiale afdeling van die Hooggeregshof, onderworpe aan die bepalings van hierdie regulasies, van toepassing asof die Hof 'n provinsiale afdeling van die Hooggeregshof is.

(2) Behalwe met verlof van die Hof, is daar geen appèl na die Appèlafdeling nie teen 'n interlokutore bevel of teen 'n uitspraak of bevel op aansoek by wyse van mosie of petisie of dagvaarding vir provisionele vonnis of in 'n verhoorsaak waar die verweerder in verstek is, of slegs in verband met koste wat regtens by die diskresie van die Hof berus of teen 'n uitspraak of bevel by toestemming gegee, of teen 'n uitspraak of bevel wat deur die Hof in appèl na hom of na hersiening deur hom gegee is: Met dien verstande dat waar sodanige verlof geweier is, die Appèlafdeling, op aansoek aan hom gerig, sodanige verlof kan verleen en enige bevel met betrekking tot koste, uitgevaardig deur die Hof by die weiering van verlof, kan wysig.

Gronde vir hersiening van verrigtinge van laerhowe

15. (1) Die gronde waarop die verrigtinge van 'n laerhof voor die Hof in hersiening gebring kan word, is—

- (a) gebrek aan regsbevoegdheid van die hof;
- (b) belang by die geding, vooroordeel, kwaadwilligheid of korrupsie by die voorsittende regterlike beampte;
- (c) growwe onreëlmatigheid in verband met die verrigtinge; en
- (d) die toelating van ontoelaatbare of onbevoegde getuienis of die verwerping van toelaatbare of bevoegde getuienis.

(2) Die bepalings van hierdie regulasie het geen uitwerking op ander wetsbepalings met betrekking tot die hersiening van verrigtinge van laerhowe nie en enige verwysing in enige wetsbepaling na die Hooggeregshof of 'n Appèlhof vir Kommissarishowe met betrekking tot hersienings word uitgelê as 'n verwysing na die Hof.

Prosesstukke word nie sonder toestemming van die Hof teen regter uitgereik nie

16. (1) Ondanks andersluidende wetsbepalings, word geen dagvaarding of getuiedagvaarding in 'n siviele geding teen 'n regter van die Hof of die Hooggeregshof uit enige hof in die gebied uitgereik nie, behalwe met die toestemming van die Hof.

(2) Waar toestemming tot die uitreiking van 'n dagvaarding of getuiedagvaarding teen 'n regter om in 'n siviele saak te verskyn, verleen is, word die datum waarop sodanige regter die hof moet bywoon, in ooreenstemming met die Hoofregter of, in sy afwesigheid, die eersvolgende senior beskikbare regter van die Hof, bepaal.

Strekking en tenuitvoerlegging van prosesstukke

17. (1) Die bepalings van artikel 26 (1) van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), is van toepassing op prosesstukke van die Hof.

(2) 'n Lasbrief of ander prosesstuk vir die tenuitvoerlegging van 'n uitspraak gegee of bevel uitgevaardig teen 'n vereniging van persone met of sonder regs persoonlikheid, vennootskap of firma kan deur beslaglegging op die eiendom of bates van sodanige vereniging, vennootskap of firma ten uitvoer gelê word.

Tyd toegelaat om verskyning aan te teken

18. Die tydperk toegelaat om, in verband met 'n siviele dagvaarding wat bestel is, verskyning aan te teken, moet minstens—

- (a) 21 hofdae wees indien die dagvaarding binne die gebied bestel moet word; en

(b) 28 court days in any other case.

Prohibition on arrest or attachment to found jurisdiction where defendant resides within the Republic

19. (1) No arrest of a person or attachment of property to found jurisdiction shall be ordered by the Court against a person who is resident in the Republic.

(2) No writ shall be issued out of the Court in or in connection with civil proceedings instituted or to be instituted for the arrest of a person residing within the area to secure his appearance as a defendant in those proceedings, by reason only that such person has departed or is about to depart to a place outside the area of jurisdiction of the Court but within the Republic.

Circumstances in which security for costs shall not be required

20. When a person residing within the Republic but outside the area is a plaintiff in civil proceedings in the Court, he shall not, by reason only of the fact that he resides outside the area, be required to give security for costs in those proceedings.

Manner of securing attendance of witnesses in civil proceedings and penalties for non-attendance

21. (1) A party to civil proceedings before the Court in which the attendance of witnesses is required may procure the attendance of any witness in the manner provided for in the rules of court.

(2) Whenever any person subpoenaed to attend any civil proceedings as a witness fails, without reasonable excuse, to obey the subpoena and it appears from the return of the competent officer or from evidence given under oath that the subpoena was served upon the person to whom it was directed and that his reasonable expenses, calculated in accordance with the tariff framed under regulation 34 (1) were paid or offered to him, or that he is evading service of the subpoena, or if any person who has attended in obedience to a subpoena fails to remain in attendance, the Court may issue a warrant directing that he be arrested and brought before the Court at a time and place stated in the warrant or as soon thereafter as possible.

(3) A person arrested under any such warrant may be detained thereunder before the Court or in any prison or lock-up or other place of detention or in the custody of the person who is in charge of him with a view to securing his attendance as a witness at the said proceedings: Provided that the Court may release him on a recognizance with or without sureties for his appearance to give evidence as required and for his appearance at the inquiry referred to in subregulation (4).

(4) The Court may summarily inquire into such person's evasion of the service of the subpoena or failure to obey the subpoena or to remain in attendance and may, unless it is proved that such person has a reasonable excuse for such evasion or failure, sentence him to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(5) Any sentence imposed by the Court under subregulation (4) shall be enforced and shall be subject to appeal as if it were a sentence imposed in a criminal case.

(b) 28 hofdae wees in enige ander geval.

Verbod op arrest of beslaglegging om jurisdiksie te vestig waar verweerder in Republiek woon

19. (1) Geen inhegtenisname van die persoon of beslaglegging op eiendom om jurisdiksie te vestig, word teen iemand wat in die Republiek woon, deur die Hof beveel nie.

(2) Geen lasbrief word in of in verband met 'n siviele geding wat ingestel is of staan te word, uit die Hof uitgereik vir die inhegtenisname van iemand wat in die gebied woon, ten einde sy verskyning as 'n verweerder by daardie verrigtinge te verseker nie, bloot op grond daarvan dat so iemand na 'n plek buite die regsgebied van die Hof maar binne die Republiek vertrek het of op die punt staan om daarheen te vertrek.

Omstandighede waarin sekerheidstelling vir koste nie vereis word nie

20. Wanneer iemand wat in die Republiek, maar buite die gebied, woon, 'n eiser is in 'n siviele geding voor die Hof, word nie bloot uit hoofde daarvan dat daardie eiser buite die gebied woon, sekerheid vir koste in daardie geding van hom vereis nie.

Wyse om verskyning van getuies in siviele gedinge te verseker en strawwe vir versuim om te verskyn

21. (1) 'n Party by 'n siviele geding voor die Hof in verband waarmee die aanwesigheid van getuies vereis word, kan die aanwesigheid van 'n getuie verkry op die wyse in die hofreëls bepaal.

(2) Wanneer iemand wat gedagvaar is om as 'n getuie by 'n siviele geding aanwesig te wees, sonder redelike verskoning versuim om die dagvaarding te gehoorsaam, en dit uit die relaas van die bevoegde beampte of uit getuienis onder eed afgelê, blyk dat die dagvaarding bestel is aan die persoon aan wie dit gerig is en dat sy redelike uitgawes, bereken ooreenkomstig die tarief kragtens regulasie 34 (1) voorgeskryf, aan hom betaal of aangebied is, of dat hy bestelling van die dagvaarding ontwyk, of indien iemand wat ter voldoening aan 'n dagvaarding opgedaag het, versuim om aanwesig te bly, kan die Hof 'n lasbrief uitreik waarby gelas word dat hy in hegtenis geneem en op 'n tyd en plek in die lasbrief vermeld of so spoedig moontlik daarna voor die Hof gebring word.

(3) Iemand wat ingevolge so 'n lasbrief in hegtenis geneem word, kan daarkragtens aangehou word voor die Hof of in 'n gevangenis of opsluitplek of ander aanhoudingsplek of in die bewaring van die persoon wat hom in bewaring het, ten einde sy aanwesigheid as 'n getuie by die betrokke geding te verseker: Met dien verstande dat die Hof hom onder borgkante met of sonder borge vir sy verskyning om getuienis af te lê soos vereis en vir sy verskyning by die ondersoek bedoel in subregulasie (4), kan vrylaat.

(4) Die Hof kan summier ondersoek instel na so iemand se ontwyking van bestelling van die dagvaarding of versuim om die dagvaarding te gehoorsaam of om aanwesig te bly, en kan, tensy bewys word dat so iemand 'n redelike verskoning vir die ontwyking of versuim het, hom vonnis tot 'n boete van hoogstens R50 of tot gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(5) 'n Vonnis ingevolge subregulasie (4) deur die Hof opgelê, word ten uitvoer gelê en is onderworpe aan appèl asof dit 'n vonnis is wat in 'n strafsak opgelê is.

(6) If a person who has entered into any recognizance for his appearance to give evidence at such proceedings or for his appearance at an inquiry referred to in subregulation (4) fails so to appear, he may, apart from the forfeiture or his recognizance, be dealt with as if he had failed to obey a subpoena to attend such proceedings or appear at such inquiry.

Manner in which witness may be dealt with on refusal to give evidence or to produce documents

22. (1) Whenever any person who appears either in obedience to a subpoena or by virtue of a warrant issued under regulation 21 or is present and is orally required by the Court to give evidence in any civil proceedings refuses to be sworn or to make an affirmation or, having been sworn or having made an affirmation, refuses to answer such questions as are put to him, or refuses or fails to produce any document or thing which he is required to produce, without any just excuse for such refusal or failure, the Court may adjourn the proceedings for any period not exceeding eight days and may, in the mean time, by warrant commit the person so refusing or failing to prison unless he sooner consents to do what is required of him.

(2) If any person referred to in subregulation (1) again refuses at the resumed hearing of the proceedings to do what is so required of him, the Court may again adjourn the proceedings and commit him for a like period and do so again from time to time until such person consents to do what is required of him.

(3) Nothing in this regulation contained shall prevent the Court from giving judgment in any case or otherwise disposing of the proceedings on the ground of any other sufficient evidence taken.

(4) No person shall be bound to produce any document or thing not specified or otherwise sufficiently described in the subpoena unless he actually has it in Court.

(5) When a subpoena is issued to procure the attendance of a judicial officer to give evidence or to produce any book, paper or document in any civil proceedings, and it appears—

(a) that he is unable to give any evidence or to produce any book, paper or document which would be relevant to any issue in such proceedings; or

(b) that such book, paper or document could properly be produced by some other person; or

(c) that compelling him to attend would be an abuse of the process of the court;

the Court may, notwithstanding anything in this regulation contained, after reasonable notice by the registrar to the party who sued out the subpoena and after hearing that party in chambers if he appears, make an order cancelling such subpoena.

Examination by interrogatories of persons whose evidence is required in civil proceedings

23. (1) The Court may in connection with any civil proceedings pending before it order that the evidence of a person who resides or is, for the time being, outside the area of jurisdiction of the Court be taken by means of interrogatories by a commissioner appointed for that purpose.

(6) Indien iemand wat 'n borgakke aangegaan het om te verskyn ten einde in so 'n geding getuienis af te lê, of om by die ondersoek bedoel in subregulasie (4), te verskyn, versuim om aldus te verskyn, kan daar, afgesien van die verbeurdverklaring van sy borggeld, met hom gehandel word asof hy versuim het om 'n dagvaarding om by bedoelde geding aanwesig te wees, te gehoorsaam of om by bedoelde ondersoek te verskyn.

Wyse waarop met getuie gehandel kan word by weiering om getuienis af te lê of stukke oor te lê

22. (1) Wanneer iemand wat òf ter voldoening aan 'n dagvaarding òf ingevolge 'n lasbrief kragtens regulasie 21 uitgereik, verskyn of aanwesig is en deur die Hof mondeling van hom verlang word om in 'n siviele geding getuienis af te lê, weier om 'n eed of plegtige verklaring af te lê, of, nadat hy 'n eed of plegtige verklaring afgelê het, weier om die vrae te beantwoord wat aan hom gestel word, of weier of versuim om 'n stuk of saak oor te lê waarvan die oorlegging van hom vereis word, sonder dat daar grondige rede vir die weiering of versuim bestaan, kan die Hof die verrigtinge vir 'n tydperk van hoogstens agt dae verdaag en die persoon wat aldus weier of versuim, intussen by lasbrief gevange sit, tensy hy eerder instem om te doen wat van hom verlang word.

(2) Indien 'n persoon bedoel in subregulasie (1) by die hervatting van die verhoor van die geding weer weier om te doen wat aldus van hom verlang word, kan die Hof weer eens die verrigtinge verdaag en hom vir 'n dergelike tydperk gevange sit en dit van tyd tot tyd herhaal totdat bedoelde persoon instem om te doen wat van hom verlang word.

(3) Die bepalings van hierdie regulasie belet nie die Hof om in enige saak uitspraak te gee of die verrigtinge andersins af te handel op grond van ander voldoende getuienis wat afgeneem is nie.

(4) Niemand is verplig om 'n stuk of saak oor te lê wat nie in die dagvaarding vermeld of andersins genoegsaam beskryf is nie, tensy hy dit werklik in die Hof het.

(5) Wanneer 'n dagvaarding uitgereik word om die aanwesigheid van 'n regterlike beampte te verkry om in 'n siviele geding getuienis af te lê of 'n boek, stuk of dokument oor te lê, en dit blyk—

(a) dat hy nie in staat is om getuienis te lewer of 'n boek, stuk of dokument oor te lê wat by 'n geskilpunt in die geding ter sake sou wees nie; of

(b) dat sodanige boek, stuk of dokument gevolglik deur iemand anders oorgelê sou kon word; of

(c) dat om hom te verplig om aanwesig te wees op misbruik van geregtelike proses sou neerkom;

kan die Hof, ondanks enigiets in hierdie regulasie vervat, na redelike kennisgewing deur die griffier aan die party wat die dagvaarding uitgeneem het en nadat daardie party in kamers aangehoor is indien hy verskyn, 'n bevel uitvaardig waarby die dagvaarding gekanselleer word.

Ondervraging op vraagpunte van persone van wie getuienis in siviele gedinge verlang word

23. (1) Die Hof kan in verband met 'n siviele geding wat voor hom aanhangig is, beveel dat die getuienis van iemand wat buite die regsgebied van die Hof woon of hom dan daarbuite bevind, by wyse van vraagpunte afgeneem word deur 'n kommissaris vir daardie doel aangestel.

(2) Whenever an order is made under subregulation (1), the registrar shall certify that fact and transmit a copy of his certificate to the commissioner of the Court, together with any duly and lawfully framed interrogatories on which questioning of the said person is desired and the fees and the amount of the expenses payable to the said person for his appearance as hereinafter provided.

(3) Upon receipt of the aforesaid certificate, interrogatories and fees, the commissioner shall summon the said person to appear before him and, upon his appearance, shall take his evidence as if he were a witness in civil proceedings before the Court, and shall put to him the aforesaid interrogatories and any other questions calculated to obtain full and true answers to the said interrogatories and shall take down or cause to be taken down the evidence so obtained, and shall transmit the same, certified as correct, to the registrar.

(4) The commissioner shall further transmit to the registrar a certificate showing the amount paid to the person concerned in respect of the expenses of his appearance, and the cost of the issue and service of the process for summoning such person before him.

(5) Any person summoned to appear as provided in this regulation who, without reasonable excuse, fails to appear at the time and place mentioned in the summons shall be guilty of an offence and liable on conviction by any competent court to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(6) Any evidence on interrogatories taken and certified under the provisions of this regulation shall, subject to all lawful exceptions, be received as evidence in the aforesaid civil proceedings.

Manner of dealing with commissions rogatoire, letters of request, and documents for service originating from foreign countries

24. (1) Whenever a commission rogatoire or letter of request received from any state or territory or court outside the Republic is transmitted to the registrar by the Secretary, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto without requiring an application to be made to the Court by the agents (if any) of the parties to the action or matter, the registrar shall submit the same to a judge in chambers in order to give effect to such commission rogatoire or letter of request.

(2) Whenever a request for the service on a person in the area of any civil process or citation received from a state, territory or court outside the Republic is transmitted to the registrar by the Secretary, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto, the registrar shall cause service of the said process or citation to be effected in accordance with the rules of court by the sheriff or a deputy sheriff or any person specially appointed for that purpose by a judge of the Court.

(3) The registrar shall, after effect has been given to any such commission rogatoire, letter of request, process or citation, return all relevant documents, duly verified in accordance with the rules of court, to the Secretary for transmission.

(2) Wanneer 'n bevel kragtens subregulasie (1) uitgevaardig word, moet die griffier daardie feit sertifiseer en 'n afskrif van sy sertifikaat aan die kommissaris van die Hof stuur, tesame met behoorlik en wettiglik opgestelde vraagpunte waarvoor ondervraging van die betrokke persoon verlang word, asook die gelde en bedrag van die onkoste aan daardie persoon betaalbaar ten opsigte van sy verskyning soos hieronder bepaal.

(3) By ontvangs van bedoelde sertifikaat, vraagpunte en gelde dagvaar die kommissaris die betrokke persoon om voor hom te verskyn, en by sy verskyning neem die kommissaris sy getuienis af asof hy 'n getuie in 'n siviele geding voor die Hof is en stel hy aan hom voormelde vraagpunte asook ander vrae wat daarop bereken is om volledige en juiste antwoorde op bedoelde vraagpunte te verkry, en neem hy die aldus verkreeë getuienis af of laat hy dit afneem, en hy moet dit as korrek sertifiseer en aan die griffier stuur.

(4) Die kommissaris moet verder aan die griffier 'n sertifikaat stuur wat die bedrag toon wat aan die betrokke persoon ten opsigte van die onkoste verbonde aan sy verskyning betaal is, asook die koste van uitreiking en bestelling van die prosesstukke waarby daardie persoon gedagvaar is om voor hom te verskyn.

(5) Iemand wat gedagvaar word om volgens voorskrif van hierdie regulasie te verskyn, en wat sonder redelike verskoning versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn, is aan 'n misdryf skuldig en by skuldigbevinding deur enige bevoegde hof strafbaar met 'n boete van hoogstens R50 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(6) Getuienis op vraagpunte ingevolge hierdie regulasie afgeneem en gesertifiseer, word, onderworpe aan alle wetlike eksepsies, as getuienis in voormelde siviele geding aangeneem.

Wyse waarop met rogatore kommissies, versoekbriewe en stukke vir bestelling afkomstig uit vreemde lande gehandel moet word

24. (1) Wanneer 'n rogatore kommissie of versoekbrief wat van 'n staat of gebied of hof buite die Republiek ontvang is, deur die Sekretaris aan die griffier gestuur word, tesame met 'n vertaling in Afrikaans of Engels, indien die oorspronklike in 'n ander taal is, en 'n mededeling dat die Minister dit wenslik ag dat daaraan gevolg gegee word sonder om te vereis dat 'n aansoek deur die agente (as daar is) van die partye by die geding of saak by die Hof gedoen word, lê die griffier bedoelde rogatore kommissie of versoekbrief voor aan 'n regter in kamers om daaraan gevolg te gee.

(2) Wanneer 'n versoek om die bestelling aan iemand in die gebied van 'n siviele prosesstuk of sitasie wat van 'n staat, gebied of hof buite die Republiek ontvang is, deur die Sekretaris aan die griffier gestuur word, tesame met 'n vertaling in Afrikaans of Engels, indien die oorspronklike in 'n ander taal is, en 'n mededeling dat die Minister dit wenslik ag dat daaraan gevolg gegee word, laat die griffier bedoelde prosesstuk of sitasie ooreenkomstig die hofreëls bestel deur die balju of adjunk-balju of iemand wat 'n regter van die Hof spesiaal vir daardie doel aangestel het.

(3) Die griffier moet, nadat aan so 'n rogatore kommissie, versoekbrief, prosesstuk of sitasie gevolg gegee is, alle tersaaklike stukke, wat behoorlik ooreenkomstig die hofreëls geverifieer is, aan die Sekretaris vir versending deurstuur.

(4) Except where the Minister otherwise directs, no fees other than disbursements shall be recovered from any state, territory or court on whose behalf any service such as is referred to in this regulation has been effected.

Appointment and powers of attorney-general

25. (1) The State President shall, subject to the laws governing the Public Service, appoint, in respect of the area of jurisdiction of the Court, an attorney-general who shall have the power to prosecute in the name of the Republic, in any court in the area, any person charged with any offence in regard to which any court in the said area has jurisdiction, and he may perform all functions relating to the exercise of that power.

(2) The attorney-general shall exercise his authority and carry out his functions under these regulations or under any other law, subject to the control and directions of the Minister, who may reverse any decision arrived at by the attorney-general and may himself in general or in any specific matter exercise any part of such authority and carry out any such function.

(3) Whenever for any reason the attorney-general is absent or unable to carry out the functions of his office or whenever the office of the attorney-general becomes vacant, the Minister may appoint any fit and proper officer of the Public Service to act in the place of the attorney-general during his absence or incapacity, or to act in the vacant office until the vacancy is filled, as the case may be.

(4) The Minister may, subject to the laws governing the Public Service, appoint one or more deputy attorneys-general in respect of the area who may, subject to the control and directions of the attorney-general, do anything which may be lawfully done by the attorney-general.

Appointment and powers of other officers of the Court

26. (1) (a) The Minister may, subject to the laws governing the Public Service, appoint registrars, assistant registrars, sheriffs, additional sheriffs, deputy sheriffs and other officers for the Court whenever they may be required for the administration of justice or the exercise of the powers and authority of the Court: Provided that if the duties to be performed by any deputy sheriff are, in the opinion of the Public Service Commission, insufficient to keep at least one person fully occupied throughout the year, and no officer in the Public Service is, in the opinion of the said Commission, able to perform the duties of such deputy sheriff in addition to his other duties, or if, in the opinion of the Minister, the duties of such deputy sheriff can be performed satisfactorily and at less cost to the Government by a person who is not an officer in the Public Service, the Minister may appoint any person as such deputy sheriff at such remuneration and on such conditions as the Minister may determine.

(b) Whenever by reason of absence or incapacity a registrar, assistant registrar or sheriff is unable to carry out the functions of his office, or his office becomes vacant, the Minister may authorise any other competent officer in the Public Service to act in the place of the absent or incapacitated officer during such absence or incapacity or to act in the vacant office until the vacancy is filled: Provided that when any

(4) Behalwe waar die Minister anders gelas, word geen ander gelde as uitgawes op 'n staat, gebied of hof, ten behoeve waarvan bestelling geskied het soos in hierdie regulasie bedoel, verhaal nie.

Aanstelling en bevoegdheid van prokureur-generaal

25. (1) Behoudens die wetsbepalings op die Staatsdiens, stel die Staatspresident ten opsigte van die regsg gebied van die Hof 'n prokureur-generaal aan, wat die bevoegdheid besit om in die naam van die Republiek in enige hof in die gebied iemand te vervolgt wat aangekla word weens 'n misdryf met betrekking waartoe 'n hof in bedoelde gebied regsbevoegdheid besit, en hy kan alle werksaamhede verrig wat met die uitoefening van daardie bevoegdheid in verband staan.

(2) Die prokureur-generaal oefen sy gesag uit en verrig sy werksaamhede ingevolge hierdie regulasies of enige ander wetsbepaling, onderworpe aan die beheer en voorskrifte van die Minister, wat 'n beslissing waartoe die prokureur-generaal geraak het, kan omverwerp en self in die algemeen of met betrekking tot 'n besondere aangeleentheid enige deel van daardie gesag kan uitoefen en enige sodanige werksaamheid kan verrig.

(3) Wanneer die prokureur-generaal om die een of ander rede afwesig is of nie in staat is om sy ampswerksaamhede te verrig nie of wanneer die amp van die prokureur-generaal vakant raak, kan die Minister 'n geskikte beampte van die Staatsdiens aanstel om gedurende die afwesigheid of onvermoë van die prokureur-generaal in sy plek op te tree of om in die vakante amp waar te neem totdat die vakature gevul word, na gelang van die geval.

(4) Die Minister kan, behoudens die wetsbepalings op die Staatsdiens, ten opsigte van die gebied een of meer adjunk-prokureurs-generaal aanstel wat, onderworpe aan die beheer en voorskrifte van die prokureur-generaal, enigiets kan doen wat die prokureur-generaal wettiglik kan doen.

Aanstelling en bevoegdheid van ander beamptes van die Hof

26. (1) (a) Die Minister kan, met inagneming van die wetsbepalings op die Staatsdiens, vir die Hof griffiers, assistent-griffiers, balju's, addisionele balju's, adjunk-balju's en ander beamptes aanstel wanneer hulle vir die regspleging of die uitoefening van die bevoegdheid en gesag van die Hof nodig is: Met dien verstande dat, indien die pligte wat deur 'n adjunk-balju verrig moet word, volgens die oordeel van die Staatsdienskommissie nie voldoende is om minstens een persoon die hele jaar deur ten volle besig te hou nie, en geen beampte in die Staatsdiens volgens die oordeel van bedoelde Kommissie in staat is om die pligte van daardie adjunk-balju benewens sy ander pligte uit te voer nie, of indien, volgens die Minister se oordeel, die pligte van bedoelde adjunk-balju op bevredigende wyse en teen laer koste vir die Regering verrig kan word deur iemand wat nie 'n beampte in die Staatsdiens is nie, die Minister enigiemand as so 'n adjunk-balju kan aanstel teen die besoldiging en op die voorwaardes wat die Minister bepaal.

(b) Wanneer 'n griffier, assistent-griffier of balju weens afwesigheid of onbekwaamheid nie sy ampspligte kan uitvoer nie of sy amp vakant word, kan die Minister 'n ander bevoegde beampte in die Staatsdiens magtig om in die plek van die afwesige of onbekwame beampte op te tree solank hy aldus afwesig of onbekwaam is, of om in die vakante betrekking waar te neem totdat die vakature gevul word: Met dien verstande dat wanneer so 'n vakature vir 'n ononderbroke

such vacancy has remained unfilled for a continuous period exceeding six months the matter shall be reported to the Public Service Commission.

(c) An additional sheriff may, subject to the directions of the sheriff, exercise all the powers and carry out and perform all the functions and duties of the sheriff.

(2) Any officer in the Public Service appointed under subregulation (1) may hold simultaneously more than one of the offices mentioned in that subregulation.

(3) A deputy sheriff who is not an officer in the Public Service may, with the approval of the Minister, appoint one or more assistants for whom he shall be responsible and any such assistant may, subject to the directions of the deputy sheriff, exercise any of the powers and carry out or perform any of the functions or duties of such deputy sheriff.

(4) Any person appointed as an assistant to a deputy sheriff who is an officer in the Public Service may, subject to the directions of such deputy sheriff, exercise any of the powers and carry out or perform any of the functions or duties of the deputy sheriff.

(5) A deputy sheriff who is not an officer in the Public Service shall, as soon as possible after his appointment, furnish security to the satisfaction of the sheriff for the due and faithful performance of his functions, and if he fails or neglects to furnish such security within a period fixed by the sheriff, his appointment shall lapse at the expiration of the said period.

(6) Whenever in any matter objection is made to the service or execution of process by the sheriff or a deputy sheriff by reason of the interest of such sheriff or deputy sheriff in such matter or of the relationship of such sheriff or deputy sheriff to a party to such matter or of any other good cause of challenge, or whenever by reason of illness or absence or for any other reason it is necessary to appoint any person to perform temporarily any of the duties of a deputy sheriff, the Minister may appoint an acting deputy sheriff.

(7) Any person who has already been appointed in the area as deputy sheriff in terms of the Supreme Court Act, 1959 (Act 59 of 1959), shall, subject to the provisions of subregulation (5), be deemed to have been appointed in terms of the provisions of these regulations.

(8) The Minister may delegate to an officer in the Department of Plural Relations and Development any of the powers vested in him in terms of this regulation.

Suspension of deputy sheriff

27. (1) A deputy sheriff who is alleged to have been negligent or dilatory in the service or execution of process or wilfully to have demanded payment of more than the prescribed fees or expenses or to have made a false return or in any other manner to have misconducted himself in connection with his duties may, pending investigation, be suspended from office and profit by the sheriff who may appoint a person to act in his place during the period of suspension.

(2) The sheriff shall forthwith report to the Secretary for the information of the Minister any action which he has taken under this regulation, and the Minister may, after investigation, set aside the suspension or may confirm it and may, if he deems fit, dismiss from his office the deputy sheriff who has been so suspended.

tydperk van meer as ses maande nie gevul is nie, die geval aan die Staatsdienskommissie gerapporteer moet word.

(c) 'n Addisionele balju kan, onderworpe aan die opdragte van die balju, al die bevoegdhede van die balju uitoefen en al sy werksaamhede en pligte uitvoer.

(2) 'n Beampte in die Staatsdiens wat kragtens subregulasie (1) aangestel is, kan gelyktydig meer as een van die ampte in daardie subregulasie bedoel, beklee.

(3) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiens is nie, kan, met goedkeuring van die Minister, een of meer assistente aanstel vir wie hy verantwoordelik is en so 'n assistent kan, onderworpe aan die opdragte van die adjunk-balju, enige van die bevoegdhede van daardie adjunk-balju uitoefen en enige van sy werksaamhede of pligte uitvoer.

(4) Iemand wat aangestel is as assistent van 'n adjunk-balju wat 'n beampte in die Staatsdiens is, kan, onderworpe aan die opdragte van daardie adjunk-balju, enige bevoegdheid van bedoelde adjunk-balju uitoefen en enige van sy werksaamhede of pligte uitvoer.

(5) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiens is nie, moet, so gou doenlik na sy aanstelling, tot tevredenheid van die balju sekuriteit vir die behoorlike en pligsgetroue verrigting van sy werksaamhede verstrek, en indien hy versuim of nalaat om binne 'n tydperk deur die balju bepaal sodanige sekuriteit te verstrek, verval sy aanstelling by verstryking van daardie tydperk.

(6) Wanneer in enige saak teen die bestelling of tenuitvoerlegging van 'n proses deur die balju of 'n adjunk-balju beswaar gemaak word op grond daarvan dat bedoelde balju of adjunk-balju by daardie saak belang het of aan 'n party by daardie saak verwant is of op 'n ander goeie wrakingsgrond, of wanneer dit weens siekte of afwesigheid of om 'n ander rede nodig is om iemand aan te stel om tydelik enige pligte van 'n adjunk-balju te verrig, kan die Minister 'n waarnemende adjunk-balju aanstel.

(7) Enige persoon wat reeds ingevolge die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), in die gebied as adjunk-balju aangestel is, word, behoudens die bepalings van subregulasie (5), geag ingevolge die bepalings van hierdie regulasies aangestel te gewees het.

(8) Die Minister kan aan 'n beampte in die Departement van Plurale Betrekkinge en Ontwikkeling enige bevoegdheid deleger wat ingevolge hierdie regulasie by hom berus.

Skorsing van adjunk-balju

27. (1) 'n Adjunk-balju wat na bewering nalatig of traag by die bestelling of tenuitvoerlegging van prosesstukke was of opsetlik betaling van meer as die voorgeskrewe gelde of onkoste geëis het of 'n valse relaas gemaak of hom andersins in verband met sy pligte aan wangedrag skuldig gemaak het, kan, in afwagting van 'n ondersoek, in sy amp geskors en van die voordele daarvan onthef word deur die balju, wat iemand kan aanstel om gedurende die tydperk van die skorsing in sy plek op te tree.

(2) Die balju moet onverwyld enige stappe wat hy ingevolge hierdie regulasie gedoen het aan die Sekretaris vir die inligting van die Minister rapporteer, en die Minister kan na ondersoek die skorsing tersyde stel of dit bekragtig en kan na goeddunke die adjunk-balju wat aldus geskors is, uit sy amp ontslaan.

Execution of process

28. (1) The sheriff or the deputy sheriff concerned or his assistant shall execute all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and processes of the Court or the Supreme Court directed to the sheriff and make return of the manner of execution thereof to the Court or the Supreme Court, as the case may be, and to the party at whose instance they were issued.

(2) The return of the sheriff or a deputy sheriff or his assistant of the steps taken upon any process of the Court shall be prima facie evidence of the matters therein stated.

(3) The sheriff shall receive and cause to be detained all persons arrested by order of the Court or committed to his custody by competent authority.

(4) A refusal by the sheriff or any deputy sheriff to do any act which he is by law empowered to do, shall be subject to review by the Court on application *ex parte* or on notice, as the circumstances may require.

Liability for acts of sheriff

29. (1) The Government shall be liable for any loss or damage resulting from any wrongful act performed by a sheriff or deputy sheriff who is an officer in the Public Service, or an assistant of such deputy sheriff, within the scope of his employment as such sheriff or deputy sheriff or assistant or from any neglect of duty by such sheriff or deputy sheriff or assistant.

(2) The sheriff or a deputy sheriff or his assistant shall not be liable for damage arising from the rescue or escape of any person arrested by him or committed to his custody, unless such rescue or escape was effected through his negligence or connivance, but shall, in the event of the rescue or escape of any such person, use all lawful means for his pursuit, apprehension and safe custody.

(3) No proceedings shall be brought against the Minister or the sheriff or any deputy sheriff or his assistant for any act or omission in the execution of the duties of his office unless commenced within six months after the act was committed or the omission occurred.

Service of process on sheriffs or deputy sheriffs

30. (1) Whenever any process is required to be served on the sheriff, such process may be served by the other party by delivering a copy thereof to him at his office during ordinary office hours against his signature.

(2) Whenever any process is required to be served on a deputy sheriff, the said process may, if the deputy sheriff resides in the same district as the sheriff, be served by the sheriff and in every other case by the messenger of the magistrate's court: Provided that if the messenger is himself the deputy sheriff to be so served, the said process may be served by any person specially appointed by the sheriff for that purpose.

Property not liable to be seized in execution

31. The sheriff or a deputy sheriff or his assistant shall not seize in execution of any process—

(a) the necessary beds and bedding and wearing apparel of the person against whom execution is levied or any member of his family;

Tenuitvoerlegging van prosesstukke

28. (1) Die balju of die betrokke adjunk-balju of sy assistent moet alle vonnisse, bevels, uitsprake, bevelskrifte, dagvaardings, reëls, orders, lasbriewe, lasgewings en prosesstukke van die Hof of die Hooggeregshof wat aan die balju gerig is, ten uitvoer lê en 'n relaas van die wyse waarop dit ten uitvoer gelê is, verstrekk aan die Hof of die Hooggeregshof, na gelang van die geval, en aan die party wat dit uitgeneem het.

(2) Die relaas van die balju of 'n adjunk-balju of sy assistent van die stappe wat in verband met 'n prosesstuk van die Hof gedoen is, is prima facie-getuienis van die aangeleentheid daarin vermeld.

(3) Die balju moet alle persone wat op las van die Hof in hegtenis geneem of deur bevoegde gesag in sy bewaring gestel is, ontvang en laat aanhou.

(4) 'n Weiering deur die balju of 'n adjunk-balju om 'n handeling te verrig wat hy regtens gemagtig is om te verrig, is onderworpe aan hersiening deur die Hof by aansoek *ex parte* of na kennisgewing, al na die omstandighede vereis.

Aanspreeklikheid vir handeling van balju

29. (1) Die Regering is aanspreeklik vir verlies of skade wat ontstaan uit 'n wederregtelike handeling deur 'n balju of adjunk-balju wat 'n beampte in die Staatsdiens is, of 'n assistent van so 'n adjunk-balju, binne die bestek van sy diens as so 'n balju of adjunk-balju of assistent verrig, of uit pligsversuim deur so 'n balju of adjunk-balju of assistent.

(2) Die balju of 'n adjunk-balju of sy assistent is nie vir skade wat ontstaan uit die bevryding of ontsnapping van iemand wat hy in hegtenis geneem het of wat in sy bewaring gestel is, aanspreeklik nie, tensy die bevryding of ontsnapping weens sy nalatigheid of oogluikende toelating geskied het, maar moet in die geval van die bevryding of ontsnapping van so iemand alle wettige middels vir die agtervolging, inhegtenisname en veilige bewaring van so iemand aanwend.

(3) Geen geding word weens 'n handeling of versuim by die vervulling van sy ampspligte teen die Minister of die balju of 'n adjunk-balju of sy assistent ingestel nie, tensy dit aanhangig gemaak word binne ses maande nadat die handeling of versuim plaasgevind het.

Bestelling van prosesstukke aan balju's of adjunk-balju's

30. (1) Wanneer 'n prosesstuk aan die balju bestel moet word, kan daardie prosesstuk deur die ander party bestel word deur 'n afskrif daarvan gedurende gewone kantoorure by sy kantoor teen sy handtekening aan hom te lewer.

(2) Wanneer 'n prosesstuk aan 'n adjunk-balju bestel moet word, kan daardie prosesstuk, indien die adjunk-balju in dieselfde distrik as die balju woon, deur die balju en in enige ander geval deur die geregsbode van die magistraatshof bestel word: Met dien verstande dat, indien die geregsbode self die adjunk-balju is aan wie bestelling aldus moet geskied, bedoelde prosesstuk bestel kan word deur iemand wat die balju spesiaal vir dié doel aanstel.

Eiendom wat nie vir beslaglegging vatbaar is nie

31. Die balju of 'n adjunk-balju of sy assistent lê nie by die tenuitvoerlegging van 'n prosesstuk beslag op—

(a) die nodige beddens, beddegoed en klere van die persoon teen wie beslaglegging geskied of 'n lid van sy gesin nie;

(b) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the sum of R400;

(c) livestock, tools and agricultural implements of a farmer in so far as they do not exceed in value the sum of R400;

(d) any food and drink sufficient to meet the needs of such person and the members of his family for one month;

(e) tools and implements of trade in so far as they do not exceed in value the sum of R400;

(f) professional books, documents or instruments necessarily used by the debtor in his profession in so far as they do not exceed in value the sum of R400; or

(g) such arms and ammunition as the debtor is in terms of any law, regulation or disciplinary order required to have in his possession as part of his equipment:

Provided that the Court may, in exceptional circumstances and on such conditions as it may determine, increase the amount specified in paragraph (b), (c), (e) or (f) to not more than double the amount therein mentioned.

Offences relating to execution

32. Any person who—

(a) obstructs a sheriff or deputy sheriff or his assistant in the execution of his duty;

(b) being aware that goods are under arrest, interdict or attachment by the Court, makes away with or disposes of those goods in a manner not authorised by law, or knowingly permits those goods, if in his possession or under his control, to be made away with or disposed of in such a manner;

(c) being a judgment debtor and being required by a sheriff or deputy sheriff or his assistant to point out property to satisfy a warrant issued in execution of a judgment against such person—

(i) falsely declares to that sheriff or deputy sheriff or his assistant that he possesses no property or insufficient property to satisfy the warrant; or

(ii) although knowing of such property, neglects or refuses to point out such property or to deliver it to the sheriff or deputy sheriff or his assistant when requested to do so; or

(d) being a judgment debtor, refuses or neglects to comply with any requirement of a sheriff or deputy sheriff or his assistant in regard to the delivery of documents in his possession or under his control relating to the title of the immovable property under execution;

shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or in default of payment to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

Transmission of summonses, writs and other process and of notice of issue thereof by telegraph

33. In any civil proceedings—

(a) any summons, writ, warrant, rule, order, notice, documents or other process of the Court or communication which by any law, rule of court or agreement of parties is required or directed to be served or executed upon any person, or left at the house or place of abode or business of any person, in order that such person may be affected thereby, may be

(b) die nodige meubels, behalwe beddens, en huisgereedskap vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(c) lewende hawe, gereedskap en landbou-uitrusting van 'n landbouer vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(d) voedsel en drank voldoende om in die behoeftes van bedoelde persoon en die lede van sy gesin vir een maand te voorsien nie;

(e) ambagsgereedskap en -uitrusting vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(f) professionele boeke, dokumente of instrumente wat vir die skuldenaar in sy beroep noodsaaklik is, vir sover die waarde daarvan R400 nie te bowe gaan nie; of

(g) wapens en ammunisie wat die skuldenaar volgens die een of ander wet, regulasie of tugreglement as deel van sy uitrusting in sy besit moet hê:

Met dien verstande dat die Hof in buitengewone gevalle en op die voorwaardes wat hy bepaal, die bedrag in paragraaf (b), (c), (e) of (f) vermeld, tot hoogstens dubbel daardie bedrag kan verhoog.

Oortredings met betrekking tot eksekusie

32. Iemand wat—

(a) 'n balju of adjunk-balju of sy assistent in die uitvoering van sy pligte dwarsboom;

(b) in die wete dat 'n beslagleggingsbevel of interdik in verband met goed deur die Hof verleen is, daardie goed wegmaak of daarvoor beskik op 'n wyse wat nie volgens wet gemagtig is nie, of wetens toelaat dat daardie goed, indien in sy besit of onder sy beheer, op so 'n wyse weggemaak of daarvoor beskik word;

(c) in die geval van 'n vonnisskuldenaar, op versoek van 'n balju of adjunk-balju of sy assistent om eiendom ter voldoening aan 'n lasbrief tot eksekusie van 'n vonnis teen so iemand uitgereik, aan te wys—

(i) valslik aan daardie balju of adjunk-balju of sy assistent verklaar dat hy geen eiendom of nie voldoende eiendom om aan die lasbrief te voldoen, besit nie; of

(ii) hoewel hy van sodanige eiendom weet, versuim of weier om daardie eiendom aan te wys of dit aan die balju of adjunk-balju of sy assistent te lewer wanneer hy daartoe versoek word; of

(d) in die geval van 'n vonnisskuldenaar, weier of versuim om te voldoen aan 'n vereiste van 'n balju of adjunk-balju of sy assistent in verband met die lewering van dokumente in sy besit of onder sy beheer met betrekking tot die eiendomsreg op die onroerende goed onder eksekusie;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of by wanbetaling tot gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete.

Oorsending van dagvaardings, bevelskrifte en ander prosesstukke en van kennisgewing van uitreiking daarvan per telegraaf

33. In 'n siviele geding—

(a) kan 'n dagvaarding, bevelskrif, lasbrief, bevel, order, kennisgewing, dokument of ander prosesstuk van die Hof of mededeling wat volgens wet, hofreël of ooreenkoms van partye aan iemand bestel of teen hom ten uitvoer gelê of by die huis, woon- of besigheidsplek van iemand gelaat moet word sodat so iemand 'n aardur geraak kan word, per telegraaf

transmitted by telegraph, and a telegraphic copy served or executed upon such person, or left at his house or place of abode or business, shall be of the same force and effect as if the original had been shown to or a copy thereof served or executed upon such person, or left as aforesaid, as the case may be; and

(b) a telegram from any judicial or police officer, registrar, assistant registrar, sheriff, deputy sheriff or clerk of the court stating that a warrant or writ has been issued for the apprehension or arrest of any person required to appear in or to answer any civil suit, action or proceeding shall be a sufficient authority to any officer authorised by law to execute any such warrant or writ for the arrest and detention of such person until a sufficient time, not exceeding 14 days, has elapsed to allow of the transmission of the warrant or writ to the place where such person has been arrested or detained, unless the discharge of such person be previously ordered by a judge of the Court: Provided that any such judge may upon good cause shown order the further detention of any such person for a period to be stated in such order, but not exceeding 28 days from the date of the arrest of such person.

Witness fees

34. (1) The tariff of allowances which shall be paid to a witness in civil proceedings or to any person who is to accompany any such witness on account of the youth or infirmity due to old age or any other infirmity of such witness shall, subject to the provisions of these regulations, be as prescribed from time to time for the Supreme Court in terms of section 42 of the Supreme Court Act, 1959 (Act 59 of 1959).

(2) Notwithstanding anything to the contrary in any law contained, the Court may order that no allowances or only a portion of the prescribed allowances shall be paid to any witness.

Rules of court

35. The Chief Justice is, subject to the provisions of these regulations, authorised to make rules regulating the matters mentioned in section 34 (1) (g) of the Act.

Interpretation of laws

36. (1) Any reference to the Supreme Court or a division of that court or an Appeal Court for Commissioners' Courts contained in any law in force in the area shall, subject to the provisions of these regulations, be construed as a reference to the Court.

(2) Any reference to a judge president or judge of the Supreme Court contained in any law in force in the area in connection with any power, action, duty or function shall be construed as a reference to the Chief Justice or a judge of the Court, as the case may be.

(3) Any reference in any law to an attorney-general or deputy attorney-general of the area of jurisdiction of a division of the Supreme Court shall, in the area of jurisdiction of the Court, be construed as a reference to the attorney-general or a deputy attorney-general, as the case may be, of the area of jurisdiction of the Court.

Appearance in Court

37. An advocate of any division of the Supreme Court may appear in any action in the Court; Provided that an attorney may also, with the permission of the

versend word, en 'n telegrafiese afskrif wat aan so iemand bestel of teen hom ten uitvoer gelê of by sy huis of woon- of besigheidsplek gelaat word, het dieselfde krag en uitwerking asof die oorspronklike aan so iemand getoon of 'n afskrif daarvan aan hom bestel of teen hom ten uitvoer gelê of gelaat was soos voorheen vermeld, na gelang van die geval; en

(b) dien 'n telegram van 'n regterlike of polisie-beampte, griffier, assistent-griffier, balju, adjunk-balju of klerk van die hof, waarin vermeld word dat 'n lasbrief of bevelskrif uitgereik is vir die aanhouding of inhegtenisneming van iemand wat in 'n siviele saak of geding of by siviele verrigtinge moet verskyn of hom moet verweer, as voldoende magtiging aan 'n beampte wat regtens bevoeg is om so 'n lasbrief of bevelskrif vir die inhegtenisneming en aanhouding ten uitvoer te lê, totdat 'n voldoende tydperk, maar hoogstens 14 dae, vir die versending van die lasbrief of bevelskrif na die plek waar bedoelde persoon in hegtenis geneem of aangehou is, verstryk het, tensy 'n regter van die Hof eerder die vrylating van daardie persoon gelas: Met dien verstande dat, waar goeie redes daarvoor aangevoer word, so 'n regter kan beveel dat bedoelde persoon vir 'n verdere tydperk in die bevel vermeld, maar hoogstens 28 dae vanaf die datum van inhegtenisneming van daardie persoon, aangehou word.

Getuiegelde

34. (1) Die tarief van toelaes wat betaal moet word aan 'n getuie in 'n siviele geding of aan iemand wat so 'n getuie weens die jeug of 'n ouderdoms- of ander gebrek van daardie getuie moet begelei, is, behoudens die bepalings van hierdie regulasies, soos van tyd tot tyd voorgeskryf vir die Hooggeregshof kragtens die bepalings van artikel 42 van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959).

(2) Ondanks andersluidende bepalings van die een of ander wet, kan die Hof gelas dat geen toelaes of slegs 'n deel van die voorgeskrewe toelaes aan 'n getuie betaal word.

Hofreëls

35. Die Hoofregter is, behoudens die bepalings van hierdie regulasies, gemagtig om reëls uit te vaardig vir die reëling van die aangeleenthede vermeld in artikel 34 (1) (g) van die Wet.

Uitleg van wetsbepalings

36. (1) 'n Verwysing na die Hooggeregshof of 'n afdeling van daardie hof of 'n Appèlhof vir Kommissarishowe in enige wet wat in die gebied van krag is, word, behoudens die bepalings van hierdie regulasies, uitgelê as 'n verwysing na die Hof.

(2) 'n Verwysing na 'n regter-president of 'n regter van die Hooggeregshof in enige wet wat in die gebied van krag is in verband met enige bevoegdheid, optrede, plig of werksaamheid, word uitgelê as 'n verwysing na die Hoofregter of 'n regter van die Hof, na gelang van die geval.

(3) 'n Verwysing in enige wet na 'n prokureur-generaal of adjunk-prokureur-generaal van die regsgebied van 'n afdeling van die Hooggeregshof word, in die regsgebied van die Hof, uitgelê as 'n verwysing na die prokureur-generaal of adjunk-prokureur-generaal, na gelang van die geval, van die regsgebied van die Hof.

Verskyning in die Hof

37. 'n Advokaat van enige afdeling van die Hooggeregshof kan in enige geding in die Hof verskyn: Met dien verstande dat 'n prokureur ook, met die verlof

Chief Justice, appear in the Court in any action in which the Chief Justice considers it to be in the interest of the administration of justice.

Power of the Court in relation to the application of indigenous law and customs

38. In all actions or proceedings before the Court in which both the plaintiff and the defendant are Blacks and in which questions of customs followed by Blacks are involved, the Court may, as far as possible, apply the indigenous law applicable to that custom, except in the case where such custom is contrary to the principles of public policy or natural justice: Provided that the Court shall not declare the custom of thakha, lobola or bogadi or other similar custom to be repugnant to such principles.

ANNEXURE

DESCRIPTION OF THE SEAL OF THE COURT

The Coat of Arms of the Republic enclosed within a circle and the whole encompassed by a wider circle within which appear the following words:

“VENDA-HOËRHOF—HIGH COURT—
KHOTHE KHULWANE”

and the whole encompassed by a wider circle within which appear the following words:

“REPUBLIEK VAN SUID-AFRIKA—REPUBLIC
OF SOUTH AFRICA—RIPHABULIKI YA AFU-
RIKA TSHIPEMBE”.

van die Hoofregter, in die Hof kan verskyn in 'n geding waarin die Hoofregter dit in die belang van die regspleging beskou.

Bevoegdheid van die Hof met betrekking tot die toepassing van inheemse reg en gebruike

38. In alle gedinge of verrigtinge voor die Hof waarin die eiser sowel as die verweerder Swartes is en waarin kwessies van gebruike wat Swartes navolg betrokke is, kan die Hof, sover doenlik, die toepaslike inheemse reg toepas wat in verband met daardie gebruik geld, behalwe in die geval waar daardie gebruik met beginsels van openbare beleid of natuurlike reg strydig is: Met dien verstande dat die Hof nie die gebruik van thakha, lobola of bogadi of dergelike gebruik met bedoelde beginsels in stryd verklaar nie.

AANHANGSEL

BESKRYWING VAN DIE SEËL VAN DIE HOF

Die Republiekwapen omgewe deur 'n sirkel en daaromheen binne 'n wyer sirkel die woorde:

“VENDA-HOËRHOF—HIGH COURT—
KHOTHE KHULWANE”

en daaromheen binne 'n wyer sirkel die woorde:

“REPUBLIEK VAN SUID-AFRIKA—REPUBLIC
OF SOUTH AFRICA—RIPHABULIKI YA AFU-
RIKA TSHIPEMBE”.

No. R. 111, 1979

ELECTION OF A MEMBER OF THE VENDA LEGISLATIVE ASSEMBLY: ELECTORAL DIVISION OF VUWANI

Whereas the seat of an elected member of the Venda Legislative Assembly in respect of the Electoral Division of Vuwani has become vacant;

Now, therefore—

(i) under and by virtue of the powers vested in me by section 8 of the Venda Election Proclamation, 1973 (Proclamation R. 13 of 1973), I hereby—

(a) fix Monday, 18 June 1979, as the day on which a nomination court shall sit at the Magistrate's

9249—A

No. R. 111, 1979

VERKIESING VAN 'N LID VAN DIE VENDA-WETGEWENDE VERGADERING: KIESAFDELING VUWANI

Nademaal die setel van 'n verkose lid van die Venda-Wetgewende Vergadering ten opsigte van die kiesafdeling Vuwani vakant geraak het;

So is dit dat ek—

(i) kragtens die bevoegdheid my verleen by artikel 8 van die Venda-verkiesingsproklamasie, 1973 (Proklamasie R. 13 van 1973), hierby—

(a) Maandag, 18 Junie 1979, bepaal as die dag waarop 'n nominasiehof sitting moet hou by die

6460—1

666460

2 No. 6460

GOVERNMENT GAZETTE, 25 MAY 1979

Office, Vuwani, to receive nominations of candidates for election as a member of the Venda Legislative Assembly in respect of the Electoral Division of Vuwani; and

(b) state that one member is to be elected in the Electoral Division of Vuwani; and

(ii) if, in accordance with the provisions of section 10 (c) of the said Venda Election Proclamation, 1973, poll is to take place, I hereby, under and by virtue of the powers vested in me by section 8 of the said Venda Election Proclamation, 1973, fix in accordance with the accompanying Schedule—

(a) the period during which poll shall take place; and

(b) the hours at which poll shall commence and close on the polling day.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of May, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

Polling stations	Period during which poll shall take place	Hours at which poll shall commence and close
(a) Within the four polling districts of Venda	21/8/79	07h00-21h00.
(b) Outside an area referred to in (a) above at polling stations at the seats of returning officers	21/8/79	08h00-16h30.
(c) Outside an area referred to in (a) above at polling stations other than those referred to in (b) above	21/8/79	07h00-21h00.

Magistraatskantoor, Vuwani, om nominasies te ontvang van kandidate vir verkiesing tot lid van die Venda-Wetgewende Vergadering ten opsigte van die kiesafdeling Vuwani; en

(b) vermeld dat een lid in die kiesafdeling Vuwani verkies moet word; en

(ii) indien 'n stemming ingevolge die bepalings van artikel 10 (c) van genoemde Venda-verkiesingsproklamasie, 1973, moet plaasvind, kragtens die bevoegdheid my verleen by artikel 8 van genoemde Venda-verkiesingsproklamasie, 1973, hierby—

(a) die tydperk wanneer stemming moet plaasvind; en

(b) die ure wanneer stemming op die stemdag moet begin en eindig;

ooreenkomstig bygaande Bylae bepaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Een-en-twintigste dag van Mei Eenduisend Nege-honderd Nege-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

Stemburo's	Tydperk wanneer stemming sal plaasvind	Ure wanneer die stemming moet begin en eindig
(a) Binne die vier stemburo's van Venda	21/8/79	07h00-21h00.
(b) Buite 'n gebied in (a) hierbo genoem, by stemburo's by die setels van kiesbeampies	21/8/79	08h00-16h30.
(c) Buite 'n gebied in (a) hierbo genoem, by stemburo's, uitgesonderd stemburo's in (b) hierbo genoem	21/8/79	07h00-21h00.

14th October We marched towards Vryheid getting into the town on the 16th instant. The Greys left Vant's Drift on the 27th September 500 strong and by the time we got into Vryheid, 101 of our horses had died and 103 horses were sent

Independence for Vanda: first step

THE ASSEMBLY — The first formal step towards independence for Vanda was taken in Parliament yesterday.

Dr Koornhof, Minister of Co-operation and Development, gave notice that he will introduce the Status of Vanda Bill, when Parliament resumes next week.

The Progressive Federal Party will probably oppose the Bill at the first reading, to register the strongest form of protest against the citizenship clause, which is expected to strip all blacks with Vanda ethnic connections of their South African citizenship.

Dr Koornhof said yesterday he did not wish to discuss the Bill's provisions before they became available.

However, it is likely the citizenship provisions in the Bill will be the same as those of its two predecessors: the Status of Transkei Act and the Status of Bophuthatswana Act, which deprived all Xhosas and Tswanas of South African citizenship.

The measures caused an international wave of protest, and were strongly opposed by blacks living

outside these areas.

The PFP opposed both measures at first reading — a form of parliamentary protest reserved for measures which are totally unacceptable in principle.

Mrs Helen Suzman, chief opposition spokesman on black affairs, said the PFP would follow the same approach as it had done against the two previous Bills granting independence to homelands. "We will oppose it vigorously," she said. — PS.

News by H. Zille, Press Gallery, House of Assembly, Cape Town.

Venda ⁵¹⁶⁷⁹
Bill ⁽¹¹³⁾
published

Political Reporter

CAPE TOWN — Legislation to deprive people classified as Vendas of their South African citizenship has been published in Cape Town.

The status of Venda Bill, which had its First Reading yesterday, makes important steps towards the independence of the Venda homeland.

Venda will be the third homeland to opt for independence.

The Opposition has strongly objected to the taking of South African citizenship from people without their consent.

Both the Progressive Federal Party and the New Republic Party opposed the Bill at the First Reading — the strongest form of parliamentary opposition to a motion.

Opposition against Venda Bill

113

HOUSE OF ASSEMBLY. — The Progressive Federal and New Republic Parties yesterday opposed introduction of a bill proposing that independence be granted to the Venda homeland.

Opposition to the introduction of a bill is the strongest form of parliamentary opposition to a motion.

"We see this measure as part of the government's grand plan of piecemeal fragmentation of this country in an attempt to satisfy the aspirations of blacks," said Mr Ray Swart (PFP Musgrave).

"We are totally opposed on principle to the fragmentation of South Africa as a solution to the issue of black-white relations.

The PFP believed homelands should be developed because they were underdeveloped, Mr Swart said.

If homelands desired genuine independence, it should be recognized subject to:

- A special referendum to show the majority wanted independence;

- Independence should be subject to the fact that homeland boundaries be determined to the mutual satisfaction of South Africa and the people concerned, and;

- No South African citizens should be deprived on account of independence of their South African citizenship without their consent.

Mr Bill Sutton (NRP Mooiriver) said the step towards independence for Venda was a "step towards futility", and would do nothing positive for future relationships between different ethnic groups.

An unfair choice had been put to the people of Venda. They had been asked to choose between "an inadequate and unacceptable status quo" in which they remained without rights in South Africa, or independence and limited rights, which would cut them off from South African citizenship and

the wealth they had helped build.

The Minister of Co-operation and Development, Dr Piet Koornhof, said the government would not make any people stateless, it was endeavouring to give people their freedom the only way in which they could.

"I beseech you to accept my word of honour we want to free people," said Dr Koornhof.

"Then come clean on the question of citizenship," interjected Mr Ray Swart (PFP Musgrave).

"We can talk about the question of citizenship during the second reading," said Dr Koornhof.

Vendaland had been the fatherland of the Venda people for more than a century.

"But it was part of South Africa," interjected Mr Swart.

"They want it as their fatherland so they can build it into a nation to take their place in the international community," said Dr Koornhof.

The government was achieving this without bloodshed and revolt.

Dr Van Zyl Slabbert (PFP Rondebosch) asked why the government persisted in their policy of creating independent homelands at a time when South Africa was on the threshold of great constitutional changes.

"Dr Koornhof has said we must think and talk with the blacks, not for them. This bill contradicts that philosophy."

Mr John Wiley (SAP Simonstown) said the merits of the bill could only be disclosed at the second reading and he could not find sufficient reason for his party to oppose it at first reading. — Sapa

POLITICS

Outright No to Venda Bill

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Opposition to the introduction of a Bill is the strongest form of parliamentary opposition to a motion.

"We see this measure as part of the government's grand plan of piecemeal fragmentation of this country in an attempt to satisfy the aspirations of blacks," said Mr Ray Swart (PFP, Musgrave).

Mr Bill Sutton (NRP, Mooi River) said the step toward independence for Venda was a "step toward futility", and would do nothing positive for future relationships between different ethnic groups.

Dr Koornhof, Minister of Co-operation and Development, said the government would not make any people stateless. It was endeavouring to give people their freedom.

Dr Koornhof said the opposition was damaging the good relations

between peoples of South Africa. It should let history decide whether the government was freeing people or taking away rights.

The Bill was read a first time with 104 votes to 22. The South African Party voted with the government.

Speaking in debate on the first reading of the Status of Venda Bill, Dr F. van Zyl Slabbert (PFP, Rondebosch) asked why the government persisted in its policy of creating independent homelands when South Africa was on the threshold of great constitutional changes.

He said three vital constitutional issues — citizenship, land allocation and urban blacks — were being investigated by the government.

The formation of the joint select committee on the new constitution should be seen against the background of the government's initial constitutional proposals.

"It realises that unilateral action is not going to work," he said. — SAPA.

(News by C. Braid, Press Gallery, House of Assembly, Cape Town)

Koornhof challenged on timing of Venda Uhuru Bill

RD. m. 16/79

113

THE ASSEMBLY. — Dr F Van Zyl Slabbert (PFP Rondebosch) yesterday asked the Government why it persisted in creating independent homelands at a time when South Africa was on the threshold of great constitutional changes.

Speaking in debate on the first reading of the Status of Venda Bill, Dr Slabbert said three vital constitutional issues — citizenship, land allocation and urban blacks — were being investigated by the Government.

The formation of the joint Select Committee on the new constitution should be seen against the background of the initial constitutional proposals of the Government.

"It realises that unilateral action is not going to work," he said.

"Dr Koornhof has said we must think and talk with the

blacks, not for them. This Bill contradicts that philosophy."

There were two questions to be asked to demonstrate this:

"Have the people involved in independence had adequate opportunity to demonstrate their desire for independence?"

He said the answer was no.

"Secondly, does any person involved in such citizenship involuntarily lose such citizenship?"

He said the answer was yes.

Both answers, together or separately, were enough reason for the PFP to oppose the first reading of the Bill, he said.

The next speaker, Mr John Wiley (SAP Simonstown) said the merits of the Bill could only be disclosed at the second reading and he could not find sufficient reason for his party to oppose it at first reading.

Mr Rupert Lorimer (PFP Orange Grove) said the inde-

pendence given to homelands would eventually become a disaster for South Africa.

He said the Opposition was trying to prevent the Government from fragmenting South Africa as this was a sure way of creating conflict between race groups.

If and when the Opposition talked about independence it had to contain some measure of viability.

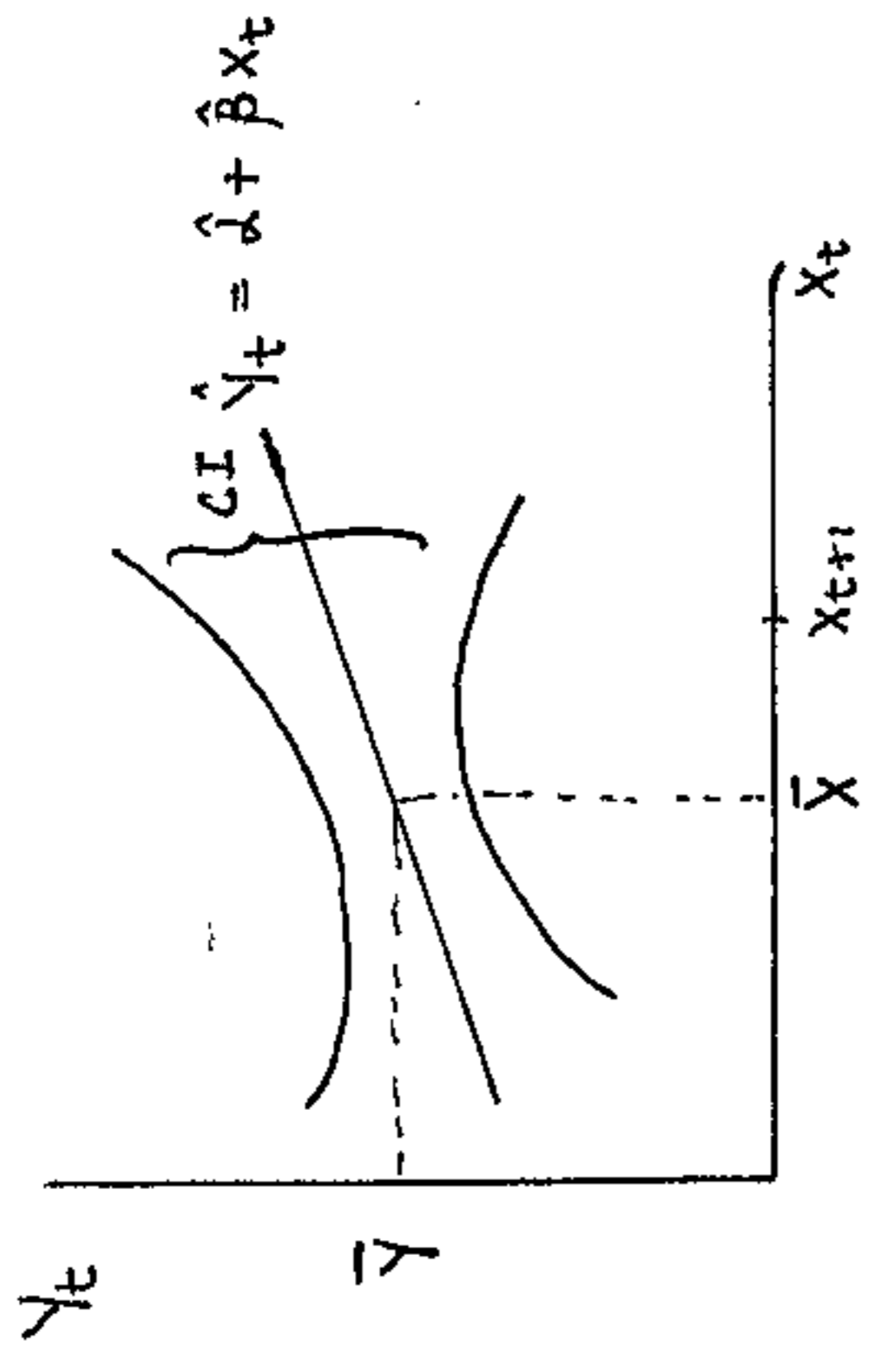
This was not possible in Venda as no infrastructure existed.

It was necessary for all people in South Africa — white, coloured and black — to stand together to prevent the country from falling.

Time for the motion elapsed and the Bill was read a first time with 104 votes to 22.

The SAP voted with the Government. — Sapa.

Diagrammatically:



(See Koutsoyiannis p 472
P + R p 165)

These results suggest that the further into the future the lower the reliability of the forecast is likely to be also that the confidence interval is sensitive to increases, the CI decreases.

"He is a bad statistician who gives a mere point estimate, ie to say, a forecast without error margin. Statistical phenomena are subject to variation. He is a statistician who adds some thoughts on the likely deviation around the mean value of his estimate. The best statistician is he who remembers that even the best of a forecast, calculated by common estimation procedures, is next to pointless: this procedure mistakenly assumes that the error term is constant. It records random variations of a basically constant systematic variation of the drift of social systems. The great problem of economic forecasts is not that they are subject to error, but that we must remain ignorant - more or less ignorant - about the size of the error we commit." (Streisler p 55)

3.4 Conditional forecasting

The assumption that all the explanatory variables are known without error may be unrealistic. Where the X's are not known with certainty, we expect that the stochastic nature of the predicted values of the X's will lead to forecasts of Y which are less reliable than in the fixed X case. It is quite difficult to derive analytical results for the error of forecast in a general setting where the X's are not known with certainty. Feldstein uses a special case, which, while restrictive, is instructive. (M. Feldstein The Error of Forecast in Econometric Models when the forecast period exogenous variables are stochastic ECONOMETRICA Vol 39, Jan 1971)

We have the model

$$y_t = \alpha + \beta X_t + u_t \quad t = 1, \dots, n$$

where $\hat{X}_{t+1} = X_{t+1} + \epsilon_{t+1}$

$$u_t \sim N(0, \sigma_u^2)$$

$$\epsilon_t \sim N(0, \sigma_\epsilon^2)$$

Streissler argues that even short term forecasts are ex ante conditional forecasts because variables occurring in them with the date mark of the present or recent past have nevertheless to be guessed at. Because of the length of time needed in gathering and processing statistics, even estimations of the present situation are in their logical structure in most cases likely to be ex ante forecasts. (p19) The most recent data is usually estimated or provisional, subject to revision even up to five years hence. (See D.J. Rees S.A. National Income Data - An Econometric Problem South African Jnl of Econ Vol 43, 1975 who discusses the problems in estimation caused by data revision.) Forecasts can never be better than the data on which they are based. Furthermore, even if the forecast model is determined only by lagged endogenous variables, by the time path of its own variables, predicted period by period, all forecasting errors for past periods will accumulate in these decisive data and

September 'uhuru' date for Venda

RAM 113
7/6/79

CAPE TOWN. - Venda will become independent on Thursday, September 13, this year. This was announced in a joint statement issued by the South African Government and the Government of Venda yesterday.

The meeting yesterday was attended by the Prime Minister and members of his Cabinet, the Chief Minister of Venda, Professor Patrick Mphephu, and members of his Cabinet, the Commissioner-General for Venda and members of the Working Committee for the Independence of Venda.

In a separate statement, Prof Mphephu said that in view of the imminent attainment of independence by Venda and its people, he and his Cabinet wished to clarify certain matters relating to citizenship of Venda.

"The Venda Government appreciates that the Venda people will not lose any of their rights and benefits in the Republic of South Africa because of the fact that they have become Venda citizens.

"The Venda Government is further aware of the fact that provision to this effect will be made in the Status of Venda Act," Prof Mphephu said. - Sapa.

For example, in macro forecasting, we need to take assumptions - like the absence/presence of sanctions, gold price, agricultural conditions - see BER Prospects for 1979 A.J.M. de Vries and A. Hamersma August, 1978.

3.2 Sources of Forecast Error

Every forecast is subject to error which can come from a combination of 4 distinct sources:

1. the random nature of the error term in a linear regression model guarantees that forecasts will deviate from true values, even if the model is correctly specified and its parameter values known with certainty.
2. the process of estimating the regression parameters introduces error because estimated parameter values are random variables which deviate from the true parameter values.
3. in the case of conditional forecasts (in the narrow sense) errors are introduced when calculated guesses or forecasts are made for the values of the explanatory variables in the period in which the forecast is made.
4. errors may be introduced because the model specification may not be an accurate representation of the underlying model - specification error.

(113) R.D.M. 1/6/79

Govt prepared for Venda citizenship wrangles

Political Staff

CAPE TOWN. — Similar citizenship provisions to those adopted when Transkei and BophuthaTswana became independent will come into effect when Venda gains its independence later this year.

But, in terms of the Status of Venda Bill, released in Parliament this week, a joint South

African-Venda Board is to be established to decide on doubtful citizenship cases.

The Bill says that Venda citizens who are resident in South Africa will not "forfeit any existing rights, privileges or benefits by reason only of the other provisions of this Act."

Venda citizens, who will cease to be South African citizens, will be anyone

- Who was a Venda citizen before the commencement of the Act;

- Was born in or outside Venda;

- Whose parents are Venda citizens;

- Who has lawfully been resident in Venda for five years and who has been granted citizenship;

- Resident in South Africa who speaks a language used by any tribe in Venda;

- Who has identified himself with any part of the Venda population or who is "culturally or otherwise associated" with the Venda people.

The proposed board will decide whether or not any person falls in any of the categories defined in the law.

15/11/77
 Minister
 extols ⁽¹¹³⁾
 Venda's
 virtues

THE ASSEMBLY. — In 1975 the Venda homeland had a higher per capita income than 28 African states and was maintaining a growth rate higher than that of 45 other African states, the Deputy Minister of Co-operation and Development, Dr Ferdie Hartzenberg, said yesterday.

Introducing the second reading debate on the Status of Venda Bill, which will give the homeland independence, he said Venda was larger than many other states in America, Asia and Oceania.

Venda had a lower population density than 18 of these countries.

Whereas African states received an annual average of R17,80 a head in development aid, Venda received R49,22 a head.

he said the homeland — in contrast with other black states in South Africa — had an exceptionally high percentage (68%) of its legal population living within its borders.

Politically, Venda had developed rapidly in recent years by accepting territorial authority in 1962, a Legislative Assembly in 1971 and its declaration as a self-governing territory in 1973.

"Today we are dealing with an instrument (the Bill) which will enable Venda to advance as a fully independent state," Dr Hartzenberg said.

Its most important asset, barring recent discoveries of coal deposits to add to its agriculture-based national product, was its people.

During the period 1970 to 1977 the number of schools there had increased by 40,5% and pupils by 60%, while the pupil/teacher ratio had dropped by 30%.

Post-primary pupils had increased by 250% and university students by 50% over the same period.

"From these facts we cannot help but come to the conclusion that a promising future awaits this nation," Dr Hartzenberg said. — Sapa.

d in the 126% increase
 28% increase in office

successful promotion of
 e increased price, but
 income ratio which,
 widgets, has resulted

ave caused the decrease
 e a much higher marginal
 ave been better not to
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5. Increased selling
 in travel and ente
 expense.

4. It seems as though
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 combined with the
 in an adverse mix

3. The increased price
 in volume of widget
 income ratio than
 increase the price
 stimulate demand.

2. Increased contribu

1. The revised report eliminates the effect of increased
 production costs as they are not controllable by the branch
 manager. Other comments:

Venda Bill will hurt 500 000 citizens

By HELEN ZILLE
Political Correspondent

HOUSE OF ASSEMBLY. — The Status of Venda Bill stripped 500 000 people of South African citizenship and would intensify the grave dissatisfaction amongst urban blacks forced to accept homeland citizenship, Mrs Helen Suzman, chief Opposition spokesman on black affairs, said yesterday.

On September 13 Venda will become the third independent homeland.

Leading the Opposition attack during the second reading of the Bill, Mrs Suzman (PFP Houghton) said people in urban areas had not been consulted on the matter, nor had a referendum been held inside the homeland on the independence issue.

Despite this, 500 000 people would be wiped off South Africa's population statistics by the stroke of the State President's pen.

The same fate had faced the 5-million people affected by the

independence of Transkei and BophuthaTswana, many of whom were entirely urbanised and had never set foot in the territories to which they technically belonged.

Quoting Government statistics, Mrs Suzman said more than half the male population of Venda were not employed in the homeland during their most productive years.

There was no hope that an independent Venda would be recognised, as was the case with Transkei and BophuthaTswana.

The passports of these countries were not recognised by any country except South Africa.

This made travel outside the borders of these countries extremely difficult for their citizens.

"I should remind the Government that there is intense dissatisfaction among urban blacks who have been deprived of their South African citizenship," Mrs Suzman said.

She drew attention to the last election in Venda, in which the Opposition won 31 out of 42 seats.

Eleven elected Opposition members were subsequently detained and, following a boycott of the Legislative Assembly, a motion was then passed compelling members to attend the Assembly for a minimum of four days a week or lose their seats.

"Nice democratic setup, especially as members detained without trial are not in a position to attend meetings," Mrs Suzman added.

Sapa reports that the chief PFP spokesman on homelands, Mr Ray Swart (Musgrave) categorically rejected the Bill.

He said it would in no way satisfy the ultimate political aspirations of Vendas.

The PFP was not opposed to the development of Vendaleland or any other underdeveloped area in South Africa, he said.

"We welcome it. But to do

these things and to add a few trappings in an attempt to simulate a spurious independence, and then excise a region from the responsibility and sovereignty of South Africa in the name of separate development, is something which we cannot be party to and which we reject categorically."

Mr Swart moved an amendment declining to pass the Bill because it:

- Provided for the further, unnecessary and inadvisable fragmentation of the Republic;
- Eliminated the right of the Venda people to their equitable share in the natural and economic resources of the country;
- Would have the effect of depriving some South African citizens belonging to the Venda group of their South African citizenship without their consent;
- Was not based on full and proper consultation with all the people concerned and
- Failed to provide for effective

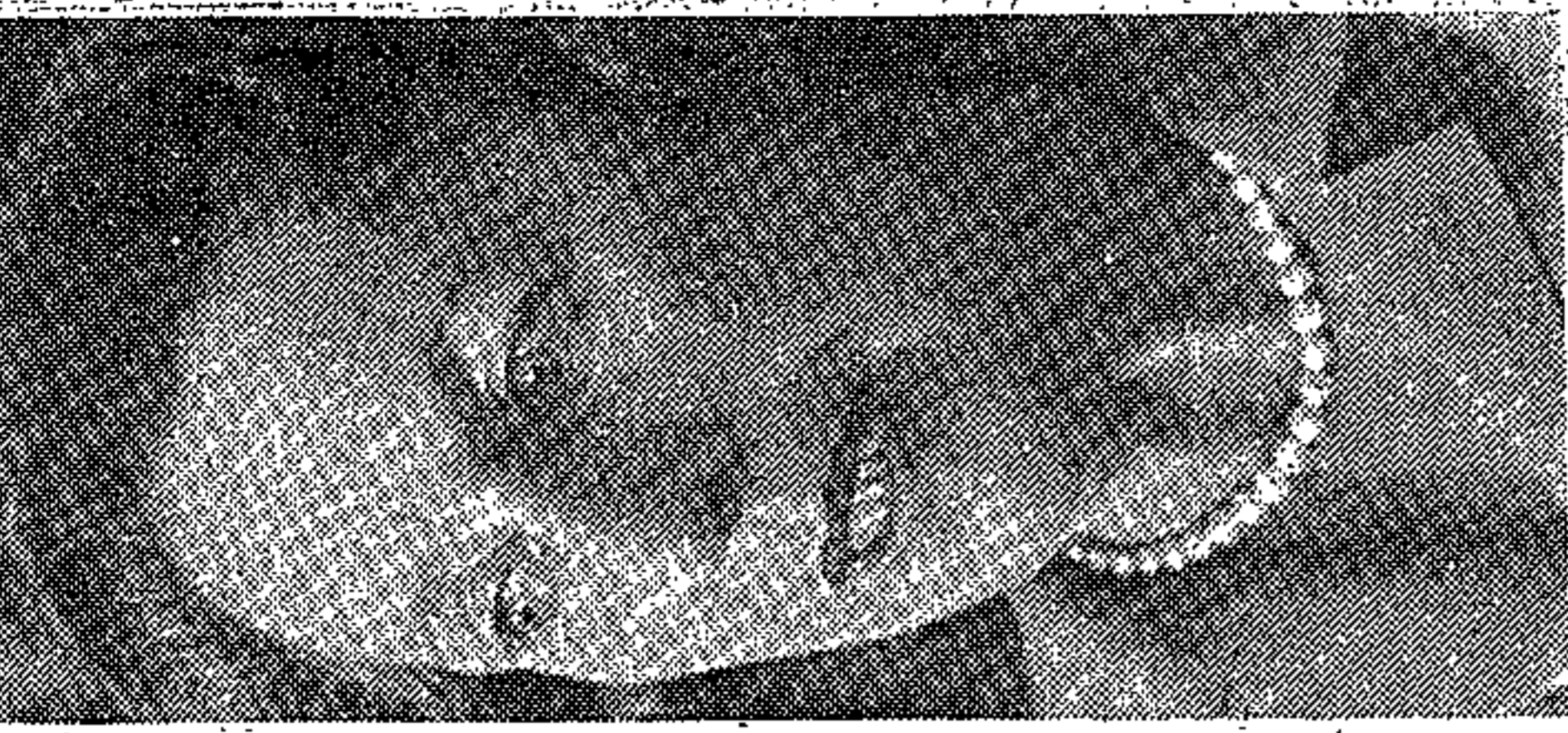
ive participation of people of Venda origin living permanently outside the proposed state of Venda in the political institutions of the Republic.

The PFP believed the Bill was just another instalment of the Government's attempt to give effect to the ideology of separate development, to which it had committed itself and the country in an attempt to meet black political aspirations.

The PFP rejected this concept.

The leader of the SAP, Mr John Wiley, said it was impractical to believe that 13% of South Africa's land area, producing a mere two percent of the national product, could accommodate and support over 70% of the population.

He said it was impractical to believe that white South Africa would reach its full potential without the sustained support of blacks.



MRS HELEN SUZMAN ... led PFP attack

1.	The revised report as production costs as manager.	Increased contribution
2.	Increased contribution	
3.	The increased price in volume of wild parts increase the price stimulate demand	
4.	It seems as though gadgets (volunteers) these have a relation combined with the in an adverse mix	
5.	Increased selling in travel and expense.	

CT. 21/6/79. (113)
Venda will need SA aid

HOUSE OF ASSEMBLY. — It would be unrealistic to assume that the achievement of political independence in Venda would automatically lead to financial independence for that country in the foreseeable future, the Minister of Finance, Senator Owen Horwood, said yesterday.

Introducing the second reading of the Financial Arrangements with Venda Bill, he said Venda was in a position similar to that of developing countries.

The secondary and tertiary sectors of its economy had not shown much development, while the contribution of agriculture, forestry,

fishing and hunting towards the gross national product still represented more than 30 percent.

It was clear therefore that Venda would need financial assistance from South Africa after its independence.

Mr Harry Schwarz (PFP Yeoville) said that now that the concept of independence for Venda had been accepted by Parliament, it would be irresponsible of the official opposition to oppose the granting of aid to that homeland.

Supporting the second reading of the bill, Mr Schwarz said South Africa had an obligation to ensure that Venda became a viable entity.

- (a) appropriate "cost" figure is R109 556
- (b) opportunity cost is R109 556

Therefore:

	<p>2. <u>Keep material now:</u> Use as substitute: 40 000 x 3.15 x 70% x .909 Sell in one year : 40 000 x 2.70 x 30% x .909</p>
R109 556	R80 104
R108 000	29 452

The original cost of Material X is irrelevant
 The replacement cost of material X is irrelevant
 Choice is:
 1. Sell material now:
 Proceeds are 40 000 x 2.70

Venda will still be dependent, says Horwood

THE ASSEMBLY. — It would be unrealistic to assume that the achievement of political independence in Venda would automatically lead to financial independence for the territory in the foreseeable future, the Minister of Finance, Senator Owen Horwood, said yesterday. Introducing the second reading of the Financial Arrangements with Venda Bill, he said

Venda was in a position similar to that of developing countries. The secondary and tertiary sectors of its economy had not shown much development, while the contribution of agriculture, forestry, fishing and hunting towards the gross national product still represented more than 30%. It was therefore clear that Venda would need financial as-

sistance from South Africa after its independence. Sen Horwood said it was intended to assist Venda in such a way as to enable it to incorporate the necessary financial stability into its public financing and allow the country to face the future with the necessary confidence. He said the arrangements which were proposed did not

differ from those made when Transkei and BophuthaTswana attained independence. Mr Harry Schwarz (PFP Yeoville) said that now the concept of Venda independence had been accepted by Parliament, it would be irresponsible of the official Opposition to oppose the granting of aid to the homeland. Supporting the second read-

ing, Mr Schwarz said South Africa had an obligation to ensure that Venda became a viable entity. Financial aid to a developing country should be accompanied by guidance and expertise to ensure that there was no waste, he said. The Transkei, it was alleged, had for example purchased a number of trucks from Turkey. — Sapa

which were quite useless to that country. There was a tremendous shortage of people on the manufacturing, manufacturing and professional level in Venda and attempts should be made to get a sufficient number of these people. The Bill was taken through its remaining stages with the support of all parties. — Sapa

113
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Apartheid's newest farce

ON SEPTEMBER 13, remote, undeveloped Venda is due to become a sovereign state — the third in a line of farcical independences that began with Transkei in 1976.

Because, for one thing, Venda — like Transkei and Bophutha-Tswana — stands absolutely no chance of being recognised by the outside world as a legitimate free state.

And, while Transkei and Bophutha-Tswana may be economically unviable, Venda is downright impoverished. There is no financial infrastructure. The monthly per capita income is less than R22. More than 67% of male workers are forced to seek a livelihood outside the "homeland". Though the area is fertile, the land is sadly underworked and 50% of the staple food has to be imported.

As a result, South African taxpayers will have to sponsor apartheid's third child for as far as one can see into the future. South Africa has already contributed R30-million towards Venda's budget this year. The trappings of "independence" will cost a whopping R19-million more.

So much for sovereignty. The territory's constitutional record is equally wretched. Chief

Patrick Mphahlele rules through the support of 45 nominated members in the 87-seat legislative assembly — which would give him the edge of power even if he lost every elected seat.

In the last election, indeed, the Opposition won 31 of the 42 elected seats and its leaders claimed irregularities and intimidation in the other 11 constituencies. In the event, 11 elected Opposition members were detained. As Mrs Helen Suzman says: "A nice democratic setup."

But worse even than that, than the sheer farce of Venda's "going it alone", or the balkanising effect on the rest of the country, is the fact that another half-million South Africans will be deprived of their birthright in the process.

Without proper consultation, the people of Venda will be transported into a void; be given the freedom, in the most cynical way, to starve in their own wilderness. And those who choose to remain in South Africa, if they are able to, will become foreigners with all the reduced rights that that involves.

And the Government wonders why so many blacks are bitter and disillusioned about separate development.

RAM 27/6/79 (113)

Vendas to keep rights

SIBASA. — Venda people living in the Republic of South Africa would not lose their rights and benefits after the territory had gained independence, the Chief Minister, Chief Patrick Mphephu, said yesterday.

In a statement, Chief Mphephu said there were strong bonds between Vendas in the Republic and those living in the homeland itself.

As a result his Government regarded the citizenship of its people as a "precious possession."

"The high regard which the Venda people have for their citizenship is emphasised by the fact that the definition of citizenship contained in the draft constitution for an independent Venda homeland was unanimously agreed upon by the Legislative Assembly."

Mineworkers at trading store.

Mine ti
Consider
the ex

If it is possible steps should be taken to put pressure on the holders of concessions who abuse them.

Elimination of unnecessary invasions of privacy

A project committee comprising both management and workers should be established to identify all dehumanising practices, such as mass nakedness at medical examinations, "open" toilet facilities, overcrowded rooms, and then prepare a set of guidelines that can lead to their elimination. Of course, new hostel designs have and are taking into account the need to make progress in this area.

A shift from authoritarian to social control

In regard to the whole area of rules and control, it appears essential to move towards making authority in the hostel legitimate in the mineworkers' eyes. In the work situation, a start has been made in this direction with the establishment of worker representation. In the hostel situation, however, there is much greater scope, because it encompasses the workers' private lives. In fact, it is our view that although the phasing out of ethnic housing will go a long way towards easing and perhaps eliminating conflict which takes an ethnic form, until the present authoritarian control of the hostel can be replaced by social control, it is unlikely that conflict as such will cease.

It is our recommendation, therefore, that a project be established to develop a new authority structure in the hostel based on social control. Probably the programme could be developed on a pilot project basis in a new hostel where patterns of control are not yet too deeply entrenched.

No. 1415

113 29 June 1979

**TRANSFER OF MOTOR CARRIER
TRANSPORTATION TO VENDA**

Under and by virtue of the powers vested in me by item 25A of Schedule 1 to the Black States Constitution Act, 1971 (Act 21 of 1971), I, Pieter Gerhardus Jacobus Koornhof, Minister of Plural Relations and Development, hereby determine that the provisions of the said item shall come into operation on 1 July 1979 for the Area of Venda as defined in section 2 of Proclamation R. 12 of 1973.

**P. G. J. KOORNHOF, Minister of Plural
Relations and Development.**

No. 1415

666550 29 Junie 1979

**OORDRAG VAN MOTORTRANSPORT
AAN VENDA**

Kragtens die bevoegdheid my verleen by item 25A van Bylae 1 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), bepaal ek, Pieter Gerhardus Jacobus Koornhof, Minister van Plurale Betrekkinge en Ontwikkeling, hierby dat die bepalings van genoemde item op 1 Julie 1979 in werking tree vir die gebied van Venda soos omskryf in artikel 2 van Proklamasie R. 12 van 1973.

**P. G. J. KOORNHOF, Minister van Plurale
Betrekkings en Ontwikkeling.**

frequency of inter-settlement contact would have increased and with it the probability of friction would have grown. The level of stress would have increased until fission occurred when groups would have moved away, settled and formed the nuclei of new cultures. Each of these nuclei could have acted in turn as a centre for fission and further expansion.

In this model, as was the case for the continuous spread model, carrying capacity has been defined as psychological tolerance and the problem of limiting resources remains.

A flow diagram and computer simulation of the discontinuous spread model were prepared (Fig.3; Appendix 1).

DATA

Quantitative data. The rates of population growth used in the simulations were two, three and a half, and four per cent per annum. The values were similar to those quoted by Birdsell (1957) for human groups colonising uninhabited areas. Four values for carrying capacity were used: one, five, ten and fifteen people per square kilometer. A value of five people per square kilometer has been used as the carrying capacity for simulations on subsistence agriculturalists (Ammerman and Cavalli-Sforza, 1973). The values coincide with low population known from African ethnography (Tew, 1950), but the possibility remains that the ethnographic values are too high since they may have increased as a result of European medical attention.

Both models were simulated with three different, arbitrarily chosen, input populations: 100, 500, and 1000 people. In the simulations space was conceptualised as a series of concentric circles. The perimeter of each circle was set at 10 km away from the previous circle.

Cultural data. The bevelled/fluted complex corresponds, at least in broad outline, to the eastern stream (Phillipson, 1977). However, there are a number of problems associated with the eastern stream. Nkope has been included in the eastern stream and has been used as a link between Early Iron Age cultures in eastern and southern Africa. Ruffman (1978) has shown that some of the cultures included in the eastern stream, notably the Transvaal group, do not have a high relationship to either the Nkope-Gokomere axis or to Silver Leaves material and should be excluded from the eastern stream. Similarly,

Nkope has occasional the eastern stream, and it would seem th Phillipson (197 a linear continuum w latest group. The (Phillipson, 1975) a derived from pottery related through a co carried out over bot

Simulation 1. Urew Simulation 2. Kwal

RESULTS

Simulation 1. The d expansion than the w per year were gener. were an order of mag model (Table 2). Th spread model was sim (Table 3). Differen the wave of advance expansion rates for in the rates of spre resulted from high p Only a relatively sm the time taken to re produced fast rates c

Simulation 2. The rat the same as in simula expansion rates deriv differences were four Kwale to Silver Leave Urew to Silver Leave

By virtue of the powers vested in me by section 34 of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby amend section 1 of the High Court of Venda Proclamation, 1979 (Proclamation R. 93 of 1979), by the substitution in paragraph (a) of subsection (1) for the date 1 July 1979 of the date 1 August 1979.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town, this Eighteenth day of June, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, Acting State President.
By Order of the Acting State President-in-Council:
J. C. HEUNIS.

10387-A

Kragtens die bevoegdheid my verleen by artikel 34 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), wysig ek hierby artikel 1 van die Proklamasie op die Hoër Hof van Venda, 1979 (Proklamasie R. 93 van 1979), deur in paragraaf (a) van subartikel (1) die datum 1 Julie 1979 deur die datum 1 Augustus 1979 te vervang.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtiende dag van Junie Eenduisend Nege-honderd Nege-en-sewentig.

M. VILJOEN, Waarnemende Staatspresident.
Op las van die Waarnemende Staatspresident-in-rade:
J. C. HEUNIS.

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Venda's uhuru will cost YOU R30 - m a year while the chief lives in luxury and his people struggle to survive

Mphahlele's banana republic



Chief Mphahlele's presidential mansion takes shape



● The only income these Venda women have is gained from selling fruit. Although the soil is very fertile most of the homeland's foodstuffs have to be imported

The homeland's vital statistics

VENDA is an area of 650 000 hectares — two blocks of land lying in the Northern Transvaal bordering on the Kruger National Park in the east and the Rhodesian border in the north.

It also shares borders with the Gazankulu homeland.

About 500 000 people will become Venda citizens when the homeland gains independence. Two thirds live in Venda.

Individual income is R228 a year. It has a budget of R36.5 million of which only R6 195 500 is raised by Venda itself. This means South Africa supports it by more than R30 million. (See map — opposite page).

Showpieces

Move away from the showpieces of development and you find a slightly bemused, rural African living in a traditional hut or in a barrack-like township.

Ask what they think of independence and you get a blank look. For the Venda's are people who have grown accustomed to being ruled.

Chief Mphephu's style of government is to decide what is the best interests of the people and do it for them. Dissenters are mercilessly jailed.

It is hard to find anyone articulate. Even the opposition leader, Johannesburg sociologist Mr Baldwin Mudau, was warned not to speak to the SUNDAY TRIBUNE.

It is obvious Mr Mudau has been got at. In July his Venda Independence Party (VIP) scored a resounding victory in the homelands pre-independence elections, taking 31 of the 42 elected seats.

Mr Mudau also launched a supreme court action contesting the results of the other 11 seats — all of which were in Chief Mphephu's traditional tribal lands.

Among the allegations made were that Chief Mphephu whipped voters with a hosepipe to force them to vote for him.

Although Mr Mudau's party had won the majority of the elected seats the homelands legislative assembly was heavily weighted towards the Chief Mphephu.

Detained

The 87-seat assembly is made up of the 42 elected members and 45 nominated members. The nominated members are loyal to Chief Mphephu — giving him the edge even if he loses every elected seat.

To make sure that his majority was indisputable however, Chief Mphephu detained 13 elected members

One of the men who has to face that question is Mr Jan Viljoen, chief executive of the Venda Development Corporation.

"Venda's long term hope lies in the rich coal deposits which have been discovered in the country. These deposits are viable for a corporation like Iscor and it is likely that they will maintain the lease to these deposits after independence.

"That is all long term. In the medium term we have decided to try to produce for Venda.

"It is ridiculous that a country this fertile cannot feed itself.

Economy

"We are building a maize mill costing over R1 million. We have a R600 000 processing plant which has already processed 1 600 tons of the mango crop. We are building an R850 000 brewery and are planning a R700 000 bakery.

"We cannot hope at this stage to create an export-based economy so we have established these plants in an attempt to curb the flow of consumer money out of Venda.

"Venda's real potential, however, lies in agriculture. The area is so fertile that you can grow anything here."

Chief Mphephu has already accepted the South African Government's citizenship requirements — meaning that from September the 500 000 Vendas will lose their South African rights — whether they live in Venda or not.

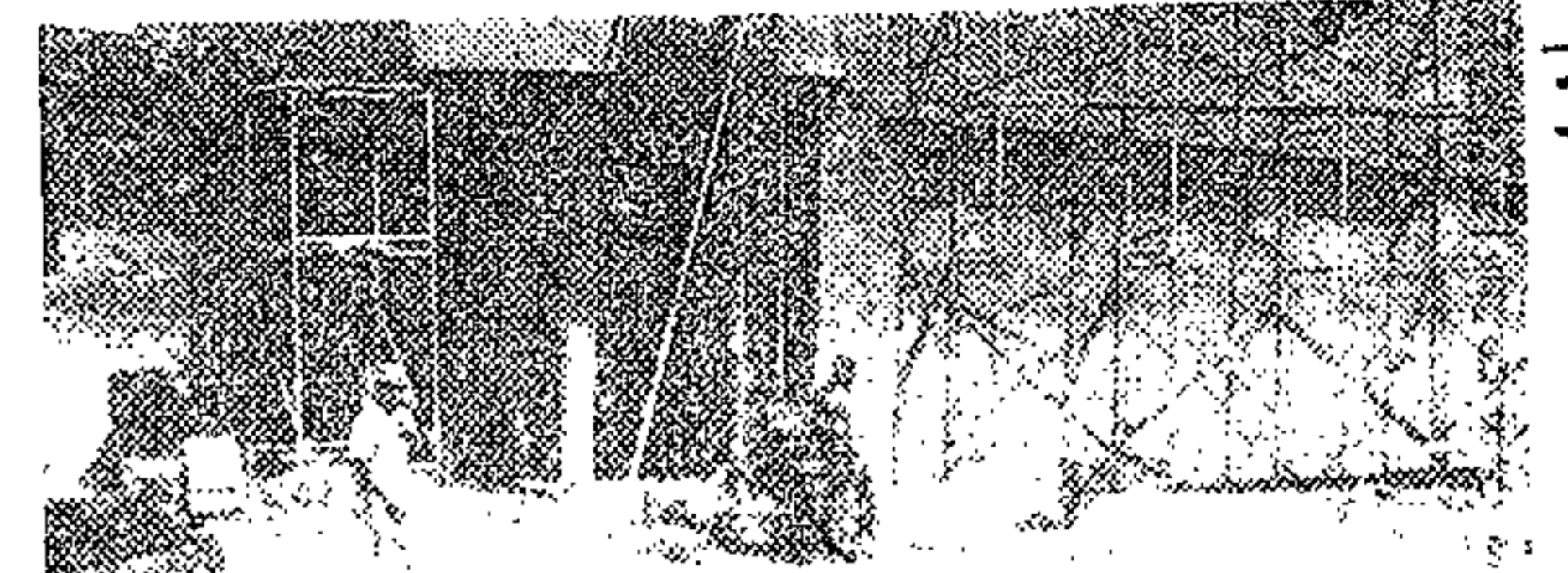
Instead of a pass they will have to carry a Venda travel document. They will live with the threat of being ((repatriated" to Venda and will lose the stake they have in South Africa.

They will gain nothing. In fact the only Vendas who benefit will be Chief Mphephu and his cabinet and top civil servants who will gain their mansions and their Mercedes cars — all paid for by you and I.



Venda's uhuru will cost YOU R30-m a year while the chief lives in luxury and his people struggle to survive

Mephephu's banana republic



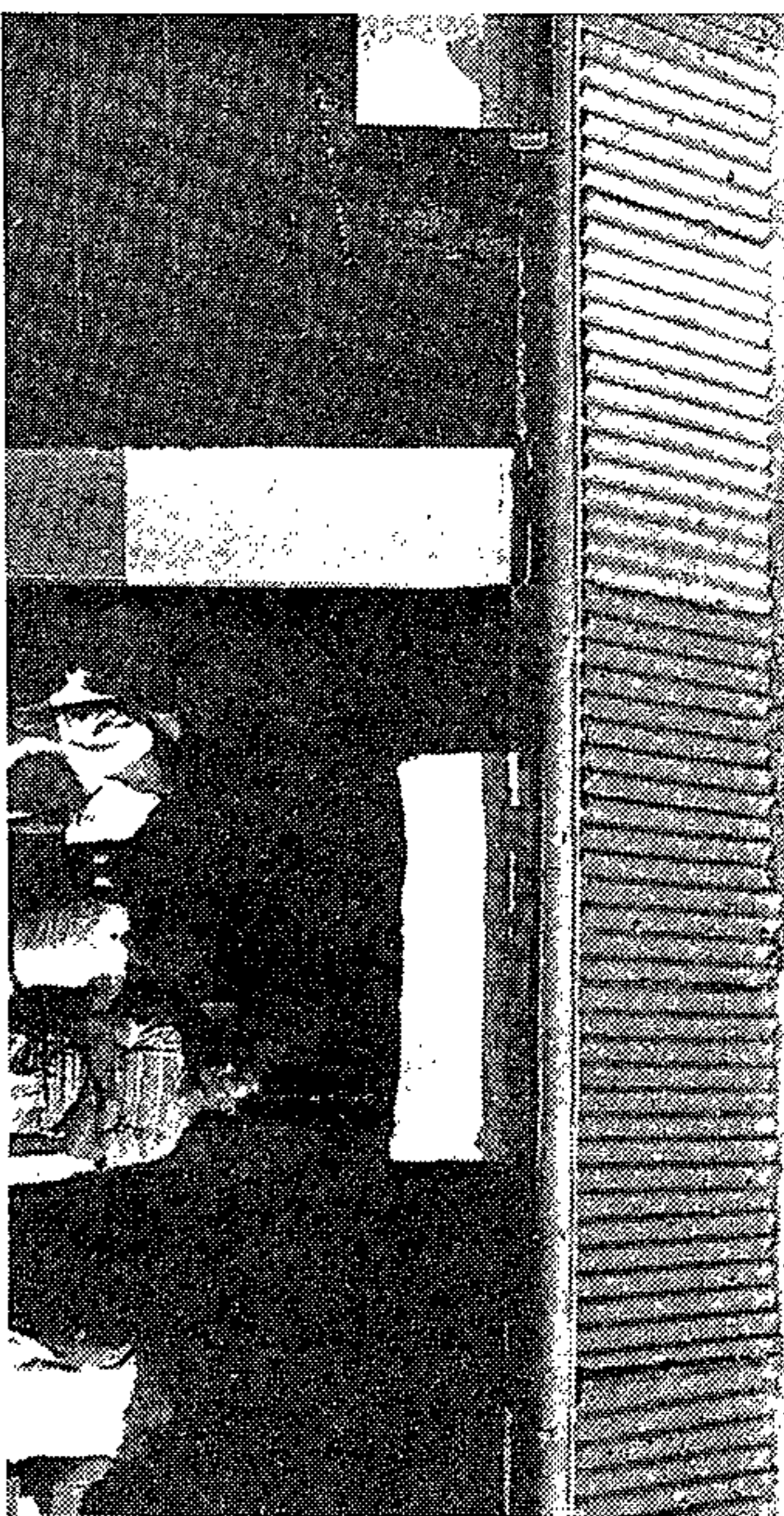
Chief Mphephu's presidential mansion takes shape



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VENDA is an area of 650 000 hectares — two blocks of land lying



Vendaland Development Corporation is the source of variety from hotels to bottle stores and trading stores.

In 1977, PAUL BELL visited Venda and was told the homeland would seek independence within two years. But sovereignty for the region, totally dependent on South Africa in all respects, appeared to be just an illusion. Last week he went back to find one important change... none of the scores of people he spoke to was opposed to the independence they will get on September 13.



What will independence mean for these young Venda? Turnout or a new chance? In the background are the new government buildings.



Subsistence woman farmers offering the traditional system of land tenure.

What chance Venda?

As for the more remote regions, it is worthwhile to note the inverse relationship in Africa between a government's awareness of its subjects' awareness of them. Communication problems persist.

Would independence change their lives? I asked people. The answers came with a shrug of the shoulders. "Not really. Maybe I don't know."

The switch came suddenly and unexpectedly. In March 1976, Mr Mdaud said: "We are uncommitted. We will leave it to the people to decide in the elections in July." No further explanation was volunteered.

The VIP position became one of "benevolent neutrality." Its national secretary resigned in protest, saying "white officials in Pretoria had been behind the switch."

But the election was bitterly fought. Government men have talked of "dirty tricks" by the VIP, to which Chief Mphahlele retorted by detaining 13 opposition members of the newly-elected and expanded Legislative

Assembly, as well as some 50 other supporters.

In protest, the opposition boycotted the session which followed, and contested the results of one seat, accusing the VNP of irregularities.

Mdaud told me in July 1977: "If the government opts for independence, they can write me off as a non-Venda."

He was vehemently opposed to it. The civil service was unready for it, the youth were opposed to it, and the government, under pressure from South Africa, was trying to hide the fact that the power of the chiefs was steadily being usurped.

The per capita income is R22 a month, and the national budget for 1979-80 is R36.4-million, of which R30.2-million is provided by South Africa.

Independence will boost Venda's own revenue sources to more than R10-million a year when the new national issues its own stamps or collects its own general sales tax.

growth — finds it very difficult to attract entrepreneurs and private capital.

Venda imports 50% of its food requirements. Oases may be, but it is by no means a breadbasket, as Nationalist commentators here would describe it.

The homeland, in two pieces (planned for consolidation) west of Louis Trichardt south of the Limpopo and bordering on the Kruger National Park, incorporates some of the most fertile land on the sub-continent.

But officials say there has been a change in attitude and that land is now becoming more easily available.

But the staple diet is maize, which doesn't grow in the sub-tropical climate. Fruit is abundant and already there are successful tea, coffee, sisal and forestry plantations with export potential.

A picture somewhat at variance with the claim that Venda has "enough food to feed its people and others" is that the problem is the

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Deposits of coal have been found in the north at Masisi, but there are fault lines in the seams, and mining in the area is now seen as a long-term project.

More recently, coal has been found in the west at Makhado which can be mined on an open-cast basis. The mine would be closer to transport, too.

But Iscor officials are playing it cool. This week they would not answer any questions on the extent of the deposits or their value to Venda, saying things were still at the prospecting stage.

The area around Makhado has been proclaimed as a town, and the government hopes that mining in the area will provide an infrastructure for further development. This is regarded as more important than any royalties that Iscor would pay Venda for the coal.

Mr Smith said there was more money in Venda now because Venda men — who traditionally shunned the mines on the Reef — had begun to change their attitude following recent recruiting campaigns.

These men, estimated at 3 000, were now sending money back to Venda, providing a boost to the homeland's capital resources.

In Sibasa, the trapping of independence — defined by officials as administrative necessities — are nearing completion.

The Government will move to its new offices from September 13: the date, which will be the centre of two weeks of independence sporting celebrations, is nearly ready.

The President's luxurious residence is crawling with white and black workmen and the men working on National Assembly are being paid R4 a day, twice as much as building labour were being paid in Sibasa two years ago.

It's all happening just outside Sibasa, at the site of the new capital, Thohoyandou (head of the Government officials in the new housing complex development around the capital).

VENDA is soon to be South Africa's third independent homeland. It has a budget of R36-million a year, untapped coal reserves, and some of the most fertile land in Southern Africa.

On the other hand, it imports 50% of its food requirements, has no railway line, and its people — the most tribally orientated in South Africa — cling to their land, impeding agricultural development.

And the Chief Minister locked up his opponents when his party lost an election.

Venda's future is predictable. It will be ruled by the chiefs. It will not receive international recognition, it will depend entirely on South Africa for development aid, most of its annual budget, export markets for raw material, and jobs for 67% of its tribesmen.

But there has been one major change since 1977 — all the people I spoke to said they wanted independence. So much so that the issue was hardly touched on during the run-up to the July elections last year.

Both parties, the ruling Venda National Party and the Vanda Independence Party, are agreed: Venda will become independent 11 weeks from now.

Two years ago the people of Venda had hardly heard the name of Patrick Mphahlele, the homeland's Chief Minister, who will become its first President on September 13.

By contrast, a mild argument developed in the main street of Sibasa, the capital

70 km east by road of Louis Trichardt, last week.

A teacher was telling a student why Chief Mphahlele was the man to lead Venda to nationhood, and not opposition leader Balwya Mdaud, a Johannesburg marketing consultant, many of whose fellow VIP's and supporters were imprisoned after the VIP took 31 of the 42 elected seats in the Legislative Assembly.

"It's the difference between a man and a child. Mphahlele is our father. Mdaud is a young boy. If I give a goat to a child in the fields, he has a choice. To milk it or kill it. Being a child he might kill it."

"If I give that goat to his father, an experienced herdsman, he will milk it and take care of it, without doubt. That is why we must follow our father Mphahlele," the teacher explained.

"The boy was not convinced. 'We need a more educated man,' he said.

Chief Mphahlele has a Standard 5 education; Mdaud has a degree in anthropology and sociology and a diploma in social science.

Neither side disputed the merits — whatever they were — of independence. "We want it," people said. "It will be a good thing."

Explanations, however, were thin. Independence is desirable, but they're not sure why. Probably because the implications of independence have not been spelled out to the Venda people.

What the Venda government has done is to send its information officials "campaigning" through the homeland to tell the people that independence is coming.

It has worked in Sibasa. And the new development projects in the capital — the President's residence, the National Assembly, the Government offices, the Independence Stadium — will have helped spread the word.

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Independence will boost Venda's own revenue sources to more than R10-million a year when the new national issues its own stamps or collects its own general sales tax.

But for the foreseeable future, the bulk of its revenue will be provided by another state — South Africa.

Development will remain de facto in the hands of the South African Government. The homeland — 500 km north of Johannesburg by road, without a railway line and lacking an infrastructure to support industrial

growth — finds it very difficult to attract entrepreneurs and private capital.

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Government officials in the new housing complex development around the capital.

It's a period of modern expansion where people with the right connections can make money while contributing to growth.

But it will be a long time before that growth touches the people at large. Independence will not change the lives of the people of Venda — it is for the elite and beneath the surface elements of political turmoil that may erupt independent Venda struggles into the 20th century. That's Africa.

WEGNEEM VAN SEKERE GROND UIT OOPGESTELDE GEBIED, EN VERVANGING DAARVAN DEUR SEKERE ANDER GROND IN DIE DISTRIK SOUTPANSBERG, PROVINSIE TRANSVAAL

Nademaal ek daarvan oortuig is dat dit in die openbare belang is dat die grond beskryf in bygaande Bylae A waarvan die totale grootte 670,911 2 hektaar is, wat deel uitmaak van die Oopgestelde Gebied in die distrik Soutpansberg, provinsie Transvaal, uit die Oopgestelde Gebied weggeneem word;

En nademaal grond in die distrik Soutpansberg, beskryf in bygaande Bylae B, waarvan die totale grootte 367,711 8 hektaar is, synde grond waarvan in artikel 10 (2) (c) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), melding gemaak word, deur die Suid-Afrikaanse Ontwikkelingstrust verkry is in die plek van, en van minstens 'n gelyke veeteelt- of landbouwaarde is as, die grond beskryf in Bylae A;

So is dit dat ek, kragtens die bevoegdheid my verleen by artikel 2 (2) van genoemde Wet, hierby verklaar dat die grond beskryf in genoemde Bylae A hierby, weggeneem word uit die Oopgestelde Gebied en ter vervanging daarvan die grond beskryf in genoemde Bylae B by die Oopgestelde Gebied gevoeg word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Twaalfde dag van Junie Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Waarnemende Staatspresident.

Op las van die Waarnemende Staatspresident-in-rade: P. G. J. KOORNHOF.

BYLAE A
PROVINSIE TRANSVAAL

Distrik Soutpansberg

Omskrywing.—Die gebied bestaande uit die volgende eiendomme:

Gedeelte 4 (’n gedeelte van Gedeelte 2) van die plaas Barotta 17 LT, Gedeelte 1 van die plaas Vliegenpan 381 LS en Gedeelte 1 van die plaas Vleyfontein 316 LS.

6/7/79
No. 137, 1979
113
66561
EXCISION OF CERTAIN LAND FROM RELEASED AREA AND SUBSTITUTION THEREOF BY CERTAIN OTHER LAND IN THE DISTRICT OF SOUTPANSBERG, PROVINCE OF THE TRANSVAAL

Whereas I am satisfied that it is in the public interest that the land described in the accompanying Schedule A, in extent 670,911 2 hectares, which forms part of the Released Area in the District of Soutpansberg, Province of the Transvaal, should be excised from the Released Area:

And whereas land in the District of Soutpansberg described in the accompanying Schedule B, in extent 367,711 8 hectares, being land referred to in section 10 (2) (c) of the Development Trust and Land Act, 1936 (Act 18 of 1936), has been acquired by the South African Development Trust in substitution for, and of pastoral or agricultural value at least equivalent to, the land described in the said Schedule A;

Now, therefore, under and by virtue of the powers vested in me by section 2 (2) of the said Act, I hereby declare that the land described in the said Schedule A is hereby excised from the Released Area and that the land referred to in the said Schedule B be added to the Released Area in substitution thereof.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twelfth day of June, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, Acting State President.

By Order of the Acting State President-in-Council: P. G. J. KOORNHOF.

SCHEDULE A
PROVINCE OF THE TRANSVAAL

Distrik of Soutpansberg

Description.—The area comprising the following properties:

Portion 4 (a portion of Portion 2) of the farm Barotta 17 LT, Portion 1 of the farm Vliegenpan 381 LS and Portion 1 of the farm Vleyfontein 316 LS.

BYLAE B
PROVINSIE TRANSVAAL

Distrik Soutpansberg

Omskrywing.—Die restant van Gedeelte 2 van die plaas Barotta 17 LT.

SCHEDULE B
PROVINCE OF THE TRANSVAAL

Distrik of Soutpansberg

Description.—The remainder of Portion 2 of the farm Barotta 17 LT.

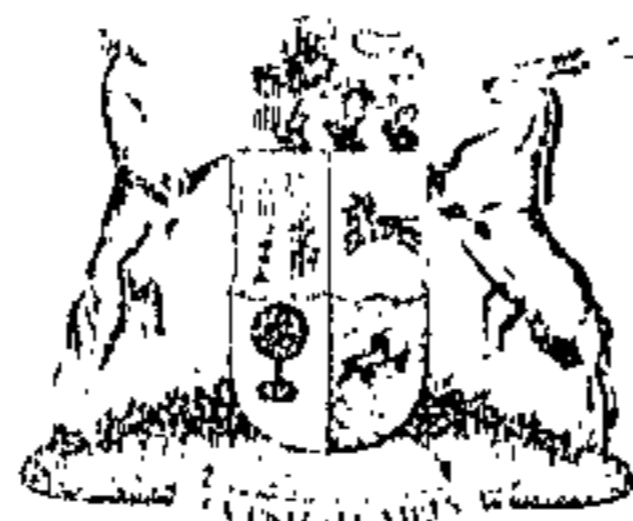
precise any attempt to conducted as a separate generated the flake bl to ask the question: for conversion to ret shape can then be fily those blanks. The ques also be addressed at 1 Increasir rebuild entire excavat Noten 1978). This proc dependable informatior experiments. Such apf southern Africa.

On the Functional Clas

Typologies scraper, burin, knife, specimens ever served

there is a swelling nu the labels are valid. as knives (eg. Semenov unretouched "chips" ha probably projectile he agreed fable, but newc Obviously, i classified according t coupled with use-replie approach to achieving shown that these canno always survive after b absolute proof of the use-wear can be identi unacceptable procedure were used in the same alerted us to the foll

quantities of ivory occupants of K2; point" and outlet and glass beads trading



(113)
For full text
see Act 1979

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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Vol. 169]

KAAPSTAD, 13 JULIE 1979

[No. 6570

CAPE TOWN, 13 JULY 1979

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1533.

13 Julie 1979.

No. 1533.

13 July 1979.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word: -

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 105 van 1979: Wet op Finansiële Reëlins met Venda, 1979.

No. 105 of 1979: Financial Arrangements with Venda Act, 1979.

ACT

To provide for the payment of certain amounts to Venda in respect of the 1979-'80 financial year and after 31 March 1980; the transfer of certain property to Venda; the reduction of the loan debt of the Post Office and the Railways and Harbours Administration to the Treasury; and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 2 July 1979.)

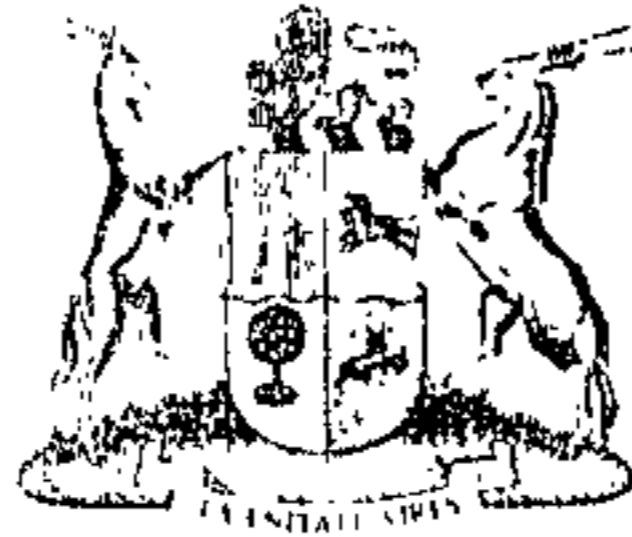
BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Payments to Venda in respect of the 1979-'80 financial year.

1. (1) In respect of the 1979-'80 financial year there shall be paid from the State Revenue Fund to Venda, in such instalments as may be determined by the Minister of Finance, the following amounts, namely—

- (a) the amounts—
 - (i) which in terms of section 6 (2) (c) of the Black States Constitution Act, 1971 (Act No. 21 of 1971), would have been required to be paid into the Venda Revenue Fund in respect of the 1979-'80 financial year, if that Act had still applied in respect of Venda;
 - (ii) which in terms of any appropriation as contemplated in section 6 (2) (d) of the said Act are required to be paid into the said fund, and which have on the date of commencement of this Act not been so paid;
- (b) such other amounts (as determined by the accounting officer concerned in consultation with the Treasury) as may have been provided for in a vote of expenditure from the State Revenue Fund for the 1979-'80 financial year with the object of spending it in or on behalf of Venda and have on the date of commencement of this Act not been so spent or will not be so spent;
- (c) such amounts as may be appropriated for the purpose by Parliament in additional estimates of expenditure from the State Revenue Fund;
- (d) such amounts as may be authorized by the Minister of Finance to be paid out of the State Revenue Fund to Venda.

(2) In respect of the 1979-'80 financial year there may be paid to Venda by the authorities concerned such amounts, as determined after consultation with the Treasury, as are provided for in respect of the said financial year in any estimate of expenditure from the Provincial Revenue Fund of the Transvaal Province or out of any other fund or account established by law with the object of spending it in or on behalf of Venda and as may on the



113

For full text see Act 1979

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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Vol. 169]

KAAPSTAD, 13 JULIE 1979

[No. 6572

CAPE TOWN, 13 JULY 1979

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1535.

13 Julie 1979.

No. 1535.

13 July 1979.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 107 van 1979: Wet op die Status van Venda, 1979.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 107 of 1979: Status of Venda Act, 1979.

ACT

To grant independence to Venda; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 2 July 1979.)*

Preamble.

WHEREAS the Government of Venda is desirous that Venda should be an independent state;

AND WHEREAS the Government of the Republic of South Africa deems it expedient to grant independence to Venda:

BE IT THEREFORE ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Territorial limits, sovereignty and independence of Venda.

1. (1) The territory known as Venda and consisting of the districts mentioned in Schedule A, is hereby declared to be a sovereign and independent state and shall cease to be part of the Republic of South Africa.

(2) The Republic of South Africa shall cease to exercise any authority over the said territory.

Continuation of existing laws in Venda.

2. (1) Subject to the provisions of subsection (2), any rule of law which was in force in Venda immediately prior to the commencement of this Act, including the Black States Constitution Act, 1971 (Act No. 21 of 1971), shall continue in force as a rule of law of Venda until repealed or except in so far as it may be amended by the competent authority in Venda.

(2) Unless otherwise agreed between the Government of the Republic and the Government of Venda and subject to the provisions of section 5 (2), no authority or person in the Republic shall in terms of any law which by virtue of subsection (1) remains in force in Venda, exercise any power or authority or perform any function in or in respect of Venda.

Legislative power of Legislative Assembly of Venda.

3. (1) The Legislative Assembly of Venda, as constituted in terms of the Black States Constitution Act, 1971 (Act No. 21 of 1971), may, subject to the provisions of subsection (2), make laws (including a constitution) for Venda in the manner prescribed by the said Act, and may in any such law provide for the making of such laws by any authority other than the said Legislative Assembly.

(2) Submission of a bill to the State President, assent thereto by him and signing of a copy thereof by him shall not be necessary for the making of any law by the said Legislative Assembly by virtue of the provisions of subsection (1).

Existing treaties, conventions and agreements.

4. All treaties, conventions and agreements binding on the Republic immediately prior to the commencement of this Act and capable of being applied to Venda shall be binding on Venda, but

However, lack of infrastructure limits travel over much of the region to dry weather conditions, and it could be five to 10 years before adequate rail lines are constructed to the eastern part of the field, which borders on Kruger Park. Iscor is far more likely to develop the coal deposits in the west of Venda.

Mining conditions in the east of the territory are difficult, and much of the coal seam in that area is broken by geological faults. In the west, on the other hand, coal may be mined by the open-pit method.

The mineral that occurs most widely is copper, but as yet there have been no attempts to mine it on a large scale, and there are no small mines operating at present. Earlier prospecting has provided few signs that the occurrences are economically viable, although some mining houses are apparently prospecting for more meaningful deposits.

Nickel, likewise, has not been uncovered in any significant quantity although, as one mining engineer puts it, "some of the world's biggest discoveries, including some of the big Rhodesian mines, started off being surrounded by just as much scepticism."

At present, only graphite and magnesite are mined commercially in Venda, and these only in minimal quantities. The Malonga mine, for instance, produced 239 t of graphite in 1977, representing the sum total of Venda's graphite production. Of this, 112 t was sold to Railways for R2 016, and the remainder was taken up by various foundries. Ore reserves at the mine are estimated at about 9 000 t.

Magnesite reserves are put somewhat higher at over 270 000 t. The mineral is used in refractory operations but is low priced, selling at around R30-R35/t in its raw state, and at between R130-R250/t in its calcined state.

Phosphate could provide useful revenue if the world market improves, but at present problems of grade, tonnage and infrastructure prevent the 36 Mt deposit from being economically viable. Mining houses are still prospecting, however, and reserves are being reassessed.

According to the latest available statistics, Venda's minerals netted only R522 482 in 1976/77. Hardly the stuff on which viable independent economies are founded.

"Horn often manages to unite three and order South Africa"

landscapes to capture the spiritual centre of the forms

suffering can take in this country." CHERRY CLAYTON, *Snare*

'poems that redefine and deeply move" STEPHEN GRAY

"He can seize a detail and render it emblematic; write nature which bludgeons its subject in a satisfyingly thorough way". ROBERT GREIG, *To the Point*

"It is a beautiful and moving work which seems to have dumped Aragon's 'cage of words' and found the door of this world of black and white!" MARGUERITE EDMONDS, *New Nation*

Handwritten signature: Ingrid

Handwritten mark: S

F.M. 13/7/79
VENDA'S MINERALS (2) (113)

Them there ills

The Venda homeland will have independence thrust upon it on September 13. But there will be precious little to help it in the way of mineral wealth.

Preliminary indications show that the territory's coal fields, stretching from its east to west boundaries, may contain more than 140 Mt of coking coal. Iscor is to develop the field for blending with Grootegeluk blast furnace coal, but won't comment at this stage on the viability or suitability of the site, other than to say first reports indicate "good quality."

Handwritten signature: Peter Jones



25. Replikasie en pleit op die teeneis.
26. Versuim om pleitstukke af te lewer: Belet.
27. Verlenging van tyd, opheffing van belet en kondonasië.
28. Wysiging van pleitstukke en dokumente.
29. Sluiting van pleitstukke.
30. Onreëlmatige verrigtinge.
31. Toestemming tot vonnis en vonnis by verstek.
32. Summiere vonnis.
33. Gestelde saak en beslissing van regspunte.
34. Geregtelike inbetaling.
35. Blootlegging, insiening en voorlegging van stukke.
36. Inspeksies, ondersoeke en deskundige getuienis.
37. Inkorting van verrigtinge.
- 37bis. Terrolleplasing van bestrede verhoorsake.
38. Verkryging van getuienis vir verhoor.
39. Verhoor.
40. *In forma pauperis*.
41. Terugtrekking, skikking, staking, uitstel en abandonment.
42. Wysiging en herroeping van bevele.
43. Huweliksaangeleenthede.
44. Herstel van huweliksregte.
45. Uitwinning: Algemeen en roerende goed.
46. Uitwinning: Onroerende goed.
47. Sekuriteit vir koste.
48. Hersiening van taksasie.
49. Appèlle na die volle hof.
50. Siviele appèlle van magistratshowe.
51. Strafappèlle van magistratshowe.
52. Strafappèlle na die appèlafdeling.
53. Hersienings.
54. Strafverrigtinge.
55. Strafsake: Rondgaande hof.
56. Strafsake: Algemeen.
57. Geregtelike ondersoek na geestestoestand, aanstelling van kurators vir handelingsonbevoegdes en vrystelling van kuratele.
58. Tussenpleit.
59. Beëdigde vertalers.
60. Vertaling van dokumente.
61. Vertolking van getuienis.
62. Indiening, voorbereiding en insae van stukke.
63. Waarmerking van dokumente wat buite die Republiek verly is vir gebruik in die gebied.
64. Vernietiging van stukke.
65. Kommissaris van die hof.
66. Verjaring.
67. Tarief van hofgelde.
68. Tarief vir adjunk-balju's.
69. Advokaatsgelde in siviele sake.
70. Taksasie en tarief van gelde van prokureurs.
71. Terrolleplasing van sake gedurende laaste week van termyn op rondgang.
72. Toelating van advokate.

VORMS—EERSTE BYLAE

1. Ediktale dagvaarding: Verkorte vorm van prosesstuk.
2. Kennisgewing van mosie (aan griffier).
2. (a) Kennisgewing van mosie (aan griffier en respondent).
3. Dagvaarding: Namptissement.
4. Lasbrief tot arrès *suspectus de fuga*.
5. Borgakte by arres.
6. Oordrag van borgakte.
7. Kennisgewing aan derde party.
8. Kennisgewing aan beweerde vennoot.
9. Dagvaarding.
10. Gekombineerde dagvaarding.
11. Blootlegging—Vorm van beëdigde verklaring.

25. Replication and plea in reconvention.
26. Failure to deliver pleadings: Barring.
27. Extension of time and removal of bar and condonation.
28. Amendments to pleadings and documents.
29. Close of pleadings.
30. Irregular proceedings.
31. Judgment on confession and by default.
32. Summary judgment.
33. Special cases and adjudication upon points of law.
34. Payment into court.
35. Discovery, inspection and production of documents.
36. Inspections, examinations and expert testimony.
37. Curtailment of proceedings.
- 37bis. Set-down of defended trial cases.
38. Procuring evidence for trial.
39. Trial.
40. *In forma pauperis*.
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42. Variation and rescission of orders.
43. Matrimonial matters.
44. Restitution of conjugal rights.
45. Execution: General and movables.
46. Execution: Immovables.
47. Security for costs.
48. Review of taxation.
49. Appeals to the full court.
50. Civil appeals from magistrates' courts.
51. Criminal appeals from magistrates' courts.
52. Criminal appeals to the appellate division.
53. Reviews.
54. Criminal proceedings.
55. Criminal proceedings: Circuit court.
56. Criminal proceedings: General.
57. *De lunatico inquirendo*, appointment of curators in respect of persons under disability and release from curatorship.
58. Interpleader.
59. Sworn translators.
60. Translation of documents.
61. Interpretation of evidence.
62. Filing, preparation and inspection of documents.
63. Authentication of documents executed outside the Republic for use within the area.
64. Destruction of documents.
65. Commissioners of the court.
66. Superannuation.
67. Tariff of court fees.
68. Tariff for deputy sheriffs.
69. Advocates' fees in civil matters.
70. Taxation and tariff of fees of attorneys.
71. Setting down of matters during last week of term on circuit.
72. Admission of advocates.

FORMS—FIRST SCHEDULE

1. Edictal citation: Short form of process.
2. Notice of motion (to registrar).
2. (a) Notice of motion (to registrar and respondent).
3. Summons: Namptissement.
4. Writ of arrest *suspectus de fuga*.
5. Arrest—Bail bond.
6. Assignment of bail bond.
7. Notice to third party.
8. Notice to alleged partner.
9. Summons.
10. Combined summons.
11. Discovery—Form of affidavit.



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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PRETORIA 13 JULIE 1979
JULY 1979

113

[No. 6579

GOEWERMENSKENNISGEWING

**DEPARTEMENT VAN SAMEWERKING EN
ONTWIKKELING**

No. R. 1528 13 Julie 1979
**REÛLS WAARBY DIE VERRIGTINGS VAN DIE
HOÛRHOF VAN VENDA GEREÛL WORD**

Die reëls in die aanhangsel vervat (hierna die reëls genoem) waarby die verrigtings van die Hoërhof van Venda gereël word, word kragtens artikel 34 (2B) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), gelees met regulasie 35 van die Proklamasie op die Hoërhof van Venda, 1979 (Proklamasie R. 93 van 1979), hierby deur die Hoofregter van die Hoërhof van Venda uitgevaardig.

AANHANGSEL

INHOUDSOPGAWE

Reël

1. Woordomskrywing.
2. Sittings van die hof en vakansies.
3. Kantoorure van griffier.
4. Betekening.
5. Ediktale sitasie.
6. Aansoeke.
7. Prokurasie.
8. Namptissement.
9. Arres.
10. Voeging van partye en skuldoorsake.
11. Konsolidasie van aksies.
12. Toetrede van persone as eisers of verweerders.
13. Derdepartyprosedure.
14. Verrigtinge deur en teen vennootskappe, firmas en verenigings.
15. Verandering van partye.
16. Verteenwoordiging van partye.
17. Dagvaarding.
18. Pleitstukke in die algemeen.
19. Kennisgewing van voorneme om te verdedig.
20. Deklarasie.
21. Verdere besonderhede.
22. Pleit.
23. Eksepsies en aansoeke om deuring.
24. Teeneis.

12056—A

GOVERNMENT NOTICE

**DEPARTMENT OF CO-OPERATION AND
DEVELOPMENT**

No. R. 1528 13 July 1979
**RULES REGULATING THE CONDUCT OF THE
PROCEEDINGS OF THE HIGH COURT OF
VENDA**

The Chief Justice of the High Court of Venda, hereby, in terms of section 34 (2B), of the Black States Constitution Act, 1971 (Act 21 of 1971), read with regulation 35 of the High Court of Venda Proclamation, 1979 (Proclamation R. 93 of 1979), makes the rules (hereinafter referred to as the rules) contained in the Annexure whereby the conduct of the proceedings of the High Court of Venda is regulated.

ANNEXURE

INDEX

Rule

1. Definitions.
2. Sittings of the court and vacations.
3. Registrar's office hours.
4. Service.
5. Edictal citation.
6. Applications.
7. Power of attorney.
8. Namptissement.
9. Arrest.
10. Joinder of parties and causes of action.
11. Consolidation of actions.
12. Intervention of persons as plaintiffs or defendants.
13. Third party procedure.
14. Proceedings by and against partnerships, firms and associations.
15. Change of parties.
16. Representation of parties.
17. Summons.
18. Rules relating to pleading generally.
19. Notice of intention to defend.
20. Declaration.
21. Further particulars.
22. Plea.
23. Exceptions and applications to strike out.
24. Claim in reconvention.

6579—1

“party” of ’n uitdruklike verwysing na ’n eiser of ander gedingvoerder, ook sy prokureur met of sonder ’n advokaat, soos die samehang mag vereis;

“regering en staat” tensy dit uit die samehang anders blyk suut in die regering van die Republiek, die regering van Venda en die regering van enige selfregerende gebied ingevolge die bepalings van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), en die Administrasie van Suidwes-Afrika;

“regter” ’n regter wat elders as in die ope hof sit;

“regulasie” ’n regulasie in die Bylae by Proklamasie R. 93 van 1979;

“Republiek” ook die gebied van Suidwes-Afrika.

Sittings van die hof en vakansies

2. (1) Die termyn van die hof vir die verhoor van sivieregterlike en strafregterlike aangeleenthede is—

- (a) 1 Februarie tot 15 Junie;
- (b) 1 Augustus tot 30 September; en
- (c) 16 Oktober tot 30 November.

(2) As die eerste dag van ’n termyn nie ’n hofdag is nie, begin die termyn op die eersvolgende hofdag en, as die laaste dag nie ’n hofdag is nie, eindig die termyn op die voorafgaande hofdag.

(3) Die tydperke tussen genoemde termynen is vakansie en die gewone werksaamhede van die hof word dan opgeskort, onderworpe aan subreël (4), maar minstens een regter bly beskikbaar vir werksaamhede en op dae deur die Hoofregter bepaal.

(4) Te alle tye sit dié regter op dié dag vir afhandeling van dié werksaamhede wat die Hoofregter bepaal.

(5) As ’n voorsittende regter dit geleë ag, kan die hof op enige plek of op ander tye sit as dié wat voorgeskryf is ingevolge hierdie reëls en die hof kan te eniger tyd gedurende ’n vakansie sit.

Kantoorure van griffier

3. Behalwe op Saterdag, Sondag en openbare vakansiedae, is die griffier se kantoor van 09h00 tot 13h00 oop: Met dien verstande dat ’n kennisgewing van voorneme om te verdedig na 13h00 ingedien kan word. In buitengewone omstandighede kan, en indien daartoe deur ’n regter gelas, moet die griffier te eniger tyd prosesstukke uitreik en dokumente ontvang.

Betekening

4. (1) (a) Prosesstukke van die hof, wat aan die balju gerig is, en enige dokumente waarby ’n aansoek begin word, word op een van die volgende maniere deur die balju beteken:

(i) Deur ’n afskrif daarvan aan die betrokke persoon persoonlik te oorhandig: Met dien verstande dat as hy minderjarig of andersins handelingsonbevoeg is, betekening aan die voog, kurator of dergelike belangewarnemer van die handelingsonbevoegde persoon moet geskied;

(ii) deur by die woon- of besigheidsplek van die betrokke persoon of van sy voog, kurator of ander belangewarnemer ’n afskrif daarvan by iemand te laat wat ten tye van die aflewering skynbaar in beheer van die perseel is en nie jonger as 16 jaar voorkom nie. As ’n gebou wat nie ’n hotel, losieshuis, hostel of soortgelyke woonplek is nie, deur meer as een persoon of gesin bewoon word, beteken “woon- of besigheidsplek” vir die doel van hierdie paragraaf, die gedeelte van die gebou wat deur die persoon aan wie betekening moet geskied, bewoon word;

“registrar” shall include an assistant registrar;

“regulation” shall mean a regulation in the Schedule to Proclamation R. 93 of 1979;

“Republic” shall include the territory of South West Africa;

“sheriff” shall include an additional sheriff, a deputy-sheriff, and an assistant to a deputy-sheriff;

“State” and “Government” unless the context otherwise indicates, includes the government of the Republic, the government of Venda and the government of any self-governing territory in terms of the provisions of the Black States Constitution Act, 1971 (Act 21 of 1971), and the administration of South West Africa.

Sittings of the court and vacations

2. (1) The terms of the court for the hearing of civil and criminal matters shall be—

- (a) 1 February to 15 June;
- (b) 1 August to 30 September; and
- (c) 16 October to 30 November.

(2) If the first day of a term is not a court day, the term shall commence on the next succeeding court day and, if the last day is not a court day, the term shall end on the court day preceding.

(3) The periods between the said terms shall be vacation, during which, subject to the provisions of subrule (4), the ordinary business of the court shall be suspended, but at least one judge shall be available on such days to perform such duties as the Chief Justice shall direct.

(4) During and out of term such judges shall sit on such days for the discharge of such business as the Chief Justice may direct.

(5) If it appears convenient to the presiding judge, the court may sit at any place or at a time other than a time prescribed in terms of these rules, and may sit at any time during vacation.

Registrar's office hours

3. Except on Saturdays, Sundays and public holidays, the office of the registrar shall be open from 09h00 to 13h00: Provided that a notice of intention to defend may be filed after 13h00. The registrar may in exceptional circumstances issue process and accept documents at any time, and shall do so when directed by a judge.

Service

4. (1) (a) Service of any process of the court directed to the sheriff and any document initiating application proceedings shall be effected by the sheriff in one or other of the following manners:

(i) By delivering a copy thereof to the said person personally: Provided that where such person is a minor or a person under legal disability, service shall be effected upon the guardian, tutor, curator or the like of such minor or person under disability;

(ii) by leaving a copy thereof at the place of residence or business of the said person, guardian, tutor, curator or the like with the person apparently in charge of the premises at the time of delivery, being a person apparently not less than 16 years of age. For the purposes of this paragraph when a building, other than an hotel, boarding-house, hostel or similar residential building, is occupied by more than one person or family, “residence” or “place of business” means that portion of the building occupied by the person upon whom service is to be effected;

12. Kennisgewing ingevolge reël 35 (5).
13. Blootlegging—Kennisgewing om bloot te lê.
14. Blootlegging—Kennisgewing dat dokumente ingesien kan word.
15. Blootlegging—Kennisgewing om dokumente in pleitstukke ensovoorts, voor te lê.
16. Getuiedagvaarding.
17. Kennisgewing ingevolge reël 43.
- 17A. Herstel van huweliksregte.
18. Lasbrief tot uitwinning.
19. Vorm van sekerheidstelling ingevolge reël 45 (5).
20. Lasbrief tot beslaglegging—Onroerende goed.
21. Verkoopsvoorwaardes by uitwinning van onroerende goed.

VORMS—TWEEDE BYLAE

- A. Lasbrief tot uitwinning—roerende goed, namptissement.
- B. Lasbrief tot beslaglegging—namptissement—onroerende goed uitwinbaar verklaar.
- C. Sekuriteitsakte na tenuitvoerlegging van namptissement wanneer die verweerder voornemens is om tot die prinsipale saak oor te gaan.
- D. Sertifikaat van eienaarskap en beswarings: Uitwinningsverkoop van onroerende goed.
- E. Lasbrief tot uitsetting.
- F. Lasbrief tot gevangesetting weens minagting van die hof.
- G. Lasbrief tot beslaglegging om jurisdiksie te vestig.
- H. Waarmerking van handtekening.
- I. Sertifikaat van betekening van buitelandse prosesstukke.

Woordomskrywing

1. In hierdie reëls en die vorms voorgeskryf in die Eerste en Tweede Bylaes hiervan, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Regulasies van die Hoërhof van Venda soos afgekondig by die Proklamasie op die Hoërhof van Venda, 1979 (hierna genoem die regulasies) geheg is, daardie betekenis, en beteken—
 - “advokaat” ook 'n prokureur wat optree ingevolge verlop verleen kragtens regulasie 37;
 - “aflewer” die betekening van afskrifte aan alle partye en die indiening van die oorspronklike by die griffier;
 - “aksie” 'n verrigting wat met 'n dagvaarding of met 'n lasbrief ingevolge reël 9 begin is;
 - “balju” ook 'n addisionele balju, 'n adjunk-balju en 'n assistent van 'n adjunk-balju;
 - “gekombineerde dagvaarding” 'n dagvaarding met 'n opgawe van feite daaraan geheg soos bedoel in subreël (2) van reël 17;
 - “griffier” ook 'n assistent-griffier;
 - “hof” waar dit nie 'n verwysing is na 'n ander hof nie die Hoërhof van Venda en met betrekking tot siviele aangeleenthede, 'n hof saamgestel ingevolge regulasie 4;
 - “hofdag” soos omskryf in die regulasies en by die berekening van 'n tydperk van dae in 'n bevel van die hof bepaal, word slegs hofdae ingesluit;
 - “Meester” die Meester van die hof en sluit “weesheer” in;
 - “Minister” tensy dit uit die samehang anders blyk, sluit in 'n Minister van Venda en van enige selfregerende gebied ingevolge die bepalinge van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);
 - “prokureur” 'n persoon behoorlik toegelaat om binne enige deel van die Republiek as prokureur te praktiseer en wat nie geskors of van die rol van prokureurs geskrap is nie;

12. Notice in terms of rule 35 (5).
13. Discovery—Notice to produce.
14. Discovery—Notice to inspect documents.
15. Discovery—Notice to produce documents in pleadings, etc.
16. Subpoena.
17. Notice in terms of rule 43.
- 17A. Restitution of conjugal rights.
18. Writ of execution.
19. Form of security under rule 45 (5).
20. Writ of attachment—Immovable property.
21. Conditions of sale in execution of immovable property.

FORMS—SECOND SCHEDULE

- A. Writ of execution—movable property, namptissement.
- B. Writ of attachment—namptissement—immovable property declared executable.
- C. *De restituendo* bond after levy of a namptissement, when the defendant intends to go into the principal case.
- D. Certificate of ownership and encumbrances: Sale in execution of immovable property.
- E. Writ of ejection.
- F. Writ of commitment for contempt of court.
- G. Writ of attachment *ad fundandam jurisdictionem*.
- H. Authentication of signature.
- I. Certificate of service of foreign process.

Definitions

1. In these rules and the forms prescribed in the First and Second Schedules to these rules, unless the context otherwise indicates, any expression to which a meaning has been assigned in the High Court of Venda Regulations promulgated under the High Court of Venda Proclamation, 1979 (hereinafter referred to as the regulations) bears the meaning so assigned thereto, and—

- “action” shall mean a proceeding commenced by summons or by writ in terms of rule 9;
- “advocate” includes an attorney acting in terms of permission granted under regulation 37;
- “attorney” shall mean a person duly admitted to practice as an attorney in any part of the Republic and who has not been suspended or removed from the roll of attorneys;
- “combined summons” shall mean a summons with a statement of claim annexed thereto in terms of subrule (2) of rule 17;
- “court”, where it is not a reference to another court shall mean the High Court of Venda and in relation to civil matters shall mean a court constituted in terms of regulation 4;
- “court day” as defined in the regulations and only court days shall be included in the computation of any time expressed in days determined by order of the court;
- “deliver” shall mean serve copies on all parties and file the original with the registrar;
- “judge” shall mean a judge sitting otherwise than in open court;
- “Master” shall mean the Master of the court;
- “Minister” unless the context otherwise indicates, includes a Minister of Venda and of any self-governing territory in terms of the provisions of the Black States Constitution Act, 1971 (Act 21 of 1971);
- “party” or any reference to a plaintiff or other litigant in terms, shall include his attorney with or without an advocate, as the context may require;

(3) In 'n vreemde land word 'n prosesstuk of dokument beteken—

(a) deur iemand wat volgens 'n sertifikaat van—

(i) die hoof van 'n Suid-Afrikaanse diplomatieke of konsulêre missie, iemand in die administratiewe of vakkundige afdeling van die Staatsdiens wat by 'n Suid-Afrikaanse diplomatieke of konsulêre missie diens doen of 'n Suid-Afrikaanse buitelandse diens-beampte graad VII;

(ii) 'n diplomatieke of konsulêre beampte van 'n vreemde land wat die betekening van prosesstukke of dokumente namens die Republiek aldaar behartig;

(iii) 'n diplomatieke of konsulêre beampte van so 'n land wat in die Republiek of Suidwes-Afrika diens doen; of

(iv) 'n beampte wat teken as of namens die hoof van die departement wat met die regspleging in daardie land handel,

in daardie land regtens gemagtig is om prosesstukke of dokumente te beteken; of

(b) deur iemand in subparagraaf (i) or (ii) van paragraaf (a) genoem, indien hy in so 'n land regtens gemagtig is om sodanige prosesstuk of dokument te beteken of indien die reg van so 'n land nie sodanige betekening verbied nie en die owerhede van daardie land geen beswaar daarteen geopper het nie.

(4) In die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland, Transkei, Bophuthatswana, Rhodesië, Lesotho, Botswana of Swaziland kan 'n prosesstuk of dokument, ondanks die bepalings van subreël (3), ook beteken word deur 'n prokureur, notaris of ander regspraktisyn aldaar wat ingevolge die reg van daardie land gemagtig is om prosesstukke of dokumente te beteken.

(5) (a) 'n Prosesstuk of dokument wat in 'n vreemde land beteken moet word, gaan vergesels van 'n beëdigde vertaling dat van in 'n amptelike taal van daardie land of deel van daardie land waarin die prosesstuk of dokument beteken moet word, en van 'n gesertifiseerde afskrif van die prosesstuk of dokument sodanige vertaling.

(b) 'n Prosesstuk of dokument wat beteken moet word soos in subreël (3) bepaal, word aan die griffier afgelewer met inkomsteseëls ten bedrae van R15 daaraan geheg: Met dien verstande dat inkomsteseëls nie vereis word waar betekening namens die Regering moet geskied nie; en

(c) die griffier stuur 'n prosesstuk of dokument wat ingevolge paragraaf (b) aan hom afgelewer is, na rojering van die inkomsteseëls aan die Sekretaris van Buitelandse Sake of na 'n bestemming deur die Sekretaris van Buitelandse Sake aandui, saam met die in paragraaf (a) bedoelde vertaling, vir betekening in die betrokke vreemde land. Die griffier moet homself vergewis dat die prosesstuk of dokument 'n voldoende perk toelaat vir tydigte betekening.

(6) Betekening word op een van die volgende maniere bewys:

(a) Waar betekening deur die balju geskied het, deur sy relaas van betekening;

(b) waar betekening nie deur 'n balju of ingevolge subreël (3) of (4) geskied het nie, deur 'n beëdigde verklaring van die persoon wat beteken het, en waar betekening in amptelike hoedanigheid aanvaar word deur 'n prokureur of 'n lid van sy personeel, of deur iemand namens die Regering (insluitende die Suid-Afrikaanse Spoorweë en Hawens), die Administrasie

(3) Service of any process of the court or of any document in a foreign country shall be effected—

(a) by any person who is, according to a certificate of—

(i) the head of any South African diplomatic or consular mission, any person in the administrative or professional division of the Public Service at a South African diplomatic or consular mission or any South African foreign service officer grade VII;

(ii) any foreign diplomatic or consular officer attending to the service of process or documents on behalf of the Republic in such country;

(iii) any diplomatic or consular officer of such country serving in the Republic or in South West Africa; or

(iv) any official signing as or on behalf of the head of the department dealing with the administration of justice in that country; authorised under the law of such country to serve such process or document; or

(b) by any person referred to in subparagraph (i) or (ii) of paragraph (a), if the law of such country permits him to serve such process or document or if there is no law in such country prohibiting such service and the authorities of that country have not interposed any objection thereto.

(4) Service of any process of the court or of any document in the United Kingdom of Great Britain and Northern Ireland, Transkei, Rhodesia, Bophuthatswana, Lesotho, Botswana or Swaziland may, notwithstanding the provisions of subrule (3), also be effected by an attorney, solicitor, notary public or other legal practitioner in the country concerned who is under the law of that country authorised to serve process of court or documents.

(5) (a) Any process of court or document to be served in a foreign country shall be accompanied by a sworn translation thereof into an official language of that country or part of that country in which the process or document is to be served, together with a certified copy of the process or document and such translation;

(b) any process of court or document to be served as provided in subrule (3), shall be delivered to the registrar together with revenue stamps to the value of R15 affixed thereto: Provided that no revenue stamps shall be required where service is to be effected on behalf of the Government; and

(c) any process of court or document delivered to the registrar in terms of paragraph (b) shall, after defacement of the revenue stamps affixed thereto, be transmitted by him together with the translation referred to in paragraph (a), to the Secretary for Foreign Affairs or to a destination indicated by the Secretary for Foreign Affairs, for service in the foreign country concerned. The registrar shall satisfy himself that the process of court or document allows a sufficient period for service to be effected in good time.

(6) Service shall be proved in one of the following manners:

(a) Where service has been effected by the sheriff, by the return of service of such sheriff;

(b) where service has not been effected by a sheriff, nor in terms of subrule (3) or (4), by an affidavit of the person who effected service, or in the case of service on an attorney or a member of his staff, the Government (including the South African Railways and

(iii) deur by die werkplek van die betrokke persoon of van sy voog, kurator of ander belangewaarnemer, 'n afskrif daarvan aan iemand af te lewer wat nie jonger as 16 jaar voorkom nie en skynbaar in 'n gesagsposisie teenoor hom staan;

(iv) deur in die geval waar die betrokke persoon 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die *domicilium* af te lewer of te laat;

(v) deur in die geval van 'n maatskappy of ander regspersoon by die geregistreerde kantoor of vernaamste besigheidsplek binne die hof se regsgebied 'n afskrif aan 'n verantwoordelike werknemer daarvan af te gee, of as daar nie so 'n werknemer is wat bereid is om die betekening te aanvaar nie, 'n afskrif aan die hoof deur van so 'n kantoor of besigheidsplek te heg, of deur 'n ander metode te volg wat regtens geoorloof is;

(vi) deur 'n afskrif daarvan aan enige verteenwoordiger af te gee wat behoorlik skriftelik gemagtig is om betekening namens die betrokke persoon te aanvaar;

(vii) deur in die geval van 'n vennootskap, firma of vrywillige vereniging, by die besigheidsplek van sodanige vennootskap, firma of vrywillige vereniging op die wyse in paragraaf (ii) genoem, te beteken, en indien die vennootskap, firma of vrywillige vereniging nie 'n besigheidsplek het nie, dan aan 'n vennoot, die eienaar, of die voorsitter of sekretaris van die bestuur of ander beherende liggaam daarvan na gelang van die geval, op een van die maniere in hierdie reël voorgeskryf;

(viii) deur in die geval van 'n plaaslike bestuur te beteken aan die stadsklerk, assistent-stadsklerk of burgemeester, en in die geval van 'n statutêre liggaam aan die sekretaris of 'n dergelike amptenaar, of aan 'n lid van die bestuur, of deur 'n ander metode te volg wat regtens geoorloof is; of

(ix) deur in 'n geval waar twee of meer persone gesamentlik as trustees, likwidateurs, eksekuteurs, administrateurs, kurators of voogde aangespreek word, of op enige ander wyse as gesamentlike verteenwoordigers, aan elkeen van hulle te beteken op enige wyse in die reël uiteengesit:

Met dien verstande dat waar die persoon aan wie 'n dokument waarby 'n aansoek begin word, beteken moet word, reeds deur 'n prokureur in die saak verteenwoordig is, die dokument aan sodanige prokureur deur die party wat die aansoek doen, beteken kan word.

(b) Betekening geskied so na as moontlik tussen 07h00 en 19h00.

(c) Op 'n Sondag kan geen geldige betekening van 'n siviele dagvaarding, bevel of kennisgewing geskied nie, en kan geen prosesregtelike stap, behalwe die uitreiking of tenuitvoerlegging van 'n lasbrief tot arrestasie, gedoen word nie tensy die hof of 'n regter dit gelas het.

(d) Dit is die plig van die balju of ander persoon wat die prosestukke of dokumente beteken, om die aard en inhoud daarvan aan die betrokke persoon te verduidelik en in sy relaas of beëdigde verklaring of op die getekende kwitansie te meld dat hy dit gedoen het.

(2) As dit nie moontlik is om op enige van die vorenoemde maniere te beteken nie, kan die hof op aansoek van die persoon wat die betekening verlang, 'n wyse van betekening voorskryf. As die verblyf van die persoon aan wie betekening moet geskied, onbekend is, maar dit is bekend of word vermoed dat hy in die Republiek is, geld die bepalinge van subreël (2) van reël 5 *mutatis mutandis*.

(iii) by delivering a copy thereof at the place of employment of the said person, guardian, tutor, curator or the like to some person apparently not less than 16 years of age and apparently in authority over him;

(iv) if the person so to be served has chosen a *domicilium citandi*, by delivering or leaving a copy thereof at the *domicilium* so chosen;

(v) in the case of a corporation or company, by delivering a copy to a responsible employee thereof at its registered office or its principal place of business within the court's jurisdiction, or if there be no such employee willing to accept service, by affixing a copy to the main door of such office or place of business, or in any manner provided by law;

(vi) by delivering a copy thereof to any agent who is duly authorised in writing to accept service on behalf of the person upon whom service is to be effected;

(vii) where any partnership, firm or voluntary association is to be served, service shall be effected in the manner referred to in paragraph (ii) at the place of business of such partnership, firm or voluntary association and if such partnership, firm or voluntary association has no place of business, service shall be effected on a partner, the proprietor or the chairman or secretary of the committee or other managing body of such association, as the case may be, in one of the manners set forth in this rule;

(viii) where a local authority or statutory body is to be served, service shall be effected by delivering a copy to the town clerk or assistant town clerk or mayor of such local authority or to the secretary or similar officer or member of the board or committee of such body, or in any manner provided by law; or

(ix) if two or more persons are sued in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any other joint representative capacity service shall be effected upon each of them in any manner set forth in this rule:

Provided that where the person to be served with any document initiating application proceedings is already represented by an attorney of record, such document may be served upon such attorney by the party initiating such proceedings.

(b) Service shall be effected as near as possible between 07h00 and 19h00.

(c) No service of any civil summons, order or notice and no proceeding or act required in any civil action, except the issue of execution of a warrant of arrest, shall be validly effected on a Sunday unless the court or a judge otherwise directs.

(d) It shall be the duty of the sheriff or other person serving the process or documents to explain the nature and contents thereof to the person upon whom service is being effected and to state in his return or affidavit or on the signed receipt that he has done so.

(2) If it is not possible to effect service in any manner aforesaid, the court may, upon the application of the person wishing to cause service to be effected, give directions in regard thereto. Where such directions are sought in regard to service upon a person known or believed to be within the Republic, but whose whereabouts therein cannot be ascertained, the provisions of subrule (2) of rule 5 shall, *mutatis mutandis*, apply.

(2) Verlof word deur die persoon wat die verlang aangevra by aansoek, wat 'n saaklike uiteensetting van die aard en omvang van die eis moet bevat, die gronde waarop dit berus en waarop die hof jurisdiksie het om die eis te bereg, en die wyse van betekening wat die hof gevra word om te magtig. As dit nie persoonlike betekening is nie, moet in die aansoek die laasbekende verblyfplek van die betrokke persoon vermeld word en die navrae wat gedoen is om sy huidige verblyfplek te bepaal. Die hof kan na goëddunke die wyse van betekening voorskryf en die tyd bepaal waarbinne kennis van voorneme om te verdedig gegee moet word of enige ander stap gedoen moet word deur die persoon aan wie betekening moet geskied. Waar betekening deur publikasie beveel word, kan dit in 'n vorm so na moontlik bewoord soos Vorm 1 in die Eerste Bylae wees, goedgekeur en onderteken deur die griffier.

(3) As die betrokke dokument nie een is waarby 'n geding ingestel word nie, kan verlof vir betekening daarvan buite die Republiek, deur die persoon wat dit verlang, aangevra word ingevolge subreël (2), of terwyl die saak voor die hof dien, in watter geval geen dokumente ter stawing van die aansoek ingedien hoef te word nie, en mondelinge inligting van die balie af voldoende is, of inligting soos deur die hof vereis, en die hof kan dan na goëddunke 'n bevel gee.

Aansoeke

6. (1) 'n Aansoek geskied by kennisgewing van mosie wat die regshulp vermeld wat aangevra word, gesteun deur 'n beëdigde verklaring wat die feite bevat waarop die aansoek berus.

(2) Wanneer prestasie van iemand geëis word of waar dit nodig of wenslik is om iemand kennis van 'n aansoek te gee, word die kennisgewing van mosie aan sowel die griffier as die betrokke persoon gerig, anders net aan die griffier.

(3) (a) Elke aansoek wat aangehoor moet word, word voor middag van die tweede hofdag voor die dag waarop dit aangehoor moet word, by die griffier ingedien en ter rolle geplaas. As dit by kennisgewing aan die griffier geskied, moet die kennisgewing die vorm van die bevel wat aangevra word, bevat en die beëdigde verklaring waarop gesteun word noem, en die griffier moet daarin gevra word om die saak vir beregting ter rolle te plaas, so na moontlik soos Vorm 2 in die Eerste Bylae.

(b) Iemand wat 'n belang het wat geraak kan word deur die beslissing van 'n aansoek *ex parte*, kan 'n kennisgewing aflewer van 'n aansoek om verlof om te bestry, gesteun deur 'n beëdigde verklaring waarin hy die aard van sy belang en die gronde waarop hy verlang om aangehoor te word, uiteensit, waarop die griffier die aansoek ter rolle plaas vir beregting saam met eersgenoemde aansoek.

(c) Die hof kan by die verhoor die aansoeke onderskeidelik toestaan of afwys, of uitstel op sodanige voorwaardes betreffende die indiening van verdere beëdigde verklarings deur enigen van die applikante of andersins as wat hy goed dink.

(4) (a) Elke aansoek wat nie 'n *ex parte*-aansoek is nie, geskied by kennisgewing van mosie so na moontlik bewoord soos Vorm 2 (a) van die Eerste Bylae, en juiste afskrifte van die kennisgewing en alle ahangsels daartoe word aan elke party aan wie kennis daarvan gegee moet word, beteken.

(2) Any person desiring to obtain such leave shall make application to the court setting forth concisely the nature and extent of his claim, the grounds upon which it is based and upon which the court has jurisdiction to entertain the claim and also the manner of service which the court is asked to authorise. If such manner be other than personal service, the application shall further set forth the last-known whereabouts of the person to be served and the inquiries made to ascertain his present whereabouts. Upon such application the court may make such order as to the manner of service as to it seems meet and shall further order the time within which notice of intention to defend is to be given or any other step is to be taken by the person to be served. Where service by publication is ordered, it may be in a form as near as may be in accordance with Form 1 of the First Schedule, approved and signed by the registrar.

(3) Any person desiring to obtain leave to effect service outside the Republic of any document other than one whereby proceedings are instituted, may either make application for such leave in terms of subrule (2) or request such leave at any hearing at which the court is dealing with the matter, in which latter event no papers need be filed in support of such request, and the court may act upon such information as may be given from the bar or given in such other manner as it may require, and may make such order as to it seems meet.

Applications

6. (1) Every application shall be brought on notice of motion specifying the relief applied for supported by an affidavit as to the facts upon which the applicant relies for relief.

(2) When relief is claimed against any person, or where it is necessary or proper to give any person notice of such application, the notice of motion shall be addressed to both the registrar and such person, otherwise it shall be addressed to the registrar only.

(3) (a) Every application to be heard shall be filed with the registrar and set down, before noon on the court day but one preceding the day upon which it is to be heard. If brought upon notice to the registrar, such notice shall set forth the form of order sought, specify the affidavit filed in support thereof, request him to place the matter on the roll for hearing, and be as near as may be in accordance with Form 2 of the First Schedule.

(b) Any person having an interest which may be affected by a decision on an application being brought *ex parte*, may deliver notice of an application by him for leave to oppose, supported by an affidavit setting forth the nature of such interest and the ground upon which he desires to be heard, whereupon the registrar shall set such application down for hearing at the same time as the application first mentioned.

(c) At the hearing the court may grant or dismiss either of or both such applications as the case may require, or may adjourn the same upon such terms as to the filing of further affidavits by either applicant or otherwise as to it seems meet.

(4) (a) Every application other than one brought *ex parte* shall be brought on notice of motion as near as may be in accordance with Form 2 (a) of the First Schedule and true copies of the notice, and all annexures thereto, shall be served upon every party to whom notice thereof is to be given.

van 'n provinsie of deur 'n Minister, Administrateur, of 'n ander amptenaar van die Regering of so 'n Administrasie, deur die voorlegging van 'n getekende kwitansie daarvoor.

(7) Betekening van 'n prosesstuk of dokument in 'n vreemde land word bewys—

(a) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (a) van subreël (3) of subreël (4) beteken het, waarin hy homself identifiseer, vermeld dat hy deur die reg van daardie land gemagtig is om prosesstukke of dokumente te beteken en dat die prosesstuk of dokument beteken is ooreenkomstig die reg van daardie land, en die wyse en die datum waarop sodanige betekening geskied het, uiteensit: Met dien verstande dat die sertifikaat van iemand in subreël (4) bedoel behoorlik gewaarmerk moet word; of

(b) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (b) van subreël (3) beteken het, waarin hy vermeld dat die prosesstuk of dokument deur hom beteken is, die wyse en datum waarop sodanige betekening geskied het en bevestig dat hy in die betrokke land regtens gemagtig is om prosesstukke of dokumente te beteken of dat die reg van so 'n land nie sodanige betekening verbied nie en dat die owerhede van daardie land nie enige beswaar daarteen goopper het nie.

(8) In elke geding waarin die Staat, die Administrasie van 'n provinsie, die Administrasie van die gebied Suidwes-Afrika, die Suid-Afrikaanse Spoorwag en Hawensadministrasie of 'n Minister, Adjunk-minister of Administrateur in sy amptelike hoedanigheid verweerder of respondent is, kan die dagvaarding of kennisgewing waarby die geding ingestel word, aan die Kantoor van die Staatsprokureur, Pretoria, of die tak van daardie kantoor wat geleë is binne die gebied beteken word.

(9) Indien die hof nie oortuig is dat die betekening effektief was nie, kan hy na goeddunke verder stappe voorskryf.

(10) Wanneer iemand wat buite Venda gedomisileer is, 'n prosesstuk wil laat beteken aan iemand in Venda rig hy 'n versoek daartoe aan die griffier, vergees van twee afskrifte van sodanige prosesstuk. Die griffier besorg die twee afskrifte aan 'n persoon wat gemagtig is om betekening uit te voer en sodanige persoon beteken dit deur een afskrif te oorhandig aan die persoon aan wie beteken moet word. Die ander afskrif word deur die betekenaar aan die griffier terugbesorg tesame met die bewys in subreël (6) bedoel, en besonderhede van die koste van betekening. Sodanige besonderhede word aan die takseermeester van die hof voorgelê vir sertifisering van die juistheid daarvan.

(11) Wanneer 'n versoek om betekening van 'n siviele prosesstuk of sitasie, nagekom is, besorg die griffier aan die Sekretaris—

(a) die versoek om betekening in subreël (10) bedoel;

(b) die bewys van betekening tesame met 'n sertifikaat soos in Vorm I van die Tweede Bylae bewoord, behoorlik geseël met die seël van die hof vir die gebruik buite die jurisdiksie; en

(c) die besonderhede van die koste van betekening en die bevestigingsertifikaat, of 'n afskrif daarvan.

Ediktale sitasie

5. (1) Buite die Republiek mag 'n prosesstuk of dokument waarby 'n geding ingestel word, alleen met verlov van die hof beteken word.

Harbours), the Administration of any province or on any Minister, Administrator, or any other officer of such Government or Administration, in his capacity as such, by the production of a signed receipt therefor.

(7) Service of any process of court or document in a foreign country shall be proved—

(a) by a certificate of the person effecting service in terms of paragraph (a) of subrule (3) or subrule (4) in which he identifies himself, states that he is authorised under the law of that country to serve process of court or documents therein and that the process of court or document in question has been served as required by the law of that country and sets forth the manner and the date of such service: Provided that the certificate of a person referred to in subrule (4) shall be duly authenticated; or

(b) by a certificate of the person effecting service in terms of paragraph (b) of subrule (3) in which he states that the process of court or document in question has been served by him, setting forth the manner and date of such service and affirming that the law of the country concerned permits him to serve process of court or documents or that there is no law in such country prohibiting such service and that the authorities of that country have not interposed any objection thereto.

(8) In every proceeding in which the State, the Administration of any province, the Administration of the Territory of South West Africa, the South African Railways and Harbours Administration or a Minister, Deputy Minister or Administrator in his official capacity is defendant or respondent, the summons or notice instituting such proceeding may be served at the Office of the State Attorney, Pretoria, or the branch of the said office which is situated in the area.

(9) If the court is not satisfied as to the effectiveness of the service, it may order such further steps to be taken as to it seems meet.

(10) Whenever a person who is domiciled outside Venda desires a process to be served on a person in Venda he shall address a request to the effect accompanied by two copies of such process, to the registrar. The registrar shall hand the two copies to a person who is authorised to serve process and such person shall serve it by delivering one copy to the person to be served. The other copy shall be returned to the registrar by the person by whom service has been effected together with proof referred to in subrule (6) and particulars of charges for the cost of effecting service. Such particulars shall be submitted to the taxing master of the court who shall certify the correctness thereof.

(11) The registrar concerned shall, after effect has been given to any request for service of civil process or citation, return to the Secretary—

(a) the request for service referred to in subrule (10);

(b) the proof of service together with a certificate in accordance with Form I of the Second Schedule duly sealed with the seal of the court for use out of the jurisdiction; and

(c) the particulars of charges for the cost of effecting service and the certificate, or copy thereof, certifying the correctness of such charges.

Edictal citation

5. (1) Save by leave of the court no process or document whereby proceedings are instituted shall be served outside the Republic.

of enigiemand anders gedagvaar word om te verskyn en ondervra en gekruisvra te word as getuie, of hy kan die saak vir verhoor verwys met gepaste voorskrifte betreffende pleitstukke, die omskrywing van geskilpunte, of iets anders.

(5) Die hof kan na aanhoring van 'n aansoek, hetsy *ex parte* of andersins, 'n bevel weier (behalwe betreffende koste, as daar is) maar die applikant verlof gee om die aansoek op dieselfde stukke, aangevul met sodanige verdere beëdigde verklarings as wat nodig mag wees, te hernieu.

(6) (a) 'n Party tot enige aansoek kan 'n teenaansoek doen of kan enige party daarby voeg soos hy dit sou kon gedoen het as hy verweerder in 'n aksie was en die ander partye tot die aansoek partye tot so 'n aksie was. reël 10 geld dan *mutatis mutandis*.

(b) Die tydperke ten opsigte van aansoeke voorgeskryf is *mutatis mutandis* van toepassing op teenaansoeke: Met dien verstande dat die hof indien goeie gronde aangevoer word, die beregting van die aansoek kan uitstel.

(7) Iemand teen wie 'n bevel *ex parte* toegestaan is, kan die keerdatum vervroeg met 24 uur kennisgewing.

(8) 'n Afskrif van elke aansoek in verband met die boedel van 'n gestorwende of van iemand wat beweerd word 'n verkwister te wees, of wat handelsonbevoegd is op geestelike of ander gronde, word, voor so 'n aansoek by die griffier ingedien word, aan die Weesheer vir oorweging en verslag voorgelê; en as iemand by die hof aanbeveel staan te word vir aanstelling as kurator van eiendom, word so 'n aanbeveling ook aan die Weesheer vir verslag voorgelê: Met dien verstande dat die bepalinge van hierdie subreël nie op enige aansoek ingevolge reël 57 van toepassing is nie, tensy die teen-deel uit daardie reël blyk.

(9) Die bepalinge van subreël (8) geld ook vir alle aansoeke om aanstelling van administrateurs en trustees ingevolge aktes of kontrakte betreffende trustfondse of vir die administrasie van trusts wat by testamentêre beskikking geskep is.

(10) Ondanks die voorgaande subreëls, kan interlokutore aansoeke en aansoeke wat betrekking het op hangende gedinge, geskied by kennisgewing, gesteun word desbetreffende beëdigde verklarings, en ter rolle geplaas word vir 'n tyd deur die griffier toegewys of deur 'n regter vasgestel.

(11) (a) By dringende aansoeke kan die hof of 'n regter afsien van die vorms en betekening wat die reëls voorskryf en kan hy so 'n aangeleentheid afhandel waar en wanneer en soos hy goeddink, maar sover moontlik in ooreenstemming met die reëls.

(b) In elke beëdigde verklaring wat ter ondersteuning van 'n aansoek ingevolge paragraaf (a) van hierdie subreël ingedien word, moet die applikant uitdruklik die omstandighede vermeld wat volgens hom die aangeleentheid dringend maak en die redes waarom hy beweerd dat hy nie mettertyd wesenlike verhaal by gewone beregting sal kry nie.

(12) By 'n aansoek, ampshalwe teen 'n Minister, Adjunk-minister, Administrateur, amptenaar of werknemer van die Staat, teen die Staat, die Administrasie van 'n provinsie, die Administrasie van die gebied Suidwes-Afrika of die Suid-Afrikaanse Spoorweg- en Hawensadministrasie, is die tydperk bepaal vir die keerdatum van 'n bevel *nisi* minstens 21 dae na die betekening van die bevel *nisi* tensy die hof spesiaal 'n korter tydperk gemagtig het.

be subpoenaed to appear and be examined and cross-examined as a witness or it may refer the matter to trial with appropriate directions as to pleadings or definition of issues, or otherwise.

(5) The court, after hearing an application whether brought *ex parte* or otherwise, may make no order thereon (save as to costs if any) but grant leave to the applicant to renew the application on the same papers supplemented by such further affidavits as the case may require.

(6) (a) Any party to any application proceedings may bring a counter-application or may join any party to the same extent as would be competent if the party wishing to bring such counter-application or join such party were a defendant in an action and the other parties to the application were parties to such action. In the latter event rule 10 shall apply *mutatis mutandis*.

(b) The periods prescribed with regard to applications shall apply *mutatis mutandis* to counter-applications: Provided that the court may on good cause shown postpone the hearing of the application.

(7) Any person against whom an order is granted *ex parte* may anticipate the return day upon delivery of not less than 24 hours' notice.

(8) A copy of every application to court in connection with the estate of any person deceased, or alleged to be a prodigal, or under any legal disability, mental or otherwise, shall, before such application is filed with the registrar, be submitted to the Master for consideration and report; and if any person is to be suggested to the court for appointment as curator to property, such suggestion shall likewise be submitted to the Master for report: Provided that the provisions of this subrule shall not apply to any application under rule 57 except where that rule otherwise provides.

(9) The provisions of subrule (8) shall further apply to all applications for the appointment of administrators and trustees under deeds or contracts relating to trust funds or to the administration of trusts set up by testamentary disposition.

(10) Notwithstanding the foregoing subrules, interlocutory and other applications incidental to pending proceedings may be brought on notice supported by such affidavits as the case may require and set down at a time assigned by the registrar or as directed by a judge.

(11) (a) In urgent applications the court or a judge may dispense with the forms and service provided for in these rules and may dispose of such matter at such time and place and in such manner and in accordance with such procedure (which shall as far as practicable be in terms of these rules) as to it seems meet.

(b) In every affidavit filed in support of any application under paragraph (a) of this subrule the applicant shall set forth explicitly the circumstances which he avers render the matter urgent and the reasons why he claims that he could not be afforded substantial redress at a hearing in due course.

(12) In any application against any Minister, Deputy Minister, Administrator, officer or servant of the State, in his capacity as such, the State, the administration of any province, the Administration of the Territory of South West Africa, or the South African Railways and Harbours Administration, the period for the return of a rule *nisi*, shall be not less than 21 days after the service of the notice of motion, or the rule *nisi*, as the case may be, unless the court shall have specially authorised a shorter period.

(b) In die kennisgewing noem die applikant 'n adres binne 10 kilometers van die kantoor van die griffier waar hy kennisgewing en betekening van alle dokumente in die geding sal aanvaar, en gee hy na gelang van die geval, minstens die tyd in regulasie 18 gemeld as die tyd waarbinne die respondent na betekening skriftelik die applikant kennis moet gee of hy van voorneme is om die aansoek te bestry, en meld hy verder dat as kennis nie aldus gegee word nie, die aansoek op 'n bepaalde dag, minstens 30 dae na betekening van die kennisgewing aan die respondent, vir beregting ter rolle geplaas sal word.

(c) As die respondent nie binne die in die kennisgewing vasgestelde tyd kennis gee van sy voorneme om te bestry nie, kan die applikant die saak vir beregting ter rolle plaas deur die griffier voor middag op die tweede hofdag voor die dienende dag kennis van terrolleplasing te gee.

(d) Iemand wat die toestaan van 'n bevel in die kennisgewing van mosie aangevra, bestry—

(i) gee die applikant binne die tyd in die kennisgewing vermeld, skriftelik kennis dat hy van voorneme is om die aansoek te bestry, met vermelding van 'n adres binne 10 kilometers van die kantoor van die griffier waar hy kennisgewing en betekening van alle dokumente sal aanvaar;

(ii) lewer binne 21 dae na kennisgewing aan die applikant van sy voorneme om die aansoek te bestry sy antwoordende beëdigde verklaring af, as hy een het, tesame met enige desbetreffende dokumente; en

(iii) as hy net 'n regspunt wil opper, lewer hy 'n kennisgewing te dien effekte of binne die tyd bepaal in die voorafgaande subparagraaf, waarin die regspunt uiteengesit is.

(e) Die applikant kan binne 21 dae na betekening aan hom van die in subparagraaf (ii) van paragraaf (d) bedoelde beëdigde verklaring en dokumente 'n repliserende beëdigde verklaring aflewer. Die hof kan na goeddunke die indiening van verdere beëdigde verklarings toelaat.

(f) As geen antwoordende verklaring of kennisgewing van 'n regspunt binne die in subparagraaf (ii) van paragraaf (d) voorgeskrewe tyd afgelewer word nie, kan die applikant binne 10 dae na die verstryking daarvan by die griffier 'n verhoordatum aanvra. As so 'n verklaring wel afgelewer word kan die applikant binne 10 dae na die aflewering van sy repliserende beëdigde verklaring, of as hy nie een indien nie, binne 10 dae na die verstryking van die in paragraaf (e) genoemde tydperk 'n datum aanvra en so 'n kennisgewing afgelewer word, kan die applikant so 'n datum binne 10 dae na aflewering van so 'n kennisgewing aanvra. As hy nie binne die betrokke tyd 'n datum aanvra nie, kan die respondent dit onmiddellik doen. Skriftelike kennis van die toegewese datum word onverwyld deur die applikant of respondent, na gelang van die geval, aan die teenparty gegee.

(g) As 'n aansoek nie behoorlik op beëdigde verklaring beslis kan word nie, kan die hof die aansoek van die hand wys of na goeddunke 'n bevel gee om 'n regverdige en spoedige beslissing te vereker. In die besonder, maar sonder om die omvang van die voorgaande in te kort, kan hy beveel dat mondelinge getuigenis aangehoor word ten einde 'n bepaalde feitegeskil te beslis en kan hy vir daardie doel 'n deponent beveel om persoonlik te verskyn of kan hy verlof gee dat hy

(b) In such notice the applicant shall appoint an address within 10 kilometres of the office of the registrar, at which he will accept notice and service of all documents in such proceedings, and shall set forth a day, calculated in accordance with the provisions of regulation 18 after service thereof on the respondent, on or before which such respondent is required to notify the applicant, in writing, whether he intends to oppose such application, and shall further state that if no such notification is given the application will be set down for hearing on a stated day, not being less than 30 days after service on the said respondent of the said notice.

(c) If the respondent does not, on or before the day mentioned for that purpose in such notice, notify the applicant of his intention to oppose, the applicant may place the matter on the roll for hearing by giving the registrar notice of set down before noon on the court day but one preceding the day upon which the same is to be heard.

(d) Any person opposing the grant of an order sought in the notice of motion shall—

(i) within the time stated in the said notice, give applicant notice, in writing, that he intends to oppose the application, and in such notice appoint an address within 10 kilometres of the office of the registrar, at which he will accept notice and service of all documents;

(ii) within 21 days of notifying the applicant of his intention to oppose the application deliver his answering affidavit, if any, together with any relevant documents; and

(iii) if he intends to raise any question of law only he shall deliver notice of his intention to do so, within the time stated in the preceding subparagraph, setting forth such question.

(e) Within 21 days of the service upon him of the affidavit and documents referred to in subparagraph (ii) of paragraph (d), the applicant may deliver a replying affidavit. The court may in its discretion permit the filing of further affidavits.

(f) Where no answering affidavit, or notice in terms of subparagraph (ii) of paragraph (d), is delivered within the period prescribed, the applicant may within 10 days of the expiry thereof apply to the registrar to allocate a date for the hearing of the application. Where an answering affidavit is delivered the applicant may apply for such allocation within 10 days of the delivery of his replying affidavit or, if no replying affidavit is delivered, within 10 days of the expiry of the period referred to in paragraph (e) and where such notice is delivered the applicant may apply for such allocation within 10 days after delivery of such notice. If the applicant fails so to apply within the appropriate period aforesaid, the respondent may do so immediately upon the expiry thereof. Notice in writing of the date allocated by the registrar shall forthwith be given by applicant or respondent, as the case may be, to the opposite party.

(g) Where an application cannot properly be decided on affidavit the court may dismiss the application or make such order as to it seems meet with a view to ensuring a just and expeditious decision. In particular, but without affecting the generality of the foregoing, it may direct that oral evidence be heard on specified issues with a view to resolving any dispute of fact and to that end may order any deponent to appear personally or grant leave for him or any other person to

(5) Op die dag in die dagvaarding genoem kan die verweerder persoonlik of by monde van 'n advokaat verskyn om sy aanspreeklikheid te ontken of te erken, en hy kan laastens voor middag van die tweede hofdag voor die waarop hy opgeroep is om te verskyn, 'n beëdigde verklaring aflewer wat die gronde bevat waarop hy aanspreeklikheid betwis. In so 'n geval word die eiser 'n redelike geleentheid gegun om daarop te antwoord.

(6) As die verweerder by die verhoor sy aanspreeklikheid erken of as hy voorheen 'n erkenning van aanspreeklikheid by die griffier ingedien het wat deur hom onderteken is en geattesteer is deur 'n prokureur wat vir hom optree en nie vir die teenparty nie, of anders by beëdigde verklaring bevestig is, kan die hof finale vonnis teen hom gee.

(7) Die hof kan mondelinge getuienis betreffende die eghed van die verweerder of sy gevolmagtigde se handtekening op die dokument waarop die eis vir namptissement berus, of betreffende die volmag van die verweerder se gevolmagtigde, aanhoor.

(8) As die hof namptissement weier, kan hy die verweerder beveel om binne 'n bepaalde tyd 'n pleit in te dien en kan hy na goeddunke 'n kostebevel gee. Daarna geld hierdie reëls betreffende pleitstukke en die verdere afhandeling van verhoorsake *mutatis mutandis*.

(9) Op aanvraag moet die eiser sekerheid *de restituendo* tot bevrediging van die griffier aan die verweerder verskaf, teen betaling van die vonnisskuld.

(10) Iemand teen wie namptissement toegestaan is, kan alleen tot die prinsipale saak oorgaan as hy die vonnisskuld en getakseerde koste betaal het of as die eiser versuim om op aanvraag behoorlik sekerheid ingevolge subreël (9) te stel.

(11) 'n Verweerder wat tot die prinsipale saak mag en wil oorgaan, moet binne twee maande nadat namptissement toegestaan is, 'n kennisgewing van sy voorneme aflewer, in welke geval die dagvaarding geag word 'n gekombineerde dagvaarding te wees, waarop hy binne sewe dae 'n pleit moet aflewer. By gebreke van sodanige kennisgewing of pleit word die namptissement *ipso facto* 'n finale vonnis en verval die sekerheid wat deur die eiser gestel is.

Arres suspectus de fuga

9. (1) Geen siviele prosesstuk waarkragtens iemand gearresteer of onder borgtog geplaas mag word ten einde hom te dwing om te verskyn voordat hy die land verlaat en op 'n eis te antwoord en die uitspraak van die hof daarop af te wag, word teen iemand uitgereik as die waarde in geskil nie minstens R400 beloop nie, sonder inagneming van koste.

(2) In alle gevalle waar iemand gearresteer of onder borgtog geplaas mag word, geskied dit by wyse van 'n lasbrief tot arres, gerig aan die balju of sy adjunk en aan die bevelvoerder van die gevangenis, geteken soos in die geval van 'n dagvaarding, en so na moontlik bewoord soos Vorm 4 in die Eerste Bylae.

(3) Die lasbrief tot arres moet, wanneer dit by die griffier vir ondertekening afgegee word, vergesel gaan van 'n beëdigde verklaring van die eiser of sy gevolmagtigde.

(4) Die beëdigde verklaring moet 'n juiste beskrywing bevat van die persoon wat dit maak, met vermelding van sy woonplek en die bedrag aan die eiser verskuldig en waar die skuld ontstaan het, en in die geval van die onwettige terughouding van roerende goed, die waarde en 'n beskrywing daarvan: Met dien verstande dat as die eiser as eksekuteur of administrateur van 'n bestorwe boedel of as kurator van 'n insolvente boedel of in

(5) Upon the day named in the summons the defendant may appear personally or by an advocate to admit or deny his liability and may, not later than noon of the court day but one preceding the day upon which he is called upon to appear in court, deliver an affidavit setting forth the grounds upon which he disputes liability. In such event the plaintiff shall be afforded a reasonable opportunity of replying thereto.

(6) If at the hearing the defendant admits his liability or if he has previously filed with the registrar an admission of liability signed by himself and witnessed by an attorney acting for him and not acting for the opposite party, or, if not so witnessed, verified by affidavit, the court may give final judgment against him.

(7) The court may hear oral evidence as to the authenticity of the defendant's signature, or that of his agent, to the document upon which the claim for namptissement is founded or as to the authority of the defendant's agent.

(8) Should the court refuse namptissement it may order the defendant to file a plea within a stated time and may make such order as to the costs of the proceedings as to it may seem just. Thereafter the provisions of these rules as to pleading and the further conduct of trial actions shall *mutatis mutandis* apply.

(9) The plaintiff shall on demand furnish the defendant with security *de restituendo* to the satisfaction of the registrar, against payment of the amount due under the judgment.

(10) Any person against whom namptissement has been granted may enter into the principal case only if he shall have satisfied the amount of the judgment and taxed costs, or if the plaintiff on demand fails to furnish due security in terms of subrule (9).

(11) A defendant entitled and wishing to enter into the principal case shall, within two months of the grant of namptissement, deliver notice of his intention to do so, in which event the summons shall be deemed to be a combined summons and he shall deliver a plea within seven days thereafter. Failing such notice or such plea the namptissement shall *ipso facto* become a final judgment and the security given by the plaintiff shall lapse.

Arrest suspectus de fuga

9. (1) No civil process whereby any person may be arrested or held to bail in order to compel his appearance before leaving the country to answer any claim and to abide the judgment of the court thereon shall be sued out against any person where the cause of action is not of the value of R400 or upwards, exclusive of any costs.

(2) In all cases where any person may be arrested or held to bail, the process shall be by writ of arrest addressed to the sheriff or his deputy and to the officer commanding the gaol and signed as is required in the case of a summons and shall, as near as may be, be in accordance with Form 4 of the First Schedule.

(3) The writ of arrest when delivered to the registrar for signature shall be accompanied by an affidavit sworn by the plaintiff or his agent.

(4) The affidavit shall contain a true description of the person making the same, setting forth his place of residence, and a statement of the sum due to the plaintiff, and the cause of the claim and where incurred, or in the case of the unlawful detention of any movable property, the value and description thereof: Provided that if the plaintiff sues as executor or administrator of any deceased person, or as a trustee of an

(13) Reëls 10, 11, 12, 13 en 34 geld *mutatis mutandis* vir alle aansoeke.

(14) Die hof kan op aansoek beveel dat bewerings wat aanstootlik, kwelsugtig of irrelevant is uit 'n beëdigde verklaring geskrap word, met 'n gepaste bevel betreffende koste, insluitende koste tussen prokureur en kliënt. Die hof staan nie die aansoek toe nie tensy hy oortuig is dat die applikant in sy saak benadeel sal word as dit nie toegestaan word nie.

Prokurasie

7. (1) Voordat dagvaarding in 'n aksie op instansie van die eiser se prokureur uitgereik word, moet die prokureur 'n prokurasie om te dagvaar by die griffier indien. Die prokurasie vermeld in die algemeen die aard van die aksie waarvan die instelling gemagtig word, die aard van die beoogde regshulp en die name van die party wat gedagvaar moet word.

(2) Die prokureur wat 'n kennisgewing van voorneme om te verdedig by die griffier indien, moet dit vergesel laat gaan van 'n prokurasie aan hom om te verdedig.

(3) (a) Die griffier plaas nie 'n siviele appèl op instansie van 'n prokureur ter rolle vir beregting nie tensy die prokureur 'n prokurasie ingedien het wat hom daartoe magtig. Die prokurasie word tesame met die aansoek om 'n verhoordatum ingedien.

(b) Enige ander prokureur wat 'n advokaat opdrag gee om in 'n siviele appèl namens enige ander party dan 'n party wat die appèl ter rolle geplaas het op te tree, dien voor die verhoor daarvan 'n prokuraie by die griffier in waarby die prokureur gemagtig word om dit te doen.

(4) Elke prokurasie wat deur 'n prokureur ingedien word, moet deur of namens die party wat dit gee, onderteken en origens volgens regsvoorskrifte verly wees: Met dien verstande dat waar 'n prokurasie namens die party wat dit gee, onderteken is, bewys van magtiging om namens so 'n party te teken aan die griffier gelewer moet word, wat dit dan op die prokurasie aanteken.

(5) Dit is vir die volgende onnodig om 'n prokurasie in te dien: Die Staatsprokureur, 'n adjunk-staatsprokureur of 'n professionele assistent van die Staatsprokureur of 'n adjunk-staatsprokureur, of 'n prokureur aan wie skriftelik of per telegram deur of namens die Staatsprokureur of 'n adjunk-staatsprokureur opdrag gegee is, in aangeleenthede waarin die Staatsprokureur of 'n adjunk-staatsprokureur amptelik optree.

Namptissement

8. (1) Waar iemand regtens vir namptissement gedagvaar kan word, geskied dit by wyse van 'n dagvaarding so na moontlik bewoord soos Vorm 3 in die Eerste Bylae, waarby hy opgeroep word om die geëiste bedrag te betaal of anders persoonlik of by monde van 'n advokaat te verskyn op 'n dag in die dagvaarding genoem, synde minstens 21 dae na die betekening daarvan, om sy aanspreeklikheid te erken of te ontken.

(2) So 'n dagvaarding word deur die griffier uitgereik en die bepalinge van subreëls (3) en (4) van reël 17 geld *mutatis mutandis*.

(3) Afskrifte van alle dokumente waarop die eis berus, word aan die dagvaarding geheg en tesame daarmee beteken.

(4) Die eiser plaas die saak vir verhoor ter rolle voor middag van die tweede hofdag voor die dag waarop dit verhoor sal word.

(13) Rules 10, 11, 12, 13 and 34 shall *mutatis mutandis* apply to all applications.

(14) The court may on application order to be struck out from any affidavit any matter which is scandalous, vexatious or irrelevant, with an appropriate order as to costs, including costs as between attorney and client. The court shall not grant the application unless it is satisfied that the applicant will be prejudiced in his case if it be not granted.

Power of attorney

7. (1) Before summons is issued in any action at the instance of the plaintiff's attorney, the attorney shall file with the registrar a power of attorney to sue. Such power of attorney shall state generally the nature of the particular action authorised to be instituted, the nature of the relief to be claimed therein and the names of the party to be sued.

(2) When notice of intention to defend is filed with the registrar by an attorney the latter shall *pari passu* file a power of attorney authorising him to defend.

(3) (a) The registrar shall not set down any civil appeal for hearing at the instance of an attorney unless such attorney files with the registrar a power of attorney authorising him to set the appeal down. Such power of attorney shall be filed together with the application for a date of hearing.

(b) Any attorney instructing an advocate to appear in a civil appeal on behalf of any other party other than a party who has caused the appeal to be set down shall, before the hearing thereof, file with the registrar a power of attorney authorising such attorney so to act.

(4) Every power of attorney filed by an attorney shall be signed by or on behalf of the party giving it, and shall otherwise be duly executed according to law: Provided that where a power of attorney is signed on behalf of the party giving it, proof of authority to sign on behalf of such party shall be produced to the registrar who shall note that fact on the said power.

(5) No power of attorney shall be required to be filed by the State Attorney, any deputy state attorney or any professional assistant to the State Attorney or a deputy state attorney or any attorney instructed, in writing, or by telegram by or on behalf of the State Attorney or a deputy state attorney in any matter in which the State Attorney or a deputy state attorney is acting in his capacity as such.

Namptissement

8. (1) Where by law any person may be summoned to answer a claim made for namptissement, proceedings shall be instituted by way of a summons as near as may be in accordance with Form 3 of the First Schedule, calling upon such person to pay the amount claimed or failing such payment to appear personally or by counsel upon a day named in such summons not being less than 21 days after the service upon him of such summons, to admit or deny his liability.

(2) Such summons shall be issued by the registrar and the provisions of subrules (3) and (4) of rule 17 shall *mutatis mutandis* apply.

(3) Copies of all documents upon which the claim is founded shall be annexed to the summons and served with it.

(4) The plaintiff shall set down the case for hearing before noon on the court day but one preceding the day upon which it is to be heard.

waar dagvaarding reeds uitgereik was, bly die lasbrief tot arres en die beëdigde verklaring van krag as 'n gekombineerde dagvaarding in die aksie.

(11) 'n Gearresterde kan die datum van verskyning vervroeg en na kennisgewing aan die eiser en die griffier sy vrylating by die hof aanvra.

(12) 'n Balju of adjunk-balju wat van 'n gearresterde 'n borgakte kragtens 'n lasbrief geneem het, dra dit so spoedig doenlik aan die eiser oor by wyse van 'n onderstekende endossement daarop so na moontlik bewoord soos Vorm 6 in die Eerste Bylae.

(13) As die verweerder op die keerdatum of vervroegde keerdatum die eis erken, kan finale vonnis teen hom gegee word, waarop hy vrygelaat word.

(14) As die verweerder nie aan die eis voldoen of dit erken het nie en nie sekerheid soos voormeld gestel het nie, kan die eiser op die keerdatum of vervroegde keerdatum aansoek doen om bekragtiging van die arres, waarop die hof, tensy voldoende rede tot die teendeel aangevoer word, die arres bekragtig en beveel dat die verweerder na die gevangenis teruggestuur word, en verdere voorskrifte gee wat hy vir die spoedige afhandeling van die geding bevorderlik ag.

(15) Wanneer in so 'n geding vonnis teen die verweerder gegee is, is hy tot vrylating geregtig.

Voeging van partye en skuldoorsake

10. (1) Enige getal persone, elk van wie 'n eis het, hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in die alternatief, kan as eisers in een aksie optree teen dieselfde verweerder of verweerders teen wie een of meer van sodanige persone wat as eiser wil optree, geregtig sou gewees het om 'n afsonderlike aksie in te stel, mits die vorderingsreg van diegene wat saam as eisers wil optree, afhang van die beslissing van wesenlik dieselfde regs- of feitevraag wat, as afsonderlike aksies ingestel sou word, in elke aksie sou ontstaan, en met dien verstande dat daar 'n toetrede kan wees met die voorwaarde dat dit alleen geld as die eis van enige ander eiser misluk.

(2) 'n Eiser kan verskillende skuldoorsake in dieselfde aksie saamvoeg.

(3) Verskeie verweerders kan in een aksie gedagvaar word hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in die alternatief, wanneer die geskilpunt wat tussen hulle of enige van hulle en die eiser of enige van die eisers bestaan, afhang van die beslissing van wesenlik dieselfde regs- of feitevraag wat, as die verweerders afsonderlik gedagvaar sou word, in elke afsonderlike aksie sou ontstaan.

(4) In 'n aksie waarin skuldoorsake of partye ingevolge hierdie reël saamgevoeg is, gee die hof aan die einde van die verhoor uitspraak ten gunste van die partye wat daartoe geregtig is, of verleen hy absolusie van die instansie en gee hy 'n kostebevel wat hy billik ag: Met dien verstande dat sonder om die diskresie van die hof in enige opsig te beperk—

(a) die hof kan beveel dat 'n eiser wat onsuksesvol was teenoor enige ander party, hetsy eiser of verweerder, aanspreeklik is vir die koste wat deur sy toetrede tot die aksie as eiser veroorsaak is;

had been no arrest, and save in those cases where summons has already been issued, the writ of arrest and affidavit shall stand as a combined summons in the action.

(11) Any person arrested shall be entitled to anticipate the day of appearance and to apply to the court for his release, upon giving notice to the plaintiff and to the registrar.

(12) If the sheriff or his deputy takes from the party arrested any bond or obligation by virtue of any writ, he shall, as soon as practicable, assign to the plaintiff such bond or obligation, by an endorsement thereon under his hand, as near as may be in accordance with Form 6 of the First Schedule.

(13) If on the return or anticipated return day the defendant admits the plaintiff's claim, final judgment may be given against him, whereupon he shall be released.

(14) If the defendant has not satisfied or admitted the plaintiff's claim and has not given security as aforesaid, the plaintiff may, on the return or anticipated return day, apply for confirmation of the arrest, whereupon the court, unless sufficient cause to the contrary is shown, shall confirm such arrest and order the return of the defendant to prison, and shall make such further order as to it seems meet for the speedy termination of the proceedings.

(15) If in any such proceedings judgment is given against the defendant, he shall be entitled to his release.

Joinder of parties and causes of action

10. (1) Any number of persons, each of whom has a claim, whether jointly, jointly and severally, separately or in the alternative, may join as plaintiffs in one action against the same defendant or defendants against whom any one or more of such persons proposing to join as plaintiffs would, if he brought a separate action, be entitled to bring such action, provided that the right to relief of the persons proposing to join as plaintiffs depends upon the determination of substantially the same question of law or fact which, if separate actions were instituted, would arise on each action, and provided that there may be a joinder conditionally upon the claim of any other plaintiff failing.

(2) A plaintiff may join several causes of action in the same action.

(3) Several defendants may be sued in one action either jointly, jointly and severally, separately or in the alternative whenever the question arising between them or any of them and the plaintiff or any of the plaintiffs depends upon the determination of substantially the same question of law or fact which, if such defendants were sued separately, would arise in each separate action.

(4) In any action in which any causes of action or parties have been joined in accordance with this rule, the court at the conclusion of the trial shall give such judgment in favour of such of the parties as shall be entitled to relief, or grant absolution from the instance, and shall make such order as to costs as shall to it seem to be just: Provided that without limiting the discretion of the court in any way—

(a) the court may order that any plaintiff who is unsuccessful shall be liable to any other party, whether plaintiff or defendant, for any costs occasioned by his joining in the action as plaintiff;

enige soortelyke verteenwoordigende hoedanigheid daarvan dit voldoende is om in so 'n beëdigde verklaring te sê dat die verweerder die som verskuldig is volgens die boeke of dokumente in besit van die deponent en dat die deponent opreg glo dat dit so is. Verder moet beweer word dat die eiser geen of onvoldoende sekuriteit vir sy eis het, met vermelding van die aard en omvang van die sekuriteit, as daar is, en dat minstens R400 heeltemal ongesekureer is, en as die eis een vir skadevergoeding is; dat die eiser skade van R400 of meer gely het.

(5) In alle gevalle moet in die beëdigde verklaring beweer word dat die deponent oortuig is dat die verweerder op vertrek uit die Republiek staan of voorbereidinge daarvoor tref, met volledige gronde vir sy oortuiging.

(6) Die lasbrief tot arres en die beëdigde verklaring word deur die griffier geliasseer en dit staan die verweerder of sy prokureur vry om te alle redelike tye en kosteloos insae daarin te hê en afskrifte daarvan te maak.

(7) As 'n som geld of 'n besondere saak geëis word, moet dit in die lasbrief tot arres vermeld word. Die koste van die uitreiking van so 'n lasbrief word deur die griffier daarop geëndosseer en die balju of sy adjunk gee, wanneer 'n arres daarkragtens plaasvind, aan die verweerder 'n afskrif daarvan tesame met afskrifte van die genoemde beëdigde verklaring en enige dokumente waarop die eis berus, welke afskrifte deur die eiser verskaf moet word: Met dien verstande dat waar 'n lasbrief tot arres telegrafies versend is, die oorspronklike lasbrief met die eerste pos gestuur word na die plek waar so iemand gearresteer of aangehou is, vergesel van 'n afskrif daarvan en van die beëdigde verklaring ingevolge subreëls (4) en (5). By ontvangs van die lasbrief op die plek waar so iemand gearresteer of aangehou is, word die bedoelde afskrifte onverwyld aan hom beteken.

(8) As die verweerder of enigeen namens hom by arres aan die balju of sy adjunk voldoende sekerheid stel by wyse van 'n borgakke of onderneming van die verweerder en van 'n ander persoon wat in die Republiek woon en voldoende middele hier het, dat die verweerder sal verskyn soos in die lasbrief bepaal en die vonnis van die hof daarop sal afwag, of as die verweerder aan die balju of sy adjunk die bedrag betaal of die saak oorhandig wat in die lasbrief genoem word tesame met die koste daarop geëndosseer en 'n verdere bedrag van R4 vir koste van die tenuitvoerlegging van die lasbrief, ontslaan die balju of sy adjunk hom. Die bedoelde borgakke of onderneming word bewoord so na moontlik soos Vorm 5 in die Eerste Bylae: Met dien verstande dat die persoonlike borgakke van die verweerder sonder meer voldoende is as daarby ook die geëiste bedrag of saak gedeponeer word saam met koste soos voormeld, en die deposito as een van die voorwaardes in die borgakke genoem word.

(9) As die verweerder te eniger tyd na sy arres aan die eis in die lasbrief voldoen, en ook die koste daarop geëndosseer en die koste van tenuitvoerlegging betaal of as hy 'n borgakke ingevolge subreël (8) aangaan, is hy geregtig tot onmiddellike vrylating.

(10) Waar 'n borgakke deur of namens die verweerder gegee is ingevolge subreël (8), gaan die eiser met die aksie voort asof daar geen arres was nie en behalwe

insolvent estate, or in any similar representative capacity, it shall be sufficient in any such affidavit to aver that the said defendant is indebted as stated, as appears by the books or documents in the possession of the deponent and as the deponent verily believes. The affidavit shall further contain an allegation that the plaintiff has no or insufficient security for his demand, specifying the nature and extent of the security, if any, and that a sum or value of R400 or upwards remains wholly unsecured; and if the said claim is one for damages, that the said plaintiff has sustained damage to an amount of R400 or upwards.

(5) In all cases the affidavit shall contain an allegation that the deponent believes that the defendant is about to depart, or is making preparations to depart, from the Republic and shall state fully the grounds for such belief.

(6) The writ of arrest and affidavit shall be filed by the registrar, and the defendant or his attorney shall be at liberty at all reasonable times and without charge to peruse and copy them.

(7) Where any sum of money or a specific thing is claimed, it shall be set forth in the writ of arrest. The costs of issuing any such writ shall be endorsed thereon by the registrar, and the sheriff or his deputy shall, upon an arrest made by virtue thereof, give to the defendant a copy of the same, together with copies of the affidavit aforesaid and any documents upon which the claim is founded, which copies shall be furnished by the plaintiff: Provided that where a warrant of arrest has been telegraphically transmitted the original warrant shall be sent by the first post to the place where such person has been arrested or detained and shall be accompanied by a copy thereof and a copy of the affidavit in terms of subrules (4) and (5). After the arrival of the warrant at the place where such person has been arrested or detained, a copy of the original warrant and affidavit shall forthwith be served upon him.

(8) If on arrest the defendant or anyone on his behalf gives to the sheriff or his deputy adequate security by bond or obligation of the said defendant and of another person residing and having sufficient means within the Republic that the defendant will appear according to the exigency of the said writ, and will abide the judgment of the court thereon, or if the said defendant pays or delivers to the sheriff or his deputy the sum of money or thing mentioned in the said writ, together with the costs and charges endorsed thereon, and a further sum of R4 as costs for the execution of the writ, the sheriff or his deputy shall permit the defendant to go free of the said writ of arrest. The bond or obligation to be given to the sheriff or his deputy under this rule shall be as near as may be in accordance with Form 5 of the First Schedule: Provided that the personal bond of the defendant without a surety shall be sufficient for the purposes of this rule if accompanied by a deposit of the amount or thing claimed and costs as aforesaid, such deposit being referred to in the bond as one of the conditions thereof.

(9) If the defendant at any time after his arrest satisfies the claim contained in the writ, including the costs and charges endorsed thereon, and the costs of the execution of the writ or if he gives a bond or obligation in terms of subrule (8), he shall be entitled to immediate release.

(10) If a bond or obligation has been given by or on behalf of the defendant, in terms of subrule (8), the plaintiff shall proceed with his action as if there

(b) dat 'n vraag of geskilpunt in die aksie wesenlik dieselfde is as 'n vraag of geskilpunt wat ontstaan het of sal ontstaan tussen hom en die derde party, en beslis behoort te word nie alleen tussen partye tot die aksie nie maar ook tussen hulle of een of meer van hulle en die derde party;

kan hy 'n kennisgewing, hieronder 'n derdeparty-kennisgewing genoem, so na moontlik bewoord soos Vorm 7 in die Eerste Bylae, uitreik en dit moet deur die balju beteken word.

(2) In die kennisgewing word die aard en gronde van die aanspraak van die party wat dit uitreik, die vraag of geskilpunt wat beslis moet word, en die regs-vordering uiteengesit. Vir die uiteensetting van die aanspraak en van die vraag of geskilpunt, geld die reëls betreffende pleitstukke en dagvaardings *mutatis mutandis*.

(3) (a) 'n Derdepartykennisgewing moet beteken word voor die sluiting van pleitstukke in die aksie in verband waarmee dit uitgereik is.

(b) Na sluiting van pleitstukke, mag sodanige kennisgewing slegs met verlof van die hof beteken word.

(c) Die derdepartykennisgewing moet vergesel wees van 'n afskrif van alle pleitstukke wat tot datum van betekenis van die kennisgewing in die aksie ingedien is.

(4) As die derde party die eis in die derdepartykennisgewing wil betwis, lewer hy 'n kennisgewing van voorneme om te verdedig af, soos op 'n dagvaarding. Onmiddellik na ontvangs van so 'n kennisgewing gee die party wat die derdepartykennisgewing uitgereik het, dienoreenkomstig kennis aan alle ander partye.

(5) Die derde party is, na betekening aan hom van 'n derdepartykennisgewing, 'n party tot die aksie en, as hy 'n kennisgewing van voorneme om te verdedig aflewer, word alle dokumente aan hom beteken en kennis aan hom gegee as 'n party.

(6) Die derde party kan pleit of eksipieer teen die derdepartykennisgewing asof hy 'n verweerder in die aksie is. Hy kan ook deur 'n pleit of ander behoorlike pleitstuk in te dien die aanspreeklikheid van die party wat die kennisgewing uitgereik het, betwis op enige grond, selfs al het daardie party dit nie geopper nie: Met dien verstande egter dat die derdeparty nie geregtig is om 'n teeneis teen iemand anders as die party wat die kennisgewing uitreik in te stel nie, behalwe vir sover hy dit ingevolge reël 24 sou mag doen.

(7) Die reëls betreffende die indiening van verdere pleitstukke geld soos volg vir derde partye:

(a) Vir sover die derdeparty se pleit betrekking het op die eis van die party wat die kennisgewing uitgereik het, word laasgenoemde beskou as die eiser en die derde party as die verweerder;

(b) vir sover die derde party se pleit op die eiser se eis betrekking het, word die derde party as 'n verweerder beskou en die eiser dien pleitstukke in soos deur die desbetreffende reëls bepaal.

(8) Waar 'n party tot 'n aksie teen enige ander party (hetsy hy 'n party geword het vanweë 'n teeneis of vanweë 'n derdepartykennisgewing of op enige ander wyse) 'n aanspraak het soos in subreël (1) bedoel, kan hy 'n derdepartykennisgewing uitreik en aan so 'n ander party beteken soos deur hierdie reël voorgeskryf. Behalwe dat geen verdere kennisgewing van

(b) any question or issue in the action is substantially the same as a question or issue which has arisen or will arise between such party and the third party and should properly be determined not only as between any parties to the action but also as between such parties and the third party or between any of them;

such party may issue a notice, hereinafter referred to as a third party notice, as near as may be in accordance with Form 7 of the First Schedule, which notice shall be served by the sheriff.

(2) Such notice shall state the nature and grounds of the claim of the party issuing the same, the question or issue to be determined and any relief or remedy claimed. In so far as the statement of the claim and the question or issue are concerned, the rules with regard to pleadings and to summonses shall *mutatis mutandis* apply.

(3) (a) The third party notice shall be served before the close of pleadings in the action in connection with which it is issued.

(b) After the close of pleadings, such notice may only be served with the leave of the court.

(c) The third party notice shall be accompanied by a copy of all pleadings filed in the action up to the date of service of the notice.

(4) If the third party intends to contest the claim set out in the third party notice he shall deliver notice of intention to defend, as if to a summons. Immediately upon receipt of such notice, the party who issued the third party notice shall inform all other parties accordingly.

(5) The third party shall, after service upon him of a third party notice, be a party to the action and, if he delivers notice of intention to defend, shall be served with all documents and given notice of all matters as a party.

(6) The third party may plead or except to the third party notice as if he were a defendant to the action. He may also, by filing a plea or other proper pleading, contest the liability of the party issuing the notice on any ground notwithstanding that such ground has not been raised in the action by such latter party: Provided however that the third party shall not be entitled to claim in reconvention against any person other than the party issuing the notice save to the extent that he would be entitled to do so in terms of rule 24.

(7) The rules with regard to the filing of further pleadings shall apply to third parties as follows:

(a) In so far as the third party's plea relates to the claim of the party issuing the notice, the said party shall be regarded as the plaintiff and the third party as the defendant;

(b) in so far as the third party's plea relates to the plaintiff's claim, the third party shall be regarded as a defendant and the plaintiff shall file pleadings as provided by the said rules.

(8) Where a party to an action has against any other party (whether either such party became a party by virtue of any counter-claim by any person or by virtue of a third party notice or by any other means) a claim referred to in subrule (1), he may issue and serve on such other party a third party notice in accordance with the provisions of this rule. Save that no

(b) as uitspraak ten gunste van 'n verweerder gegee word of as aan 'n verweerder absolusie van die instansie verleen is, die hof kan beveel dat—

(i) die eiser so 'n verweerder se koste betaal; of

(ii) die onsuksesvolle verweerdere die koste van die suksesvolle verweerder gesamentlik en afsonderlik betaal, betaling deur een die ander vry te stel, en dat as een van die onsuksesvolle verweerdere meer as sy pro rata-deel van die koste van die suksesvolle verweerder betaal, hy geregtig sal wees om van die ander onsuksesvolle verweerdere hul pro rata-deel van die oorbetalings te verhaal en die hof kan verder beveel dat as die suksesvolle verweerder nie al sy koste van die onsuksesvolle verweerdere kan verhaal nie, hy die tekort van die eiser kan vorder;

(c) as uitspraak ten gunste van die eiser gegee word teen meer as een van die verweerdere, die hof hulle kan beveel om die eiser se koste gesamentlik en afsonderlik te betaal, betaling deur die ander vry te stel, en dat indien een van die onsuksesvolle verweerdere meer as sy pro rata-deel van die eiser se koste betaal, hy geregtig sal wees om van die ander onsuksesvolle verweerdere hul pro rata-deel van sodanige oorbetalings te verhaal.

(5) Waar daar 'n voeging van skuldoorsake of van partye was, kan die hof op aansoek van enige party te eniger tyd beveel dat afsonderlike verhore gehou word ten opsigte van sommige of al die skuldoorsake of sommige of al die partye; en die hof kan op so 'n aansoek na goeddunke 'n bevel gee.

Konsolidasie van aksies

11. Waar afsonderlike aksies ingestel is en die hof meen dat hulle geriefshalwe gekonsolideer behoort te word, kan hy op aansoek van 'n party daartoe en na kennisgewing aan alle belanghebbende partye, konsolidasie beveel, waarna—

(a) die aksies as een voortgesit word;

(b) die bepalinge van reël 10 *mutatis mutandis* geld vir die aldus gekonsolideerde aksie; en

(c) die hof na goeddunke 'n bevel kan gee betreffende die verdere prosedure, en een uitspraak kan gee waarin al die geskille in die genoemde aksies afgehandel word.

Toetrede van persone as eisers of verweerdere

12. Iemand wat geregtig is om as eiser toe te tree of blootstaan aan voeging as verweerder in 'n aksie, kan na kennisgewing aan alle partye in enige stadium van die verrigtinge aansoek doen om verlof om as 'n eiser of 'n verweerder toe te tree. Die hof kan op so 'n aansoek na goeddunke 'n bevel gee, ook wat koste betref, en die verdere prosedure in die aksie voorskryf.

Derdepartyprosedure

13. (1) As 'n party tot 'n aksie daarop aanspraak maak—

(a) dat hy teenoor iemand anders wat nie 'n party is nie (hierna 'n "derde party" genoem), ten opsigte van enige betaling waartoe hy in die aksie veroordeel kan word, geregtig is op 'n bydrae of vrywaring deur die derde party; of

(b) if judgment is given in favour of any defendant or if any defendant is absolved from the instance, the court may order—

(i) the plaintiff to pay such defendant's costs; or

(ii) the unsuccessful defendants to pay the costs of the successful defendant jointly and severally, the one paying the other to be absolved, and that if one of the unsuccessful defendants pays more than his pro rata share of the costs of the successful defendant, he shall be entitled to recover from the other unsuccessful defendants their pro rata share of such excess, and the court may further order that, if the successful defendant is unable to recover the whole or any part of his costs from the unsuccessful defendants, he shall be entitled to recover from the plaintiff such part of his costs as he cannot recover from the unsuccessful defendants;

(c) if judgment is given in favour of the plaintiff against more than one of the defendants, the court may order those defendants against whom it gives judgment to pay the plaintiff's costs jointly and severally, the one paying the other to be absolved, and that if one of the unsuccessful defendants pays more than his pro rata share of the costs of the plaintiff he shall be entitled to recover from the other unsuccessful defendants their pro rata share of such excess.

(5) Where there has been any joinder of causes of action or of parties, the court may on the application of any party at any time order that separate trials be held either in respect of some or all of the causes of action or some or all of the parties; and the court may on such application make such order as to it seems meet.

Consolidation of actions

11. Where separate actions have been instituted and it appears to the court convenient to do so, it may upon the application of any party thereto and after notice to all interested parties, make an order consolidating such actions, whereupon—

(a) the said actions shall proceed as one action;

(b) the provisions of rule 10 shall *mutatis mutandis* apply with regard to the action so consolidated; and

(c) the court may make any order which to it seems meet with regard to the further procedure, and may give one judgment disposing of all matters in dispute in the said actions.

Intervention of persons as plaintiffs or defendants

12. Any person entitled to join as a plaintiff or liable to be joined as a defendant in any action may, on notice to all parties, at any stage of the proceedings apply for leave to intervene as a plaintiff or a defendant. The court may upon such application make such order, including any order as to costs, and give such directions as to the further procedure in the action as to it may seem meet.

Third party procedure

13. (1) Where a party in any action claims—

(a) as against any other person not a party to the action (in this rule called a "third party") that such party is entitled, in respect of any relief claimed against him, to a contribution or indemnification from such third party; or

(h) Tenuitvoerlegging van 'n vonnis teen 'n vennootskap geskied eerstens teen die bates daarvan en nadat hulle ingewin is, teen die private bates van enigiemand wat bevind is 'n vennoot te wees, of wat bevind word onder estoppel te wees om sy status as sodanig te ontken, asof uitspraak teen hom gegee is.

(6) Die voorgaande subreël geld *mutatis mutandis* vir 'n verweerder wat deur 'n firma of 'n vennootskap gedagvaar word.

(7) As 'n vennootskap gedagvaar word en dit blyk dat dit sedert die betrokke datum ontbind is, gaan die verrigtinge nogtans voort teen die persone wat deur die eiser beweer of deur die vennootskap vermeld word vennote te wees, asof hulle afsonderlik gedagvaar is.

(8) Die voorgaande subreël geld *mutatis mutandis* waar dit blyk dat 'n firma opgehou het om te bestaan.

(9) (a) 'n Eiser wat 'n vereniging dagvaar kan by enige siviele dagvaarding 'n kennisgewing insluit waarin 'n gesertifiseerde afskrif van sy geldende konstitusie en 'n lys van die name en adresse van die ampsdraers en hul onderskeie ampte op die betrokke datum aangevra word.

(b) Aan so 'n kennisgewing moet binne 21 dae voldoen word.

(c) Paragrafe (a) en (b) geld *mutatis mutandis* vir 'n verweerder wat deur 'n vereniging gedagvaar word.

(10) Paragrafe (d) tot (h) van subreël (5) geld *mutatis mutandis* wanneer—

(a) 'n eiser beweer dat 'n lid, werknemer of agent van die verwerende vereniging regtens vir sy beweerde skuld aanspreeklik is;

(b) 'n verweerder beweer dat 'n lid, werknemer of agent van die eisende vereniging regtens vir die koste wat teen die vereniging toegeken mag word, aanspreeklik sal wees.

(11) Subreël (7) geld *mutatis mutandis* vir die voortsetting van die verrigtinge teen 'n lid, werknemer of agent in paragraaf (a) van subreël (10) bedoel.

(12) Subreël (6) van reël 21 geld *mutatis mutandis* vir die omstandighede in paragrafe (a), (b) en (c) van subreël (5) en in subreël (6) en (9) hiervan, bedoel.

Verandering van partye

15. (1) Geen verrigtinge word beëindig bloot vanweë die dood, huwelik of ander statusverandering van 'n party daartoe nie, tensy die oorsaak van die verrigtinge daardeur uitgewis word.

(2) (a) Wanneer in omstandighede soos in subreël (1) bedoel, dit nodig word of gepas is om nog iemand as 'n party in te bring (hetsy bykomend tot of in die plek van die party op wie die verrigtinge betrekking het), kan enige party daartoe onverwyld by kennisgewing aan so iemand, aan elke ander party en aan die griffier, so iemand as 'n party byvoeg of in die plek stel en behoudens enige bevel kragtens subreël (2) hiervan, gaan die verrigtinge daarop voort ten opsigte van die persoon aldus bygevoeg of in die plek gestel, asof hy 'n aanvanklike party was, en alle stappe regsgeldig gedoen voor die byvoeging of indieplekstelling bly ten volle van krag: Met dien verstande dat na die aanvang van die verhoor van 'n bestrede saak so 'n kennisgewing alleen gegee kan word met verloop van die hof op voorwaardes betreffende uitstel of iets anders wat hy goeddink; en met dien verstande verder dat die kennisgewing wat beteken word aan iemand wat daardeur as 'n party gevoeg word, in aansoekverrigtinge vergesel moet gaan van afskrifte van alle kennisgewings, beëdigde verklarings en belangrike

(h) Execution in respect of a judgment against a partnership shall first be levied against the assets thereof, and, after such excussion, against the private assets of any person held to be, or held to be estopped from denying his status as a partner, as if judgement had been entered against him.

(6) The preceding subrule shall apply *mutatis mutandis* to a defendant sued by a firm or a partnership.

(7) If a partnership is sued and it appears that since the relevant date it has been dissolved, the proceedings shall nevertheless continue against the person alleged by the plaintiff or stated by the partnership to be partners, as if sued individually.

(8) The preceding subrule shall apply *mutatis mutandis* where it appears that a firm has been discontinued.

(9) (a) A plaintiff suing an association may include in any civil summons a notice calling for a certified copy of its current constitution and a list of the names and addresses of the office-bearers and their respective offices at the relevant date.

(b) Such notice shall be complied with within 21 days.

(c) Paragraphs (a) and (b) shall apply *mutatis mutandis* to a defendant sued by an association.

(10) Paragraphs (d) to (h) of subrule (5) shall apply *mutatis mutandis* when—

(a) a plaintiff alleges that any member, servant or agent of the defendant association is liable in law for its alleged debt;

(b) a defendant alleges that any member, servant or agent of the plaintiff association will be responsible in law for the payment of any costs which may be awarded against the association.

(11) Subrule (7) shall apply *mutatis mutandis* in regard to the continuance of the proceedings against any member, servant or agent referred to in paragraph (a) of subrule (10).

(12) Subrule (6) of rule 21 shall apply *mutatis mutandis* in the circumstances set out in paragraphs (a), (b) and (c) of subrule (5) and in subrules (6) and (9) hereof.

Change of parties

15. (1) No proceedings shall terminate solely by reason of the death, marriage or other change of status of any party thereto unless the cause of such proceedings is thereby extinguished.

(2) (a) Whenever by reason of an event referred to in subrule (1) it becomes necessary or proper to introduce a further person as party in such proceedings (whether in addition to or in substitution for the party to whom such proceedings relate) any party thereto may forthwith by notice to such further person, to every other party and to the registrar, add or substitute such further person as a party thereto, and subject to any order made under subrule (4) hereof, such proceedings shall thereupon continue in respect of the person thus added or substituted as if he had been a party from the commencement thereof and all steps validly taken before such addition or substitution shall continue of full force and effect: Provided that save with the leave of the court granted on such terms (as to adjournment or otherwise) as to it may seem meet, no such notice shall be given after the commencement of the hearing of any opposed matter; and provided further that the copy of the notice served on any person joined thereby as a party to the proceedings shall (unless such party is represented by an

voorneme om te verdedig nodig is nie, volg die betrokke partye dieselfde proses asof die derdepartykennisgewing ingevolge subreël (1) uitgereik was.

(9) 'n Party wat gevoeg is by wyse van 'n derdepartykennisgewing kan te eniger tyd by die hof aansoek doen om afsonderlike beregting van al of enige van die geskilpunte geskep deur die derdepartykennisgewing, en die hof kan daarop na goeddunke 'n bevel gee, insluitende 'n bevel tot die afsonderlike beregting van enige geskilpunt op voorwaarde dat sy beslissing van enige ander geskilpunt in die aksie tussen die eiser en die verweerder of tussen enige ander partye, op die aansoeker bindend sal wees.

Verrigtinge deur en teen vennootskappe, firmas en verenigings

14. (1) In hierdie reël beteken—

“betrokke datum” die datum waarop die skuld-oorsaak ontstaan het;

“eiser” en “verweerder” ook applikant en respondent;

“firma” 'n besigheid wat deur die alleeneienaar daarvan onder 'n ander naam as sy eie gedryf word;

“vereniging” enige vereniging van persone sonder regs persoonlikheid nie synde 'n vennootskap nie,

en word “dagvaar” en “gedagvaar” gebruik met betrekking tot aksies sowel as aansoeke.

(2) 'n Vennootskap, 'n firma of 'n vereniging kan in sy naam dagvaar of gedagvaar word.

(3) 'n Eiser wat 'n vennootskap dagvaar, hoef nie die name van die vennote te verstrek nie, en as hy dit doen, skeep 'n fout of weglating of foutiewe insluiting nie 'n verweer vir die vennootskap nie.

(4) Die vorige subreël geld *mutatis mutandis* ook vir 'n eiser wat 'n firma dagvaar.

(5) (a) 'n Eiser wat 'n firma of 'n vennootskap dagvaar, kan by enige siviele dagvaarding 'n kennisgewing insluit waarin die volle naam en woonadres van die eienaar of van elke vennoot, na gelang van die geval, soos op die betrokke datum aangevra word.

(b) Die verweerder moet binne sewe dae 'n skriftelike verklaring met die gevraagde inligting aflewer.

(c) Tesame daarmee moet hy aan die in paragraaf (a) bedoelde persone 'n kennisgewing laat beteken so na moontlik bewoord, *mutatis mutandis*, soos Vorm 8 in die Eerste Bylae. en 'n beëdigde verklaring dat hy dit gedoen het, aflewer.

(d) 'n Eiser wat 'n firma of 'n vennootskap dagvaar en in die dagvaarding of kennisgewing van mosie beweer dat iemand op die betrokke datum die eienaar of 'n vennoot was, moet so iemand dienooreenkomstig in kennis stel deur 'n kennisgewing so na moontlik bewoord, *mutatis mutandis*, soos Vorm 8 in die Eerste Bylae af te lewer.

(e) Iemand aan wie 'n kennisgewing ingevolge paragraaf (c) of (d) beteken is, word geag 'n party tot die verrigtinge te wees, met die regte en verpligtinge van 'n verweerder.

(f) Enige party tot die verrigtinge kan in die pleitstukke of beëdigde verklarings beweer dat so iemand op die betrokke datum die eienaar of 'n vennoot was of dat hy onder estoppel is om dit te ontken.

(g) As 'n party tot die verrigtinge die bedoelde status betwis, kan die hof by die verhoor dié geskilpunt *in limine* beslis.

further notice of intention to defend shall be necessary, the same procedure shall apply as between the parties to such notice and they shall be subject to the same rights and duties as if such other party had been served with a third party notice in terms of subrule (1).

(9) Any party who has been joined as such by virtue of a third party notice may at any time make application to the court for the separation of the trial of all or any of the issues arising by virtue of such third party notice and the court may upon such application make such order as to it seems meet, including an order for the separate hearing and determination of any issue on condition that its decision on any other issue arising in the action either as between the plaintiff and the defendant or as between any other parties, shall be binding upon the applicant.

Proceedings by and against partnerships, firms and associations

14. (1) In this rule—

“association” means any unincorporated body of persons, not being a partnership;

“firm” means a business carried on by the sole proprietor thereof under a name other than his own;

“plaintiff” and “defendant” include applicant and respondent;

“relevant date” means the date of accrual of the cause of action;

and “sue” and “sued” are used in relation to actions and applications.

(2) A partnership, a firm or an association may sue or be sued in its name.

(3) A plaintiff suing a partnership need not allege the names of the partners. If he does, any error of omission or inclusion shall not afford a defence to the partnership.

(4) The previous subrule shall apply *mutatis mutandis* to a plaintiff suing a firm.

(5) (a) A plaintiff suing a firm or a partnership may include in any civil summons a notice calling for particulars as to the full name and residential address of the proprietor or of each partner, as the case may be, as at the relevant date.

(b) The defendant shall within seven days deliver a written statement containing such information.

(c) Concurrently with the said statement the defendant shall serve upon the persons referred to in paragraph (a) a notice as near as may be, *mutatis mutandis*, in accordance with Form 8 of the First Schedule and deliver proof of affidavit of such service.

(d) A plaintiff suing a firm or a partnership and alleging in the summons or notice of motion that any person was at the relevant date the proprietor or a partner, shall notify such person accordingly by delivering a notice as near as may be, *mutatis mutandis*, in accordance with Form 8 of the First Schedule.

(e) Any person served with a notice in terms of paragraph (c) or (d) shall be deemed to be a party to the proceedings, with the rights and duties of a defendant.

(f) Any party to such proceedings may ever in the pleadings or affidavits that such person was at the relevant date the proprietor or a partner, or that he is estopped from denying such status.

(g) If any party to such proceedings disputes such status the court may at the hearing decide that issue *in limine*.

Dagvaarding

17. (1) Iedereen wat 'n eis teen iemand anders instel, kan deur die kantoor van die griffier 'n dagvaarding of 'n gekombineerde dagvaarding uitreik, so na moontlik bewoord soos Vorm 9 of Vorm 10 in die Eerste Bylae, gerig aan die balju, waarin hy gelas word om die verweerder onder andere mee te deel dat as hy die eis betwis en wil verdedig, hy—

(a) binne die daarin genoemde tyd kennis moet gee van sy voorneme om te verdedig; en

(b) as die dagvaarding 'n gekombineerde dagvaarding is, binne 21 dae daarna 'n pleit (met of sonder teeneis) 'n eksepsie of 'n aansoek om deurhaling moet aflewer.

(2) Behalwe waar die eis vir skuld is of 'n gelijkdeerde eis is, moet aan die dagvaarding 'n verklaring geheg word wat die wesenlike feite bevat waarop die eiser ter staving van sy eis steun en wat onder andere aan reëls 18 en 20 voldoen.

(3) Elke dagvaarding moet deur die eiser se prokureur onderteken wees en 'n prokureur se adres bevat wat binne 10 km van die kantoor van die griffier af is, of, as geen prokureur optree nie, moet dit deur die eiser onderteken wees en ook 'n adres binne 10 kilometers van die kantoor van die griffier af bevat, waar hy betekening van die daaropvolgende dokumente in die geding sal aanvaar, daarna word dit deur die griffier onderteken en uitgereik, met opdrag aan die balju om deur die griffier aan die hof relaas te gee.

(4) Elke dagvaarding moet vermeld—

(a) die naam (met waar moontlik die voornaam of voorletters) waaronder die verweerder aan die eiser bekend is, sy woon- of besigheidsplek en, waar bekend, sy beroep en, indien hy as verteenwoordiger gedagvaar word, sy desbetreffende hoedanigheid, asook sy geslag en, in die geval van 'n vrou, haar huwelikstaat;

(b) die volle naam, geslag en beroep en die woon- of besigheidsplek van die eiser en, waar hy as verteenwoordiger dagvaar, sy desbetreffende hoedanigheid, en as die eiser 'n vrou is, ook haar huwelikstaat.

Pleitstukke in die algemeen

18. (1) 'n Gekombineerde dagvaarding en elke ander pleitstuk behalwe 'n dagvaarding word deur 'n advokaat en 'n prokureur onderteken of as 'n party persoonlik optree, deur homself.

(2) Die titel van die aksie, wat die name van die partye bevat, en die nommer daaraan deur die griffier toegeken, moet bo-aan elke pleitstuk verskyn: Met dien verstande dat waar die partye talryk is of die titel lank en 'n verkorting redelik moontlik is, dit verkort moet word.

(3) Elke pleitstuk word in paragrawe (insluitende subparagrawe) verdeel wat agtereenvolgens genommer word en wat elk, sover moontlik, 'n afsonderlike bewering bevat.

(4) Elke pleitstuk bevat 'n duidelike en bondige stelling van die wesenlike feite waarop die eis, verweer of antwoord, na gelang van die geval, berus, in voldoende besonderhede om die teenparty in staat te stel om daarop te antwoord.

(5) Wanneer 'n party in 'n pleitstuk 'n feitebewering in die vorige pleitstuk van die teenparty ontken, moet hy die wesenlike punt beantwoord en nie ontwyk nie.

(6) 'n Party wat in sy pleitstuk op 'n kontrak steun, moet meld of die kontrak skriftelik of mondeling was en wanneer, waar en deur wie dit gesluit is.

Summons

17. (1) Every person making a claim against any other person may, through the office of the registrar, sue out a summons or a combined summons as near as may be in accordance with Form 9 or Form 10 of the First Schedule addressed to the sheriff directing him to inform the defendant *inter alia* that, if he disputes the claim, and wishes to defend he shall—

(a) within the time stated therein, give notice of his intention to defend; and

(b) thereafter, if the summons is a combined summons, within 21 days after giving such notice, deliver, with or without a claim in reconvention, a plea, exception, or application to strike out.

(2) In every case where the claim is not for a debt or liquidated demand there shall be annexed to the summons a statement of the material facts relied upon by the plaintiff in support of his claim, which statement shall *inter alia* comply with rules 18 and 20.

(3) Every summons shall be signed by the attorney acting for the plaintiff and shall bear an attorney's address, within 10 kilometres of the office of the registrar, or, if no attorney is acting, it shall be signed by the plaintiff, who shall in addition append an address within 10 kilometres of the office of the registrar at which he will accept service of all subsequent documents in the suit, and shall thereafter be signed and issued by the registrar and made returnable by the sheriff to the court through the registrar.

(4) Every summons shall set forth—

(a) the name (including where possible the first name or initials) by which the defendant is known to the plaintiff, his residence or place of business and, where known, his occupation and, if he is sued in any representative capacity, such capacity. The summons shall also state the defendant's sex and, if a female her marital status;

(b) the full names, sex and occupation and the residence or place of business of the plaintiff, and where he sues in a representative capacity, such capacity. If the plaintiff is a female the summons shall state her marital status.

Rules relating to pleading generally

18. (1) A combined summons, and every other pleading except a summons, shall be signed by an advocate and an attorney, or if a party sues or defends personally, by such party.

(2) The title of the action describing the parties thereto and the number assigned thereto by the registrar, shall appear at the head of each pleading: Provided that where the parties are numerous or the title lengthy and abbreviation is reasonably possible, it shall be so abbreviated.

(3) Every pleading shall be divided into paragraphs (including subparagraphs) which shall be consecutively numbered and shall, as nearly as possible, each contain a distinct averment.

(4) Every pleading shall contain a clear and concise statement of the material facts upon which the pleader relies for his claim, defence or answer to any pleading, as the case may be, with sufficient particularity to enable the opposite party to reply thereto.

(5) When in any pleading a party denies an allegation of fact in the previous pleading of the opposite party, he shall not do so evasively, but shall answer the point of substance.

(6) A party who in his pleading relies upon a contract shall state whether the contract is written or oral, and when, where and by whom it was concluded.

dokumente wat voorheen afgelewer is, en in verhoorsake van afskrifte van al die pleitstukke en soortgelyke dokumente wat reeds ingedien is, tensy so iemand deur 'n prokureur verteenwoordig word wat reeds in besit daarvan is.

(b) Alle kennisgewings ingevolge die voorafgaande subreël, behalwe 'n kennisgewing aan die griffier, word deur die balju beteken.

(3) Wanneer 'n party te sterwe kom of onbevoeg word om as party op te tree, kan sy eksekuteur, kurator, trustee of dergelyke verteenwoordiger by kennisgewing aan alle ander partye en aan die griffier te kenne gee dat hy verlang om in sy teenwoordigende hoedanigheid in die plek van so 'n party gestel te word, en tensy die hof anders gelas, word hy daarna vir alle doeleindes geag aldus in die plek gestel te wees.

(4) Die hof kan op aansoek van 'n party, by kennisgewing afgelewer binne 21 dae na betekening van die kennisgewing in subreël (2) of (3) bedoel, 'n aldus verkree byvoeging of indieplekstelling ter syde stel of wysig, of die aansoek afwys, of die byvoeging of indieplekstelling bekragtig met of sonder voorskrifte aangaande die aflewering van beëdigde verklarings of pleitstukke, of aangaande uitstel of verdaging of koste of iets anders.

Verteenwoordiging van partye

16. (1) In alle gevalle waar 'n prokureur namens 'n party optree in 'n geding moet bedoelde prokureur 'n volmag indien en kennis van sy naam en adres aan alle ander partye gee.

(2) 'n Party wat in enige verrigtinge deur 'n prokureur verteenwoordig word, kan te eniger tyd, behoudens die bepalinge van reël 40, so 'n prokureur se magtiging om namens hom op te tree, opsê en daarna persoonlik optree of 'n ander prokureur aanstel, waarna hy onverwyld aan die griffier en aan alle ander partye kennis moet gee van die opsegging en as hy 'n ander prokureur aangestel het, van laasgenoemde se naam en adres. Die ander prokureur moet onverwyld by die griffier 'n prokurasie indien waarby hy gemagtig word om in die saak op te tree. As hy nie 'n ander prokureur aanstel nie, moet die party in die kennisgewing van opsegging ook 'n adres aangee wat binne 10 kilometers van die kantoor van die griffier is, vir die betekening aan hom van alle dokumente in die verrigtinge.

(3) By ontvangs van 'n kennisgewing ingevolge subreël (1) of (2) word die adres van die prokureur of van die party, na gelang van die geval, die adres vir die betekening aan hom van alle dokumente in die verrigtinge, maar 'n betekening behoorlik uitgevoer op 'n ander plek voor die ontvangs van so 'n kennisgewing is ondanks die verandering vir alle doeleindes geldig.

(4) 'n Prokureur wat in enige verrigtinge ophou om 'n party te verteenwoordig, moet onverwyld die griffier en alle partye skriftelik daarvan kennis gee. Die kennisgewing aan die griffier moet die datum vermeld wanneer, die partye aan wie en die wyse waarop kennisgewing aan alle partye gestuur was, en moet vergesel gaan van 'n afskrif van laasbedoelde kennisgewing. So 'n kennisgewing het dieselfde regsgevolge as een ingevolge subreël (2): Met dien verstande dat geen stukke meer aan so 'n party beteken hoef te word nie tensy hy self binne drie dae alle ander partye van 'n nuwe adres vir betekening kennis gegee het, of tensy die hof anders beveel.

attorney who is already in possession thereof), be accompanied in application proceedings by copies of all notices, affidavits and material documents previously delivered, and in trial matters by copies of all pleadings and like documents already filed of record.

(b) All notices referred to in the foregoing subrule other than a notice to the registrar, shall be served by the sheriff.

(3) Whenever a party to any proceedings dies or ceases to be capable of acting as such, his executor, curator, trustee or similar legal representative, may by notice to all other parties and to the registrar intimate that he desires in his capacity as such thereby to be substituted for such party, and unless the court otherwise orders, he shall thereafter for all purposes be deemed to have been so substituted.

(4) The court may upon notice of application delivered by any party within 21 days of service of notice in terms of subrule (2) or (3), set aside or vary any addition or substitution of a party thus effected or may dismiss such application or confirm such addition or substitution, on such terms, if any, as to the delivery of any affidavits or pleadings, or as to postponement or adjournment, or as to costs or otherwise, as to it may seem meet.

Representation of parties

16. (1) In any case in which an attorney acts on behalf of a party such attorney shall file a power of attorney and give notice of his name and address to all other parties to the proceedings.

(2) Any party represented by an attorney in any proceedings may at any time, subject to the provisions of rule 40, terminate such attorney's authority to act for him, and thereafter act in person or appoint another attorney to act for him therein, whereupon he shall forthwith give notice to the registrar and to all other parties of the termination of his former attorney's authority, and if he has appointed a further attorney so to act for him, of the latter's name and address. The further attorney so appointed shall forthwith file with the registrar a power of attorney authorising him so to act. If no further attorney is so acting, such person shall in the notice of the termination of his former attorney's authority, as aforesaid, also notify all other parties of an address within 10 kilometres of the office of the registrar for the service on him of all documents in such proceedings.

(3) Upon receipt of a notice in terms of subrule (1) or (2) the address of the attorney or of the party, as the case may be, shall become the address of such party for the service upon him of all documents in such proceedings, but any service duly effected elsewhere before receipt of such notice shall notwithstanding such change, for all purposes be valid.

(4) Where an attorney acting in any proceedings for a party ceases so to act, he shall forthwith notify the registrar and all parties in writing accordingly. The notification to the registrar shall specify the date when, the parties to whom and the manner in which notification was sent to all parties, and shall be accompanied by a copy of the last-mentioned notification. Such notification shall be of the same force and effect as a notice under subrule (2): Provided that, unless the party for whom such attorney was acting himself within three days notifies all other parties to the proceedings of a new address for service, it shall not, save in so far as the court otherwise orders, be necessary to serve any documents upon him.

(2) Die deklarasie moet die aard van die eis bevat, die regskonklusie wat die eiser geregtig sal wees om af te lei van die feite daarin vermeld, en 'n bede om die verlangde regshulp.

(3) Wanneer meerdere afsonderlike vorderinge elk op afsonderlike feite berus, moet die vorderinge en feite afsonderlik aangegee word.

Verdere besonderhede

21. (1) 'n Party wat 'n pleitstuk ontvang het kan, binne 21 dae na ontvangs daarvan of nadat hy 'n kennisgewing van voorneme om te verdedig afgelewer het, na gelang van die geval, 'n kennisgewing aflewer waarin hy alleen sodanige verdere besonderhede aanvra as wat streng gesproke nodig mag wees om hom in staat te stel om daarop te pleit of om 'n bedrag tot skikking aan te bied.

(2) (a) Besonderhede aldus aangevra moet binne 21 dae na ontvangs van die versoek afgelewer word en maak saam met die versoek deel uit van die pleitstukke.

(b) Die versoek om verdere besonderhede en die antwoord daarop moet, behalwe waar die party die geding persoonlik voer, deur 'n advokaat en 'n prokureur onderteken word.

(3) Die party wat die besonderhede ontvang, kry 21 dae tyd vanaf die ontvangs daarvan, om 'n verdere pleitstuk af te lewer.

(4) Na die sluiting van pleitstukke kan 'n party, laatstens 21 dae voor die verhoor, 'n versoek aflewer waarby uitsluitend besonderhede wat streng gesproke nodig is om hom vir die verhoor te kan voorberei, aangevra word, en daaraan moet binne 10 dae na ontvangs voldoen word.

(5) Die versoek om verdere besonderhede vir die verhoor en die antwoord daarop moet, behalwe waar die party die geding persoonlik voer, deur 'n prokureur onderteken word.

(6) As die party by wie besonderhede aangevra is, versuim om dit betyds of in voldoende mate te lewer, kan die party wat dit aangevra het, by die hof aansoek doen om 'n bevel tot verskaffing daarvan, of om afwysing van die aksie of skraping van die verweer, en die hof kan na goeë dunde 'n bevel gee.

(7) Die hof moet na afloop van die verhoor *mero motu* beoordeel of die verdere besonderhede streng gesproke nodig was en alle koste van en voortvloeiende uit 'n onnodige versoek of antwoord, onverhaalbaar verklaar en hy kan enigeen van die partye beveel om die koste wat daardeur verspil is, te betaal, desverkiekend op die basis van prokureur en kliënt.

Pleit

22. (1) 'n Verweerder wat 'n kennisgewing van voorneme om te verdedig afgelewer het, moet in die geval van 'n gekombineerde dagvaarding binne 21 dae na aflewering van sy kennisgewing en in ander gevalle binne 21 dae na betekening aan hom van 'n deklarasie, of binne 21 dae na betekening aan hom van verdere besonderhede met betrekking tot sodanige deklarasie of gekombineerde dagvaarding, na gelang van die geval, 'n pleit aflewer met of sonder teeneis, of 'n eksepsie met of sonder 'n aansoek om deurhaling.

(2) Die verweerder moet in sy pleit al die wesenlike feite wat in die gekombineerde dagvaarding of in die deklarasie beweerd word, erken of ontken of met teenwerping erken, of meld welke van die genoemde feite nie erken word nie en in watter mate, en duidelik en bondig alle wesenlike feite aangee waarop hy steun.

(2) The declaration shall set forth the nature of the claim, the conclusions of law which the plaintiff shall be entitled to deduce from the facts stated therein, and a prayer for relief claimed.

(3) Where the plaintiff seeks relief in respect of several distinct claims founded upon separate and distinct facts, such claims and facts shall be separately and distinctly stated.

Further particulars

21. (1) A party may, before delivering any pleading in answer to a pleading delivered to him and for the purpose of enabling him to plead thereto or to tender an amount in settlement, deliver a notice within 21 days of receipt of such pleading or of the delivery of a notice of intention to defend, as the case may be, calling for only such further particulars as may be strictly necessary for either purpose aforesaid.

(2) (a) Particulars so required shall be delivered within 21 days of receipt of the request which, together with the reply thereto, shall form part of the pleadings.

(b) The request for further particulars and the reply thereto shall, save where the party is litigating in person, be signed by an advocate and an attorney.

(3) The party receiving the particulars shall have 21 days from receipt thereof within which to deliver a further pleading.

(4) After the close of pleadings any party may, not less than 21 days before trial, deliver a notice calling for only such further particulars as are strictly necessary to enable him to prepare for trial. Such request shall be complied with within 10 days of receipt thereof.

(5) The request for further particulars for trial and the reply thereto shall, save where the party is litigating in person, be signed by an attorney.

(6) If the party requested to furnish any particulars as aforesaid fails to deliver them timeously or sufficiently the party requesting the same may apply to court for an order for their delivery or for the dismissal of the action or the striking out of the defence, whereupon the court may make such order as to it seems meet.

(7) The court shall at the conclusion of the trial *mero motu* consider whether the further particulars were strictly necessary, and shall disallow all costs of and flowing from any unnecessary request or reply, or both, and may order either party to pay the costs thereby wasted, on an attorney and client basis or otherwise.

Plea

22. (1) Where the defendant has delivered notice of intention to defend, he shall within 21 days after the service upon him of a declaration or within 21 days after delivery of such notice in respect of a combined summons, or within 21 days after the service upon him of further particulars to such declaration or combined summons, as the case may be, deliver a plea with or without a claim in reconvention, or an exception with or without application to strike out.

(2) The defendant shall in his plea either admit or deny or confess and avoid all the material fact alleged in the combined summons or declaration or state which of the said facts are not admitted and to what extent, and shall clearly and concisely state all material facts upon which he relies.

(7) Dit is nie nodig om in 'n pleitstuk die omstandighede te meld waarvan 'n beweerde stilswyende bepaling afgelei kan word nie.

(8) Waar 'n party wat vir herstel van huweliksregte, egskeiding of geregtelike skeiding dagvaar, skuldig is aan owerspel, moet hy die tyd en plek daarvan in sy dagvaarding meld en kondonasië daarvan aanvra.

(9) 'n Party tot 'n huweliksgeding wat op afgeleide verlatings steun, moet besonderhede daarvan in sy pleitstuk gee.

(10) 'n Eiser wat vir skadevergoeding dagvaar, moet die skade so uiteensit dat die verweerder redelik in staat is om die *quantum* daarvan te skat: Met dien verstande dat 'n eiser wat vergoeding vir persoonlike beserings eis, die aard en gevolge van die ongeskiktheid wat na bewering die skade veroorsaak, moet aangee en sover doenlik afsonderlik moet meld hoeveel, indien iets, geëis word vir—

(a) mediese koste en hospitaal- en ander soortgelyke uitgawes;

(b) pyn en lyding; en

(c) ongeskiktheid ten opsigte van—

(i) verdienste (met vermelding van die verdienste tot datum verloor en die beraamde toekomstige verlies);

(ii) lewensgenietinge (met vermelding van besonderhede).

Kennisgewing van voorneme om te verdedig

19. (1) Die bepalings van regulasie 18 is van toepassing op die tyd wat 'n verweerder in elke siviele aksie kry om na betekening van 'n dagvaarding aan hom 'n kennisgewing van voorneme om te verdedig, hetsy persoonlik of deur sy prokureur, af te lewer: Met dien verstande dat die dae van 16 Desember af tot en met 15 Januarie nie ingereken word by die toegestane tyd om 'n kennisgewing van voorneme om te verdedig af te lewer nie.

(2) In aksies teen 'n Minister, Adjunk-minister, Administrateur, amptenaar of werknemer van die Staat, in sy amptelike hoedanigheid, die Staat, die Administrasie van 'n provinsie, of die Suid-Afrikaanse Spoorweg- en Hawens-administrasie, moet minstens een maand kennisgewing na betekening van die dagvaarding toegelaat word vir aflewering van 'n kennisgewing van voorneme om te verdedig tensy die hof 'n korter tydperk gemagtig het.

(3) 'n Verweerder se kennisgewing van voorneme om te verdedig moet 'n adres bevat, nie synde 'n posbus of *poste restante* nie, binne 10 kilometers van die kantoor van die griffier, vir die betekening aan hom aldaar van alle dokumente in so 'n aksie, en betekening daarvan by die adres aldus aangegee, is geldig en afdoende, behalwe waar 'n hofbevel of die hofpraktyk persoonlike betekening vereis.

(4) 'n Party word nie vanweë sy aflewering van 'n kennisgewing van voorneme om te verdedig geag afstand te gedoen het van enige reg om teen die regsbevoegdheid van die hof of teen enige onreëlmatigheid of tekortkoming in die verrigtinge beswaar te maak nie.

Deklarasie

20. (1) In alle aksies waarin die eis vir skuld is of 'n gelikwiderde eis is en die verweerder 'n kennisgewing van voorneme om te verdedig afgelewer het, moet die eiser behalwe in die geval van 'n gekombineerde dagvaardig binne 21 dae na ontvangs daarvan 'n deklarasie aflewer.

(7) It shall not be necessary in any pleading to state the circumstances from which an alleged implied term can be inferred.

(8) Where a party suing for restitution of conjugal rights, divorce or judicial separation has been guilty of adultery he shall state the time and place of such adultery in his summons and pray for condonation thereof.

(9) A party to matrimonial proceedings relying on constructive desertion, shall in his pleading set out the particulars thereof.

(10) A plaintiff suing for damages shall set them out in such manner as will enable the defendant reasonably to assess the *quantum* thereof: Provided that a plaintiff suing for damages for personal injury shall specify the nature and effects of the disability alleged to give rise to such damages, and shall as far as practicable state separately what amount, if any, is claimed for—

(a) medical, hospital and other similar expenses;

(b) pain and suffering; and

(c) disability in respect of—

(i) the earning of income (stating the earnings lost to date and the estimated future loss);

(ii) the enjoyment of amenities of life (giving particulars).

Notice of intention to defend

19. (1) The provisions of regulation 18 shall apply to the time allowed a defendant in every civil action after service of summons on him, within which to deliver either personally or through his attorney a notice of intention to defend: Provided that the days between 16 December and 15 January, both inclusive, shall not be included in the time allowed to deliver a notice of intention to defend.

(2) In actions against any Minister, Deputy Minister, Administrator, officer or servant of the State, in his capacity as such, the State, the administration of any province, or the South African Railways and Harbours Administration, the time to be allowed for delivery of notice of intention to defend shall be not less than one month after service of summons, unless in any case the court has specially authorised a shorter period.

(3) When a defendant delivers notice of intention to defend, he shall therein appoint an address, not being a post office box or *poste restante*, within 10 kilometres of the office of the registrar for the service on him thereof of all documents in such action, and service thereof at the address so given shall be valid and effectual, except where by any order or practice of the court personal service is required.

(4) A party shall not by reason of his delivery of notice of intention to defend be deemed to have waived any right to object to the jurisdiction of the court or to any irregularity or impropriety in the proceedings.

Declaration

20. (1) In all actions in which the plaintiff's claim is for a debt or liquidated demand and the defendant has delivered notice of intention to defend, the plaintiff shall, except in the case of a combined summons, within 21 days of his receipt thereof deliver a declaration.

die alternatief, kan hy met verlof van die hof by wyse van 'n teeneis teen die eiser en so 'n ander persoon ageer soos die hof mag voorskryf.

(3) 'n Verweerder aan wie verlof verleen is om 'n teeneis in te stel soos vermeld, moet hy by die titel van sy pleit 'n verdere titel voeg in die vorm asof dit 'n aksie is teen die partye teen wie hy 'n teeneis instel, en alle verdere pleitstukke in die aksie moet dié titel ook dra, onderworpe aan die voorbehoud by subreël (2) van reël 18.

(4) 'n Verweerder kan sy teeneis onderworpe stel daaraan dat die hoofeis of die verweer daarop misluk.

Replik en pleit op die teeneis

25. (1) Binne 21 dae na die betekening aan hom van 'n pleit of verdere besonderhede op die pleit en behoudens subreël (2) hiervan moet die eiser waar nodig 'n repliek op die pleit en 'n pleit op 'n teeneis aflewer, welke pleit aan reël 22 moet voldoen.

(2) 'n Replik of daaropvolgende pleitstuk wat 'n blote ingedingtreding of blote ontkenning van bewerings in die vorige pleitstuk sou wees, is onnodig en ingedingtreding word veronderstel en die pleitstukke ingevolge paragraaf (b) van reël 29 as gesluit beskou.

(3) Waar 'n repliek of daaropvolgende pleitstuk nodig is, kan 'n party daarin op die bewerings in die vorige pleitstuk in geding tree. Vir sover hy nie die bewerings in die pleit of ander pleitstuk spesifiek behandel het nie, geld die ingedingtreding as ontkenning van elke wesentlike feitebewering in die pleitstuk waarop in geding getree is.

(4) 'n Teeneiser moet, behoudens die bepaling *mutatis mutandis* van subreël (2) hiervan, binne 21 dae na aflewering van die teenpleit 'n teenreplik aflewer.

(5) Verdere pleitstukke kan, behoudens die bepalinge *mutatis mutandis* van subreël (2), deur die onderskeie partye afgelewer word binne 21 dae na aflewering van die vorige pleitstuk deur die teenparty. Sulke pleitstukke word met die gebruikelike name onderskei.

Versuim om pleitstukke af te lewer: Belet

26. 'n Party wat versuim om 'n repliek of daaropvolgende pleitstuk binne die tyd in reël 25 vasgestel, af te lewer, is *ipso facto* onder belet. As 'n party versuim om enige ander pleitstuk binne die in hierdie reëls vasgestelde tyd of binne 'n behoorlik toegelate verlenging daarvan af te lewer, kan enige ander party by kennisgewing aan hom beteken, vereis dat hy so 'n pleitstuk inlewer binne 10 dae na die dag waarop die kennisgewing afgelewer word. 'n Party wat versuim om die pleitstuk in die kennisgewing genoem af te lewer binne die tyd daarin bepaal of binne 'n ooreengekome verdere tyd, is in verstek daarmee en *ipso facto* onder belet: Met dien verstande dat vir die doel van hierdie reël die dae van 16 Desember af tot en met 15 Januarie nie ingereken word by die toegestane tyd vir die lewering van 'n pleitstuk nie.

Verlenging van tyd, opheffing van belet en kondonاسie

27. (1) Tensy die partye ooreengekom het, kan die hof op aansoek by kennisgewing en as goeie redes aangevoer is, enige tydperk wat by hierdie reëls of by hofbevel voorgeskryf is in verband met enige verrigting hoegenaamd, verleng of verkort asook enige tydperk wat bepaal is by 'n bevel wat die termyn verleng of verkort waarbinne 'n handeling verrig of 'n stap gedoen word in verband met enige sodanige verrigting, en wel met sodanige bepalinge daarby as wat hy goedvind.

action by way of a claim in reconvention against the plaintiff and such other persons, in such manner and on such terms as the court may direct.

(3) A defendant who has been given leave to counterclaim as aforesaid, shall add to the title of his plea a further title corresponding with what would be the title of any action instituted against the parties against whom he makes claim in reconvention, and all further pleadings in the action shall bear such title, subject to the proviso to subrule (2) of rule 18.

(4) A defendant may counterclaim conditionally upon the claim or defence in convention failing.

Replication and plea in reconvention

25. (1) Within 21 days of the service upon him of a plea or further particulars to the plea and subject to subrule (2) hereof, the plaintiff shall where necessary deliver a replication to the plea and a plea to any claim in reconvention, which plea shall comply with rule 22.

(2) No replication or subsequent pleading which would be a mere joinder of issue or bare denial of allegations in the previous pleading shall be necessary, and issue shall be deemed to be joined and pleadings closed in terms of paragraph (b) of rule 29.

(3) Where a replication or subsequent pleading is necessary, a party may therein join issue on the allegations in the previous pleading. To such extent as he has not dealt specifically with the allegations in the plea or such other pleading, such joinder of issue shall operate as a denial of every material allegation of fact in the pleading upon which issue is joined.

(4) A plaintiff in reconvention shall, subject to the provisions *mutatis mutandis* of subrule (2) hereof, within 21 days from the delivery of the plea in reconvention deliver a replication in reconvention.

(5) Further pleadings may, subject to the provisions *mutatis mutandis* of subrule (2), be delivered by the respective parties within 21 days of the previous pleading delivered by the opposite party. Such pleadings shall be designated by the names by which they are customarily known.

Failure to deliver pleadings: Barring

26. Any party who fails to deliver a replication or subsequent pleading within the time stated in rule 25 shall be *ipso facto* barred. If any party fails to deliver any other pleading within the time laid down in these rules or within any extended time allowed in terms thereof, any other party may by notice served upon him require him to deliver such pleading within 10 days after the day upon which the notice is delivered. Any party failing to deliver the pleading referred to in the notice within the time therein required or within such further period as may be agreed between the parties, shall be in default of filing such pleading, and *ipso facto* barred: Provided that for the purposes of this rule the days between 16 December and 15 January, both inclusive, shall not be counted in the time allowed for the delivery of any pleading.

Extension of time and removal of bar and condonation

27. (1) In the absence of agreement between the parties, the court may upon application on notice and on good cause shown, make an order extending or abridging any time prescribed by these rules or by an order of court or fixed by an order extending or abridging any time for doing any act or taking any step in connection with any proceedings of any nature whatsoever upon such terms as to it seems meet.

(3) Elke feitebewering in die gekombineerde dagvaarding of deklarasie wat nie in die pleit uitdruklik beweer word ontken of nie erken te wees nie, word geag erken te wees. As 'n verduideliking of kwalifisering van 'n ontkenning nodig is, moet dit in die pleit vermeld word.

(4) 'n Verweerder wat 'n teeneis het wat, as dit slaag, die eiser se eis geheel of gedeeltelik sal uitwis, kan in sy pleit versoek dat uitspraak ten opsigte van die eis of soveel daarvan as wat deur die teeneis uitgewis sal word, uitgestel word totdat uitspraak op die teeneis gegee is. Uitspraak op die geheel of die betrokke gedeelte van die eis word dan uitgestel tensy die hof op aansoek van 'n belanghebbende persoon anders beveel, maar die hof kan, as geen ander verweer geopper is nie, vonnis gee vir soveel van die eis as wat nie uitgewis sal word nie, asof die verweerder in verstek is met sy pleit ten opsigte daarvan, of hy kan op aansoek van enige van die partye na goeddunke 'n bevel gee.

Eksepsies en aansoeke om deurhaling

23. (1) Waar 'n pleitstuk vaag en verwarrend is of beweringe mis wat nodig is om die aksie of verweer te staaf, na gelang van die geval, kan die teenparty in die tyd wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, 'n eksepsie daarteen aflewer en dit ingevolge paragraaf (f) van subreël (4) van reël 6 vir verhoor ter rolle plaas: Met dien verstande dat waar die eksepsie is dat 'n pleitstuk vaag en verwarrend is, hy binne die bedoelde tyd by kennisgewing sy teenparty die geleentheid moet gee om die oorsaak van die beswaar binne 21 dae te verwyder: Met dien verstande verder dat as die party dan nog eksepsie wil opwerp, hy dit moet aflewer binne 21 dae van die dag af waarop hy antwoord op so 'n kennisgewing ontvang of waarop die antwoord ingelewer moes gewees het.

(2) As 'n pleitstuk aanstootlike, kwelsugtige of irrelevant bewerings bevat, kan die teenparty binne die tydperk wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, deurhaling aanvra en sy aansoek ingevolge paragraaf (f) van subreël (4) van reël 6 vir verhoor ter rolle plaas, maar die hof mag dit alleen toestaan as hy meen dat die applikant anders in die voer van sy saak benadeel sal word.

(3) Wanneer teen 'n pleitstuk geëksipieer word, moet die gronde waarop die eksepsie berus, duidelik en bondig aangegee word.

(4) Wanneer teen 'n pleitstuk geëksipieer of deurhaling aangevra word, is 'n pleit, repliek of ander pleitstuk nie nodig nie.

Teeneis

24. (1) 'n Verweerder wat 'n teeneis instel, moet die desbetreffende wesenlike feite ooreenkomstig reëls 18 en 20 daarin uiteensit en dit tesame met sy pleit aflewer. Die teeneis kan 'n afsonderlike dokument vorm of deel uitmaak van die dokument wat die pleit bevat, maar dan onder die hoof "Teeneis", en dit is nie nodig om die name of beskrywing van die partye tot die hoofeis daarin te herhaal nie.

(2) As die verweerder geregtig is om aksie in te stel teen 'n ander persoon sowel as die eiser, hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in

(3) Every allegation of fact in the combined summons or declaration which is not stated in the plea to be denied or to be not admitted, shall be deemed to be admitted. If any explanation or qualification of any denial is necessary, it shall be stated in the plea.

(4) If by reason of any claim in reconvention, the defendant claims that on the giving of judgment on such claim, the plaintiff's claim will be extinguished either in whole or in part, the defendant may in his plea refer to the fact of such claim in reconvention and request that judgment in respect of the claim or any portion thereof which would be extinguished by such claim in reconvention, be postponed until judgment on the claim in reconvention. Judgment on the claim shall, either in whole or in part, thereupon be so postponed unless the court, upon the application of any person interested, otherwise orders, but the court, if no other defence has been raised, may give judgment for such part of the claim as would not be extinguished, as if the defendant were in default of filing a plea in respect thereof, or may, on the application of either party, make such order as to it seems meet.

Exceptions and applications to strike out

23. (1) Where any pleading is vague and embarrassing or lacks averments which are necessary to sustain an action or defence, as the case may be, the opposing party may, within the period allowed for filing any subsequent pleading deliver an exception thereto and may set it down for hearing in terms of paragraph (f) of subrule (4) of rule 6: Provided that where a party intends to take an exception that a pleading is vague and embarrassing he shall within the period allowed as aforesaid by notice afford his opponent an opportunity of removing the cause of complaint within 21 days provided that the party excepting shall have 21 days from the date whereon a reply to such notice is received or from the date on which such reply is due within which to deliver his exception.

(2) Where any pleading contains averments which are scandalous, vexatious, or irrelevant, the opposite party may, within the period allowed for filing any subsequent pleading, apply for the striking out of the matter aforesaid and may set such application down for hearing in terms of paragraph (f) of subrule (4) of rule 6, but the court shall not grant the same unless it is satisfied that the applicant will be prejudiced in the conduct of his claim or defence if it be not granted.

(3) Wherever an exception is taken to any pleading, the grounds upon which the exception is founded shall be clearly and concisely stated.

(4) Wherever any exception is taken to any pleading or an application to strike out is made, no plea, replication, or other pleading over shall be necessary.

Claim in reconvention

24. (1) A defendant who counterclaims shall, together with his plea, deliver a claim in reconvention setting out the material facts thereof in accordance with rules 18 and 20. The claim in reconvention shall be set out either in a separate document or in a portion of the document containing the plea, but headed "Claim in Reconvention". It shall be unnecessary to repeat therein the names or descriptions of the parties to the proceedings in convention.

(2) If the defendant is entitled to take action against any other person and the plaintiff, whether jointly, jointly and severally, separately or in the alternative, he may with the leave of the court proceed in such

aanvra: Met dien verstande dat geen party wat 'n verdere stap in die geding gedoen het terwyl hy geweet het van die onreëlmatigheid, geregtig is om so 'n aansoek te doen nie.

(2) 'n Aansoek ingevolge subreël (1) geskied by kennisgewing aan alle partye, met 'n uiteensetting van besonderhede van die beweerde onreëlmatigheid.

(3) As die hof by die verhoor van so 'n aansoek van mening is dat die stap onreëlmatig gedoen is, kan hy dit gedeeltelik of in die geheel ter syde stel, ten opsigte van al of sommige van die partye, en verlof gee om te wysig of na goeë dunde 'n ander bevel gee.

(4) Totdat 'n party 'n hofbevel wat teen hom gegee is, uitgevoer het, mag hy geen verdere stap in die geding doen nie behalwe om verlenging aan te vra van die tyd waarin hy aan die bevel moet voldoen.

(5) As 'n party versuim om betyds aan 'n versoek of kennisgewing kragtens hierdie reëls te voldoen, kan die party wat die versoek gerig of kennis gegee het, die party wat in verstek is, kennis gee dat hy van voorneme is om na verloop van 21 dae 'n bevel aan te vra dat aan die kennisgewing of versoek voldoen moet word, of dat die eis of verweer geskrap word. By versuim van nakoming binne die 21 dae kan aansoek by die hof gedoen word en die hof kan daarop na goeë dunde 'n bevel gee.

Toestemming tot vonnis en vonnis by verstek

31. (1) Behalwe in aksies om egskeiding, herstel van huweliksregte, geregtelike skeiding of nietigverklaring van 'n huwelik, kan 'n verweerder te eniger tyd geheel of gedeeltelik toestem tot vonnis. Die toestemming word deur die verweerder persoonlik onderteken en geattesteer deur 'n prokureur wat namens hom optree en nie ook vir die eiser nie, of dit word by beëdigde verklaring bevestig. Die toestemming word dan aan die eiser verskaf, waarop hy skriftelik deur die griffier by 'n regter aansoek kan doen om vonnis in terme daarvan.

(2) (a) Wanneer 'n verweerder in verstek is met sy kennisgewing van voorneme om te verdedig of met sy pleit, kan die eiser die aksie ter rolle plaas soos in subreël (4) vir verstekvonnis voorgeskryf en die hof kan, waar die eis vir skuld of andersins likwied is, vonnis gee sonder om getuienis aan te hoor, en in die geval van enige ander eis, na die aanhoor van getuienis, of die hof kan na goeë dunde 'n ander bevel gee.

(b) 'n Verweerder kan binne 21 dae nadat so 'n vonnis tot sy kennis gekom het, met kennisgewing aan die eiser by die hof aansoek doen om tersydestelling daarvan en die hof kan as goeie redes aangevoer is en mits die verweerder aan die eiser sekerheid gestel het vir die koste van die verstekvonnis en van so 'n aansoek, tot 'n maksimum van R50, die verstekvonnis ter syde stel met sodanige bepalinge as wat hy goeë vind.

(3) Waar 'n eiser onder belet is om 'n deklarasie af te lewer, kan die verweerder die aksie ter rolle plaas soos in subreël (4) bepaal en aansoek doen om absolute van die instansie of, nadat hy getuienis aangebied het, om vonnis, en die hof kan daarop na goeë dunde 'n bevel gee.

(4) Die verrigtinge in subreëls (2) en (3) bedoel, word ter rolle geplaas voor middag twee dae voor die dag waarop die saak verhoor moet word, met minstens 10 dae kennisgewing aan die party wat in verstek is: Met dien verstande dat aan 'n party wat geen kennis gegee het van voorneme om te verdedig nie, geen kennisgewing van ter rolle plasing gegee hoef te word nie.

proceeding apply to court to set it aside: Provided that no party who has taken any further step in the cause with knowledge of the irregularity or impropriety shall be entitled to make such application.

(2) Application in terms of subrule (1) shall be on notice to all parties specifying particulars of the irregularity or impropriety alleged.

(3) If at the hearing of such application the court is of opinion that the proceeding or step is irregular or improper, it may set it aside in whole or in part, either as against all the parties or as against some of them, and grant leave to amend or make any such order as to it seems meet.

(4) Until a party has complied with any order of court made against him, he shall not take any further step in the cause, save to apply for an extension of time within which to comply with such order.

(5) Where a party fails to comply timeously with a request made or notice given pursuant to these rules, the party making the request or giving the notice may notify the defaulting party that he intends after the lapse of 21 days applying for an order that such notice or request be complied with, or that the claim or defence be struck out. Failing compliance within the 21 days, application may be made to court and the court may make such order thereon as to it seems meet.

Judgment on confession and by default

31. (1) Save in actions for divorce, restitution of conjugal rights, judicial separation or nullity of marriage, a defendant may at any time confess in whole or in part the claim contained in the summons. Such confession shall be signed by the defendant personally and his signature shall either be witnessed by an attorney acting for him, not being the attorney acting for the plaintiff, or be verified by affidavit, and furnished to the plaintiff, whereupon the plaintiff may apply in writing through the registrar to a judge for judgment according to such confession.

(2) (a) Whenever a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff may set the action down as provided in subrule (4) for default judgment and the court may, where the claim is for a debt or liquidated demand, without hearing evidence, and in the case of any other claim, after hearing evidence, grant judgment against the defendant or make such order as to it seems meet.

(b) A defendant may within 21 days after he has knowledge of such judgment apply to court upon notice to the plaintiff to set aside such judgment and the court may upon good cause shown and upon the defendant furnishing to the plaintiff security for the payment of the costs of the default judgment and of such application to a maximum of R50 set aside the default judgment on such terms as to it seems meet.

(3) Where a plaintiff has been barred from delivering a declaration the defendant may set the action down as provided in subrule (4) and apply for absolution from the instance or, after adducing evidence, for judgment, and the court may make such order thereon as to it seems meet.

(4) The proceedings referred to in subrules (2) and (3) shall be set down for hearing before noon on the day but one preceding the day on which the matter is to be heard upon not less than 10 days notice to the party in default: Provided that no notice of set down need be given to any party in default of delivery of notice of intention to defend.

(2) So 'n verlenging kan gegee word hoewel die aansoek eers na verstryking van die voorgeskrewe of vasgestelde tyd geskied, en die hof kan na goeddunke 'n bevel gee betreffende die tenietdoening of verandering van die gevolge wat op die verstryking van 'n aldus voorgeskrewe of vasgestelde tyd sou intree hetsy uit hoofde van 'n hofbevel of van hierdie reëls.

(3) Die hof kan as goeie redes aangevoer is, die nienakoming van hierdie reëls kondoneer.

Wysiging van pleitstukke en dokumente

28. (1) 'n Party wat 'n pleitstuk of dokument, nie synde 'n beëdigde verklaring nie, wat in verband met enige verrigtinge ingedien is, wil wysig, kan aan alle ander partye kennis gee van sy voorneme om te wysig.

(2) Die kennisgewing moet meld dat tensy beswaar skriftelik binne 21 dae teen die voorgestelde wysiging gemaak word, die party wat kennis gee, die betrokke pleitstuk of dokument dienooreenkomstig sal wysig.

(3) As geen skriftelike beswaar aldus gemaak word nie, word die party wat so 'n kennisgewing ontvang, geag tot die wysiging toe te gestem het.

(4) As beswaar binne die genoemde tydperk gemaak word, moet die party wat met die wysiging wil voortgaan, binne 21 dae na ontvangs van die beswaar by die hof by kennisgewing aansoek doen om verlof om te wysig en die aangeleentheid vir verhoor ter rolle plaas. Die hof kan daarop na goeddunke 'n bevel gee.

(5) Wanneer die hof 'n wysiging beveel het of geen beswaar binne die in subreël (2) voorgeskrewe tyd aangeteken is nie, moet die party wat wysig, die wysiging aflewer binne die tyd in die hofbevel vasgestel, of binne 10 dae na verstryking van die in subreël (2) voorgeskrewe tyd, na gelang van die geval.

(6) Wanneer 'n wysiging van 'n pleitstuk ingevolge hierdie reël afgelewer is, kan die ander party daarop pleit of 'n pleitstuk wat reeds deur hom ingedien is, gevolglik wysig binne 21 dae na die ontvangs van die gewysigde pleitstuk.

(7) 'n Party wat kennis van wysiging gee, is, tensy die hof anders gelas, aanspreeklik vir die koste wat daardeur vir 'n ander party veroorsaak is.

(8) Die hof kan tydens die verhoor in enige stadium voor uitspraak verlof tot wysiging van 'n pleitstuk of dokument gee met sodanige bepalinge betreffende koste of ander aangeleenthede as wat hy goedvind.

(9) So 'n wysiging moet op 'n afsonderlike bladsy verskyn, wat op 'n gepaste plek by die betrokke pleitstuk of dokument gevoeg word.

Sluiting van pleitstukke

29. Pleitstukke word as gesluit beskou—

(a) as enigeen van die partye in geding getree het sonder om nuwe bewerings te maak en sonder om 'n verdere pleitstuk by te voeg;

(b) as die laaste dag vir die indiening van 'n replikasie of daaropvolgende pleitstuk verstryk het sonder dat dit ingedien is;

(c) as die partye skriftelik ooreenkom dat die pleitstukke gesluit is en so 'n ooreenkoms by die griffier ingedien is; of

(d) as die partye nie oor die sluiting van die pleitstukke kan ooreenkom nie en die hof op aansoek van 'n party hulle gesluit verklaar.

Onreëlmatige verrigtinge

30. (1) 'n Party tot 'n geding waarin 'n stap op onreëlmatige wyse gedoen is deur 'n ander party, kan binne 21 dae daarna by die hof tersydestelling daarvan

(2) Any such extension may be ordered although the application therefor is not made until after the expiry of the time prescribed or fixed, and the court ordering any such extension may make such order as to it seems meet as to the recalling, varying or cancelling of the results of the expiry of any time so prescribed or fixed, whether such results flow from the terms of any order or from these rules.

(3) The court may on good cause shown, condone any non-compliance with these rules.

Amendments to pleadings and documents

28. (1) Any party desiring to amend any pleading or document other than an affidavit, filed in connection with any proceeding, may give notice to all other parties to the proceeding of his intention so to amend.

(2) Such notice shall state that unless objection in writing is made within 21 days to the proposed amendment, the party giving the notice will amend the pleading or document in question accordingly.

(3) If no objection in writing be so made, the party receiving such notice shall be deemed to have agreed to the amendment.

(4) If any objection be made within the said period, the party wishing to pursue the amendment, shall within 21 days of the receipt of such objection apply to court on notice for leave to amend and set the matter down for hearing. The court may make such order thereon as to it seems meet.

(5) Whenever the court has ordered an amendment or not objection has been made within the time prescribed in subrule (2), the party amending shall deliver the amendment to the pleading or document within the time specified in the court's order or within 10 days of the expiry of the time prescribed in subrule (2) as the case may be.

(6) When an amendment to a pleading has been delivered in terms of this rule, the other party shall be entitled to plead thereto or amend consequentially any pleading already filed by him within 21 days of the receipt of the amended pleading.

(7) A party giving notice of amendment shall, unless the court otherwise orders, be liable to pay the costs thereby occasioned to any other party.

(8) The court may during the hearing at any stage before judgment, grant leave to amend any pleading or document on such terms as to costs or otherwise as to it seems meet.

(9) Where any amendment is made it shall be made on a separate page to be added in an appropriate place to the pleading or the document amended.

Close of pleadings

29. Pleadings shall be considered closed—

(a) if either party has joined issue without alleging any new matter, and without adding any further pleading;

(b) if the last day allowed for filing a replication or subsequent pleading has elapsed and it has not been filed;

(c) if the parties agree in writing that the pleadings are closed and such agreement is filed with the registrar; or

(d) if the parties are unable to agree as to the close of pleadings, and the court upon the application of a party declares them closed.

Irregular proceedings

30. (1) Any party to any cause in which an irregular or improper step or proceeding has been taken by any party, may within 21 days of the taking of such step or

(7) As die verweerder sekerheid stel of die hof oortuig soos in subreël (3) bedoel, gee die hof verlof om te verdedig en die aksie gaan voort asof geen aansoek om summere vonnis gedoen is nie.

(8) (a) Verlof om te verdedig kan onvoorwaardelik wees of onderworpe aan voorwaardes betreffende sekerheid, tyd vir aflewering van pleitstukke of iets ander, soos die hof mag goedvind.

(b) Waar hierdie reëls die aflewering van 'n deklarasie vereis en die hof, wanneer hy ingevolge hierdie reël verlof gee om te verdedig, nie 'n bevel gee vir die aflewering van so 'n deklarasie binne 'n aangegewe tyd nie, word so 'n deklarasie afgelewer binne 21 dae na die datum waarop verlof om te verdedig gegee is.

(9) Die hof kan by die aanhoor van so 'n aansoek na goeddunke 'n kostebevel gee: Met dien verstande dat as—

(a) die eiser aansoek gedoen het hoewel die saak nie deur subreël (1) gedek word nie, of die eiser, na die hof se mening, geweet het dat die verweerder op 'n betoog steun wat hom tot verlof om te verdedig geregtig maak, die hof kan beveel dat die aksie opgeskort word totdat die eiser die verweerder se koste betaal het, en dat die koste tussen prokureur en kliënt getakseer word; en

(b) die hof by die verhoor van 'n aksie waarin summere vonnis geweier is, vonnis vir die eiser gee wesenlik soos aangevra, en meen dat summere vonnis toegestaan sou gewees het as die verweerder nie 'n verweer geopper het wat onredelik was nie, hy kan beveel dat die eiser se koste van die aksie tussen prokureur en kliënt getakseer word.

Gestelde saak en beslissing van regspunte

33. (1) Die partye tot 'n geskil kan na die instelling van 'n geding ooreenkom op 'n skriftelike uiteensetting van feite in die vorm van 'n gestelde saak vir beslissing deur die hof.

(2) (a) Die uiteensetting bevat die ooreengekome feite, die regsrae in geskil en die partye se stellinge daaromtrent in genommerde paragrawe, en word namens die onderskeie partye deur 'n advokaat en 'n prokureur onderteken of, waar 'n party persoonlik dagvaar of gedagvaar word, deur so 'n party self. Afskrifte van dokumente wat nodig is by die beslissing, moet aangeheg word.

(b) 'n Gestelde saak word vir aanhoring ter rolle geplaas soos 'n verhoor of bestrede aansoek, wat ook al die gerieflikste is.

(c) As 'n minderjarige of 'n swaksinnige 'n party tot so 'n geding is, kan die hof, voordat hy die regsrae beslis, bewys vereis dat die uiteensetting van feite vir sover dit die minderjarige of swaksinnige raak, juis is.

(3) By die aanhoring kan die hof en die partye let op die hele inhoud van die stukke en die hof kan afleidings van feite of reg daaruit maak asof dit by 'n verhoor bewys is.

(4) As die hof *mero motu* of op aansoek van 'n party meen dat daar in 'n hangende aksie 'n regs- of feitevraag is wat gerieflik beslis kan word voordat getuies geleidelik word of afsonderlik van enige ander vraag, kan hy afhandeling van so 'n vraag na goeddunke voorskryf en beveel dat alle verdere verrigtinge tot dan opgeskort word.

(7) If the defendant finds security or satisfies the court as provided in subrule (3), the court shall give leave to defend, and the action shall proceed as if no application for summary judgment had been made.

(8) (a) Leave to defend may be given unconditionally or subject to such terms as to security, time for delivery of pleadings, or otherwise, as the court deems fit.

(b) Where delivery of a declaration is required by these rules and the court, when giving leave to defend in terms of this rule, has not made an order for the delivery of such declaration within a specified time, such declaration shall be delivered within 21 days of the date leave to defend has been given.

(9) The Court may at the hearing of such application make such order as to costs as to it may seem just: Provided that if—

(a) the plaintiff makes an application under this rule, where the case is not within the terms of subrule (1) or where the plaintiff, in the opinion of the court, knew that the defendant relied on a contention which would entitle him to leave to defend, the court may order that the action be stayed until the plaintiff has paid the defendant's costs; and may further order that such costs be taxed as between attorney and client; and

(b) in any case in which summary judgment was refused and in which the court after trial gives judgment for the plaintiff substantially as prayed, and the court finds that summary judgment should have been granted had the defendant not raised a defence which in its opinion was unreasonable, the court may order the plaintiff's costs of the action to be taxed as between attorney and client.

Special cases and adjudication upon points of law

33. (1) The parties to any dispute may, after institution or proceedings, agree upon a written statement of facts in the form of a special case for the adjudication of the court.

(2) (a) Such statement shall set forth the facts agreed upon, the questions of law in dispute between the parties and their contentions thereon. Such statement shall be divided into consecutively numbered paragraphs and there shall be annexed thereto copies of documents necessary to enable the court to decide upon such questions. It shall be signed by an advocate and an attorney on behalf of each party or, where a party sues or defends personally, by such party.

(b) Such special case shall be set down for hearing in the manner provided for trials, or opposed applications, whichever may be more convenient.

(c) If a minor or person of unsound mind is a party to such proceedings the court may, before determining the questions of law in dispute, require proof that the statements in such special case so far as concerns the minor or person of unsound mind are true.

(3) At the hearing thereof the court and the parties may refer to the whole of the contents of such documents and the court may draw any inference of fact or of law from the facts and documents as if proved at a trial.

(4) If it appears to the court *mero motu* or on the application of any party that there is, in any pending action, a question of law or fact which it would be convenient to decide either before any evidence is led or separately from any other question, the court may make an order directing the trial of such question in such manner as it may deem fit, and may order that all further proceedings be stayed until such question has been disposed of.

Summiere vonnis

32. (1) Waar die verweerder kennisgewing van voorneme om te verdedig afgelewer het, kan die eiser by die hof aansoek doen om summiere vonnis op elk van die eise in die dagvaarding wat net—

- (a) op 'n likwiede dokument berus;
- (b) om 'n gelijkwideerde geldsom is;
- (c) vir die lewering van bepaalde roerende goed is; of
- (d) vir uitsetting is;

tesame met 'n eis om rente en koste.

(2) Die eiser moet binne 21 dae na die aflewering van die kennisgewing van voorneme om te verdedig, 'n kennisgewing van aansoek om summiere vonnis aflewer tesame met 'n beëdigde verklaring deur homself of deur iemand anders wat onder eed die feite kan bevestig waarop die skuldoorsaak en die geëiste bedrag (as daar is) berus, en waarin hy sê dat daar na sy mening geen bona fide-verweer teen die aksie is nie en dat die kennisgewing van voorneme om te verdedig afgelewer is bloot met die doel om te vertraag. As die eis op 'n likwiede dokument berus, moet 'n afskrif daarvan aangeheg word, en die kennisgewing moet vermeld dat die aansoek vir verhoor ter rolle geplaas sal word op 'n bepaalde dag minstens sewe dae na aflewering daarvan.

(3) By die aanhoor van 'n aansoek om summiere vonnis kan die verweerder—

- (a) aan die eiser sekerheid stel tot bevrediging van die griffier vir enige vonnis insluitende koste wat gegee kan word; of
- (b) die hof oortuig deur middel van 'n beëdigde verklaring (wat ingelewer moet word voor middag twee dae voor die hofdag waarop die aansoek aangehoor staan te word) of, met verlof van die hof, deur middel van mondelinge getuienis van homself of van 'n ander persoon wat dit onder eed kan bevestig, dat hy 'n bona fide-verweer teen die aksie het. Die beëdigde verklaring of die getuienis moet die aard en gronde van die verweer en die weselike feite waarop dit berus, volledig aangee.

(4) Die eiser kan geen ander getuienis aanvoer nie as die beëdigde verklaring in subreël (2) bedoel, en iemand wat mondeling of by wyse van beëdigde verklaring getuienis aflê, kan nie deur enigeen van die partye gekruisvra word nie: Met dien verstande dat die hof aan iemand wat mondeling getuienis aflê na goeddunke, vrae ter opheldering kan stel.

(5) As die verweerder nie sekerheid stel of die hof oortuig soos in paragraaf (b) van subreël (3) bepaal nie, kan die hof summiere vonnis vir die eiser gee.

(6) As dit by die aanhoor van 'n aansoek kragtens hierdie reël blyk—

- (a) dat 'n verweerder geregtig is om te verdedig en 'n ander verweerder nie aldus geregtig is nie; of
- (b) dat die verweerder geregtig is om te verdedig ten opsigte van 'n deel van die eis, moet die hof—
 - (i) aan 'n verweerder wat aldus geregtig is, verlof gee om te verdedig en vonnis gee teen die verweerder wat nie aldus geregtig is nie; of
 - (ii) aan die verweerder verlof gee om te verdedig ten opsigte van 'n deel van die eis en vonnis teen hom gee ten opsigte van die res van die eis, tensy die balans reeds aan die eiser betaal is of geregtelik inbetaal is ingevolge reël 34; of
 - (iii) beide bevele gee wat in subparagraawe (i) en (ii) genoem word.

Summary judgment

32. (1) Where the defendant has delivered notice of intention to defend, the plaintiff may apply to court for summary judgment on each of such claims in the summons as is only—

- (a) on a liquid document;
- (b) for a liquidated amount in money;
- (c) for delivery of specified movable property; or
- (d) for ejectment;

together with any claim for interest and costs.

(2) The plaintiff shall within 21 days after the date of delivery of notice of intention to defend, deliver notice of such application, accompanied by an affidavit made by himself or by any other person who can swear positively to the facts verifying the cause of action and the amount, if any, claimed and stating that in his opinion there is no bona fide defence to the action and that notice of intention to defend has been delivered solely for the purpose of delay. If the claim is founded on a liquid document, a copy of the document shall be annexed to such affidavit. Such notice of application shall state that the application will be set down for hearing on a stated day not being less than seven days from the date of the delivery thereof.

(3) Upon the hearing of an application for summary judgment the defendant may—

- (a) give security to the plaintiff to the satisfaction of the registrar for any judgment including costs which may be given; or
- (b) satisfy the court by affidavit (which shall be delivered before noon on the court day but one preceding the day on which the application is to be heard) or with the leave of the court by oral evidence of himself or of any other person who can swear positively to the fact that he has a bona fide defence to the action; such affidavit or evidence shall disclose fully the nature and grounds of the defence and the material facts relied upon therefor.

(4) No evidence may be adduced by the plaintiff otherwise than by the affidavit referred to in subrule (2), nor may either party cross-examine any person who gives evidence *viva voce* or on affidavit: Provided that the court may put to any person who gives oral evidence such questions as it considers may elucidate the matter.

(5) If the defendant does not find security or satisfy the court as provided in paragraph (b) of subrule (3), the Court may enter summary judgment for the plaintiff.

(6) If on the hearing of an application made under this rule it appears—

- (a) that any defendant is entitled to defend and any other defendant is not so entitled; or
- (b) that the defendant is entitled to defend as to part of the claim, the court shall—
 - (i) give leave to defend to a defendant so entitled thereto and give judgment against the defendant not so entitled; or
 - (ii) give leave to defend to the defendant as to part of the claim and enter judgment against him as to the balance of the claim, unless he shall have paid such balance to the plaintiff or into court in terms of rule 34; or
 - (iii) make both orders mentioned in subparagraphs (i) and (ii).

(6) Kennis van 'n inbetaling of aanbod ingevolge hierdie reël moet aan alle partye tot die aksie gegee word en daarin moet vermeld word—

(a) of dit onvoorwaardelik is of sonder benadeling as 'n skikkingsvoorstel;

(b) of die eiser se koste ook geheel of gedeeltelik aangebied word; en

(c) of die betaalde bedrag aangebied word ter betaling van die eis sowel as die koste of van die eis alleen.

(7) 'n Eiser kan binne 21 dae na ontvangs van die kennisgewing in subreël (6) bedoel, of daarna met toestemming van die verweerder of van 'n regter, 'n betaling, 'n aanbod om 'n handeling uit te voer of 'n skriftelike aanbod tot skikking van die eis aanneem en hy moet dan dienooreenkomstig kennis gee aan alle ander partye. Die griffier, indien oortuig dat aan die vereistes van hierdie subreël voldoen is, betaal aan die eiser se prokureur (of aan die eiser waar hy persoonlik dagvaar) die geregtelik inbetaalde geld uit of hy gee gevolg aan of lewer aan die eiser se prokureur (of aan die eiser waar hy persoonlik dagvaar) die in subreël (3) bedoelde volmag.

(8) As 'n inbetaling of aanbod ingevolge subreël (2), (3), (4) of (5) nie meld dat dit bedoel is om die eis sowel as die koste te dek nie, kan die eiser na kennisgewing aan die verweerder, vonnis vir koste aanvra.

(9) (a) 'n Geregtelike inbetaling of aanbod sonder benadeling, by wyse van 'n aanbod tot skikking ingevolge hierdie reël, mag nie aan die hof geopenbaar word voordat uitspraak gedoen is nie, en mag nie op 'n lêer in die kantoor van die griffier wat die stukke van die saak bevat, verskyn nie.

(b) Die feit dat 'n inbetaling of aanbod in paragraaf (a) bedoel, gedoen is, mag na uitspraak aan die hof meegedeel word as betrekking hebbende op koste. As die hof 'n kostebevel gegee het sonder om te weet van die inbetaling of aanbod, en dit word dan binne twee dae onder die hof se aandag gebring, moet koste in die lig daarvan herooreweg word: Met dien verstande dat die hof se diskresie oor koste in geen opsig aangesig word nie.

(c) 'n Party wat strydig met hierdie reël persoonlik of deur sy advokaat of prokureur so 'n inbetaling of aanbod aan die hof noem of openbaar, kan selfs al slaag hy in die aksie, 'n kostebevel teen hom kry.

(10) (a) 'n Assuransiematskappy, wat 'n geregistreerde matskappy is, soos omskryf in artikel 1 van die Wet op Verpligte Motorvoertuigversekering, 1972 (Wet 56 van 1972), kan, in plaas van 'n bedrag geregtelik in te betaal soos in hierdie reël bedoel, 'n waarborg vir die betaling van sodanige bedrag aan die eiser, aan die griffier verstrek in 'n vorm wat vir die griffier aanvaarbaar is.

(b) Die verstrekking van 'n waarborg in paragraaf (a) bedoel, doen nie afbreuk aan die bepalings van die voorafgaande subreëls van hierdie reël nie en sodanige bepalings, uitgesonderd die bepalings betreffende die oorbetalings deur die griffier van enige bedrag geregtelik inbetaal, geld asof die gewaarborgde bedrag geregtelik inbetaal is.

(c) Betaling van die gewaarborgde bedrag deur 'n assuransiematskappy in paragraaf (a) bedoel aan die eiser se prokureur (of aan die eiser waar hy persoonlik dagvaar) moet geskied binne 14 dae na die ontvangs van die eiser se kennisgewing van aanvaarding van die gewaarborgde bedrag en by versuim om sodanige betaling te doen, kan die eiser aansoek doen om vonnis vir bedoelde bedrag met koste van sodanige aansoek.

(6) Notice of any payment, tender or offer in terms of this rule shall be given to all parties to the action and shall state—

(a) whether the same is unconditional or without prejudice as an offer of settlement;

(b) whether it is accompanied by a tender to pay the plaintiff's costs in whole or in part; and

(c) whether the amount paid is offered in settlement or both claim and costs or of the claim only.

(7) A plaintiff may within 21 days of the receipt of the notice referred to in subrule (6) or thereafter with the consent of the defendant or a judge accept any payment, tender to perform an act, or written offer in settlement of his claim and shall notify all other parties to the action accordingly, and the registrar, upon being satisfied that the requirements of this subrule have been complied with, shall pay out to the plaintiff's attorney (or to the plaintiff where he sues in person) the money paid into court or give effect to or deliver to the plaintiff's attorney (or to the plaintiff where he sues in person) the power of attorney referred to in subrule (3).

(8) If a tender or payment in terms of subrule (2), (3), (4) or (5) is not stated to be in satisfaction of a plaintiff's claim and costs, the plaintiff may, on notice to the defendant, apply for judgment for costs.

(9) (a) No payment into court, tender or offer, made without prejudice in terms of this rule, by way of an offer of settlement, shall be disclosed at any time to the court before judgment has been given. No reference to the fact of such a payment, tender or offer shall appear on any file in the office of the registrar containing the papers in the said case.

(b) The fact of a payment, tender or offer referred to in paragraph (a) may be brought to the notice of the court after judgment has been given as being relevant to the question of costs. If the court has given judgment on the question of costs in ignorance of any such payment, tender or offer and such is brought to the notice of the court within two days, the question of costs shall be considered afresh in the light thereof: Provided that nothing in this subrule contained shall affect the court's discretion as to an award of costs.

(c) Any party to an action who shall, contrary to this rule, by himself, his advocate or his attorney, mention or disclose to the court such payment, tender or offer shall, even if successful in the action, be liable to have costs given against him.

(10) (a) An insurance company, which is a registered company, as defined in section 1 of the Compulsory Motor Vehicle Insurance Act, 1972 (Act 56 of 1972), may, instead of paying into court any sum of money referred to in this rule, lodge with the registrar, in a form which is acceptable to the registrar, a guarantee for the payment of such sum to the plaintiff.

(b) The lodging of a guarantee referred to in paragraph (a) shall not derogate from the provisions of the foregoing subrules of this rule, and such provisions, except the provisions relating to payment by the registrar of any amount paid into court, shall apply as if the sum guaranteed had been paid into court.

(c) Payment to the plaintiff's attorney (or to the plaintiff where he sues in person) by an insurance company referred to in paragraph (a) of the amount guaranteed shall be made within 14 days of the receipt of the plaintiff's notice of acceptance of the amount guaranteed, and failing such payment the plaintiff may apply for judgment for such amount together with the costs of the application.

(5) Wanneer hy so 'n vraag aldus beslis, kan die hof dienooreenkomstig vonnis gee en bepaal hoe enige oorblywende geskilpunte bereg moet word ten einde die geding finaal af te handel.

(6) As die geskilpunt 'n regspraak is en die partye oor die feite saamstem, kan die feite erken en by die verhoor aangeteken word en die hof kan uitspraak doen sonder om getuïenis aan te hoor.

Geregtelike inbetaling

34. (1) (a) In 'n aksie om betaling van geld kan die verweerder te eniger tyd onvoorwaardelik die bedrag of 'n deel daarvan geregtelik inbetaal en die griffier moet dit op versoek van die eiser aan sy prokureur oorbetal, of aan die eiser self as hy persoonlik dagvaar. By so 'n inbetaling moet die verweerder meld of hy aanspreeklikheid vir al die eiser se koste of 'n deel daarvan erken of ontken.

(b) As die verweerder aanspreeklikheid vir koste aldus geheel of gedeeltelik erken, maar versuim om die koste, soos getakseer, ten volle binne sewe dae na aanvraag te betaal, kan die eiser skriftelik deur die griffier by 'n regter om vonnis daarvoor aansoek doen.

(c) As die verweerder aanspreeklikheid vir 'n deel van die eiser se koste aldus ontken, moet hy in die kennisgewing wat die geregtelike inbetaling vergesel, die gronde vir sy ontkenning meld en die aksie kan dan vir verhoor op die vraag van koste alleen ter rolle geplaas word.

(2) In 'n aksie waarin geld geëis word, hetsy alleen of tesame met ander regshulp, kan die verweerder te eniger tyd sonder benadeling 'n bedrag geregtelik inbetaal by wyse van 'n aanbod tot skikking van die eis.

(3) Waar die eiser die uitvoering van 'n handeling deur die verweerder eis, kan die verweerder te eniger tyd hetsy onvoorwaardelik of sonder benadeling aanbied om die handeling uit te voer. Tensy die handeling deur die verweerder persoonlik uitgevoer moet word, moet hy, tesame en gelyktydig met die aanbod, aan die griffier 'n onherroeplike volmag vir die uitvoering van die handeling gee.

(4) 'n Party tot 'n aksie wat blootstaan aan 'n bevel dat hy moet bydra tot 'n som waartoe 'n ander party in die aksie veroordeel kan word, of dat hy saam met die bedoelde ander party aanspreeklik daarvoor is, kan hetsy onvoorwaardelik of sonder benadeling by wyse van 'n skikkingsvoorstel—

(a) 'n skriftelike aanbod aan die bedoelde ander party doen om hetsy 'n bepaalde som of in 'n bepaalde verhouding by te dra tot die bedrag wat die eiser in die aksie kan verhaal; of

(b) 'n som geregtelik inbetaal ten opsigte van die gedeelte van die bedrag wat die eiser kan verhaal, waarvoor hy aanspreeklik gehou kan word.

(5) Een van verskeie verweerders wat hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in die alternatief gedagvaar is, kan of onvoorwaardelik of sonder benadeling by wyse van 'n skikkingsaanbod 'n bedrag ten opsigte van die eiser se eis geregtelik inbetaal of ingevolge hierdie reëls aanbied om enige handeling te verrig waarvan die uitvoering deur die eiser geëis word.

(5) When giving its decision upon any question in terms of this rule the court may give such judgment as may upon such decision be appropriate and may give any direction with regard to the hearing of any other issues in the proceeding which may be necessary for the final disposal thereof.

(6) If the question in dispute is one of law and the parties are agreed upon the facts, the facts may be admitted and recorded at the trial and the court may give judgment without hearing any evidence.

Payment into court

34. (1) (a) In any action for payment of a sum of money the defendant may at any time pay unconditionally into court the sum so claimed or any part thereof, and the registrar shall, upon the application of the plaintiff, pay such sum to the plaintiff's attorney (or to the plaintiff where he sues in person). In making such payment the defendant shall state whether he acknowledges or disavows liability for the payment of the plaintiff's costs in whole or in part.

(b) If the defendant acknowledges liability for payment of the costs in whole or in part but fails to pay in full such costs, as taxed, within seven days after demand, the plaintiff may apply in writing through the registrar to a judge for judgment for the same.

(c) If the defendant disavows liability for any portion of the plaintiff's costs, he shall state in the notice accompanying the payment into court, the grounds upon which he so disavows, and the action may be set down for hearing on the question of costs only.

(2) In any action in which a sum of money is claimed either alone or with any other relief, the defendant may, at any time without prejudice, pay an amount into court by way of an offer of settlement of the plaintiff's claim.

(3) Where the plaintiff claims the performance of some act by the defendant, the defendant may at any time tender either unconditionally or without prejudice to perform such act. Unless such act must be performed by the defendant personally, *pari passu* with such tender there shall be filed with the registrar an irrevocable power of attorney to perform such act on behalf of the person making the tender.

(4) Any party to an action who stands to be held liable to any other party to contribute towards or to be held liable with such party for the payment of any amount which may be recovered by any other party, may either unconditionally or without prejudice by way of an offer of settlement—

(a) make a written offer to that other party to contribute either a specific sum or in a specific proportion towards the amount to which the plaintiff may be held entitled in the action; or

(b) pay into court a sum in respect of the share of the amount to which the plaintiff may be held to be entitled and for which share he may be adjudged liable.

(5) One of several defendants, whether sued jointly, jointly and severally, separately or in the alternative, may either unconditionally or without prejudice by way of an offer of settlement pay into court a sum of money in respect of the plaintiff's claim or tender in terms of these rules to do any act or acts the performance of which is claimed by the plaintiff.

(6) 'n Party kan te eniger tyd by kennisgewing so na moontlik bewoord soos Vorm 13 in die Eerste Bylae, van 'n party wat ingevolge subreëls (2) en (3) blootgelê het, insae van die stukke verg. Die kennisgewing moet van die party aan wie dit gerig is, vereis dat hy binne 21 dae by kennisgewing so na moontlik bewoord soos Vorm 14 in die Eerste Bylae, 'n tyd, binne 10 dae na aflewering van laasgenoemde kennisgewing, bepaal waarop die stukke ingesien kan word ten kantore van sy prokureur of, as hy nie deur 'n prokureur verteenwoordig word nie, op 'n geskikte plek in die kennisgewing genoem, of, in die geval van bankboeke of ander rekeningboeke of boeke in voortdurende gebruik vir die doel van enige besigheid of onderneming, by hul gewone plek van bewaring. Die party wat laasgenoemde kennisgewing ontvang, is geregtig om op die bestemde tyd en nog 10 dae daarna in gewone besigheidsure, of op een of meer van bedoelde dae, die stukke in te sien en afskrifte daarvan te maak. 'n Party wat versuim om 'n stuk aldus ter insae voor te lê, mag dit nie by die verhoor gebruik nie tensy die hof by aanvoering van goeie redes dit toelaat.

(7) As 'n party versuim om aldus bloot te lê of na kennisgewing kragtens subreël (6) versuim om aldus 'n tyd vir insae te bepaal of insae aldus toe te laat soos deur daardie subreël vereis, kan die party wat blootlegging of insae verlang, by die hof 'n bevel aanvra dat hierdie reël nagekom moet word en dat by gebreke daarvan die eis afgewys of die verweer geskrap word.

(8) 'n Party tot 'n aksie kan na die sluiting van pleitstukke van 'n ander party by kennisgewing skriftelik besonderhede verg van datums van en partye tot 'n dokument wat daardie party by die verhoor wil gebruik. Die party wat so 'n kennisgewing ontvang, moet minstens 21 dae voor die verhoordatum 'n kennisgewing aflewer met—

(a) besonderhede van die datums van en partye tot die stuk en die algemene aard daarvan as dit in sy besit is; of

(b) as dit nie in sy besit is nie, sodanige besonderhede as wat hy mag hê ter identifikasie daarvan, en die naam en adres van die persoon in wie se besit dit is.

Die verskaffing van besonderhede van stukke wat in die party se besit is, kan geskied deur te verwys na 'n blootleggingsverklaring as die besonderhede aldaar voldoende is.

(9) 'n Party wat stukke by 'n verhoor wil bewys, kan van enige ander party by kennisgewing verlang dat hy binne 21 dae na ontvangs daarvan erken dat daardie stukke behoorlik verly is en eg is. As die party aan wie die kennisgewing gerig is, nie binne die genoemde tyd die bedoelde erkenning doen nie, is die party wat die kennis gegee het, teenoor hom geregtig om die bedoelde stukke by die verhoor in te dien sonder bewys, behalwe bewys (as dit betwis word) dat dit die stukke is wat in die kennisgewing bedoel was en dat kennis behoorlik gegee is. As die party aan wie die kennisgewing gerig is, antwoord dat die stukke nie erken word nie, moet hulle deur die party wat kennis gegee het, bewys word voordat hy hulle by die verhoor mag gebruik, maar die party wat hulle nie wou erken nie, kan beveel word om die koste van die bewys daarvan te betaal.

(6) Any party may at any time by notice as near as may be in accordance with Form 13 of the First Schedule, require any party who has made discovery to make available for inspection any documents disclosed in terms of subrules (2) and (3). Such notice shall require the party to whom notice is given to deliver to him within 21 days a notice as near as may be in accordance with Form 14 of the First Schedule, stating a time, within 10 days from the delivery of such latter notice, when such documents may be inspected at the office of his attorney or, if not represented by an attorney, at some convenient place mentioned in the notice, or in the case of bankers' books or other books of account or books in constant use for the purposes of any trade, business or undertaking, at their usual place of custody. The party receiving such last-named notice shall be entitled at the time therein stated, and for a period of 10 days thereafter, during normal business hours or on any one or more of such days, to inspect such documents and to take copies thereof. A party's failure to produce any such document for inspection shall preclude him for using such document at the trial save where the court on good cause shown allows otherwise.

(7) If any party fails to give discovery as aforesaid or, having been served with a notice under subrule (6), omits to give notice of a time for inspection as aforesaid or fails to give inspection as required by that subrule, the party desiring discovery or inspection may apply to a court, which may order compliance with this rule and, failing such compliance, may dismiss the claim or strike out the defence.

(8) Any party to an action may after the close of pleadings give notice to any other party to specify in writing particulars of dates and parties of or to any document intended to be used at the trial of the action on behalf of the party to whom notice is given. The party receiving such notice shall not less than 21 days before the date of trial give a notice—

(a) specifying the dates and parties of or to and the general nature of any such document which is in his possession; or

(b) specifying such particulars as he may have to identify any such documents not in his possession, at the same time furnishing the name and address of the person in whose possession such document is.

In making any such specification the party so specifying may give the particulars of such documents as may be in his possession by reference to any discovery affidavit in so far as such particulars in the discovery affidavit are sufficient.

(9) Any party proposing to prove documents at a trial may give notice to any other party requiring him within 21 days of the receipt of such notice to admit that those documents were properly executed and are what they purported to be. If the party receiving the said notice does not within the said period so admit, then as against such party the party giving the notice shall be entitled to produce the documents specified at the trial without proof other than proof (if it is disputed) that the documents are the documents referred to in the notice and that the notice was duly given. If the party receiving the notice states that the documents are not admitted as aforesaid, such documents shall be proved by the party giving the notice before he is entitled to use them at the trial, but the party not admitting them may be ordered to pay the costs of their proof.

Blootlegging, insiening en voorlegging van stukke

35. (1) 'n Party tot 'n aksie kan by skriftelike kennisgewing vereis dat 'n ander party binne 21 dae alle stukke wat betrekking het op 'n geskilpunt in die geding (hetsy dit ontstaan tussen die twee bedoelde partye al dan nie) en wat in die besit of onder die beheer van die ander party is of ooit was, onder eed blootlê. So 'n kennisgewing mag nie, behalwe met verlof van 'n regter, voor die sluiting van pleitstukke afgelewer word nie.

(2) Die party van wie blootlegging geverg word, moet binne 21 dae of binne die tyd in 'n bevel van 'n regter vasgestel, die bedoelde stukke blootlê by beëdigde verklaring, so na moontlik bewoord soos Vorm 11 in die Eerste Bylae, en die volgende afsonderlik aangee—

(a) stukke in besit van homself of sy verteenwoordiger, behalwe dié in paragraaf (b) genoem;

(b) stukke wat hy regmatig kan weier om bloot te lê;

(c) stukke wat hy of sy verteenwoordiger in besit gehad het, maar op die datum van die beëdigde verklaring nie meer het nie.

Dit is voldoende om stukke te beskryf as 'n pak dokumente van 'n gespesifiseerde aard wat deur die deponent geparafeer en agtereenvolgens genommer is. Verklarings van getuies wat geneem is vir die doel van die geding, mededeling tussens prokureur en kliënt, en tussens prokureur en advokaat, pleitstukke en beëdigde verklarings en kennisgewings in die aksie moet nie aangegee word nie.

(3) As 'n party meen dat ander stukke (of afskrifte daarvan) wat ter sake mag wees in die geding, in die besit van 'n party daartoe is, kan hy van so 'n party by kennisgewing eis dat hy hulle ter insae voorlê soos bedoel deur subreël (6), of dat hy binne 14 dae onder eed verklaar dat hulle nie in sy besit is nie, in welke geval hy, as hy weet, moet sê waar hulle is.

(4) 'n Stuk wat nie blootgelê is nie, mag nie, tensy die hof dit toelaat op sulke voorwaardes as wat hy goedvind, vir enige doel by die verhoor gebruik word deur die party wat dit moes blootgelê het nie, maar ander partye mag dit wel gebruik.

(5) (a) Waar 'n bevoegde versekeraar soos omskryf in die Wet op Verpligte Motorvoertuigversekering, 1972 (Wet 56 van 1972), 'n party tot 'n aksie is uit hoofde van die bepaling van bedoelde Wet, kan enige party daartoe blootlegging op die wyse in paragraaf (d) van hierdie subreël voorgeskryf, verkry teen die eienaar of bestuurder (soos in bedoelde Wet omskryf) van die voertuig deur die bedoelde versekeraar verassureer.

(b) Paragraaf (a) geld *mutatis mutandis* vir die bestuurder van 'n voertuig wat besit word deur 'n persoon, staat, regering of liggaam soos bedoel in subartikel (1) van artikel drie van die bedoelde Wet.

(c) Waar die eiser as 'n sessionaris dagvaar, het die verweerder *mutatis mutandis* dieselfde regte kragtens hierdie reël teen die sedent.

(d) Die party wat blootlegging ingevolge paragraaf (a), (b) of (c) verg, doen dit by kennisgewing so na moontlik bewoord soos Vorm 12 in die Eerste Bylae.

Discovery, inspection and production of documents

35. (1) Any party to any action may require any other party thereto, by notice in writing, to make discovery on oath within 21 days of all documents relating to any matter in question in such action (whether such matter is one arising between the party requiring discovery and the party required to make discovery or not) which are or have at any time been in the possession or control of such other party. Such notice shall not, save with the leave of a judge, be given before the close of pleadings.

(2) The party required to make discovery shall within 21 days or within the time stated in any order of a judge, make discovery of such documents on affidavit as near as may be in accordance with Form 11 of the First Schedule specifying separately—

(a) such documents in his possession or that of his agent other than the documents mentioned in paragraph (b);

(b) such documents in respect of which he has a valid objection to produce;

(c) such documents which he or his agent had but has not in his possession at the date of the affidavit.

A document shall be deemed to be sufficiently specified if it is described as being one of a bundle of documents of a specified nature, which have been initialled and consecutively numbered by the deponent. Statements of witnesses taken for purposes of the proceedings, communications between attorney and client, attorney and advocate, pleadings, affidavits and notices in the action shall be omitted from the schedules.

(3) If any party believes that there are, in addition to documents disclosed as aforesaid, documents (including copies thereof) which may be relevant to any matter in question in the possession of any party thereto, the former may give notice to the latter requiring him to make the same available for inspection in accordance with subrule (6), or to state on oath within 14 days that such documents are not in his possession, in which event he shall, if known to him, state their whereabouts.

(4) A document not disclosed as aforesaid may not, save with the leave of the court granted on such terms as to it may seem meet, be used for any purpose at the trial by the party who was obliged but failed to disclose it, provided that any other party may use such document.

(5) (a) Where an authorised insurer as defined in the Compulsory Motor Vehicle Insurance Act, 1972 (Act 56 of 1972), is a party to any action by virtue of the provisions of the said Act, any party thereto may obtain discovery in the manner provided in paragraph (d) of this subrule against the owner or driver (as defined in the said Act) of the vehicle insured by the said insurer.

(b) The provisions of paragraph (a) shall apply *mutatis mutandis* to the driver of a vehicle owned by a person, state, government or body of persons referred to in subsection (1) of section three of the said Act.

(c) Where the plaintiff sues as a cessionary, the defendant shall *mutatis mutandis* have the same rights under this rule against the cedent.

(d) The party requiring discovery in terms of paragraph (a), (b) or (c) shall do so by notice as near as may be in accordance with Form 12 of the First Schedule.

(c) enige bedrag wat aldus deur 'n party betaal word, koste in die geding is tensy die hof anders gelas.

(3) Die persoon wat so 'n kennisgewing ontvang moet, binne 10 dae na betekening van die kennisgewing die ander Party skriftelik op hoogte stel van die aard en gronde van enige beswaar wat hy mag hê, betreffende—

- (a) die aard van die voorgestelde ondersoek;
 - (b) die persoon of persone deur wie dit waargeneem sal word;
 - (c) die plek, datum of tyd daarvan; of
 - (d) die bedrag vir die uitgawes hom aangebied;
- en hy moet ook—

(i) as sy beswaar teen die plek, datum of tyd van die ondersoek is, 'n alternatiewe datum, tyd of plek voorstel; en

(ii) as sy beswaar teen die aangebode bedrag vir die uitgawes is, besonderhede gee van die hoër bedrag wat hy nodig het.

As hy nie binne die genoemde tyd van 10 dae so 'n beswaar aflewer nie, word dit geag dat hy tot die ondersoek toegestem het soos voorgestel deur die persoon wat kennis gegee het. As beswaar gemaak word en die persoon wat kennis gegee het, dit geheel of gedeeltelik ongegrond ag, kan hy na kennisgewing by 'n regter aansoek doen om te bepaal of die ondersoek nog moet plaasvind en so ja op watter terme.

(4) 'n Party tot so 'n aksie kan te eniger tyd by skriftelike kennisgewing van die persoon wat skadevergoeding vorder, eis dat hy vir sover hy daartoe in staat is, binne 21 dae mediese verslae, hospitaaloorkondes, X-straal-foto's of ander dergelike dokumentêre inligting wat van belang is by die vasstelling van skadevergoeding, beskikbaar stel.

(5) As dit uit 'n mediese ondersoek wat, hetsy ingevolge 'n ooreenkoms tussen die partye of 'n kennisgewing kragtens hierdie reël of 'n regterlike bevel uitgevoer is, blyk dat 'n verdere mediese ondersoek deur 'n ander persoon nodig of wenslik is ten einde volledige inligting te bekom vir die vasstelling van skadevergoeding, kan 'n party 'n tweede en finale mediese ondersoek eis soos in hierdie reël voorgeskryf.

(6) As dit blyk of die toestand van enige voorwerp hoegenaamd, hetsy roerend of onroerend ter sake kan wees by die beslissing van 'n geskilpunt in 'n aksie, kan enige party in enige stadium minstens 21 dae voor die verhoor, kennis gee aan die party wat op die toestand van die voorwerp steun of wat dit in sy besit of onder sy beheer het, dat hy dit beskikbaar moet stel vir ondersoek ingevolge hierdie subreël, en hy kan in die kennisgewing verlang dat die voorwerp of 'n billike eksemplaar daarvan vir hoogstens 10 dae vanaf ontvangs van die kennisgewing vir ondersoek beskikbaar bly.

(7) Die party wat versoek word om 'n voorwerp vir ondersoek beskikbaar te stel, kan eis dat die party wat dit aanvra, die aard van die beoogde ondersoek aangee en hy is nie verplig om die voorwerp daaraan te onderwerp nie as dit hom wesenlik sal benadeel vanweë die uitwerking daarvan op die voorwerp. As daar 'n geskil ontstaan of die voorwerp vir ondersoek beskikbaar gestel moet word, kan enige van die partye dit vir beslissing na 'n regter verwys by kennisgewing waarin vermeld word dat die ondersoek aangevra is

(c) any amounts paid by a party as aforesaid shall be costs in the cause unless the court otherwise directs.

(3) The person receiving such notice shall within 10 days of the service thereof notify the person delivering it in writing of the nature and grounds of any objection which he may have in relation to—

- (a) the nature of the proposed examination;
 - (b) the person or persons by whom the examination is to be conducted;
 - (c) the place, date or time of the examination; or
 - (d) the amount of the expenses tendered to him;
- and shall further—

(i) in the case of his objection being to the place, date or time of the examination, furnish an alternative date, time and place as the case may be; and

(ii) in the case of the objection being to the amount of the expenses tendered, furnish particulars of such increased amount as may be required.

Should the person receiving the notice not deliver such objection within the said period of 10 days, he shall be deemed to have agreed to the examination upon the terms set forth by the person giving the notice. Should the person giving the notice regard the objection raised by the person receiving it as invalid in whole or in part he may on notice make application to a judge to determine the conditions upon which the examination, if any, is to be conducted.

(4) Any party to such an action may at any time by notice in writing require any person claiming such damages to make available in so far as he is able to do so to such party within 21 days any medical reports, hospital records, X-ray photographs, or other documentary information of a like nature relevant to the assessment of such damages.

(5) If it appears from any medical examination carried out either by agreement between the parties or pursuant to any notice given in terms of this rule, or by order of a judge, that any further medical examination by any other person is necessary or desirable for the purpose of giving full information on matters relevant to the assessment of such damages, any party may require a second and final medical examination in accordance with the provisions of this rule.

(6) If it appears that the state or condition of any thing of any nature whatsoever whether movable or immovable may be relevant with regard to the decision of any matter at issue in any action, any party thereto may at any stage thereof not later than 21 days before the hearing, give notice requiring the party relying upon the existence of such state or condition of such thing or having such thing in his possession or under his control to make it available for inspection or examination in terms of this subrule, and may in such notice require him to submit that such thing or a fair sample thereof remains available for inspection or examination for a period of not more than 10 days from the date of the receipt of the notice.

(7) The party called upon so submit such thing for examination may require the party requesting it to specify the nature of the examination to which it is to be submitted, and shall not be bound to submit such thing thereto if this will materially prejudice such party by reason of the effect thereof upon such thing. In the event of any dispute whether the thing should be submitted for examination, such dispute shall be referred to a judge on notice delivered by either party stating that the examination is required and that

(10) 'n Party kan aan enige ander party wat 'n stuk blootgelê het, kennis gee om by die verhoor die oorspronklike daarvan, as dit nie bevoorreg is nie, voor te lê as dit in so 'n party se besit is. Minstens 10 dae kennis moet voor die verhoor gegee word, maar dit kan met verlof van die hof ook tydens die verhoor geskied. Die kennisgewende party kan eis dat dit in die hof voorgelê word en kan dit van die balie af ingee as 'n bewysstuk, wat dan as getuienis toelaatbaar is asof dit in getuienis aangebied is deur die party in wie se besit dit was.

(11) Die hof kan in die loop van enige geding na goeddunke beveel dat 'n party onder eed stukke wat onder sy beheer is en betrekking het op 'n geskilpunt in die geding, voorlê, en die hof kan na goeddunke daarmee handel.

(12) 'n Party tot 'n geding kan te eniger tyd voor die verhoor 'n kennisgewing so na moontlik bewoord soos Vorm 15 in die Eerste Bylae aan 'n ander party aflewer in wie se pleitstukke of beëdigde verklarings na 'n stuk verwys word, om dit ter insae voor te lê en hom toe te laat om 'n afskrif daarvan te maak. 'n Party wat versuim om aan so 'n kennisgewing te voldoen, mag so 'n stuk nie in die geding gebruik nie tensy die hof dit toelaat, met dien verstande dat 'n ander party dit wel kan gebruik.

(13) Die bepalings in hierdie reël wat blootlegging betref, geld *mutatis mutandis*, en vir sover die hof mag voorskryf, ook vir aansoeke.

Inspeksies, ondersoeke en deskundige getuienis

36. (1) Behoudens die bepalings van hierdie reël het 'n party tot 'n geding waarin vergoeding of skadeloosstelling ten opsigte van beweerde liggaamlike beserings geëis word, die reg om van die eisende party, as sy gesondheidstoestand ter sake is by die vasstelling van die bedrag, te vereis dat hy hom aan 'n mediese ondersoek onderwerp.

(2) Die party wat die mediese ondersoek wil laat doen, moet 'n kennisgewing aflewer wat die aard van die beoogde ondersoek meld, asook die persoon of persone deur wie, die plek waar en die datum (wat minstens 21 dae na die kennisgewing moet wees) en tyd waarop uitvoering daarvan verlang word. Die kennisgewing moet ook meld dat die ander party sy eie mediese adviseur teenwoordig mag hê en moet vergesel gaan van 'n remise ter dekking van die redelike uitgawes wat die ander party vir bywoning van die ondersoek sal hê, teen die tarief wat sou geld as die party 'n getuie in 'n siviele saak voor die hof was, met dien verstande egter dat—

(a) as die ander party nie kan beweeg nie, die bedrag die koste van motorvervoer moet insluit en waar nodig ook die redelike koste van 'n begeleier;

(b) as die ander party sy salaris, loon of ander besoldiging tydens sy afwesigheid uit sy werk sal inboet, hy benewens bedoelde uitgawes ook geregtig is tot hoogstens R10 per dag ten opsigte van die inkomste wat hy werklik inboet;

(10) Any party may give to any other party who has made discovery of a document notice to produce at the hearing the original of such document, not being a privileged document, in such party's possession. Such notice shall be given not less than 10 days before the hearing but may, if the court so allows, be given during the course of the hearing. If any such notice is so given, the party giving the same may require the party to whom notice is given to produce the said document in court and shall be entitled, without calling any witness, to hand in the said document, which shall be receivable in evidence to the same extent as if it had been produced in evidence by the party to whom notice is given.

(11) The court may, during the course of any action or proceeding, order the production by any party thereto under oath of such documents in his power or control relating to any matter in question in such action or proceeding as the court may think meet, and the court may deal with such documents, when produced, as it thinks meet.

(12) Any party to an action or proceeding may at any time before the hearing thereof give a notice as near as may be in accordance with Form 15 of the First Schedule to any other party in whose pleadings or affidavits reference is made to any document to produce such document for his inspection and to permit him to take a copy thereof. Any party failing to comply with such notice shall not, save with the leave of the court, use such document in such action or proceeding provided that any other party may use such document.

(13) The provisions of this rule relating to discovery shall *mutatis mutandis* apply, in so far as the court may direct, to applications.

Inspections, examinations and expert testimony

36. (1) Subject to the provisions of this rule any party to proceedings in which damages or compensation in respect of alleged bodily injury is claimed shall have the right to require any party claiming such damage or compensation, whose state of health is relevant for the determination thereof to submit to medical examination.

(2) Any party requiring another party to submit to such examination shall deliver a notice specifying the nature of the examination required, the person or persons by whom, the place where and the date (being not less than 21 days from the date of such notice) and time when it is desired that such examination shall take place, and requiring such other party to submit himself for examination then and there. Such notice shall state that such other party may have his own medical adviser present at such examination, and shall be accompanied by a remittance in respect of the reasonable expense to be incurred by such other party in attending such examination. Such expense shall be tendered on the scale as if such person were a witness in a civil suit before the court, provided, however—

(a) that if such other party is immobile, the amount to be paid to him shall include the cost of his travelling by motor vehicle and, where required, the reasonable cost of a person attending upon him;

(b) where such other party will actually lose his salary, wage or other remuneration during the period of his absence from work, he shall in addition to his expenses on the basis of a witness in a civil case be entitled to receive an amount not exceeding R10 per day in respect of the salary, wage or other remuneration which he will actually lose;

(b) Die samespreking in paragraaf (a) bedoel, kan te eniger tyd na die sluiting van pleitstukke maar voor die aanvang van die verhoor gehou word.

(c) Na afloop van die samesprekings moet die prokureurs 'n minuut opstel van die sake waarvoor hulle ooreengekom het en dit onderteken.

(2) Voor of op die laaste dag voor die verhoor moet die partye aan die griffier rapporteer of so 'n samespreking behoorlik gehou is, en so ja, die in paragraaf (c) van subreël 1 bedoelde ondertekende minuut inlewer vir voorlegging aan die verhoorregter.

(3) Voordat daar met die verhoor voortgegaan word, kan die regter die advokate van die partye in sy kamers inroep ten einde ooreenkoms te probeer verkry oor dinge waardeur die verhoor waarskynlik ingekort kan word.

(4) Wanneer hy uitspraak gee, kan die hof 'n party beveel om 'n deel van die koste te betaal as sy prokureur geweier of nagelaat het om 'n samespreking ingevolge subreël (1) by te woon.

Terrolleplasing van bestrede verhoorsaak

37bis. (1) Wanneer die pleitstukke in 'n bestrede verhoorsaak gesluit is, kan die eiser, of, indien hy nalaat om dit binne ses weke na die sluiting van pleitstukke te doen, die verweerder, skriftelik 'n verhoordatum by die griffier aanvra. Die griffier plaas die saak terrolle vir die datum deur hom bepaal en gee skriftelik daarvan kennis aan die partye.

(2) Wanneer 'n party die kennisgewing van die griffier ontvang het, gee hy onverwyld, en in elk geval nie later as sewe dae na ontvangs van sodanige kennisgewing, skriftelik kennis aan alle ander partye dat die saak ter rolle geplaas is vir die datum deur die griffier bepaal.

Verkryging van getuienis vir verhoor

38. (1) 'n Party wat die bywoning van iemand wil verkry om getuienis by die verhoor te lewer, kan van regsweë, sonder enige voorafgaande verrigtinge van watter aard ookal, by die kantoor van die griffier een of meer getuiedagvaardings vir daardie doel uitneem, so na moontlik bewoord soos Vorm 16 in die Eerste Bylae, wat elk die name van hoogstens vier persone bevat. Die balju of sy adjunk beteken hulle soos voorgeskryf in reël 4.

As 'n getuie 'n akte, stuk, geskrif of voorwerp in sy besit of onder sy beheer het wat die party wat sy bywoning vereis, as bewys wens voor te lê, moet dit in die getuiedagvaarding vermeld word en moet hy aangesê word om dit by die verhoor beskikbaar te hê.

(2) Die getuies word by die verhoor *viva voce* ondervra, maar 'n hof kan te eniger tyd as daar voldoende rede voor bestaan, beveel dat al die getuienis of 'n deel daarvan by wyse van beëdigde verklaring gelewer word of dat die beëdigde verklaring van 'n getuie by die verhoor voorgelees word, met sodanige voorbehoude as wat die hof goedgevind: Met dien verstande dat as die hof meen dat 'n ander party rede het om 'n getuie te wil kruisvra, en die getuie gebring kan word, 'n beëdigde verklaring nie toegelaat word nie.

(3) 'n Hof kan op aansoek by kennisgewing, geriefsalwe of waar dit nodig skyn te wees ten einde reg te laat geskied, beveel dat die getuienis van 'n getuie voor of tydens die verhoor voor 'n kommissaris van

(b) The conference referred to in paragraph (a) may be held at any time after the close of pleadings but before the commencement of the trial.

(c) At the conclusion of such conference the attorneys shall draw up and sign a minute of the matters upon which they are agreed.

(2) On or before the last day before the trial the parties shall report to the registrar whether such conference has been duly held and, if so, shall hand in the signed minute referred to in paragraph (c) of subrule (1) for submission to the trial judge.

(3) Before the trial proceeds the judge may call in to his chambers the advocates for the parties with a view to securing agreement on any matters likely to curtail the duration of the trial.

(4) When giving judgment in the action the court may make an order for the payment by a party of portion of the costs when the attorney for such party has refused or failed to attend a conference in terms of subrule (1).

Set-down of defended trial cases

37bis. (1) Whenever the pleadings in a defended trial case have been closed, the plaintiff, or if he fails to do so within six weeks after the close of pleadings, the defendant may request the registrar in writing for a date of trial. The registrar shall set down the case for the date fixed by him and give written notice thereof to the parties.

(2) Whenever a party has received the notice from the registrar, he shall forthwith, and in any event not later than seven days after receipt of such notice, give written notice to all other parties that the case has been set down for the date fixed by the registrar.

Procuring evidence for trial

38. (1) Any party, desiring the attendance of any person to give evidence at a trial, may as of right, without any prior proceeding whatsoever, sue out from the office of the registrar one or more subpoenas for that purpose, each of which subpoenas shall contain the names of not more than four persons, and service thereof upon any person therein named shall be effected by the sheriff or his deputy in the manner prescribed by rule 4, and the process for subpoenaing such witnesses shall be, as nearly as may be, in accordance with Form 16 in the First Schedule.

If any witness has in his possession or control any deed, instrument, writing or thing which the party requiring his attendance desires to be produced in evidence, the subpoena shall specify such document or thing and require him to produce it to the court at the trial.

(2) The witnesses at the trial of any action shall be examined *viva voce*, but a court may at any time, for sufficient reason, order that all or any of the evidence to be adduced at any trial be given on affidavit or that the affidavit of any witness be read at the hearing, on such terms and conditions as to it may seem meet: Provided that where it appears to the court that any other party reasonably requires the attendance of a witness for cross-examination, and such witness can be produced, the evidence of such witness shall not be given on affidavit.

(3) A court may, on application on notice in any matter where it appears convenient or necessary for the purposes of justice, make an order for taking the evidence of a witness before or during the trial before

en dat daar ingevolge hierdie subreël beswaar aange-
teken word. Die regter kan na goeddunke 'n bevel
gee.

(8) 'n Party wat 'n ondersoek ingevolge subreëls (1)
en (6) bewerkstellig, moet—

(a) die persoon wat die ondersoek doen, 'n volle-
dige verslag van sy bevindinge en gevolgtrekkings
oor tersaaklike aangeleenthede laat skryf;

(b) op versoek van 'n ander party 'n volledige
afskrif daarvan verskaf; en

(c) die koste van die ondersoek dra: Met dien
verstande dat sodanige uitgawe deel uitmaak van dié
party se koste.

(9) Niemand mag, behalwe met verlof van die hof
of die toestemming van alle partye tot die geding,
iemand roep om as deskundige te getuig oor aange-
leenthede waarvoor deskundige getuie nis toelaatbaar is
nie, tensy hy—

(a) minstens 21 dae voor die verhoor 'n kennis-
gewing dat hy dit wil doen, afgelewer het; en

(b) minstens 10 dae voor die verhoor 'n opsom-
ming van so 'n deskundige se menings en sy redes
daarvoor, afgelewer het.

(10) (a) Niemand mag, behalwe met verlof van die
hof of die toestemming van al die partye, 'n plan,
tekening, model of foto as getuie nis aanbied nie tensy
hy minstens 21 dae voor die verhoor 'n kennisgewing
afgelewer het dat hy dit wil doen, dat hy dit ter insae
aanbied en dat hy verlang dat die party wat die kennis-
gewing ontvang, die bewysstuk binne 10 dae erken.

(b) As die party wat die kennisgewing ontvang, ver-
suim om binne die genoemde tyd so 'n erkenning te
doen, word die plan, tekening, model of foto by blote
voorlegging en sonder verdere bewys daarvan, in getuie-
nis aanvaar. As so 'n party weier om te erken, kan
die plan, tekening, model of foto by die verhoor bewys
word en die party wat geweier het, kan beveel word
om die koste van die bewys te betaal.

Inkorting van verrigtinge

37. (1) (a) 'n Party wat 'n aksie vir verhoor ter
rolle wil plaas of 'n verhoordatum daarvoor wil ver-
kry, moet so spoedig doenlik na die sluiting van pleit-
stukke, die ander partye skriftelik vra om 'n same-
spreking by te woon op 'n wedersyds geskikte tyd met
die doel om ooreen te kom oor maniere van inkorting
van die verhoor, en meer bepaald oor soveel moontlik
van die volgende aangeleenthede:

(i) Erkenning van feite en van dokumente;

(ii) die hou van 'n inspeksie of ondersoek;

(iii) ooplegging van stukke;

(iv) uitwisseling tussen partye van die verslae van
deskundiges;

(v) verskaffing van verdere besonderhede wat rede-
lik nodig is vir verhoordoeleindes;

(vi) die planne, tekeninge, foto's, modelle en der-
gelike wat by die verhoor gebruik staan te word;

(vii) konsolidasie van verhore;

(viii) die *quantum* van skadevergoeding;

(ix) voorbereiding en inlewering by die verhoor van
afskrifte van korrespondensie en ander stukke in die
vorm van 'n gepagineerde bundel met eksemplare vir
die regbank en alle partye.

objection is taken in terms of this subrule. In con-
sidering any such dispute the judge may make such
order as to him seems meet.

(8) Any party causing an examination to be made
in terms of subrules (1) and (6) shall—

(a) cause the person making the examination to
give a full report in writing of the results of his
examination and the opinions that he formed as a
result thereof on any relevant matter;

(b) after receipt of such report and upon request
furnish any other party with a complete copy
thereof; and

(c) bear the expense of the carrying out of any
such examination: Provided that such expense shall
form part of such party's costs.

(9) No person shall, save with the leave of the court
or the consent of all parties to the suit, be entitled to
call as a witness any person to give evidence as an
expert upon any matter upon which the evidence of
expert witnesses may be received unless he shall—

(a) not less than 21 days before the hearing have
delivered notice of his intention so to do; and

(b) not less than 10 days before the trial, have
delivered a summary of such expert's opinions and
his reasons therefor.

(10) (a) No person shall, save with the leave of the
court or the consent of all the parties, be entitled to
tender in evidence any plan, diagram, model or photo-
graph unless he shall not less than 21 days before the
hearing have delivered a notice stating his intention
to do so, offering inspection thereof and requiring the
party receiving notice to admit the same within 10
days of his receipt of the notice.

(b) If the party receiving the notice fails within the
said period so to admit, the said plan, diagram, model
or photograph shall be received in evidence upon its
mere production and without further proof thereof. If
such party states that he does not admit them, the
said plan, diagram, model or photograph may be
proved at the hearing and the party receiving the
notice may be ordered to pay the cost of their proof.

Curtailement of proceedings

37. (1) (a) A party desirous of setting an action
down for trial or of obtaining a date for the hearing
thereof shall as soon as possible after the close of
pleadings in writing request the other parties to attend
a conference at a mutually convenient time with the
object of reaching agreement as to possible ways of
curtailing the duration of such trial and in particular
as to all or any of the following matters:

(i) The possibility of obtaining admissions of fact
and of documents;

(ii) the holding of any inspection or examination;

(iii) the making of any discovery of documents;

(iv) the exchange between parties of the reports of
experts;

(v) the giving of any further particulars reasonably
required for the purposes of trial;

(vi) the plans, diagrams, photographs, models, and
the like, to be used at the trial;

(vii) the consolidation of trials;

(viii) the *quantum* of damages;

(ix) the preparation and handing in at the trial of
copies of correspondence and other documents in the
form of a paged bundle with copies for the bench and
all parties.

(6) By die sluiting van die eiser se saak kan die verweerder absolusie van die instansie aanvra, in welke geval die verweerder of een advokaat namens hom die hof kan toespreek en die eiser of een advokaat namens hom kan antwoord. Die verweerder of sy advokaat kan dan antwoord op enigiets wat daaruit voortspruit.

(7) As absolusie nie gevra word of dit geweier word en die verweerder nie sy saak gesluit het nie, kan die verweerder of een advokaat namens hom kortliks die feite wat hy wil bewys, uiteensit en dan voortgaan met die bewys daarvan.

(8) Waar 'n party verteenwoordig is, word elke getuie ondervra, gekruisvra of herondervra, na gelang van die geval, deur slegs een advokaat van so 'n party, hoewel nie noodwendig dieselfde nie.

(9) As die bewyslas op die verweerder rus, het hy of sy advokaat dieselfde regte wat aan die eiser of sy advokaat ingevolge subreël (5) toekom.

(10) Nadat die sake aan beide kante gesluit is, kan die eiser of een of meer van sy advokate namens hom die hof toespreek, waarna die verweerder of een of meer van sy advokate namens hom dieselfde mag doen en die eiser of slegs een advokaat namens hom repliek mag lewer op enigiets wat daaruit voortspruit.

(11) Enigeen van die partye kan by die aanvang van die verhoor die hof vra om te beslis op wie die onus rus om getuienis aan te voer, en die hof kan na beredenering dit beslis: Met dien verstande dat die beslissing daarna gewysig kan word ten einde 'n onreg te voorkom.

(12) As daar een of meer derde partye is of verweerders op 'n teeneis is wat nie eisers in die aksie is nie mag hulle hul sake open en hul getuienis lei nadat die getuienis van die eiser en van die verweerder afgesluit is en voordat enige toespraak na afloop van sodanige getuienis gelewer word. Behalwe vir sover die hof anders gelas, lei die verweerders op 'n teeneis wat nie eisers is nie, eerste hul getuienis en daarna lei derde partye hul getuienis in dieselfde volgorde as wat hulle derde partye geword het. As die onus om getuienis aan te voer op die aanspraakmaker teen die derde party of op die verweerder op 'n teeneis rus, reël die hof na goëddunke die volgorde waarin die partye hul sake moet voer en die hof moet toespreek, en hul onderskeie beurte om repliek te lewer. Subreël (11) geld *mutatis mutandis* vir alle geskilpunte aangaande die onus om getuienis aan te voer.

(13) Waar die onus om getuienis aan te voer op een of meer geskilpunte op die eiser rus en die ten opsigte van ander geskilpunte op die verweerder, voer die eiser eerste sy getuienis aan en hy kan dan sy saak sluit. Die verweerder voer daarna sy getuienis aan, tensy absolusie van die instansie toegestaan word of tensy hy sy saak sluit.

(14) Nadat die verweerder sy getuienis aangevoer het, het die eiser die reg om weerleggende getuienis op enige geskilpunt ten opsigte waarvan die onus op die verweerder gerus het, aan te voer: Met dien verstande dat as die eiser getuienis aangevoer het op enige sodanige geskilpunte voordat hy sy saak gesluit het, hy geen verdere getuienis daarop mag aanvoer nie.

(6) At the close of the case for the plaintiff, the defendant may apply for absolution from the instance, in which event the defendant or one advocate on his behalf may address the court and the plaintiff or one advocate on his behalf may reply. The defendant or his advocate may thereupon reply on any matter arising out of the address of the plaintiff or his advocate.

(7) If absolution from the instance is not applied for or has been refused and the defendant has not closed his case, the defendant or one advocate on his behalf may briefly outline the facts intended to be proved and the defendant may then proceed to the proof thereof.

(8) Each witness shall, where a party is represented, be examined, cross-examined or re-examined as the case may be, by only one (though not necessarily the same) advocate for such party.

(9) If the burden of proof is on the defendant, he or his advocate shall have the same rights as those accorded to the plaintiff or his advocate by subrule (5).

(10) Upon the cases on both sides being closed, the plaintiff or one or more of the advocates on his behalf may address the court and the defendant or one or more advocates on his behalf may do so, after which the plaintiff or one advocate only on his behalf may reply on any matter arising out of the address of the defendant or his advocate.

(11) Either party may apply at the opening of the trial for a ruling by the court upon the onus of adducing evidence, and the court after hearing argument may give a ruling as to the party upon whom such onus lies: Provided that such ruling may thereafter be altered to prevent injustice.

(12) If there be one or more third parties or if there be defendants to a claim in reconvention who are not plaintiffs in the action, any such party shall be entitled to address the court in opening his case and shall lead his evidence after the evidence of the plaintiff and of the defendant has been concluded and before any address at the conclusion of such evidence. Save in so far as the court shall otherwise direct, the defendants to any counter-claim who are not plaintiffs shall first lead their evidence and thereafter any third parties shall lead their evidence in the order in which they became third parties. If the onus of adducing evidence is on the claimant against the third party or on the defendant to any claim in reconvention, the court shall make such order as may seem convenient with regard to the order in which the parties shall conduct their cases and address the court, and in regard to their respective rights of reply. The provisions of subrule (11) shall *mutatis mutandis* apply with regard to any dispute as to the onus of adducing evidence.

(13) Where the onus of adducing evidence on one or more of the issues is on the plaintiff and that of adducing evidence on any other issue is on the defendant, the plaintiff shall first call his evidence on any issues in respect of which the onus is upon him, and may then close his case. The defendant, if absolution from the instance is not granted, shall, if he does not close his case, thereupon call his evidence on all issues in respect of which such onus is upon him.

(14) After the defendant has called his evidence, the plaintiff shall have the right to call rebutting evidence on any issues in respect of which the onus was on the defendant: Provided that if the plaintiff shall have called evidence on any such issues before closing his case he shall not have the right to call any further evidence thereon.

die hof afgeneem word, en 'n party tot die geding toelaat om so 'n deposisie as getuienis te gebruik met sodanige voorbehoude as wat die hof goedvind, en meer bepaald kan hy beveel dat die getuienis eers na sluiting van pleitstukke of eers na blootlegging of die verskaffing van besonderhede afgeneem word.

(4) Waar die getuienis, van iemand op kommissie voor 'n kommissaris in die Republiek afgeneem moet word, kan so iemand gedagvaar word om voor die kommissaris te verskyn en getuienis af te lê soos by die verhoor.

(5) Tensy die hof wat die kommissie beveel voorskryf dat ondervraging by wyse van vraagpunte en kruisvraagpunte moet geskied, moet 'n getuie wat voor 'n kommissaris verskyn ingevolge 'n bevel kragtens subreël (3), mondeling ondervra word in die teenwoordigheid van die partye, hul advokate of prokureurs, en staan hy bloot aan kruisondervraging en herondervraging.

(6) 'n Kommissaris beslis nie of aangebode getuienis toelaatbaar is nie, maar noteer enige besware, wat deur die verhoofhof beslis word.

(7) Getuienis wat op kommissie afgeneem word, word genotuleer soos in 'n hof en die transkripsie van snelskrifaantekeninge of van 'n meganiese opname, behoorlik gesertifiseer deur die transkriptor en die kommissaris, vorm die oorkonde van die ondersoek: Met dien verstande dat die getuienis voor die kommissaris in 'n verhalende vorm genotuleer mag word.

(8) Die oorkonde van die getuienis word deur die kommissaris aan die griffier gestuur met sy sertifikaat dat dit die oorkonde van die getuienis is wat voor hom gelewer is, en dit word daarop deel van die oorkonde van die saak.

Verhoor

39. (1) As die eiser, wanneer 'n verhoor uitgeroep word, verskyn en die verweerder nie verskyn nie, kan die eiser sy eis bewys sover die bewyslas op hom rus en uitspraak word dienoreenkomstig gegee vir sover hy aan sy bewyslas voldoen het: Met dien verstande dat waar die eis likwied is of vir skuld is, geen getuienis nodig is nie, tensy die hof anders beveel.

(2) Wanneer 'n verweerder deur sy versuim belet is om te pleit en die saak vir verhoor ter rolle geplaas is en die versuim behoorlik bewys is, mag die verweerder nie, behalwe waar die hof billikheidshalwe anders beveel, hetsy persoonlik of deur 'n advokaat, by die verhoor verskyn nie.

(3) As die verweerder by die uitroeping van 'n verhoor verskyn en die eiser nie verskyn nie, is die verweerder geregtig tot absolusie van die instansie met koste, maar hy kan getuienis lei om die hof te oortuig dat finale vonnis in sy guns gegee moet word en indien aldus oortuig, kan die hof so beveel.

(4) Subreëls (1) en (2) geld vir iedereen wat 'n eis instel (hetsy by wyse van teeneis of derdeparty-kennisgewing of op enige ander wyse) asof hy 'n eiser is, en subreël (3) geld vir iedereen teen wie 'n eis ingestel is, asof hy 'n verweerder is.

(5) Waar die bewyslas op die eiser rus, kan hy of een advokaat namens hom kortliks die feite wat hy wil bewys, uiteensit en dan voortgaan met die bewys daarvan.

a commissioner of the court, and permit any party to any such matter to use such deposition in evidence on such terms, if any, as to it seems meet, and in particular may order that such evidence shall be taken only after the close of pleadings or only after the giving of discovery or the furnishing of any particulars in the action.

(4) Where the evidence of any person is to be taken on commission before any commissioner within the Republic, such person may be subpoenaed to appear before such commissioner to give evidence as if at the trial.

(5) Unless the court ordering the commission directs such examination to be by interrogatories and cross-interrogatories, the evidence of any witness to be examined before the commissioner in terms of an order granted under subrule (3) shall be adduced upon oral examination in the presence of the parties, their advocates or attorneys, and the witness concerned shall be subject to cross-examination and re-examination.

(6) A commissioner shall not decide upon the admissibility of evidence tendered but shall note any objections made and such objections shall be decided by the court hearing the matter.

(7) Evidence taken on commission shall be recorded in such manner as evidence is recorded when taken before a court and the transcript of any shorthand record or record taken by mechanical means duly certified by the person transcribing the same and by the commissioner shall constitute the record of the examination: Provided that the evidence before the commissioner may be taken down in narrative form.

(8) The record of the evidence shall be returned by the commissioner to the registrar with his certificate to the effect that it is the record of the evidence given before him, and shall thereupon become part of of the record in the case.

Trial

39. (1) If, when a trial is called, the plaintiff appears and the defendant does not appear, the plaintiff may prove his claim so far as the burden of proof lies upon him and judgment shall be given accordingly, in so far as he has discharged such burden: Provided that where the claim is for a debt or liquidated demand no evidence shall be necessary unless the court otherwise orders.

(2) When a defendant has by his default been barred from pleading, and the case has been set down for hearing, and the default duly proved, the defendant shall not, save where the court in the interests of justice may otherwise order, be permitted, either personally or by an advocate, to appear at the hearing.

(3) If when a trial is called, the defendant appears and the plaintiff does not appear, the defendant shall be entitled to an order granting absolution from the instance with costs, but may lead evidence with a view to satisfying the court that final judgment should be granted in his favour and the court, if so satisfied, may grant such judgment.

(4) The provisions of subrules (1) and (2) shall apply to any person making any claim (whether by way of claim in reconvention or third party notice or by any other means) as if he were a plaintiff, and the provisions of subrule (3) shall apply to any person against whom such a claim is made as if he were a defendant.

(5) Where the burden of proof is on the plaintiff, he or one advocate for the plaintiff may briefly outline the facts intended to be proved and the plaintiff may then proceed to the proof thereof.

(22) Die partye tot 'n verhoor mag by toestemming te eniger tyd voor die verhoor, op skriftelike aansoek by 'n regter deur die griffier, die saak na 'n magistraats-hof of Kommissarishof laat oorplaas mits dit binne die regsbevoegdheid van bedoelde hof is, hetsy by toestemming of andersins.

(23) Die regter kan by afsluiting van die getuienis in verhoorsake met die advokate in sy kamers beraadslaag betreffende die vorm en duur van die toesprake aan die hof.

(24) As die hof meen dat die verrigtinge deur die suksesvolle party bowemate verleng is deur die roep van onnodige getuies of deur te lange ondervraging of kruisondervraging of deur te uitvoerige beredenering, kan hy so 'n party by die toekenning van koste penaliseer.

In forma pauperis

40. (1) (a) Iemand wat 'n geding *in forma pauperis* wil instel of verdedig, kan die griffier nader, en as hy meen dat die aansoeker iemand is soos in paragraaf (a) van subreël (2) bedoel, moet hy hom na 'n prokureur verwys en terselfdertyd die plaaslike vereniging van advokate daarvan kennis gee en by onstentenis aan bedoelde plaaslike vereniging, die Hoofregter.

(b) Die prokureur moet dan ondersoek instel na die persoon se vermoë en die verdienstelikheid van sy saak, en as hy oortuig is dat dit 'n geval is waar hy gevoeglik *in forma pauperis* kan optree, versoek hy die genoemde vereniging of die Hoofregter, na gelang van die geval, om 'n advokaat te benoem wat gewillig en in staat is om op te tree, en as hy benoem word, moet die advokaat die saak waarneem.

(c) As die prokureur of advokaat daarna nie meer in staat is om op te tree nie, kan die griffier of die genoemde vereniging, na gelang van die geval, op versoek 'n ander praktisyn in sy plek benoem.

(2) As daar, wanneer 'n geding ingestel word, by die griffier namens so iemand ingedien word—

(a) 'n beëdigde verklaring wat sy finansiële posisie volledig uiteensit en vermeld dat met uitsondering van huisraad, klere en ambagsgereedskap hy minder as R100 aan waarde besit en nie binne 'n redelike tyd so 'n bedrag uit sy verdienste sal kan bybring nie;

(b) 'n verklaring deur die voormelde advokaat en prokureur onderteken dat hulle, oortuig synde dat die betrokke persoon nie in staat is om professionele gelde te betaal nie, vir die persoon in hul onderskeie professionele hoedanighede kosteloos optree; en

(c) 'n sertifikaat van *prohabilis causa* deur die genoemde advokaat;

moet die griffier alle prosesstukke in die geding vir die persoon uitreik en ontvang sonder om gelde daarvoor te vorder.

(3) Alle pleitstukke, prosesstukke en dokumente ingedien deur 'n party wat *in forma pauperis* optree, moet dié feit in die opskrif vermeld.

(4) Die griffier hou in sy kantoor 'n lys van prokureurs en wanneer hy persone na praktisyns verwys soos bedoel in subreël (1), doen hy dit sover moontlik om die beurt.

(22) By consent the parties to a trial shall be entitled, at any time before trial, on written application to a judge through the registrar, to have the case transferred to the magistrate's court or the Commissioner's Court: Provided that the matter is one within the jurisdiction of the said court whether by way of consent or otherwise.

(23) The judge may, at the conclusion of the evidence in trial actions, confer with the advocates in his chambers as to the form and duration of the addresses to be submitted in court.

(24) Where the court considers that the proceedings have been unduly prolonged by the successful party by the calling of unnecessary witnesses or by excessive examination or cross-examination, or by over-elaboration in argument, it may penalise such party in the matter of costs.

In forma pauperis

40. (1) (a) A person who desires to bring or defend proceedings *in forma pauperis*, may apply to the registrar who, if it appears to him that he is a person such as is contemplated by paragraph (a) of subrule (2), shall refer him to an attorney and at the same time inform the local society of advocates accordingly and in the absence of such local society, the Chief Justice.

(b) Such attorney shall thereupon inquire into such person's means and the merits of his cause and, upon being satisfied that the matter is one in which he may properly act *in forma pauperis*, he shall request the said society or the Chief Justice, as the case may be, to nominate an advocate who is willing and able to act, and upon being so nominated such advocate shall act therein.

(c) Should such attorney or advocate thereafter become unable so to act, the registrar or the said society, as the case may be, may, upon request, nominate another practitioner to act in his stead.

(2) If when proceedings are instituted there be lodged with the registrar on behalf of such person—

(a) an affidavit setting forth fully his financial position and stating that, excepting household goods, wearing apparel and tools of trade, he is not possessed of property to the amount of R100 and will not be able within a reasonable time to provide such sum from his earnings;

(b) a statement signed by the advocate and attorney aforementioned that being satisfied that the person concerned is unable to pay fees they are acting for the said person in their respective professional capacities gratuitously in the proceedings to be instituted by him; and

(c) a certificate of *prohabilis causa* by the said advocate;

the registrar shall issue all process and accept all documents in the said proceedings for the aforesaid person without fee of office.

(3) All pleadings, process and documents filed of record by a party proceeding *in forma pauperis* shall be headed accordingly.

(4) The registrar shall maintain in his office a roster of attorneys, and in referring persons desirous of bringing or defending proceedings *in forma pauperis* to practitioners in terms of subrule (1), he shall do so as far as possible in rotation.

(15) Geen bepaling van subreël (13) of (14) verhinder die verweerder om 'n getuie wat in enige stadium deur die eiser op 'n geskilpunt geroep is, te kruisvra nie, en die eiser is geregtig om so 'n getuie te herondervra na so 'n kruisondervraging sonder om die reg aan hom by subreël (14) verleen om getuie in 'n later stadium aan te voer op die geskilpunt waarop so 'n getuie gekruisvra is, aan te tas. Die eiser kan verder die getuie wat aldus herondervra is, roep om in 'n later stadium getuie te gee oor enige sodanige geskilpunt.

(16) Aantekening moet gehou word van—

(a) 'n uitspraak of reëling van die hof;

(b) getuie in die hof afgelê;

(c) 'n beswaar wat teen gelewerde of aangebode getuie gemaak word;

(d) die verrigtinge van die hof in die algemeen (insluitende 'n inspeksie ter plaatse en iets deur 'n getuie in die hof gedemonstreer); en

(e) enige ander deel van die verrigtinge wat die hof in die besonder mag beveel om genotuleer te word.

(17) So 'n oorkonde word gehou met die middele wat die hof geskik ag en kan meer bepaald in snelskrif aangeteken of meganies opgeneem word.

(18) Die snelskrifnotas of meganiëse opname moet deur die opnemer as juis gesertifiseer en by die griffier ingedien word. Transkripsie is nie nodig tensy die hof of 'n regter of 'n party wat appelleer dit verlang. As 'n transkripsie gemaak word, moet dit deur die transkriptor as juis gesertifiseer en saam met die snelskrifnotas en meganiëse opname by die griffier ingedien word, en dit word geag juis te wees tensy die hof anders beslis.

(19) 'n Party tot 'n aangeleentheid waarvan in snelskrif of meganiëse aantekening gehou is, kan skriftelik deur die griffier by 'n regter aansoek doen om 'n transkripsie as dit nie reeds beveel is nie. As 'n transkripsie beveel word, is so 'n party geregtig tot 'n afskrif daarvan teen betaling van die voorgeskrewe gelde.

(20) Die hof kan te eniger tyd na goeddunke gelas dat geriefshalwe afgewyk word van die wyse van prosesvoering in hierdie reël voorgeskryf.

(21) Elke stenograaf wat in diens geneem is om aantekening van verrigtinge te hou en elke persoon wat vir die meganiëse opname van verrigtinge in diens geneem is word geag 'n amptenaar van die hof te wees en moet vooraf die volgende eed aflê:

“Ek, A.B., verklaar onder eed dat ek getrou en na die beste van my vermoë die verrigtinge in enige saak waarin ek as amptenaar van die hof werksaam is, in snelskrif sal aanteken of meganiëse sal opneem, soos deur die regter voorgeskryf, en dat ek, indien daartoe gelas, my aantekeninge of opname en, sover dit in my vermoë is, ook dié van enige ander stenograaf of persoon wat vir die meganiëse opname van verrigtinge in diens geneem is, sal transkribeer.”

(15) Nothing in subrule (13) or (14) contained shall prevent the defendant from cross-examining any witness called at any stage by the plaintiff on any issue in dispute, and the plaintiff shall be entitled to re-examine such witness consequent upon such cross-examination without affecting the right given to him by subrule (14) to call evidence at a later stage on the issue on which such witness has been cross-examined. The plaintiff may further call the witness so re-examined to give evidence on any such issue at a later stage.

(16) A record shall be made of—

(a) any judgment or ruling given by the court;

(b) any evidence given in court;

(c) any objection made to any evidence received or tendered;

(d) the proceedings of the court generally (including an inspection *in loco* and any matter demonstrated by any witness in court); and

(e) any other portion of the proceedings which the court may specifically order to be recorded.

(17) Such record shall be kept by such means as to the court seems appropriate and may in particular be taken down in shorthand or be recorded by mechanical means.

(18) The shorthand notes so taken or any mechanical record shall be certified by the person taking the same to be correct and shall be filed with the registrar. It shall not be necessary to transcribe them unless the court or a judge so directs or a party appealing so requires. If and when transcribed, the transcript of such notes or record shall be certified as correct by the person transcribing them and the transcript, the shorthand notes and the mechanical record shall be filed with the registrar. The transcript of the shorthand notes or mechanical record certified as correct shall be deemed to be correct unless the court otherwise orders.

(19) Any party to any matter in which a record has been made in shorthand or by mechanical means may apply in writing through the registrar to a judge to have the record transcribed if an order to that effect has not already been made. Such party shall be entitled to a copy of any transcript ordered to be made upon payment of the prescribed fees.

(20) If it appears convenient to do so, the court may at any time make any order with regard to the conduct of the trial as to it seems meet, and thereby vary any procedure laid down by this rule.

(21) Every stenographer employed to take down a record and every person employed to make a mechanical recording of any proceedings shall be deemed to be an officer of the court and shall, before entering on his duties, take the following oath:

“I, A.B., do swear that I shall faithfully, and to the best of my ability, record in shorthand, or cause to be recorded by mechanical means, as directed by the judge, the proceedings in any case in which I may be employed as an officer of the court, and that I shall similarly, when required to do so, transcribe the same or, as far as I am able, any shorthand notes, or mechanical record, made by any other stenographer or person employed to make such mechanical recording.”

(b) wat 'n dubbelsinnigheid of 'n klaarblyklike fout of weglating bevat, maar slegs tot aansuiwering van die dubbelsinnigheid, fout of weglating;

(c) wat gegee is as gevolg van 'n gemeenskaplike fout van die partye.

(2) 'n Party wat regshulp ingevolge hierdie reël verlang, moet kennis van sy aansoek gee aan alle partye wie se belange deur die gevraagde wysiging geraak kan word.

(3) Die hof wysig of herroep nie 'n bevel of vonnis nie tensy hy oortuig is dat alle partye wie se belange geraak kan word, kennis dra van die voorgename herroeping of wysiging.

Huweliksaangeleenthede

43. (1) Hierdie reël geld wanneer 'n getroude persoon een of meer van die volgende vorme van regshulp by die hof aanvra:

(a) Onderhoud *pendente lite*;

(b) 'n bydrae tot die koste van 'n hangende huweliksgeding;

(c) tussentydse bewaring van 'n kind;

(d) tussentydse toegang tot 'n kind.

(2) Die applikant moet 'n beëdigde verklaring in die aard van 'n deklarasie aflewer waarin die gevraagde regshulp en die gronde daarvoor uiteengesit word, tesame met 'n kennisgewing aan die respondent, so na moontlik bewoord soos Vorm 17 in die Eerste Bylae. Die verklaring en kennisgewing onderteken deur die applikant of sy prokureur, moet 'n adres bevat vir betekening, binne 10 kilometers van die kantoor van die griffier af, en word deur die balju beteken.

(3) Die respondent moet binne 14 dae na ontvangs van die verklaring 'n beëdigde antwoord in die aard van 'n pleit aflewer, geteken en voorsien van 'n adres soos in subreël (2) bedoel, by gebreke waarvan hy *ipso facto* onder belet is.

(4) So gou moontlik daarna bring die griffier die saak voor die hof vir summiere verhoor met 10 dae kennis aan die partye (tensy die respondent in verstek is).

(5) Die hof kan sodanige getuienis as wat dit nodig ag, aanhoor, en kan die aansoek van die hand wys of sodanige bevel gee as wat hy goeddunk om 'n billike en spoedige beslissing te verseker.

(6) Die hof kan met dieselfde prosedure sy beslissing wysig as daar 'n wesenlike verandering in die omstandighede van engeen van die partye of van 'n kind ingetree het of as die bydrae tot koste onvoldoende blyk te wees.

(7) Advokaatsgelde in sake kragtens hierdie reël beloop hoogstens R25 as dit onbestrede is of R45 as dit bestrede is, tensy die hof in 'n uitsonderlike geval anders beveel.

Herstel van huweliksregte

44. (1) (a) In 'n aksie om herstel van huweliksregte kan die eiser in die alternatief 'n egskeidingsbevel eis.

(b) In 'n aksie om herstel van huweliksregte kan die hof by bewys dat die verweerder die eiser kwaadwillig verlaat het, hom beveel om huweliksregte te herstel of om by gebreke daarvan op 'n dag in die bevel genoem te word, redes aan te voer waarom egskeiding nie toegestaan behoort te word nie. Die bevel moet, tensy die hof anders bepaal, persoonlik aan die verweerder beteken word.

(b) an order or judgment in which there is an ambiguity, or a patent error or omission, but only to the extent of such ambiguity, error or omission;

(c) an order or judgment granted as the result of a mistake common to the parties.

(2) Any party desiring any relief under this rule shall make application therefor upon notice to all parties whose interests may be affected by any variation sought.

(3) The court shall not make any order rescinding or varying any order or judgment unless satisfied that all parties whose interests may be affected have notice of the order proposed.

Matrimonial matters

43. (1) This rule shall apply whenever a spouse seeks relief from the court in respect of one or more of the following matters:

(a) Maintenance *pendente lite*;

(b) a contribution towards the costs of a pending matrimonial action;

(c) interim custody of any child;

(d) interim access to any child.

(2) The applicant shall deliver a sworn statement in the nature of a declaration, setting out the relief claimed and the grounds therefor, together with a notice to the respondent as near as may be in accordance with Form 17 of the First Schedule. The statement and notice shall be signed by the applicant or his attorney and shall give an address for service within 10 kilometres of the office of the registrar, and shall be served by the sheriff.

(3) The respondent shall within 14 days of receiving the statement deliver a sworn reply in the nature of a plea, signed and giving an address referred to in subrule (2), in default of which he shall be *ipso facto* barred.

(4) As soon as possible thereafter the registrar shall bring the matter before the court for summary hearing, on 10 days' notice to the parties (unless the respondent is in default).

(5) The court may hear such evidence as it considers necessary and may dismiss the application or make such order as it thinks fit to ensure a just and expeditious decision.

(6) The court may, on the same procedure, vary its decision in the event of a material change taking place in the circumstances of either party or a child, or the contribution towards costs proving inadequate.

(7) No advocate appearing in a case under this rule shall charge a fee of more than R25 if the claim is undefended or R45 if it is defended, unless the court in an exceptional case otherwise directs.

Restitution of conjugal rights

44. (1) (a) In any action for the restitution of conjugal rights the plaintiff may in the alternative claim a decree of divorce.

(b) Upon the hearing of the action for restitution of conjugal rights the court may upon proof of the malicious desertion of plaintiff by defendant order restitution of such rights (which order shall, unless the court otherwise directs, be served on the defendant personally), and may further direct the defendant to show cause on a day to be named in such order why a decree of divorce should not be granted.

(5) Die betrokke advokaat en prokureur tree daarna kosteloos vir die persoon in die geding op en hulle mag alleen met verloop van 'n regter die saak terugtrek, skik, tot 'n vergelyk daarin kom of hulle daaraan onttrek. In geval van onttrekking kan die regter voorskrifte gee betreffende die aanstelling van plaasvervangers.

(6) Wanneer iemand *in forma pauperis* dagvaar of verdedig deur middel van prosesstukke ingevolge hierdie reël uitgereik, het sy teenparty, benewens enige ander reg wat hy mag hê, die reg om te eniger tyd by kennisgewing 'n bevel by die hof aan te vra dat die eis of verweer afgewys word of dat die persoon belet word om *in forma pauperis* voort te gaan. By die aanhoor van so 'n aansoek kan die hof na goeddunke 'n bevel gee, ook betreffende koste.

(7) As aan die einde van die saak koste aan 'n gedingvoerder *in forma pauperis* toegeken word, kan sy prokureur by sy kosterekening die gelde en uitgawes waartoe hy gewoonlik geregtig sou wees, insluit, en na ontvangs daarvan, in die geheel of gedeeltelik, moet hy in die volgende voorkeurorde uitbetaal: Eerstens, aan die griffier soveel in inkomsteseëls as wat betaalbaar sou gewees het aan gelde; tweedens, aan die adjunk-balju sy gelde vir die betekening en tenuitvoerlegging van prosesstukke; derdens, aan homself en die advokaat hul gelde soos by taksasie toegeken, pro rata indien nodig.

Terugtrekking, skikking, staking, uitstel en abandonnement

41. (1) (a) Iemand wat 'n geding ingestel het, kan dit voor terrolleplasing te eniger tyd en daarna met die toestemming van die party of verloop van die hof, terugtrek. In elke geval moet hy 'n kennisgewing van terugtrekking aflewer, en hy kan daarin inwillig om koste te betaal. Die takseermeester takseer die koste op versoek van die ander party.

(b) Inwilliging om koste te betaal soos in paragraaf (a) bedoel, het die uitwerking van 'n hofbevel vir sodanige koste.

(c) As die kennisgewing van terugtrekking nie 'n inwilliging tot betaling van koste bevat nie, kan die ander party by kennisgewing 'n kostebevel by die hof aanvra.

(2) 'n Party in wie se guns 'n beslissing of vonnis gegee is, kan dit geheel of gedeeltelik abandonneer deur 'n kennisgewing dienooreenkomstig af te lewer, en waar gedeeltelik afstand gedoen is, geld net die oorblywende gedeelte van die vonnis. Die bepalinge van subreël (1) betreffende koste is *mutatis mutandis* van toepassing in die geval van 'n kennisgewing kragtens hierdie subreël afgelewer.

(3) Wanneer 'n skikking bereik is of die partye ooreenkom om uit te stel of terug te trek, is dit die plig van die eiser of applikant se prokureur om die griffier onmiddellik daarvan in kennis te stel.

(4) Tensy die geding teruggetrek is, mag 'n party tot 'n skikking wat op skrif maar nie uitgevoer is nie, vonnis in dier voege aanvra met minstens vier dae kennisgewing aan alle belanghebbende partye.

Wysiging en herroeping van bevele

42. (1) Die hof het benewens ander magte wat hy mag hê, die reg om *mero motu* of op aansoek van 'n party wat geraak word, bevele of vonnisse te wysig of te herroep—

(a) wat verkeerdlik aangevra of verkeerdlik gegee is in die afwesigheid van 'n party wat daardeur geraak word;

(5) The said advocate and attorney shall thereafter act gratuitously for the said person in their respective capacities in the said proceedings, and shall not be at liberty to withdraw, settle or comprise such proceedings, or to discontinue their assistance, without the leave of a judge, who may in the latter event give directions as to the appointment of substitutes.

(6) When a person sues or defends *in forma pauperis* under process issued in terms of this rule, his opponent shall, in addition to any other right he might have, have the right at any time to apply to the court on notice for an order dismissing the claim or defence or for an order debarring him from continuing *in forma pauperis*. Upon the hearing of such application the court may make such order thereon, including any order as to costs, as to it seems meet.

(7) If upon the conclusion of the proceedings a litigant *in forma pauperis* is awarded costs, his attorney may include in his bill of costs such fees and disbursements to which he would ordinarily have been entitled, and upon receipt thereof, in whole or in part, he shall pay out in the following order of preference: first, to the registrar, such amount in revenue stamps as would have been due in respect of his fees of office; second, to the deputy sheriff, his charges for the service and execution of process; third, to himself and the advocate, their fees as allowed on taxation, pro rata if necessary.

Withdrawal, settlement, discontinuance, postponement and abandonment

41. (1) (a) A person instituting any proceedings may at any time before the matter has been set down and thereafter by consent of the parties or leave of the court withdraw such proceedings, in any of which events he shall deliver a notice of withdrawal and may embody in such notice a consent to pay costs; and the taxing master shall tax such costs on the request of the other party.

(b) A consent to pay costs referred to in paragraph (a), shall have the effect of an order of court for such costs.

(c) If no such consent to pay costs is embodied in the notice of withdrawal, the other party may apply to court on notice for an order for costs.

(2) Any party in whose favour any decision or judgment has been given, may abandon such decision or judgment either in whole or in part by delivering notice thereof and such judgment or decision abandoned in part shall have effect subject to such abandonment. The provisions of subrule (1) relating to costs shall *mutatis mutandis* apply in the case of a notice delivered in terms of this subrule.

(3) If in any proceedings a settlement or an agreement to postpone or withdraw is reached, it shall be the duty of the attorney for the plaintiff or applicant immediately to inform the registrar accordingly.

(4) Unless such proceedings have been withdrawn, any party to a written settlement shall, if the same has not been carried out, be entitled to apply for judgment in terms thereof on at least four days' notice to all interested parties.

Variation and rescission of orders

42. (1) The court may, in addition to any other powers it may have, *mero motu* or upon the application of any party affected, rescind or vary—

(a) an order or judgment erroneously sought or erroneously granted in the absence of any party affected thereby;

(4) Die adjunk-balju moet die prosesstuk tesame met 'n relaas van wat hy daaromtrent gedoen het, by die griffier indien en 'n afskrif van die relaas en die inventaris verskaf aan die party wat die prosesstuk laat uitreik het.

(5) Waar die adjunk-balju op roerende goed beslag gelê het, kan die vonnisskuldenaar tesame met 'n genoegsaam bemiddelde persoon as borg en met wie die adjunk-balju tevrede is, skriftelik onderneem om die goed te bring op die dag vasgestel vir die verkoping daarvan, tensy die beslaglegging vroeër regtens opgehef word. Die adjunk-balju moet dan die goed wat onder beslag en geïnventariseer is, laat bly op die perseel waar dit gevind is. Die borgakte moet so na moontlik soos Vorm 19 in die Eerste Bylae bewoord wees.

(6) As die vonnisskuldenaar nie tesame met 'n borg so 'n onderneming gee nie, moet die adjunk-balju, tensy die uitwinnende skuldeiser anders gelas, die goed na 'n geskikte plek van bewaring bring of dit in sy besit hou op die perseel waar dit in beslag geneem is. Die koste daarvan is van die vonnisskuldenaar verhaalbaar en kan uit die opbrengs geneem word.

(7) Inbeslaggenome roerende goed word waar doenlik en behoudens reël 58 deur die adjunk-balju by openbare veiling aan die hoogste bieder verkoop nadat hy dit eers in 'n koerant wat in die distrik sirkuleer waar die eiendom in beslag geneem is, adverteer en minstens 21 dae laat verloop na die beslaglegging. As dit bederfbare produkte is, kan hulle met toestemming van die vonnisskuldenaar of onder vrywaring van die adjunk-balju deur die uitwinnende skuldeiser teen 'n eis om skadevergoeding vanweë die verkoping, onmiddellik verkoop word soos die adjunk-balju doenlik ag.

(8) Onliggaamlike goed, hetsy roerend of onroerend, kan op die onderstaande wyse in beslag geneem word sonder om eers verlof van die hof te kry:

(a) By 'n huurkontrak, wissel, promesse, verband of ander sekuriteit vir die betaling van geld is beslaglegging alleen voltooi as—

(i) die adjunk-balju aan die huurder en verhuurder, of verbandhouer en verbandgewer, of die persoon wat op die wissel of promesse of ander sekuriteit aanspreeklik is, kennis gegee het; en

(ii) die geskrif (as daar een is) waardeur die huurkontrak bewys word, of die wissel of promesse, verband of ander sekuriteit in besit geneem is; en

(iii) in die geval van 'n geregistreerde huurkontrak of enige geregistreerde reg, kennis aan die Registrateur van Aktes gegee is;

(b) as die belang van 'n vonnisskuldenaar in goed aan of deur 'n derde verpand, verhuur of onder 'n opskortende voorwaarde verkoop is, is beslaglegging alleen voltooi as die adjunk-balju eers 'n kennisgewing van die beslaglegging met 'n afskrif van die uitwinningslasbrief aan die vonnisskuldenaar en aan die derde beteken het. Die adjunk-balju mag as hy die oorspronklike van die lasbrief aan die pandhouer, huurder, verhuurder, koper of verkoper getoon het, die perseel waar die goed is, betree en 'n inventaris en waardasie van die belang maak;

(4) The deputy-sheriff shall file with the registrar any process with a return of what he has done thereon, and shall furnish a copy of such return and inventory to the party who caused such process to be issued.

(5) Where any movable property has been attached by the deputy-sheriff, the person whose property has been so attached may, together with some person of sufficient means as surety to the satisfaction of the deputy-sheriff, undertake in writing that such property shall be produced on the day appointed for the sale thereof, unless the said attachment shall sooner have been legally removed, whereupon the deputy-sheriff shall leave the said property attached and inventoried on the premises where it was found. The deed of suretyship shall be as near as may be in accordance with Form 19 of the First Schedule.

(6) If the judgment debtor does not, together with a surety, give an undertaking as aforesaid, then, unless the execution creditor otherwise directs, the deputy-sheriff shall remove the said goods to some convenient place of security or keep possession thereof on the premises where they were seized, the expense whereof shall be recoverable from the judgment debtor and defrayed out of the levy.

(7) Where any movable property is attached as aforesaid the deputy-sheriff shall where practicable and subject to rule 58 sell it by public auction to the highest bidder after advertisement by him in a newspaper circulating in the district in which the property has been attached and after the expiration of not less than 21 days from the time of seizure thereof. Where perishables are attached as aforesaid, they may with the consent of the execution debtor or upon the execution creditor indemnifying the deputy-sheriff against any claim for damages which may arise from such sale, be sold immediately by the deputy-sheriff concerned in such manner as to him seems expedient.

(8) If incorporeal property, whether movable or immovable is available for attachment, it may be attached without the necessity of a prior application to court in the manner hereinafter provided:

(a) Where the property or right to be attached is a lease or a bill of exchange, promissory note, bond or other security for the payment of money, the attachment shall be complete only when—

(i) notice has been given by the deputy-sheriff to the lessor and lessee, mortgagor and mortgagee or person liable on the bill of exchange or promissory note or security as the case may be; and

(ii) the deputy-sheriff shall have taken possession of the writing (if any) evidencing the lease, or of the bill of exchange or promissory note, bond or other security as the case may be; and

(iii) in the case of a registered lease or any registered right, notice has been given to the Registrar of Deeds;

(b) where movable property sought to be attached is the interest of the execution debtor in property pledged, leased or sold under a suspensive condition to or by a third person, the attachment shall be complete only when the deputy-sheriff has served on the execution debtor and on the third person notice of the attachment with a copy of the warrant of execution. The deputy-sheriff may upon exhibiting the original of such warrant of execution to the pledge, lessor, lessee, purchaser or seller enter upon the premises where such property is and make an inventory and valuation of the said interest;

(2) As dit op die keerdatum by beëdigde verklaring of andersins bewys word dat die verweerder versuim het om aan die bevel tot herstel van huweliksregte te voldoen, kan die hof egskending toestaan of 'n ander bevel gee wat hy billik ag.

(3) Wanneer die hof aan die eiser verlof gee om 'n herstelbevel by wyse van publikasie te beteken, moet dit so na moontlik soos Vorm 17A in die Eerste Bylae bewoord wees.

Uitwinning: Algemeen en roerende goed

45. (1) Die party in wie se guns die hof vonnis gegee het, kan op eie risiko by die griffierskantoor een of meer lasbriewe vir tenuitvoerlegging daarvan uitneem, so na moontlik bewoord soos Vorm 18 in die Eerste Bylae: Met dien verstande dat behalwe waar onroerende goed spesiaal deur die hof uitwinbaar verklaar is, geen uitwinningslasbrief teen onroerende goed uitgereik word nie tensy daar eers ten opsigte van 'n lasbrief teen sy roerende goed gerelateer is dat die persoon nie genoeg roerende goed het om daaraan te voldoen nie.

(2) Niemand word uitgewin vir die invordering van koste nie tensy die koste eers deur die takseermeester getakseer is of die betrokke party skriftelik toegestem het tot betaling van 'n bepaalde bedrag: Met dien verstande dat 'n eis om gespesifiseerde koste reeds aan die vonnisskuldeiser toegeken maar nog nie getakseer nie, in 'n uitwinningslasbrief mag verskyn, onderworpe aan behoorlike taksasie daarna; maar as hulle nie aldus getakseer is nie en die oorspronklike kosterekening, behoorlik toegestaan, nie by die adjunk-balju voor die datum van die verkoping ingedien is nie, hulle nie in sy rekening en distribusieplan mag voorkom nie.

(3) Wanneer die adjunk-balju in 'n prosesstuk van die hof gelas is om iemand se goedere uit te win, moet hy of sy assistent onverwyld na sy woon-, werk- of besigheidsplek gaan (tensy die vonnisskuldeiser 'n ander aanwysing gee betreffende die ligging van die bates waarop beslag gelê moet word; en—

(a) aldaar voldoening van die lasbrief eis, en by gebreke daarvan;

(b) eis dat roerende en vervreembare goed wat na sy mening genoeg is om aan die lasbrief te voldoen aangedui word, en by gebreke daarvan;

(c) self sulke goed seek.

Al sulke goed moet onmiddellik geïnventariseer word en tensy die uitwinnende skuldeiser anders gelas het en behoudens subreël (5), moet die adjunk-balju dit in bewaring neem: Met dien verstande dat—

(i) as iemand anders aanspraak maak op goed waarop beslag gelê is of wat in beslag geneem staan te word deur die adjunk-balju, die eiser eers die adjunk-balju tot sy bevrediging moet vrywaar teen verlies of skade vanweë die beslaglegging, waarna die adjunk-balju dit behou of beslag daarop lê na gelang van die geval, dit inventariseer en in bewaring neem; en

(ii) as die vonnisskuldenaar nie persoonlik gevra is om aan die lasbrief te voldoen nie, die adjunk-balju hom skriftelik kennis van die beslaglegging moet gee asook 'n afskrif van die inventaris, tensy dit onbekend is waar hy verblyf hou.

(2) If upon such return day it is proved by affidavit or otherwise that the defendant has failed to comply with the order for restitution of conjugal rights, the court may grant a decree of divorce or make such other order as to it may seem just.

(3) When the court grants leave to the plaintiff to publish a restitution order it shall be as near as may be in accordance with Form 17A of the First Schedule.

Execution: General and movables

45. (1) The party in whose favour any judgment of the court has been pronounced may, at his own risk, sue out of the office of the registrar one or more writs for execution thereof as near as may be in accordance with Form 18 of the First Schedule: Provided that, except where by judgment of the court immovable property has been specially declared executable, no such process shall issue against the immovable property of any person until a return shall have been made of any process which may have been issued against his movable property, and the registrar perceives therefrom that the said person has not sufficient movable property to satisfy the writ.

(2) No process of execution shall issue for the levying and raising of any costs awarded by the court to any party, until they have been taxed by the taxing master or agreed to in writing by the party concerned in a fixed sum: Provided that it shall be competent to include in a writ of execution a claim for specified costs already awarded to the judgment creditor but not then taxed, subject to due taxation thereafter, provided further that if such costs shall not have been taxed and the original bill of costs, duly allocated, not lodged with the deputy-sheriff before the day of the sale, such costs shall be excluded from his account and plan of distribution.

(3) Whenever by any process of the court the deputy-sheriff is commanded to levy and raise any sum of money upon the goods of any person, he shall forthwith himself or by his assistant proceed to the dwelling-house or place of employment or business of such person (unless the judgment creditor shall give different instructions regarding the situation of the assets to be attached), and there—

(a) demand satisfaction of the writ and, failing satisfaction;

(b) demand that so much movable and disposable property be pointed out as he may deem sufficient to satisfy the said writ, and failing such pointing out;

(c) search for such property.

Any such property shall be immediately inventoried and, unless the execution creditor shall otherwise have directed, and subject to the provisions of subrule (5), shall be taken into the custody of the deputy-sheriff: Provided—

(i) that if there is any claim made by any other person to any such property seized or about to be seized by the deputy-sheriff, then, if the plaintiff gives the deputy-sheriff an indemnity to his satisfaction to save him harmless from any loss or damage by reason of the seizure thereof, the deputy-sheriff shall retain or shall seize, as the case may be, make an inventory of and keep the said property; and

(ii) that if satisfaction of the writ was not demanded from the judgment debtor personally, the deputy-sheriff shall give to the judgment debtor written notice of the attachment and a copy of the inventory made by him, unless his whereabouts are unknown.

word vir die bedrag verskuldig deur sodanige beslag-skuldenaar of soveel daarvan as wat genoeg mag wees om aan die lasbrief te voldoen.

(c) Indien die beslagskuldenaar sy aanspreeklikheid gedeeltelik betwis kan die hof 'n bevel tot tenuitvoer-legging uitreik ten opsigte van soveel as wat erken word, maar as geen aanspreeklikheid erken word nie, kan die hof beveel dat enige geskilpunt of vraag wat vir die bepaling van die beslagskuldenaar se aanspreeklikheid nodig is, verhoor of beslis word op 'n wyse *mutatis mutandis* waarop 'n geskilpunt of vraag in 'n geding verhoor of beslis mag word, of kan die hof so 'n ander bevel in dié verband uitreik as wat reg-verdig mag wees.

(d) Niks in hierdie reëls vervat aangaande die beslag-legging op skulde in die hande van 'n beslagskuldenaar raak enige sessie, voorkeur of retensiereg waarop 'n derde persoon ten opsigte van sodanige skulde aanspraak maak nie.

(e) Die koste verbonde aan 'n aansoek om beslag-legging op skulde en die verrigtinge wat daaruit ont-staan of daaraan bykomstig is, word aan die goed-dunke van die hof oorgelaat.

(f) Wanneer die balju van mening is dat die aan-soeke aan die hof gerig of bevele met betrekking tot 'n beslagskuldenaar waarskynlik meer sal kos as die bedrag wat ingevolge daarvan verhaal moet word, kan hy die skulde na beslaglegging per veiling op dieselfde wyse as enige ander roerende goed verkoop of kan hy dit teen die nominale bedrag daarvan aan die vonnisskuldeiser met sy toestemming sedgeer.

(g) Betaling van die bedrag verskuldig ingevolge en ten opsigte van enige lasbrief en alle koste en dergelike daaraan verbonde maak die persoon wat betaal, gereg-tig tot intrekking daarvan.

(h) Enige lasbrief wat vir beslaglegging op salaris, verdienstes of besoldiging uitgereik is, bly van krag en kan van tyd tot tyd na gelang van salaris, ver-dienstes of besoldiging aan die skuldenaar toeval, ten uitvoer gelê word totdat daaraan voldoen is.

Uitwinning: Onroerende goed

46. (1) 'n Uitwinningslasbrief teen onroerende goed moet 'n volledige beskrywing van die aard en ligging daarvan (insluitende die adres) bevat sodat die adjunk-balju dit kan opspoor en identifiseer, en dit moet vol-doende inligting gee om hom in staat te stel om aan subreël (3) gevolg te gee.

(2) Beslaglegging moet uitgevoer word deur die adjunk-balju van die distrik waarin die goed geleë is of deur die adjunk-balju van die distrik waarin die kantoor van die Registrateur van Aktes of ander beamp-te belas met die registrasie van sodanige eien-dom, geleë is, kragtens 'n lasbrief so na moontlik bewoord soos Vorm 20 in die Eerste Bylae.

(3) Dit geskied by wyse van betekening van 'n skrif-telike kennisgewing van die adjunk-balju aan die eie-naar van die onroerende goed en aan die Registrateur van Aktes of ander beamp-te belas met die registrasie daarvan, en as die goed deur iemand anders as die eienaar geokkupeer word, ook aan die okkupant. Betekening geskied per aangetekende brief, behoorlik vooruitbetaal en gepos, geadresseer aan die betrokke persoon.

(4) Die uitwinningsverkoop vind plaas in die distrik waar die inbeslaggenome goed geleë is, en word waargeneem deur die adjunk-balju van die distrik: Met dien verstande dat die balju in die eerste instansie en behoudens paragraaf (b) van subreël (8), by aan-voering van goeie redes die verkoping elders en deur

process, for the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the writ.

(c) If the garnishee disputes his liability in part, the court may order execution to issue in respect of so much as may be admitted, but if none be admitted then the court may order that any issue or question necessary for determining the garnishee's liability be tried or determined in any manner *mutatis mutandis* in which any issue or question in any action may be tried or determined, or the court may make any such other order in the premises as may be just.

(d) Nothing in these rules as to the attachment of debts in the hands of a garnishee shall effect any ces-sion, preference, or retention claimed by any third per-son in respect of such debts.

(e) The costs connected with any application for the attachment of debts, and the proceedings arising from or incidental thereto, shall be in the discretion of the court.

(f) Where the sheriff is of opinion that applications to the court or orders with respect to a garnishee will probably cost more than the amount to be recovered thereunder, he may sell such debts, after attachment, by auction, in the same way as any other movable property, or may cede the same at the nominal amount thereof to the judgment creditor with his consent.

(g) Payment of the amount due under and in respect of any writ, and all costs and the like, incidental thereto, shall entitle the person paying to a withdrawal thereof.

(h) Any writ issued for the attachment of salary, earnings, or emoluments shall remain in force and may be executed periodically as such salary, earnings, or emoluments accrue to the debtor, until the same is satisfied.

Execution: Immovables

46. (1) A writ of execution against immovable pro-perty shall contain a full description of the nature and situation (including the address) of the immovable property to enable it to be traced and identified by the deputy-sheriff; and shall be accompanied by suf-ficient information to enable him to give effect to sub-rule (3) hereof.

(2) An attachment shall be made by the deputy-sheriff of the district in which the property is situate or by the deputy-sheriff of the district in which the office of the Registrar of Deeds or other officer charged with the registration of such property is situate, upon a writ as near as may be in accordance with Form 20 of the First Schedule.

(3) The mode of attachment of immovable property shall be by notice in writing by the deputy-sheriff served upon the owner thereof, and upon the Registrar of Deeds or other officer charged with the registration of some person other than the owner, also upon such occupier. Any such notice as aforesaid shall be served by means of a registered letter, duly prepaid and posted addressed to the person intended to be served.

(4) After attachment, any sale in execution shall take place in the district in which the attached property is situate and be conducted by the deputy-sheriff of such district: Provided that the sheriff in the first instance and subject to the provisions of paragraph (b) of subrule (8) may on good cause shown authorise such

(c) in die geval van alle ander onliggaamlike goed of onliggaamlike regte in goed—

(i) is beslaglegging alleen voltooi as—

(aa) die adjunk-balju skriftelik aan alle belanghebbende partye kennis van die beslaglegging gegee het, en waar dit onliggaamlike onroerende goed of 'n onliggaamlike reg in onroerende goed is, ook aan die Registrateur van Aktes in wie se kantoor die eiendom of reg geregistreer is; en

(bb) die adjunk-balju besit geneem het van die geskrif of dokument wat die aanspraak op die goed of reg bewys, of gesertifiseer het dat hy ondanks sorgvuldige nasporing die geskrif of dokument nie kon vind nie;

(ii) mag die adjunk-balju as hy die oorspronklike van die uitwinningslasbrief getoon het aan die persoon wat besit het van goed waarin die onliggaamlike reg bestaan, die perseel waar dit is, betree en 'n inventaris en waardasie van die inbeslaggenome reg maak.

(9) Beslaglegging op goed wat aan 'n retensiereg onderhewig is, geskied *mutatis mutandis* volgens paragraaf (b) van subreël (8).

(10) Waar eiendom waarop 'n derde 'n saaklike reg het, uitgewin word, is die verkoping onderhewig aan die regte van die derde tensy hy andersins toestem.

(11) (a) Onderworpe aan 'n hipoteek wat voor die beslaglegging bestaan het, deel alle uitwinningslasbriewe wat voor die dag van die verkoping by die adjunk-balju ingedien is, pro rata in die opbrengs van die verkoopte goed, en volgens die orde van voorkeur in paragraaf (c) van subreël (14) van reël 46 vasgestel.

(b) As daar 'n oorskot is, moet die adjunk-balju dit aan die vonnisskuldenaar oorbetal en aan hom 'n noukeurige staat van sy koste en van die uitwinning verskaf. Dit is onderhewig aan taksasie op aansoek van die vonnisskuldenaar en as 'n bedrag afgetakseer word, moet die adjunk-balju dit aan die vonnisskuldenaar terugbetaal.

(12) (a) Wanneer dit ook al onder die aandag van die balju gebring word dat daar skulde is wat aan beslaglegging onderworpe is en wat deur 'n derde persoon verskuldig is of aan hom toeval aan die vonnisskuldenaar, kan die balju, indien hy deur die vonnisskuldeiser versoek word om dit te doen daarop beslag lê, en moet hy dan 'n kennisgewing aan die derde persoon (hieronder die beslagskuldenaar genoem) beteken, waarin daar van hom vereis word dat hy aan die balju soveel van die skuld betaal as wat genoeg is om aan die lasbrief te voldoen, en die balju kan, by so 'n betaling, 'n kwitansie aan die beslagskuldenaar uitreik wat *pro tanto* 'n kwytting is van skuld, waarop beslag gelê is.

(b) Indien die beslagskuldenaar weier of versuim om aan so 'n kennisgewing te voldoen, moet die balju die vonnisskuldeiser onverwyld in kennis stel en die vonnisskuldeiser kan die beslagskuldenaar daag om voor die hof te verskyn en redes aan te voer waarom hy nie die verskuldigde bedrag of soveel daarvan as wat genoeg sal wees om aan die lasbrief te voldoen, aan die balju moet betaal nie, en indien die beslagskuldenaar nie die bedrag wat verskuldig is of wat, na beweer word, deur hom verskuldig is, aan die party teen wie die bevel tot tenuitvoerlegging uitgereik is, betwis nie, of indien hy nie verskyn om op sodanige kennisgewing te antwoord nie, kan die hof gelas dat 'n bevel tot tenuitvoerlegging uitgereik word en kan dit dienooreenkomstig sonder enige vorige lasbrief of prosesstuk uitgereik

(c) in the case of the attachment of all other incorporeal property or incorporeal rights in property as aforesaid—

(i) the attachment shall only be complete when—

(aa) notice of the attachment has been given in writing by the deputy-sheriff to all interested parties and where the asset consists of incorporeal immovable property or an incorporeal right in immovable property, notice shall also have been given to the Registrar of Deeds in whose deeds registry the property or right is registered; and

(bb) the deputy-sheriff shall have taken possession of the writing or document evidencing the ownership of such property or right, or shall have certified that he has been unable, despite diligent search, to obtain possession of the writing or document;

(ii) the deputy-sheriff may upon exhibiting the original of the warrant of execution to the person having possession of property in which incorporeal rights exist, enter upon the premises where such property is and make an inventory and valuation of the right attached.

(9) Attachment of property subject to a lien shall be effected *mutatis mutandis* in accordance with the provisions of subparagraph (b) of subrule (8).

(10) Where property subject to a real right of any third person is sold in execution such sale shall be subject to the rights of such third person unless he otherwise agrees.

(11) (a) Subject to any hypothec existing prior to the attachment, all writs of execution lodged with the deputy-sheriff before the day of the sale in execution shall rank pro rata in the distribution of proceeds of the goods sold, in the order of preference referred to in paragraph (c) of subrule (14) of rule 46.

(b) If there should remain any surplus, the deputy-sheriff shall pay it over to the judgment debtor; and the deputy-sheriff shall make out and deliver to him an exact account, in writing of his costs and charges of the execution and sale, which shall be liable to taxation upon application by the judgment debtor, and if upon taxation any sum shall be disallowed, the deputy-sheriff shall refund such sum to the judgment debtor.

(12) (a) Whenever it is brought to the knowledge of the sheriff that there are debts which are subject to attachment, and are owing or accruing from a third person to the judgment debtor, the sheriff may, if requested thereto by the judgment creditor, attach the same, and thereupon shall serve a notice on such third person, hereinafter called the garnishee, requiring payment by him to the sheriff of so much of the debt as may be sufficient to satisfy the writ, and the sheriff may, upon any such payment, give a receipt to the garnishee which shall be a discharge, *pro tanto*, of the debt attached.

(b) In the event of the garnishee refusing or neglecting to comply with any such notice, the sheriff shall forthwith notify the judgment creditor and the judgment creditor may call upon the garnishee to appear before the court to show cause why he should not pay to the sheriff the debt due, or so much thereof as may be sufficient to satisfy the writ, and if the garnishee does not dispute the debt due, or claimed to be due by him to the party against whom execution is issued, or he does not appear to answer to such notice, then the court may order execution to issue and it may issue accordingly, without any previous writ of

waar die lasbrief uitgereik is, geleë is, dan op die kennisgewingbord van daardie hof, en een eksemplaar op of so na moontlik aan die plek waar die verkoping werklik sal plaasvind.

(8) (a) Die vonnisskuldeiser moet minstens 28 dae voor die datum van die verkoping die verkoopsvoorwaardes opstel so na moontlik bewoord soos Vorm 21 in die Eerste Bylae, dit aan die adjunk-balju vir goedkeuring voorlê en hom twee eksimplare daarvan gee, waarvan een in sy kantoor ter insae van belanghebbende partye moet lê.

(b) As 'n belanghebbende party die verkoopsvoorwaardes gewysig wil hê, moet hy minstens 10 dae voor die datum van die verkoping met 24 uur kennisgewing aan die vonnisskuldeiser en die verbandhouders by die magistraat van die distrik waarin die eiendom verkoop sal word, daarom aansoek doen en die magistraat kan daarop na goeddunke 'n bevel gee, ook betreffende koste.

(9) Die vonnisskuldeiser kan 'n prokureur aanstel om die transport van die uitgewonne eiendom te doen.

(10) Onroerende goed waarop vir uitwinning beslag gelê is, moet deur die adjunk-balju by openbare veiling verkoop word.

(11) As die koper versuim om enige van sy verpligtinge ingevolge die verkoopsvoorwaardes na te kom, kan die koop summier deur 'n regter op grond van 'n verslag van die adjunk-balju en na behoorlike kennisgewing aan die koper, gekanselleer word en die eiendom kan weer te koop aangebied word. Die koper is aanspreeklik vir verliese gely vanweë sy versuim en dit kan op aansoek van 'n benadeelde skuldeiser wie se naam op die adjunk-balju se distribusierekening verskyn, van hom verhaal word kragtens vonnis van die regter wat summier op grond van 'n skriftelike verslag van die adjunk-balju gegee word nadat die koper skriftelik in kennis gestel is dat so 'n verslag vir daardie doel voor die regter gelê sal word. As die koper reeds in besit van die eiendom is, kan die adjunk-balju met 10 dae kennisgewing by 'n regter, 'n uitsettingsbevel kry teen hom of teen iemand wat voorgee deur hom te besit.

(12) Behoudens subreël (5) geskied die verkoping sonder reserwe en op die voorwaardes ingevolge subreël (8) bepaal, aan die hoogste bieder.

(13) Die adjunk-balju gee transport aan die koper teen betaling van die koopsom en vervulling van die verkoopsvoorwaardes. Hy kan vir daardie doel al die nodige doen en enigiets aldus deur hom gedaan is ewe geldig asof hy die eienaar was.

(14) (a) Die adjunk-balju moet onverwyld alle gelde wat hy ten opsigte van die koopprijs ontvang, in die depositeurekening van die magistraat van die distrik stort en dit nie aan die skuldeiser oorbetal voordat transport gegee is nie.

(b) Die adjunk-balju moet so gou moontlik na die verkoping 'n distribusieplan van die opbrengs opstel in rangorde van voorkeur soos hierna bepaal, en 'n afskrif daarvan aan die griffier stuur. Dan moet hy onmiddellik per aangetekende pos kennis gee aan alle partye wat lasbriewe ingedien het en aan die eksekusie skuldeiser dat die plan 21 dae vanaf 'n bepaalde datum in sy kantoor en in die kantoor van die griffier

which the writ is issued is situate, then on the notice-board of such court, and one copy at or as near as may be to the place where the said sale is actually to take place.

(8) (a) The conditions of sale shall, not less than 28 days prior to the date of the sale, be prepared by the execution creditor as near as may be in accordance with Form 21 of the First Schedule, and the said conditions shall be submitted to the deputy-sheriff to settle them. The execution creditor shall thereafter supply the deputy-sheriff with two copies of the conditions of sale, one of which shall lie for inspection by interested parties at his office.

(b) Any interested party may, not less than 10 days prior to the date of the sale, upon 24 hours' notice to the execution creditor and the bondholders apply to the magistrate of the District in which the property is to be sold for any modification of the conditions of sale and the magistrate may make such order thereon, including an order as to costs, as to him may seem meet.

(9) The execution creditor may appoint an attorney to attend to the transfer of the property when sold in execution.

(10) Immovable property attached in execution shall be sold by the deputy-sheriff by public auction.

(11) If the purchaser fails to carry out any of his obligations under the conditions of sale, the sale may be cancelled by a judge summarily on the report of the deputy-sheriff after due notice to the purchaser, and the property may again be put up for sale; and the purchaser shall be responsible for any loss sustained by reason of his default, which loss may, on the application of any aggrieved creditor whose name appears on the deputy-sheriff's distribution account be recovered from him under judgment of the judge pronounced summarily on a written report by the deputy-sheriff, after such purchaser shall have received notice in writing that such report will be laid before the judge for such purpose, and, if he is already in possession of the property, the deputy-sheriff may, on 10 days' notice, apply to a judge for an order ejecting him or any person claiming to hold under him therefrom.

(12) Subject to the provisions of subrule (5), the sale shall be without reserve and upon the conditions stipulated under subrule (8), and the property shall be sold to the highest bidder.

(13) The deputy-sheriff shall give transfer to the purchaser against payment of the purchase money and upon performance of the conditions of sale and may for that purpose do anything necessary to effect registration of transfer, and anything so done by him shall be as valid and effectual as if he were the owner of the property.

(14) (a) The deputy-sheriff shall not pay out to the creditor the purchase money until transfer has been given to the purchaser, but upon receipt thereof he shall forthwith pay into the deposit account of the magistrate of the district all moneys received in respect of the purchase price.

(b) The deputy-sheriff shall as soon as possible after the sale prepare in order of preference, as hereinafter provided, a plan of distribution of the proceeds and shall forward a copy of such plan to the registrar of the court. Immediately thereafter the deputy-sheriff shall give notice by registered post to all parties who have lodged writs and to the execution debtor that the plan will lie for inspection for 21 days from a date

'n ander adjunk-balju kan magtig. By ontvangs van 'n skriftelike opdrag van die vonnisshuldeiser om met die verkoping voort te gaan, moet die adjunk-balju vasstel en aanteken watter verbande of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is en die vonnisshuldeiser dienooreenkomstig in kennis stel.

(5) Onroerende goed wat onderworpe is aan 'n eis wat voorkeur geniet bo die van die vonnisshuldeiser word nie ter uitwinning verkoop nie tensy—

(a) die vonnisshuldeiser 'n skriftelike kennisgewing van die voorgenome verkoping per geregistreerde pos aan die preferente schuldeiser laat stuur het indien sy adres bekend is en, as die eiendom belasbaar is, ook aan die betrokke plaaslike bestuur, waarby hulle opgeroep word om binne tien dae na 'n bepaalde datum 'n redelike reserweprys vas te stel of skriftelik toe te stem tot 'n verkoping sonder reserwe; en hy aan die adjunk-balju bewys gelewer het dat die preferente schuldeiser aldus vasgestel of toegestem het; of

(b) die adjunk-balju oortuig is dat dit onmoontlik is om enige preferente schuldeiser ingevolge hierdie reël van die voorgenome verkoping kennis te gee of so 'n schuldeiser, nadat aan hom kennis gegee is, nagelaat het om binne die gestelde tyd 'n reserweprys te bepaal of skriftelik toe te stem tot 'n verkoping sonder reserwe soos in paragraaf (a) bedoel.

(6) Die adjunk-balju kan by kennisgewing aan enigiemand vereis dat hy onverwyld alle dokumente in sy besit of onder sy beheer wat betrekking het op die skuldenaar se titel in die genoemde eiendom, aan hom lewer.

(7) (a) Die adjunk-balju bepaal 'n dag en plek vir die verkoping van die eiendom, maar behalwe met spesiale verlof van 'n magistraat, nie minder as een maand na betekening van die kennisgewing van beslaglegging nie.

(b) Die vonnisshuldeiser moet in oorleg met die adjunk-balju 'n kennisgewing van verkoping opstel wat 'n kort beskrywing van die eiendom bevat, sy ligging en straatnommer (as daar een is), die tyd en plek van die verkoping en die feit dat die voorwaardes by die kantoor van die adjunk-balju ingesien kan word, en hy moet soveel eksemplare daarvan aan die adjunk-balju verskaf as wat hy verlang.

(c) Die adjunk-balju moet 'n koerant wat in die distrik sirkuleer waarin die eiendom geleë is aandui en die vonnisshuldeiser opdrag gee om die kennisgewing een maal daarin te plaas, minstens drie dae en hoogstens vyf dae, en in die *Staatskoerant* en die *Amptelike Koerant* van Venda minstens drie weke, voor die vasgestelde datum van die verkoping, en om aan hom laatstens die dag voor die verkoping een eksemplaar van die koerant en die nommers van die *Staatskoerant* en die *Amptelike Koerant* van Venda waarin die kennisgewing verskyn het, te verskaf.

(d) Minstens 21 dae voor die datum van die verkoping moet die adjunk-balju per geregistreerde pos 'n eksemplaar van die kennisgewing van verkoping in paragraaf (b) bedoel, stuur aan elke vonnisshuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is.

(e) Minstens 10 dae voor die verkoping moet die adjunk-balju een eksemplaar van die kennisgewing op die kennisgewingbord van die magistraatshof van die distrik waarin die eiendom geleë is, aanbring, of as die eiendom geleë is in die distrik waarin die hof

sale to be conducted elsewhere and by another deputy-sheriff. Upon receipt of written instructions from the execution creditor to proceed with such sale, the deputy-sheriff shall ascertain and record what bonds or other encumbrances are registered against the property together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered and shall thereupon notify the execution creditor accordingly.

(5) No immovable property which is subject to any claim preferent to that of the execution creditor shall be sold in execution unless—

(a) the execution creditor has caused notice, in writing, of the intended sale to be served by registered post upon the preferent creditor, if his address is known and, if the property is rateable, upon the local authority concerned calling upon them to stipulate within 10 days of a date to be stated a reasonable reserve price or to agree in writing to a sale without reserve; and has provided proof to the deputy-sheriff that the preferent creditor has so stipulated or agreed; or

(b) the deputy-sheriff is satisfied that it is impossible to notify any preferent creditor, in terms of this rule, of the proposed sale, or such creditor, having been notified, has failed or neglected to stipulate a reserve price or to agree in writing to a sale without reserve as provided for in paragraph (a) of this sub-rule within the time stated in such notice.

(6) The deputy-sheriff may be notice served upon any person require him to deliver up to him forthwith all documents in his possession or control relating to the debtor's title to the said property.

(7) (a) The deputy-sheriff shall appoint a day and place for the sale of such property, such day being, except by special leave of a magistrate, not less than one month after service of the notice of attachment.

(b) The execution creditor shall, after consultation with the deputy-sheriff, prepare a notice of sale containing a short description of the property, its situation and street number, if any, the time and place for the holding of the sale and the fact that the conditions may be inspected at the office of the deputy-sheriff, and he shall furnish the deputy-sheriff with as many copies of the notice as the latter may require.

(c) The deputy-sheriff shall indicate a newspaper circulating in the district in which the property is situated in the district in which the property is situated and require the execution creditor to publish the said notice once in each of the said newspapers not less than three days and not more than five days and in the *Government Gazette* and in the *Official Gazette* of Venda not later than three weeks before the date appointed for the sale and to furnish him, not later than the day prior to the date of the sale, with one copy of each of the said newspapers and with the numbers of the *Gazettes* in which the notice appeared.

(d) Not less than 21 days prior to the date of the sale, the deputy-sheriff shall forward by registered post a copy of the notice of sale referred to in paragraph (b) above to every judgment creditor who had caused the said immovable property to be attached and to every mortgagee thereof whose address is known.

(e) Not less than 10 days prior to the date of the sale, the deputy-sheriff shall affix one copy of the notice on the notice-board of the magistrate's court of the district in which the property is situated, or if the property be situated in the district in which the court out of

Hersiening van taksasie

48. (1) 'n Party wat ontevrede is met die beslissing van die takseermeester ten aansien van 'n item of deel van 'n item waarteen beswaar gemaak is, of wat *mero motu* deur die takseermeester geweier is kan binne 21 dae na die *allocatur* eis dat die takseermeester 'n gestelde saak opstel vir beslissing deur 'n regter, waarin hy elke item of deel daarvan tesame met die gronde van beswaar wat by die taksasie geopper is, uiteengesit, sowel as desbetreffende feitebevindinge van die takseermeester: Met dien verstande dat behalwe met toestemming van die takseermeester geen gestelde saak opgestel word waar die bedrag of die totaal van die bedrae, hetsy weierings of toelatings, waaroor die beswaarmaker ontevrede voel, minder as R20 is.

(2) Die takseermeester moet 'n afskrif van die gestelde saak aan elk van die partye verskaf en hulle mag dan binne 21 dae skriftelike betoog daarvoor voorlê, insluitende gronde van beswaar wat nie by die taksasie geopper is nie, ten opsigte van 'n item of deel van 'n item waarteen voor die takseermeester beswaar gemaak is of wat *mero motu* deur die takseermeester geweier is. Daarna stel die takseermeester sy verslag op en verskaf 'n afskrif daarvan aan elk van die partye wat binne 21 dae na ontvangs daarvan 'n skriftelike betoog daarvoor aan die takseermeester kan voorlê, wat onverwyld die saak tesame met die betoog van die partye daarvoor, sy verslag en enige betoog daarvoor voor 'n regter lê wat op grond daarvan kan beslis, of eers verdere inligting van die takseermeester kan vorder en ook desverkiekend eers die partye of hul advokate of prokureurs in sy kamers kan aanhoor, of anders die saak vir beslissing na die hof kan verwys. Die takseermeester verskaf enige verdere inligting wat hy aan die regter moet verskaf aan die partye wat binne 10 dae na ontvangs daarvan 'n skriftelike betoog daarvoor aan die takseermeester kan voorlê wat onverwyld sodanige verdere inligting tesame met enige betoog van die partye daarvoor voor die regter lê.

(3) Die regter of hof kan na goeë dunke 'n kostebevel in die gestelde saak gee, insluitende 'n bevel dat die onsuksesvolle party aan die teenparty 'n deur die regter of hof vasgestelde bedrag vir koste betaal.

Appèlle na die volle hof

49. (1) (a) In 'n saak waarin appèl teen 'n bevel van 'n enkele regter na die volle hof ontvanglik is, moet die party wat mag en wil appelleer, binne 21 dae na die betrokke bevel 'n kennisgewing van appèl aflewer, maar die hof kan by aanvoering van goeie redes die tyd verleng.

(b) 'n Kennisgewing van 'n appèl kragtens artikel 76 van die Wet op Patente, 1978 (Wet 57 van 1978), of artikel 63 van die Wet op Handelsmerke, 1963 (Wet 62 van 1963), kan beteken word aan die patentagent in die Wet op Patente, 1978, of die agent in artikel 8 van die Wet op Handelsmerke, 1963, bedoel, wat die respondent in die verrigtinge waarin 'n appèl aangeteken is, verteenwoordig het.

(2) In 'n saak waarin verlot van die hof *a quo* vereis word vir appèl na die volle hof, moet die kennisgewing van appèl binne 10 dae na die datum waarop verlot toegestaan is of binne 21 dae na die datum van die betrokke bevel, wat ookal die laaste is, afgelewer word.

Review of taxation

48. (1) Any party dissatisfied with the ruling of the taxing master as to any item or part of an item which was objected to or disallowed *mero motu* by the taxing master may within 21 days of the *allocatur* require the taxing master to state a case for the decision of a judge, which case shall set out each item or part of an item together with the grounds of objection advanced at the taxation and shall embody any relevant findings of facts by the taxing master: Provided that, save with the consent of the taxing master, no case shall be stated where the amount, or the total of the amounts, which the taxing master has disallowed or allowed, as the case may be, and which the party dissatisfied seeks to have allowed or disallowed respectively, is less than R20.

(2) The taxing master shall supply a copy of the case to each of the parties, who may within 21 days of the receipt of the copy submit contentions in writing thereon, including grounds of objection not advanced at the taxation, in respect of any item or part of an item which was objected to before the taxing master or disallowed *mero motu* by the taxing master. Thereafter the taxing master shall frame his report and shall supply a copy thereof to each of the parties who may within 21 days of the receipt thereof submit contentions in writing thereon to the taxing master who shall forthwith lay the case together with the contentions of the parties thereon, his report and any contentions thereon before a judge, who may then decide the matter upon the case and contentions so submitted, together with any further information which he may require from the taxing master, or may decide it after hearing, if he deems fit, the parties or their advocates or attorneys in his chambers; or he may refer the case for decision to the court. Any further information to be supplied by the taxing master to the judge shall be supplied by him to the parties who may within 10 days of the receipt thereof submit contentions in writing thereon to the taxing master who shall forthwith lay such further information together with any contentions of the parties thereon before the judge.

(3) The judge of court so deciding may make such order as to the costs of the case as he or it may deem fit, including an order that the unsuccessful party shall pay to the opposing party a sum fixed by the judge or court as and for costs.

Appeals to the full court

49. (1) (a) In any case in which an appeal lies from any order made by a single judge to the full court, any party entitled and intending to appeal shall deliver notice of appeal within 21 days after the date of the order appealed against, but the court may upon good cause shown extend such period.

(b) A notice of appeal in terms of section 76 of the Patents Act, 1978 (Act 57 of 1978), or section 63 of the Trade Marks Act, 1963 (Act 62 of 1963), may be served on the patent agent referred to in the Patents Act, 1978, or the agent referred to in section 8 of the Trade Marks Act, 1963, who represented the respondent in the proceedings in respect of which an appeal is noted.

(2) In any such case where leave of the court *a quo* is required to enable an appeal to be made to the full court, notice of appeal shall be delivered within 10 days of the date upon which leave is granted, or within 21 days after the date of the judgment appealed against, whichever is the later.

ter insae sal lê en tensy die partye skriftelik hul goedkeuring van die plan te kenne gee, moet dit aldus ter insae lê.

(c) Na aftrekking van uitwinningskoste word die opbrengs in die volgende rangorde van voorkeur verdeel:

(i) Die eise van preferente skuldeisers in die volgorde van hul geregtelike voorkeur; en daarna

(ii) die eise van ander skuldeisers wie se lasbriewe by die adjunk-balju ingedien is, in die rangorde van voorkeur soos vasgelê in artikels 96 en 99 tot en met 103 van die Insolvensiewet, 1936 (Wet 24 van 1936), soos gewysig.

(d) 'n Belanghebbende persoon wat teen so 'n plan beswaar het, moet binne 10 dae na verstryking van die tyd in paragraaf (b) van hierdie subreël vasgestel, skriftelik aan die adjunk-balju en alle ander belanghebbende persone, die besonderhede van sy beswaar meedeel en dit met 21 dae kennisgewing aan hulle, voor 'n regter vir hersiening bring.

(e) Die regter moet die geskilpunt aanhoor en beslis en hy kan die distribusieplan wysig of bekragtig of na goeddunke 'n bevel gee, ook betreffende koste.

(f) Indien—

(i) geen beswaar teen so 'n plan ingedien word nie; of

(ii) die belanghebbende partye te kenne gee dat hulle daarmee saamstem; of

(iii) die plan by hersiening bekragtig of gewysig word;

moet die magistraat na voorlegging van 'n sertifikaat van die aktebesorger dat transport aan die koper gegee is, en op versoek van die adjunk-balju, uitbetaal ooreenkomstig die distribusieplan. As die adres van 'n geregtigde nie bekend is nie, word die bedrag aan hom verskuldig gestort in die Voogdyfonds, tot stand gebring deur enige wet op die bereddering van boedels.

Sekuriteit vir koste

47. (1) 'n Party wat sekuriteit vir koste van iemand mag en wil eis, moet so gou moontlik na die aanvang van 'n geding 'n kennisgewing aflewer wat die gronde daarvoor en die bedrag wat geëis word, vermeld.

(2) As slegs die bedrag betwis word, bepaal die griffier die bedrag, en sy beslissing is finaal.

(3) As die party van wie sekuriteit geëis word, betwis dat hy daarvoor aanspreeklik is, of versuim of weier om sekuriteit vir die gevraagde bedrag of die bedrag deur die griffier bepaal te gee binne 10 dae na aanvraag of die griffier se beslissing, kan die ander party by kennisgewing 'n bevel by die hof aanvra dat sodanige sekuriteit gegee moet word en dat die verrigtinge opgeskort word totdat aan die bevel voldoen is.

(4) As sekuriteit nie binne 'n redelike tyd gegee word nie, kan die hof die ingestelde geding afwys of enige pleitstukke skrap wat deur die party wat in gebreke bly, ingedien is, of na goeddunke 'n ander bevel gee.

(5) Sekuriteit vir koste moet, tensy die hof anders bepaal of die partye anders ooreenkom, gegee word in die vorm, vir die bedrag en op die wyse deur die griffier voorgeskryf.

(6) Die griffier kan op aansoek van die party in wie se guns sekuriteit gegee moet word en by kennisgewing aan belanghebbende partye, die bedrag daarvan verhoog as hy oortuig is dat die oorspronklike bedrag nie meer voldoende is nie, en sy beslissing is finaal.

mentioned at his office and at the office of the registrar, and unless such parties shall signify, in writing, their agreement to the plan, such plan shall so lie for inspection.

(c) After deduction from the proceeds of the costs and charges of execution the following shall be the order of preference:

(i) The claims of preferent creditors ranking in priority in their legal order of preference; and thereafter

(ii) the claims of other creditors whose writs have been lodged with the deputy-sheriff in the order of preference appearing from sections 96 and 99 to 103 (inclusive) of the Insolvency Act, 1936 (Act 24 of 1936) as amended.

(d) Any interested person objecting to such plan shall, within 10 days of the expiry of the period referred to in paragraph (b) of this subrule give notice in writing to the deputy-sheriff and all other interested persons of the particulars of his objection and shall bring such objection before a judge for review on 21 days' notice to the deputy-sheriff and the said persons.

(e) The judge on review shall hear and determine the matter in dispute and may amend or confirm the plan of distribution or may make such order including an order as to costs as to him seems meet.

(f) If—

(i) no objection be lodged to such plan; or

(ii) the interested parties signify their concurrence therein; or

(iii) the plan is confirmed or amended on review; the magistrate shall, on production of a certificate from the conveyancer that transfer has been given to the purchaser and on the request of the deputy-sheriff, pay out in accordance with the plan of distribution. If the address of a payee is not known the amount due to him shall be paid into the Guardian's Fund established under any law relating to the administration of estates.

Security for costs

47. (1) A party entitled and desiring to demand security for costs from another shall, as soon as practicable after the commencement of proceedings, deliver a notice setting forth the grounds upon which such security is claimed, and the amount demanded.

(2) If the amount of security only is contested the registrar shall determine the amount to be given and his decision shall be final.

(3) If the party from whom security is demanded contests his liability to give security or if he fails or refuses to furnish security in the amount demanded or the amount fixed by the registrar within 10 days of the demand or the registrar's decision, the other party may apply to court on notice for an order that such security be given and that the proceedings be stayed until such order is complied with.

(4) The court may, if security be not given within a reasonable time, dismiss any proceedings instituted or strike out any pleadings filed by the party in default, to make such other order as to it may seem meet.

(5) Any security for costs shall, unless the court otherwise directs, or the parties otherwise agree be given in the form, amount and manner directed by the registrar.

(6) The registrar may, upon the application of the party in whose favour security is to be provided and on notice to interested parties, increase the amount thereof if he is satisfied that the amount originally furnished is no longer sufficient, and his decision shall be final.

(11) (a) Waar appèl aangeteken is of aansoek gedoen is om verlof om te appelleer teen of om herroeping, regstelling, hersiening of wysiging van 'n bevel van die hof, word die werking en tenuitvoerlegging daarvan opgeskort hangende die beslissing van die appèl of aansoek, tensy die hof wat die bevel gegee het, op aansoek van 'n party anders bepaal.

(b) As die bevel in paragraaf (a) bedoel ten uitvoer gelê word en op las van die hof, moet die party wat die tenuitvoerlegging bewerkstellig, eers sekuriteit gee soos deur die partye ooreengekom of deur die griffier bepaal, vir die terugbetaling van 'n bedrag deur sodanige tenuitvoerlegging verkry, tensy die hof anders gelas. Die griffier se beslissing is finaal.

(12) Tensy die respondent van sy reg tot sekuriteit afstand doen, moet die appellant, voor indiening van die appèl-oorkondes by die griffier, voldoende sekuriteit gee vir die respondent se koste van appèl. As die partye nie oor die bedrag kan ooreenkom nie, bepaal die griffier dit, en sy beslissing is finaal.

(13) Die Regering of 'n provinsiale administrasie hoef nie sekuriteit te gee nie.

(14) Minstens 10 dae voor die aanhoring van die appèl moet die appellant 'n bondige opgawe aflewer van die hoofpunte (sonder om daarop uit te brei) wat hy op appèl aanvoer. Minstens ses dae voor die aanhoring moet die respondent 'n dergelike opgawe aflewer. Drie addisionele eksemplare word in elke geval by die griffier ingedien.

Siviele appèlle van magistratshowe

50. (1) 'n Appèl by die hof teen die beslissing van 'n magistraat in 'n siviele saak moet binne agt weke na die aantekening daarvan voortgesit word, anders word dit geag te verval het.

(2) Die voortsetting van 'n appèl behels *ipso facto* die voortsetting van 'n teenappèl wat behoorlik aangeteken is.

(3) As 'n teenappèl aangeteken is en die appèl verval, verval die teenappèl ook, tensy 'n datum vir die aanhoring daarvan binne drie weke na die verval van die appèl by die griffier aangevra word.

(4) Die appellant kan binne ses weke na aantekening van die appèl skriftelik by die griffier en met kennisgewing aan alle ander partye 'n datum van aanhoring aanvra. As hy dit nie doen nie, kan die respondent te eniger tyd voor verstryking van die voormelde tydperk van agt weke op dieselfde wyse 'n datum van aanhoring aanvra. Dan word die appèl of teenappèl geag behoorlik voortgesit te wees.

(5) By ontvangs van so 'n aansoek moet die griffier onverwyld 'n datum van aanhoring toeken, minstens ses weke later, tensy alle partye skriftelik tot 'n korter tyd toestem. Hy moet die applikant onverwyld skriftelik kennis van die datum gee, waarna die applikant dadelik 'n kennisgewing van terrolleplasing aflewer en die klerk van die hof skriftelik daarvan in kennis stel.

(6) Terrolleplasing van 'n hangende appèl is *ipso facto* terrolleplasing van 'n teenappèl en andersom.

(7) (a) Een askrif van die oorkonde moet tesame met die aansoek om 'n datum van aanhoring, soos in subreël (4) bedoel, by die griffier ingedien word: Met

(11) (a) Where an appeal has been noted or an application for leave to appeal against or to rescind, correct, review, or vary an order of the court has been made, the operation or execution of the order in question shall be suspended pending the decision of such appeal or application unless the court which gave such order otherwise directs on the application of any party.

(b) If the order referred to in paragraph (a) is carried into execution in terms of any direction of the court, the party causing such execution shall, unless the court otherwise orders, before such execution, enter into such security as the parties may agree or the registrar may decide for the restitution of any sum obtained upon such execution. The registrar's decision shall be final.

(12) Unless the respondent waives his right to security, the appellant shall, before lodging with the registrar copies of the record on appeal, enter into good and sufficient security for the respondent's costs of appeal. In the case of failure to agree on the amount of security the registrar shall fix the amount, and his decision shall be final.

(13) No security shall be required from the Government or any provincial administration.

(14) Not later than 10 days before the hearing of the appeal the appellant shall deliver a concise statement of the main points (without elaboration thereon) which he intends to argue on appeal. Not later than six days before such hearing the respondent shall deliver a like statement of the main points he intends to argue. Three additional copies shall in each case be filed with the registrar.

Civil appeals from magistrates' courts

50. (1) An appeal to the court against the decision of a magistrate in a civil matter shall be prosecuted within eight weeks after the noting of such appeal, and unless so prosecuted it shall be deemed to have lapsed.

(2) The prosecution of an appeal shall *ipso facto* operate as the prosecution of any cross-appeal which has been duly noted.

(3) If a cross-appeal has been noted, and the appeal lapses, the cross-appeal shall also lapse, unless application for a date of hearing for such cross-appeal is made to the registrar within three weeks of the date of the lapse of such appeal.

(4) The appellant may, within six weeks after noting the appeal, apply in writing to the registrar on notice to all other parties for a date of hearing. If he fails to do so, the respondent may at any time before the expiry of the aforesaid period of eight weeks apply for a date of hearing in like manner. Upon such application, an appeal or cross-appeal shall be deemed to have been duly prosecuted.

(5) Upon receipt of such application for a date of hearing for an appeal or a cross-appeal, the registrar shall forthwith assign a date of hearing thereto, such date to be not less than six weeks from the date of such receipt (unless all parties thereto consent in writing to a shorter period). The registrar shall forthwith give the applicant for such date written notice of the date so assigned by him, whereupon the applicant shall, without delay, deliver a notice of set down and notify the clerk of the court in writing accordingly.

(6) A notice of set down of a pending appeal shall *ipso facto* operate as a set down of any cross-appeal and *vice versa*.

(7) (a) One copy of the record shall, together with the application for a date of hearing referred to in subrule (4), be filed with the registrar: Provided

(3) Waar verlof om na die volle hof of na die Appèlafdeling te appelleer nodig is en dit nie aangevra is ten tyde van die bevel nie, word aansoek om verlof gedoen deur binne 21 dae na die bevel waarteen appèl beoog word, 'n kennisgewing af te lewer dat die applikant verlof vra om te appelleer en waarin hy die gronde daarvoor uiteensit. Die aansoek word ter rolle geplaas op 'n datum met die griffier gereël.

(4) Elke kennisgewing van appèl na die volle hof moet vermeld of daar teen die hele of teen slegs 'n gedeelte van die bevel geappelleer word en, indien slegs teen 'n gedeelte, moet dit aangegee word sowel as die feitebevindings of regsbeslissings waarteen geappelleer word en die gronde daarvoor.

(5) 'n Teenappèl kan aangeteken word binne 10 dae na die aantekening van 'n appèl. Die bepalinge van hierdie reëls met betrekking tot appèlle geld *mutatis mutandis* vir teenappèlle.

(6) (a) Binne ses weke na aflewering van 'n kennisgewing van appèl, moet die appelland skriftelik by die griffier 'n datum vir die aanhoring aanvra en terselfdertyd aan hom die naam en adres van elke ander party tot die appèl verskaf. As hy versuim om dit te doen, kan 'n respondent binne 10 dae na verstryking van die ses weke net soos in die geval van die appelland aansoek doen om die terrolleplasing van die appèl of 'n teenappèl wat hy mog aangeteken het. As geen van die partye so 'n aansoek doen nie, word die appèl en teenappèl geag te verval het: Met dien verstande dat 'n respondent die reg het om 'n bevel vir sy verkwiste koste te vra.

(b) Die hof kan op aansoek van die appelland of teenappelland en by aanvoering van goeie redes 'n appèl of teenappèl wat verval het, terugplaas.

(7) Wanneer 'n datum vir aanhoring van die appèl of teenappèl aldus aangevra word, moet die griffier dit ter rolle plaas vir 'n datum deur hom gekies en minstens 21 dae skriftelike kennis aan die partye daarvan gee.

(8) Minstens 14 dae voor die datum vir aanhoring van die appèl moet die appelland aan die respondent twee eksemplare van die appèloorkonde verskaf en by die griffier drie indien en voorsien van 'n volledige inhoudsopgawe en kopieë van alle dokumente en bewysstukke in die saak, behalwe formele en ontersaaklike stukke, met dien verstande dat alle weglatings in die inhoudsopgawe vermeld word. Afskrifte moet duidelik met dubbele spasiëring op A4-standaardpapier getik, gepagineer en gebind word en elke 10de reël op elke bladsy moet genommer wees.

(9) Met toestemming van die partye kan bewysstukke en aanhangsels wat nie op die geskilpunt in die appèl betrekking het nie en ontersaaklike dele van lang dokumente weggelaat word. Die toestemming, waarin uiteengesit word watter dokumente of dele van dokumente weggelaat is, word deur die partye onderteken en by die oorkonde gevoeg: Met dien verstande dat die hof wat die appèl aanhoor, kan beveel dat die hele oorkonde voor hom gelê word.

(10) Wanneer die beslissing van 'n appèl uitsluitend van 'n regspunt afhang, kan die partye toestem om dit aan die hof in die vorm van 'n gestelde saak voor te lê, in welke geval net dié gedeeltes van die oorkonde wat nodig mag wees vir behoorlike beslissing van die appèl, voorgelê word, met dien verstande dat die hof wat die appèl aanhoor, kan beveel dat die hele oorkonde voorgelê word.

(3) Where leave to appeal to the full court or to the Appellate Division is required, application for leave shall be made by the delivery, within 21 days after the date of the judgment or order sought to be appealed against, of a notice stating that the applicant desires leave to appeal and setting forth the grounds upon which such leave is sought. The application shall be set down on a date to be arranged with the registrar. This subrule shall not apply to an application for such leave made at the time of the giving of the judgment.

(4) Every notice of appeal to the full court shall state whether the whole or part only of the order is appealed against and if part only is appealed against it shall state which part; and it shall specify the findings of fact or rulings of law appealed against and the grounds upon which the appeal is founded.

(5) A cross-appeal may be noted within 10 days of the noting of any appeal. The provisions of these rules with regard to appeals shall apply *mutatis mutandis* to cross-appeals.

(6) (a) Within six weeks after delivery of a notice of appeal, an appellant shall make written application to the registrar for a date for the hearing of such appeal and at the same time furnish him with the name and address of every other party to the appeal, and, if the appellant fails to do so, a respondent may within 10 days after the expiry of the said period of six weeks, and subject to the same conditions as in the case of the appellant, apply for the set down of such appeal or any cross-appeal which he may have noted. If no such application is made by either party the appeal and cross-appeal shall be deemed to have lapsed, provided that a respondent shall have the right to apply for an order for his wasted costs.

(b) The court may, on the application of the appellant or cross-appellant, and on good cause shown, reinstate an appeal or cross-appeal which has lapsed.

(7) Upon such application for a date for the hearing of the appeal or cross-appeal, the registrar shall set the appeal or cross-appeal down for hearing on a date selected by him and shall give the parties at least 21 days' notice in writing of the date so assigned.

(8) Not later than 14 days prior to the date assigned for the hearing of the appeal, the party appealing shall serve upon the respondent two copies and file with the registrar three copies of the record on appeal which shall contain a complete index and copies of all papers, documents and exhibits in the case, except formal and immaterial documents which shall be omitted provided that such omission is referred to in the said index. Such copies shall be clearly typed on A4 standard paper in double spacing, paginated and bound and in addition every 10th line on every page shall be numbered.

(9) By consent of the parties to the appeal, exhibits and annexures having no bearing on the point at issue in the appeal and immaterial portions of lengthy documents may be omitted. Such consent setting out what documents or parts of documents have been omitted shall be signed by the parties and shall be included in the record of appeal, provided that the court hearing the appeal may require the whole of the record of the case to be placed before it.

(10) When the decision of an appeal turns exclusively on a point of law the parties may agree to submit such appeal to the court in the form of a special case, in which event copies shall be made of only such portions of the record as may be necessary for a proper decision of the appeal, provided that the court hearing the appeal may require that the whole of the record of the case be placed before it.

wil aanvoer. Minstens ses dae voor die aanhoring moet die prokureur-generaal aan die griffier en aan die appellant onderskeidelik een eksemplaar van die hoofpunte van sy argument in bedoelde vorm lewer: Met dien verstande dat as die appèl deur meer as een regter aangehoor staan te word, daar 'n ooreenstemmende getal eksemplare aan die griffier gelewer moet word.

Strafappelle na die Appèlafdeling

52. (1) Wanneer—

(a) aan 'n beskuldigde ingevolge artikel 316 van die Strafproseswet, 1977 (Wet 51 van 1977), verlof gegee is om te appelleer; of

(b) 'n beskuldigde ingevolge artikel 318 van daardie Wet appèl aangeteken het; of

(c) 'n hof ingevolge artikel 319 van daardie Wet 'n regspraak wat by die verhoor van 'n beskuldigde ontstaan het, voorbehou het;

moet die griffier van die hof by die griffier van die appèlafdeling ses afskrifte van die oorkonde (waarvan een deur die eersgenoemde griffier gesertifiseer is) van die verrigtinge in die verhoorhof indien en soveel eksemplare aan die Staat verskaf as wat nodig geag mag word: Met dien verstande dat in plaas van die hele oorkonde, afskrifte (waarvan een deur die eersgenoemde griffier gesertifiseer is) van sodanige gedeeltes daarvan as waarop die beskuldigde en die Staat kan ooreenkom as voldoende, deurgestuur mag word, in welke geval die Appèlafdeling nietemin afskrifte van die hele oorkonde kan aanvra. Die beskuldigde mag teen betaling van die voorgeskrewe gelde van die griffier van die hof soveel eksemplare van die oorkonde of gedeeltes daarvan, na gelang van die geval, verkry as wat hy nodig het: Met dien verstande dat as hy te arm is om die voorgeskrewe gelde te betaal, hy die eksemplare kosteloos kan kry.

(2) Die griffier van die hof moet beslis of hy te arm is om die voorgeskrewe gelde te betaal, en sy beslissing is finaal.

(3) Wanneer verlof om te appelleer in 'n strafspraak deur die hof gegee word, moet die griffier onverwyld die griffier van Appèlafdeling daarvan in kennis stel.

Hersienings

53. (1) Tensy dit by wet anders bepaal is, moet alle hersienings van beslissings of verrigtinge van 'n laer hof en van enige tribunaal, raad of beampte wat regterlike, kwasi-regterlike of administratiewe funksies verrig, geskied by wyse van kennisgewing van mosie wat deur die party wat die hersiening verlang, afgelewer en gerig word aan die magistraat, voorsittende beampte of voorsitter van die hof, tribunaal of raad of aan die beampte, na gelang van die geval, en aan alle ander partye wat geraak word. Daarin word—

(a) die betrokke persoon opgeroep om redes aan te voer waarom die beslissing of verrigtinge nie hersien en reggestel of ter syde gestel behoort te word nie; en

(b) die magistraat, voorsittende beampte, voorsitter of beampte, na gelang van die geval, opgeroep om binne 21 dae na ontvangs van die kennisgewing van mosie, die oorkonde van die verrigtinge waarvan die party hersiening verlang tesame met sodanige redes as wat hy regtens moet verstrek of wat hy wil verstrek, aan die griffier te stuur en die aplikant in kennis te stel dat hy dit gedoen het.

appeal. Not later than six days before such hearing the attorney-general shall deliver one copy each to the registrar and the appellant, respectively, of the main points of his argument in the aforesaid form: Provided that if the appeal is to be heard by more than one judge, a corresponding number of copies shall be filed with the registrar.

Criminal appeals to the Appellate Division

52. (1) Whenever—

(a) an accused has been granted leave to appeal in terms of section 316 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or

(b) an accused has noted an appeal in terms of section 318 of the said Act; or

(c) a court has received a question of law which arose at the trial of an accused in terms of section 319 of the said Act;

the registrar of the court shall lodge with the registrar of the Appellate Division six copies of the record (one of which shall be certified by the first-named registrar) of the proceedings in the trial court and deliver such number of copies to the State as may be considered necessary: Provided that instead of the whole record, with the consent of the accused and the State, copies (one of which shall be certified by the first-named registrar) may be transmitted of such parts of the record as may be agreed upon by the accused and the State to be sufficient in which event the Appellate Division may nevertheless call for copies of the whole record. The accused shall be entitled, on payment of the prescribed fees, to obtain from the registrar of the court such number of copies of the record or parts of the record, as the case may be, as may be necessary for his purpose: Provided that if he is unable by reason of poverty to pay the prescribed fees he shall be entitled to obtain the same without payment of any fees.

(2) Any question arising as to the accused's inability to pay the prescribed fees shall be decided by the registrar of the court. The registrar's decision shall be final.

(3) If leave to appeal in a criminal case is granted by the court the registrar shall without delay notify the registrar of the Appellate Division of that fact.

Reviews

53. (1) Save where any law otherwise provides, all proceedings to bring under review the decision or proceedings of any inferior court and of any tribunal, board or officer performing judicial, quasi-judicial or administrative functions shall be by way of notice of motion directed and delivered by the party seeking to review such decision or proceedings to the magistrate, presiding officer or chairman of the court, tribunal or board or to the officer, as the case may be, and to all other parties affected—

(a) calling upon such persons to show cause why such decision or proceedings should not be reviewed and corrected or set aside; and

(b) calling upon the magistrate, presiding officer, chairman or officer, as the case may be, to despatch, within 21 days of the receipt of the notice of motion, to the registrar the record of such proceedings sought to be corrected or set aside together with such reasons as he is by law required or desires to give or make, and to notify the applicant that he has done so.

dien verstande dat as so 'n appèl deur meer as een regter verhoor staan te word, die griffier die nodige addisionele afskrifte kan vorder.

(b) Die afskrifte moet duidelik met dubbele spasiëring op A4-standaard-papier soos in reël 62 (2) bedoel, getik word en moet gepagineer wees. Ook moet elke 10de reël op elke bladsy genommer word.

(c) Die oorkonde moet 'n juiste en volledige afskrif bevat van die pleitstukke en die getuienis, en van alle ander dokumente wat nodig is vir die beregting van die appèl, sowel as 'n inhoudsopgawe daarvan. Die eksemplare wat by die griffier ingedien word, moet as juis gesertifiseer wees deur die prokureur of party wat hulle indien.

(d) Die party wat die afskrifte van die oorkonde indien, moet, wanneer hy die afskrifte by die griffier indien ooreenkomstig paragraaf (a), ook aan elk van die ander partye twee eksemplare daarvan verskaf, aldus gesertifiseer.

(8) (a) Behalwe vir sover hulle die meriete van 'n appèl raak, word getuiedagvaardings, kennisgewings van verhoor, toestemmings tot uitstel, opgawes van dokumente, kennisgewings om bloot te lê of insae toe te laat en ander dokumente van formele aard uit die oorkonde weggelaat, maar 'n lys daarvan word bygevoeg.

(b) Met toestemming van die party kan bewysstukke wat geen betrekking op 'n geskilpunt in die appèl het nie en ontersaaklike gedeeltes van lang dokumente ook weggelaat word, in welke geval 'n deur die partye ondertekende toestemming waarin die weglatings vermeld word, by die griffier ingedien word saam met die oorkonde: Met dien verstande dat die hof wat die appèl aanhoor, altyd die oorspronklike oorkonde kan raadpleeg en kennis kan neem van alles wat daarin voorkom.

(9) Die appellant moet minstens 10 dae voor die datum van aanhoring van die appèl, 'n bondige opgawe aflewer van die hoofpunte wat hy op appèl wil aanvoer. Minstens ses dae voor die datum van aanhoring moet die respondent 'n dergelike opgawe aflewer: Met dien verstande dat as die appèl deur meer as een regter aangehoor staan te word, die griffier addisionele afskrifte kan vorder.

Strafappelle van magistratshowe

51. (1) 'n Appèl van 'n veroordeelde persoon teen 'n skuldigbevinding, vonnis of bevel van 'n magistratshof in 'n strafsak waarin die Staat die aanklaer was, of 'n appèl van 'n prokureur-generaal of ander aanklaer teen 'n afwysing van 'n dagvaarding of aanklag of 'n ander beslissing van 'n magistratshof in so 'n saak, word deur die prokureur-generaal by kennisgewing aan die appellant of sy prokureur ter rolle geplaas vir aanhoring op een van die dae in die termyn of die vakansie wat die hoofregter vir sulke sake bepaal het.

(2) 'n Appèl teen 'n skuldigbevinding, vonnis of bevel van 'n magistratshof in enige ander strafsak word deur die griffier by kennisgewing aan alle partye vir aanhoring ter rolle geplaas soos van tyd tot tyd deur die Hoofregter voorgeskryf.

(3) Die finale verantwoordelikheid om te verseker dat alle afskrifte van die appèl-oorkonde in alle opsigte behoorlik voor die hof is, rus op die appellant of sy prokureur.

(4) Minstens 10 dae voor die aanhoring van die appèl moet die appellant aan die griffier en aan die prokureur-generaal elk een eksemplaar lewer van 'n bondige opgawe van die hoofpunte wat hy op appèl

that if such appeal is to be heard by more than one judge, the registrar may call for such additional copies of the record as are required.

(b) Such copies shall be clearly typed on A4 standard paper as referred to in rule 62 (2) in double spacing, and the pages thereof shall be consecutively numbered. In addition every tenth line on each page shall be numbered.

(c) The record shall contain a correct and complete copy of the pleadings, evidence and all other documents necessary for the hearing of the appeal, together with an index thereof, and the copies lodged with the registrar shall be certified a correct by the attorney or party lodging the same.

(d) The party lodging the copies of the record shall, when he files the copies with the registrar in accordance with paragraph (a) also furnish each of the other parties with two copies thereof, certified as aforesaid.

(8) (a) Save in so far as these affect the merits of an appeal, subpoenas, notices of trial, consents to postponements, schedules of documents, notices to produce or inspect, and other documents of a formal nature shall be omitted from the copies of the record but a list thereof shall be included.

(b) By consent of parties, exhibits having no bearing on a point at issue in an appeal and immaterial portions of lengthy documents may likewise be omitted from such copies, in which event a written consent, setting forth what documents, or portions thereof, as the case may be, have been omitted, and signed by or on behalf of the parties shall be filed with the registrar when such copies are lodged: Provided that the court hearing the appeal may at all times refer to the original record and take cognisance of all matters appearing therein.

(9) The appellant shall, not later than 10 days before the date of hearing of the appeal, file a concise statement of the main points which he intends to argue on appeal. The respondent shall, not later than six days before the date of hearing, file a similar statement: Provided that if the appeal is to be heard by more than one judge, the registrar may call for additional copies.

Criminal appeals from magistrates' courts

51. (1) An appeal by a convicted person against a conviction, sentence or order made by a magistrate's court in a criminal matter in which the prosecution has been at the public instance, or an appeal by an attorney-general or other prosecutor against a dismissal of a summons or charge or other decision of a magistrate's court in such a matter, shall be set down by the attorney-general on notice to the appellant or his attorney for hearing on such day in term time or vacation as the Chief Justice may appoint for such matters.

(2) An appeal against a conviction, sentence or order made by a magistrate's court in any other criminal matter shall be set down for hearing by the registrar on notice to all parties in accordance with such directions as he may receive from the Chief Justice from time to time.

(3) The ultimate responsibility for ensuring that all copies of the record on appeal are in all respects properly before the court shall rest on the appellant or his attorney.

(4) Not later than 10 days before the hearing of the appeal the appellant shall deliver to the registrar and to the attorney-general one copy each of a concise statement of the main points which he intends to argue on

(4) Die getuiedagvaarding of prosesstuk vir die verkryging van die aanwesigheid van iemand voor die hof (nie synde 'n rondgaande hof nie) om getuie in 'n strafsak af te lê of om boeke, dokumente of voorwerpe in te lewer, word by die kantoor van die griffier van die hof deur die hoofklerk van die prokureur-generaal uitgeneem (of waar die vervolging deur 'n private party ingestel word, deur homself of sy prokureur). Dit word aan die adjunk-balju by sy kantoor afgelewer vir betekening, tesame met 'n afskrif vir elk van die persone aan wie betekening moet geskied.

(5) Die getuiedagvaarding moet aan die getuie—

(a) persoonlik beteken word; of

(b) by sy woon-, besigheids- of werksplek deur dit af te lêer aan iemand aldaar wat skynbaar minstens 16 jaar oud is en skynbaar daar woon of werk.

(6) Die betekenaar moet desgewens aan die betrokke persoon die oorspronklike van die getuiedagvaarding toon.

(7) As die persoon aan wie 'n getuiedagvaarding beteken moet word, sy woon- of besigheidsplek gesluit hou ten einde die betekening te verhinder, is dit voldoende om 'n afskrif daarvan aan die buite- of hoofdeur van die woon- of besigheidsplek te heg.

(8) Wanneer die hof iemand weens minagting van die hof beboet vanweë sy versuim om te verskyn of iets anders, en die boete word nie behoorlik betaal nie, moet die griffier aan die adjunk-balju besonderhede van die boete gee en 'n voltooide lasbrief aan hom aflewer, wat hy dadelik ten uitvoer moet lê.

(9) 'n Aansoek kragtens artikel 149 van die Strafproseswet, 1977 (Wet 51 van 1977), om verandering van die plek van verhoor, kan by kennisgewing deur of namens die prokureur-generaal of deur die beskuldigde by die hof gedoen word en die hof kan daarop na goëddunke 'n bevel gee.

Strafsake: Rondgaande hof

55. (1) Die prosesstuk waarmee enigiemand, hetsy beskuldigde of getuie, opgeroep word om in 'n strafsak in 'n rondgaande hof in enige distrik te verskyn, kan te eniger tyd uitgeneem word, ook al is die datum vir die sitting van die hof nog nie bepaal nie. Dit kan deur die griffier van die hof of van die rondgaande hof uitgereik word, of, wanneer laasgenoemde nie op die plek is waar die hof sal sit nie, deur die klerk van die magistratshof van die distrik of deur die klerk van 'n regter in die rondgaande hof: Met dien verstande dat die prosesstuk vir die oproeping van iemand wat deur die prokureur-generaal of sy adjunk as 'n getuie in 'n strafsak in 'n rondgaande hof benodig word, nie deur of namens die prokureur-generaal geëndosseer of formeel uitgeneem hoef te word nie.

(2) Die prosesstuk van die rondgaande hof vir enige distrik vir die arres en aanhouding onder borgtog van iemand om te verseker dat hy voor die hof sal verskyn, word deur die magistrat van die distrik of deur 'n regter uitgereik.

(3) Alle prosesstukke van die rondgaande hof word gedateer op die dag waarop hulle uitgereik word, geteken deur die beampte wat hulle uitgereik, geëndosseer deur die persoon wat hulle uitneem en aan die adjunk-balju gerig.

(4) Die griffier van elke rondgaande hof moet by die afsluiting daarvan aan die balju 'n lys laat deurstuur van alle lasbriewe tot tenuitvoerlegging van vonnisse in strafsake wat deur hom uitgereik is.

(4) The subpoena or process for procuring the attendance of any person before the court (other than a circuit court) to give evidence in any criminal case or to produce any books, documents or things, shall be sued out of the office of the registrar of the court, by the chief clerk to the attorney-general (or where the prosecution is at the instance of a private party, by himself or his attorney); and the same shall be delivered to the deputy-sheriff, at his office, for service thereof, together with so many copies of the subpoena or process as there are persons to be served.

(5) The subpoena shall be served upon the witness—

(a) personally; or

(b) at his residence or place of business or employment by delivering it to some person thereat who is apparently not less than 16 years of age and apparently residing or employed thereat.

(6) The person serving the subpoena shall if required by the person upon whom it was served, exhibit to him the original.

(7) If the person to be served with a subpoena keeps his residence or place of business closed so as to prevent the service of the subpoena, it shall be sufficient service to affix a copy thereof to the outer or principal door of such residence or place of business.

(8) When the court imposes upon any person whatsoever a fine for contempt of court for default in appearance or otherwise, and such fine is not duly paid, the registrar of the court shall furnish the deputy-sheriff with particulars of such fine and deliver to him a completed warrant. The deputy-sheriff, immediately on such warrant being delivered to him, shall execute it.

(9) An application under section 149 of the Criminal Procedure Act, 1977 (Act 51 of 1977), to change the place of trial in criminal proceedings may be made to the court, upon notice, by or on behalf of the attorney-general or the accused. The court may thereupon make such order thereon as to it seems meet.

Criminal proceedings: Circuit court

55. (1) The process of a circuit court for any district for summoning any person, either as an accused or as a witness in any criminal case before such court, may be sued out at any time, whether the date for holding such court shall have been appointed or not. It may be issued by the registrar of the court or of the circuit court or when the latter is not in the place where the court is to be held then by the clerk of the magistrate's court of the district or by the clerk to any judge in that court: Provided that the process for summoning any person required by the attorney-general or his deputy as a witness in a criminal case in such court need not be endorsed or formally sued out by or on behalf of the attorney-general.

(2) The process of the circuit court for any district for arresting and holding to bail any person in order to compel his appearance before such court shall be issued by the magistrate for such district, or by any judge.

(3) All process of the circuit court shall be dated on the day on which it is issued, shall be signed by the officer issuing it, shall be endorsed by the person suing out the same and shall be directed to the deputy-sheriff.

(4) The registrar of every circuit court shall, on the closing of the same, cause to be transmitted to the sheriff a list of all warrants of execution in criminal cases which have been issued by him.

(2) Die kennisgewing van mosie moet die betrokke beslissing of verrigtinge aangee en moet vergesel gaan van 'n beëdigde verklaring wat die gronde, feite en omstandighede bevat waarop die applikant steun vir tersydestelling of regstelling daarvan.

(3) Die griffier moet die bedoelde oorkonde aan die applikant beskikbaar stel op voorwaardes wat hy paslik ag om die veiligheid daarvan te verseker, en die applikant moet dan afskrifte laat maak van dié gedeeltes wat nodig mag wees vir die hersiening en hy moet een daarvan aan die griffier verskaf en een aan elk van die ander partye, in elke geval deur die applikant as juis gesertifiseer. Die koste van kopiëring, as daar is, word deur die applikant gedra en is koste in die geding. Indien die hersiening deur meer as een regter aangehoor staan te word moet 'n ooreenstemmende getal afskrifte aan die griffier gelewer word.

(4) Die applikant kan binne 10 dae nadat die griffier die oorkonde aan hom beskikbaar gestel het, deur 'n kennisgewing en bygaande beëdigde verklaring af te lewer, sy kennisgewing van mosie wysig of uitbrei en die ondersteunende beëdigde verklaring aanvul.

(5) As die voorsittende beampte, voorsitter of beampte, na gelang van die geval, of 'n party wat daardeur geraak word, die bevel in die kennisgewing van mosie aangevra, wil bestry, moet hy—

(a) binne 21 dae na ontvangs van die kennisgewing van mosie of 'n wysiging daarvan; 'n kennisgewing aan die applikant aflewer dat hy wil bestry, en daarin 'n adres binne 10 km van die kantoor van die griffier aangee waar hy betekening van alle prosesstukke in die geding sal aanvaar; en

(b) binne 21 dae na verstryking van die tyd in subreël (4) genoem, beëdigde verklarings aflewer wat hy in antwoord op die applikant se beweringe wil aanbied.

(6) Die applikant het die regte en verpligtinge betreffende repliserende beëdigde verklarings wat in reël 6 uiteengesit is.

(7) Die bepalinge van reël 6 betreffende die terrolleplasing van aansoeke geld *mutatis mutandis* vir die terrolleplasing van hersiening.

Strafverrigtinge

54. (1) Die prosesstuk waarby 'n beskuldigde opgeroep word om op 'n akte van beskuldiging te antwoord, is 'n lasbrief uitgeneem deur die hoofklerk van die prokureur-generaal wat die akte van beskuldiging voorlê, of in die geval van 'n private vervolging, deur die aanklaer of sy prokureur, en dit word aan die adjunk-balju gerig.

(2) Die prokureur-generaal of ander aanklaer of sy prokureur moet op elke akte van beskuldiging en elke afskrif daarvan wat aan die adjunk-balju vir betekening afgelewer word, 'n kennisgewing van verhoor endosseer of dit daaraan heg, waarin die besondere sitting van die hof, plek en tyd wanneer die beskuldigde moet verskyn, aangegee word.

(3) Die prokureur-generaal of ander aanklaer of sy prokureur moet aan die adjunk-balju die lasbrief, 'n afskrif van die akte van beskuldiging en die kennisgewing van verhoor vir betekening aflewer, een van elk vir elke beskuldigde. In die geval van 'n private vervolging moet die aanklaer of sy prokureur terselfder tyd aan die adjunk-balju die koste betaal wat regtens gevorder kan word vir die betekening.

(2) The notice of motion shall set out the decision or proceedings sought to be reviewed and shall be supported by affidavit setting out the grounds and the facts and circumstances upon which applicant relies to have the decision or proceedings set aside or corrected.

(3) The registrar shall make available to the applicant the record despatched to him as aforesaid upon such terms as the registrar thinks appropriate to ensure its safety, and the applicant shall thereupon cause copies of such portions of the record as may be necessary for the purposes of the review to be made and shall furnish the registrar with one thereof and each of the other parties with one copy thereof, in each case certified by the applicant as true copies. The costs of transcription, if any, shall be borne by the applicant and shall be costs in the cause. If the review is to be heard by more than one judge, a corresponding number of copies shall be filed with the registrar.

(4) The applicant may within 10 days after the registrar has made the record available to him, by notice and accompanying affidavit amend, add to or vary the terms of his notice of motion and supplement the supporting affidavit, and shall deliver the said notice and affidavit.

(5) Should the presiding officer, chairman, or officer, as the case may be, or any party affected desire to oppose the granting of the order prayed in the notice of motion, he shall—

(a) within 21 days of the receipt by him of the notice of motion or any amendment thereof deliver notice to the applicant that he intends so to oppose and shall in such notice appoint an address within 10 km of the office of the registrar at which he will accept notice and service of all process in such proceedings; and

(b) within 21 days of the expiry of the time referred to in subrule (4) hereof, deliver any affidavits he may desire in answer to the allegations made by the applicant.

(6) The applicant shall have the rights and obligations in regard to replying affidavits set out in rule 6.

(7) The provisions of rule 6 as to set down of applications shall *mutatis mutandis* apply to the set down of review proceedings.

Criminal proceedings

54. (1) The process for summoning an accused to answer any indictment shall be by writ sued out by the chief clerk to the attorney-general who presents the indictment, or in the case of a private prosecution by the prosecutor or his attorney, and shall be directed to the deputy-sheriff.

(2) The attorney-general or other prosecutor or his attorney shall endorse on, or annex to, every indictment and every copy of any indictment delivered to the deputy-sheriff for service thereof, a notice of trial, which notice shall specify the court before which, and the particular session and time when, he will bring the accused to trial on the said indictment.

(3) The attorney-general or other prosecutor or his attorney shall deliver to the deputy-sheriff for service the writ, a copy of the indictment and notice of trial or, if there are more than one accused as many writs and copies of the indictment and notice of trial as there are accused. In the case of a private prosecution the prosecutor or his attorney shall at the same time hand to the deputy-sheriff his lawful costs and charges for serving the same.

(3) Die aansoek moet sover moontlik gesteun word deur—

(a) 'n beëdigde verklaring van minstens een persoon wat die pasiënt goed ken, met besonderhede oor die pasiënt se geestestoestand waarvan die deponent persoonlik kennis dra. As so iemand aan die pasiënt verwant is of persoonlike belang by die bepaling van 'n aangevraagde bevel het, moet volledige besonderhede van die verwantskap of belang gegee word; en

(b) beëdigde verklarings van minstens twee mediese praktisyns, een van wie waar doenlik 'n psigiater moet wees wat die pasiënt kort tevore ondersoek het ten einde oor sy geestestoestand verslag te doen. Die verklarings moet al hulle waarnemings insake die pasiënt se geestestoestand bevat, asook hul menings oor die aard, omvang en waarskynlike duur van die geestesverstoring of -gebrek wat hulle gevind het, met hul redes daarvoor, gevolg deur 'n opinie of die pasiënt bekwaam is om sy belange te behartig. Die mediese praktisyn moet sover moontlik nie aan die pasiënt verwant wees nie en geen persoonlike belang by die bepaling van 'n aangevraagde bevel hê nie.

(4) By die aanhoring van die aansoek in subreël (1) bedoel kan die hof die voorgestelde persoon of enige ander geskikte persoon as kurator *ad litem* aanstel, die aansoek van die hand wys of na goeie 'n ander bevel gee. Meer bepaald kan die hof as goeie gronde aangevoer is en vanweë dringendheid of ander besondere omstandighede, enige van die vereistes van hierdie reël oor die hoof sien.

(5) Na sy aanstelling moet die kurator *ad litem* (wat waar doenlik 'n advokaat of anders 'n prokureur moet wees) onverwyld 'n onderhoud met die pasiënt voer en hom die doel en aard van die aansoek meedeel tensy hy na raadpleging van een van die mediese praktisyns in paragraaf (b) van subreël (3) bedoel, meen dat dit die pasiënt se gesondheid sal benadeel. Hy moet sodanige verdere navrae doen as wat in die saak nodig skyn te wees en 'n verslag aan die hof opstel waarin hy ook alle verdere feite wat hy mag vasgestel het aangaande die pasiënt se geestestoestand, sy middele en omstandighede vermeld, en die aandag vestig op enige oorweging wat hy meen die hof sal beïnvloed betreffende die bepaling van die aangevraagde bevel. Die verslag moet hy by die griffier indien en terselfdertyd aan die applikant 'n afskrif daarvan verskaf.

(6) By ontvangs van die verslag moet die applikant dit tesame met afskrifte van die verklarings in subreëls (2) en (3) bedoel, aan die weesheer, vir oorweging en verslag aan die hof voorlê.

(7) In sy verslag moet die weesheer tot die beste van sy vermoë kommentarier oor die pasiënt se middele en algemene omstandighede en die geskiktheid al dan nie van die persoon wat as kurator van die pasiënt of sy goed voorgestel is, en aanbevelings doen oor die verskaffing van sekuriteit en die instuur van rekeninge deur die kurator en die magte wat na sy mening aan hom toevertrou behoort te word. 'n Afskrif van die verslag moet aan die kurator *ad litem* verskaf word.

(8) By ontvangs van die verslag van die weesheer kan die applikant die saak op dieselfde stukke vir aanhoring ter rolle plaas om 'n bevel aan te vra waarin verklaar word dat die pasiënt geestelik verstoord is en

(3) The application shall, as far as possible, be supported by—

(a) an affidavit by at least one person to whom the patient is well known and containing such facts and information as are within the deponent's own knowledge concerning the patient's mental condition. If such person is related to the patient, or has any personal interest in the terms of any order sought, full details of such relationship or interest, as the case may be, shall be set forth in his affidavit; and

(b) affidavits by at least two medical practitioners, one of whom shall, where practicable, be an alienist, who have conducted recent examinations of the patient with a view to ascertaining and reporting upon his mental condition and stating all such facts as were observed by them at such examinations in regard to such condition, the opinions found by them in regard to the nature, extent and probable duration of any mental disorder or defect observed and their reasons for the same and whether the patient is in their opinion incapable of managing his affairs. Such medical practitioners shall, as far as possible, be persons unrelated to the patient and without personal interest in the terms of any order sought.

(4) Upon the hearing of the application referred to in subrule (1), the court may appoint the person suggested or any other suitable person as curator *ad litem*, or may dismiss the application or make such further or other order thereon as to it may seem meet and in particular on cause shown; and by reason or urgency, special circumstances or otherwise, dispense with any of the requirements of this rule.

(5) Upon his appointment the curator *ad litem* (who shall if practicable be an advocate, or failing such, an attorney), shall without delay interview the patient, and shall also inform him of the purpose and nature of the application unless after consulting a medical practitioner referred to in paragraph (b) of subrule (3) he is satisfied that this would be detrimental to the patient's health. He shall further make such inquiries as the case appears to require and thereafter prepare and file with the registrar his report on the matter to the court, at the same time furnishing the applicant with a copy thereof. In his report the curator *ad litem* shall set forth such further facts (if any) as he has ascertained in regard to the patient's mental condition, means and circumstances and he shall draw attention to any consideration which in his view might influence the court in regard to the terms of any order sought.

(6) Upon receipt of the said report the applicant shall submit the same, together with copies of the documents referred to in subrules (2) and (3) to the master for consideration and report to the court.

(7) In his report the master shall, as far as he is able, comment upon the patient's means and general circumstances, and the suitability or otherwise of the person suggested for appointment as curator to the person or property of the patient, and he shall further make such recommendations as to the furnishing of security and rendering of accounts by, and the powers to be conferred on, such curator as the facts of the case appear to him to require. The curator *ad litem* shall be furnished with a copy of the said report.

(8) After the receipt of the report of the master, the applicant may, on notice to the curator *ad litem* (who shall if he thinks fit inform the patient thereof), place the matter on the roll for hearing on the same papers

(5) In alle sake waarin 'n prosesstuk vir die tenuitvoerlegging van 'n vonnis, uitspraak of bevel van 'n rondgaande hof in 'n strafsake benodig word nadat die oorkondes daarvan by die kantoor van die griffier van die hof in bewaring gegee is, kan 'n prosesstuk van die hof vir die doel uitgereik word aan die persoon wat die tenuitvoerlegging verlang.

(6) Wanneer 'n rondgaande hof enigiemand beboet weens minagting van die hof deurdat hy versuim het om te verskyn of andersins, en die boete word nie op tyd betaal nie, moet die griffier van die rondgaande hof aan die adjunk-balju besonderhede van die boete gee en 'n lasbrief ten opsigte daarvan aan hom lewer.

(7) Die griffier van 'n rondgaande hof moet onmiddellik na afsluiting van die hof in elke sentrum 'n opgawe van al die boetes opstel wat die hof aldaar opgelê het, met aangifte van die name van die persone, die bedrag van die boete, die datum van oplegging, die datum wanneer 'n lasbrief aan die adjunk-balju gelewer is vir die invordering daarvan, enige vermindering as daar was, en of dit sonder uitreiking van 'n lasbrief betaal is. Die opgawe stuur hy aan die griffier van die hof.

(8) Wanneer 'n rondgangdistrik meer as een magistratsdistrik omvat, moet die klerk van die magistrats-hof van elke distrik binne sy distrik die pligte uitvoer wat deur hierdie reëls aan klerke van magistrats-howe opgedra word.

Strafsake: Algemeen

56. (1) Prosesstukke of dokumente in reëls 54 en 55 genoem kan deur 'n lid van 'n polisiemag bedoel in artikel 329 van die Strafproseswet, 1977 (Wet 51 van 1977), beteken word.

(2) Subreëls (16) tot (19) en (21) van reël 39 geld *mutatis mutandis* vir alle verrigtinge in strafsake.

Geregtelike ondersoek na geestestoestand, aanstelling van kurators vir handelingsonbevoegdes en vrystelling van kuratele

57. (1) Iemand wat 'n bevel by die hof wil aanvra waarby 'n ander persoon (hierna "die pasiënt" genoem) geestelik verstoord verklaar word en derhalwe onbekwaam om sy belange te behartig, en waarby 'n kurator vir die pasiënt of sy goed aangestel word, moet eers die aanstelling van 'n kurator *ad litem* vir die pasiënt by die hof aanvra.

(2) So 'n versoek geskied *ex parte* en moet volledig uiteensit—

(a) die gronde waarop die applikant aanspraak maak op *locus standi* om so 'n aansoek te doen;

(b) die gronde waarop beweer word dat die hof jurisdiksie het;

(c) die pasiënt se ouderdom en geslag, volle besonderhede van sy besittings en van sy algemene liggaamlike gesondheidstoestand;

(d) die verwantskap (as daar is) tussen die pasiënt en die applikant, en die tydsduur en mate van vertroulikheid in hul omgang (as daar is);

(e) die feite en omstandighede wat as bewys moet dien dat die pasiënt geestelik verstoord is en nie sy belange kan behartig nie;

(f) die name, beroepe en adresse van die onderskeie persone wat vir aanstelling as kurator *ad litem* en daarna as kurator vir die pasiënt se persoon of goed voorgestel word, en 'n verklaring dat hierdie persone genader is en te kenne gegee het dat hulle, indien aangestel, in staat en gewillig sal wees om in die onderskeie hoedanighede te dien.

(5) In all cases wherein process is required for the execution of any sentence, judgment, or order of any circuit court in a criminal case, after the records thereof have been deposited in the office of the registrar, the process of the court for the execution of any such sentence, judgment or order may be issued to the party requiring the execution of the same.

(6) When a circuit court imposes upon any party whatsoever a fine for contempt of court, for default of appearance or otherwise, and such fine is not duly paid, the registrar of the circuit court shall furnish to the deputy-sheriff the particulars of such fine, and deliver to him a warrant in respect thereof.

(7) The registrar of every circuit court shall, immediately upon the closing of the court in each circuit town, make out and transmit to the registrar a return showing all the fines which have, during the sitting of the court in that town, been imposed by the said court, specifying therein the names of the parties, the amount of the fine, the date when imposed, and the date when a warrant was delivered to the deputy-sheriff for its levy, the extent, if any, to which the fine was remitted, and whether it was paid without issue of a warrant.

(8) Whenever a circuit court district comprises more than one magisterial district, the clerk of the magistrate's court of each such magisterial district shall, within the limits of his district, perform the duties devolving on clerks of magistrates' courts under these rules.

Criminal proceedings: General

56. (1) Any process or document referred to in rules 54 and 55 may be served by a member of a police force referred to in section 329 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

(2) The provisions of subrules (16) to (19) and (21) of rule 39 shall apply *mutatis mutandis* to all proceedings in criminal cases.

De lunatico inquirendo, appointment of curators in respect of persons under disability and release from curatorship

57. (1) Any person desirous of making application to the court for an order declaring another person (hereinafter referred to as "the patient") to be of unsound mind and as such incapable of managing his affairs, and appointing a curator to the person or property of such patient shall in the first instance apply to the court for the appointment of a curator *ad litem* to such patient.

(2) Such application shall be brought *ex parte* and shall set forth fully—

(a) the grounds upon which the applicant claims *locus standi* to make such application;

(b) the grounds upon which the court is alleged to have jurisdiction;

(c) the patient's age and sex, full particulars of his means, and information as to his general state of physical health;

(d) the relationship (if any) between the patient and the applicant, and the duration and intimacy of their association (if any);

(e) the facts and circumstances relied on to show that the patient is of unsound mind and incapable of managing his affairs;

(f) the name, occupation and address of the respective persons suggested for appointment by the court as curator *ad litem*, and subsequently as curator to the patient's person or property, and a statement that these persons have been approached and have intimated that, if appointed, they would be able and willing to act in these respective capacities.

(17) Na die aanhoring van 'n aansoek in subreëls (14) en (16) bedoel, kan die hof die applikant vry van geestesverstoring verklaar en bekwaam om sy belange te behartig en hom van kuratele onthef, of die aansoek van die hand wys, of *mero motu* 'n kurator *ad litem* aanstel om volgens goedvinde van die hof navrae te doen en daarvoor te rapporteer, of hy kan sodanige verdere getuienis as wat hy wenslik ag, aanvra en die verdere aanhoring van die saak uitstel in afwagting van so 'n verslag, beëdigde verklaring of getuienis, na gelang van die geval, of hy kan die aangeleentheid *sine die* uitstel en na goeiddunke 'n kostebel bevel gee.

Tussenpleit

58. (1) Waar iemand, in hierdie reël "applikant" genoem, beweer dat hy aangespreek staan te word deur twee of meer partye wat strydige eise het (in hierdie reël "die aanspraakmakers" genoem) kan hy 'n kennisgewing wat in hierdie reël 'n "tussenpleit-kennisgewing" genoem word, aan die aanspraakmakers aflewer. In die geval van strydige aansprake op goed waarop vir uitwinning beslag gelê is, het die adjunk-balju die regte van 'n applikant en 'n vonnisskuldeiser die regte van 'n aanspraakmaker.

(2) (a) By aansprake op geld moet die applikant by aflewering van die kennisgewing genoem in subreël (1), die geld aan die griffier betaal, wat dit moet hou totdat die strydige aansprake beslis is.

(b) By aansprake op 'n voorwerp wat gelewer kan word, moet die applikant dit aan die griffier aanbied wanneer hy die tussenpleit-kennisgewing aflewer of hy moet volgens voorskrifte van die griffier sorg dat dit beskikbaar bly.

(c) By aansprake op onroerende goed moet die applikant die titelbewyse daarvan, as hy hulle het, aan die griffier gee wanneer hy die tussenpleit-kennisgewing aflewer tesame met 'n onderneming om alle dokumente wat nodig is om transport van die onroerende goed te gee, te onderteken ooreenkomstig 'n bevel wat die hof mag gee of 'n ooreenkoms tussen die aanspraakmakers.

(3) Die tussenpleit-kennisgewing moet—

(a) die aard van die aanspreeklikheid, eiendom of aanspraak waarvoor die geskil gaan, vermeld;

(b) die aanspraakmakers oproep om binne die tyd in die kennisgewing gestel, synde minstens 14 dae na betekening daarvan, besonderhede van hul eise af te lewer; en

(c) vermeld dat op 'n latere datum, synde minstens 14 dae na die datum in die kennisgewing genoem vir die aflewering van aansprake, die applikant by die hof aansoek sal doen om te beslis oor sy aanspreeklikheid of die geldigheid van die onderskeie aansprake.

(4) Tesame met die tussenpleit-kennisgewing moet die applikant 'n beëdigde verklaring aflewer waarin hy sê dat hy—

(a) geen ander belang by die onderwerp van die geskil het as om sy koste daaruit te dek nie;

(b) nie met enige van die aanspraakmakers saamspan nie;

(c) gewillig is om met die onderwerp van die geskil te handel soos die hof mag voorskryf.

(17) Upon the hearing of any application referred to in subrules (14) and (16) hereof the court may declare the applicant as being no longer of unsound mind and as being capable of managing his affairs, order is release from such curatorship, or dismiss the application, or *mero motu* appoint a curator *ad litem* to make such inquiries as it considers desirable and to report to it, or call for such further evidence as it considers desirable and postpone the further hearing of the matter to permit of the production of such report, affidavit or evidence, as the case may be, or postpone the matter *sine die* and make such order as to costs or otherwise as to it may seem meet.

Interpleader

58. (1) Where any person, in this rule called "the applicant", alleges that he is under any liability in respect of which he is or expects to be sued by two or more parties making adverse claims, in this rule referred to as "the claimants", in respect thereto, the applicant may deliver a notice, in terms of this rule called an "interpleader notice", to the claimants. In regard to conflicting claims with respect to property attached in execution, the deputy-sheriff shall have the rights of an applicant and an execution creditor shall have the rights of a claimant.

(2) (a) Where the claims relate to money the applicant shall be required, on delivering the notice mentioned in subrule (1), to pay the money to the registrar who shall hold it until the conflicting claims have been decided.

(b) Where the claims relate to a thing capable of delivery the applicant shall tender the subject matter to the registrar when delivering the interpleader notice or take such steps to secure the availability of the thing in question as the registrar may direct.

(c) Where the conflicting claims relate to immovable property the applicant shall place the title deeds thereof, if available to him, in the possession of the registrar when delivering the interpleader notice and shall at the same time hand to the registrar an undertaking to sign all documents necessary to effect transfer of such immovable property in accordance with any order which the court may make or any agreement of the claimants.

(3) The interpleader notice shall—

(a) state the nature of the liability, property or claim which is the subject matter of the dispute;

(b) call upon the claimants within the time stated in the notice, not being less than 14 days from the date of service thereof, to deliver particulars of their claims; and

(c) state that upon a further date, not being less than 14 days from the date specified in the notice for the delivery of claims, the applicant will apply to court for its decision as to his liability or the validity of the respective claims.

(4) There shall be delivered together with the interpleader notice on affidavit by the applicant stating that—

(a) he claims no interest in the subject matter in dispute other than for charges and costs;

(b) he does not collude with any of the claimants;

(c) he is willing to deal with or act in regard to the subject matter of the dispute as the court may direct.

derhalwe onbekwaam om sy belange te behartig, en waarin die voorgestelde persoon aangestel word as kurator vir die persoon of goed van die pasiënt, of albei. Die applikant moet kennis van die terrolleplasing aan die kurator *ad litem* gee, wat dit desverkie-send aan die pasiënt kan meedeel.

(9) Die hof kan beveel dat die applikant, die pasiënt en andere die aanhoring moet bywoon om mondelinge getuienis af te lê of inligting te verskaf wat die hof verlang.

(10) By oorweging van die aansoek, die verslae van die kurator *ad litem* en van die weesheer en sodanige verdere inligting of getuienis as wat mondelings of andersins voorgelê mag wees, kan die hof gelas dat die aansoek aan die pasiënt beteken word of hy kan die pasiënt geestelik verstoord verklaar en onbekwaam om sy eie belange te behartig en 'n geskikte persoon as kurator vir hom of sy goed of albei aanstel, met die voorbehoude wat hy goedvind, of hy kan die aansoek van die hand wys of in die algemeen na goeiddunke 'n bevel gee (insluitende 'n bevel dat die koste van die verrigtinge uit die bates van die pasiënt betaal word).

(11) Verskillende persone kan, mits ierdereen die vereistes van hierdie reël nagekom het, voorgestel en afsonderlik aangestel word as kurator vir die persoon en kurator vir die goed van iemand wat verklaar is geestelik verstoord te wees en onbekwaam om sy eie belange te behartig.

(12) Subreëls (1), (2) en (4) tot en met (10) geld, vir sover hulle daarop toegepas kan word, ook *mutatis mutandis* vir 'n aansoek om aanstelling deur die hof van 'n kurator ingevolge artikel 56 van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), vir die goed van iemand wat aangehou word as geestelik verstoord of gebrekkig of wat as sodanig verklaar is, of wat aangehou word as 'n geestelik verstoorde of gebrekkige gevangene of as 'n pasiënt wat die beskikking van die Staatspresident afweg en wat onbekwaam is om sy belange te behartig.

(13) Behalwe vir sover as wat die hof op aansoek anders mag voorskryf, geld subreëls (1) tot (11) *mutatis mutandis* vir elke aansoek om aanstelling van 'n kurator *bonis* vir iemand op grond daarvan dat hy vanweë 'n gebrek, geestelik of liggaamlik, onbekwaam is om sy eie belange te behartig.

(14) Iemand wat deur die hof geestelik verstoord verklaar is en onbekwaam om sy eie belange te behartig, en vir wie se persoon of goed 'n kurator aangestel is, en wat by die hof aansoek wil doen om 'n verklaring dat hy nie meer geestelik verstoord is en onbekwaam om sy eie belange te behartig nie, of wat vrygestel wil word van kuratele, na gelang van die geval, moet 14 dae kennis van so 'n aansoek aan die kurator en die weesheer gee.

(15) By die ontvangs van so 'n kennisgewing en na oorweging van die aansoek en sodanige ander inligting as wat hy het, moet die weesheer onverwyld verslag daaroor aan die hof doen en kommentarier op enige aspek van die saak waarop na sy mening die hof se aandag gevestig behoort te word.

(16) Subreëls (14) en (15) geld ook vir 'n aansoek om vrystelling van kuratele deur iemand wat ingevolge artikel 53 van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), uit 'n inrigting waar hy aangehou is, ontslaan is maar ten opsigte van wie 'n kurator *bonis* deur die hof ingevolge artikel 56 van die genoemde Wet aangestel is.

for an order declaring the patient to be of unsound mind and as such incapable of managing his affairs and for the appointment of the person suggested as curator to the person or property of the patient or to both.

(9) At such hearing the court may require the attendance of the applicant, the patient, and such other persons as it may think fit, to give such evidence *viva voce* or furnish such information as the court may require.

(10) Upon consideration of the application, the reports of the curator *ad litem* and of the master and such further information or evidence (if any) as has been adduced *viva voce*, or otherwise, the court may direct service of the application on the patient or may declare the patient to be of unsound mind and incapable of managing his own affairs and appoint a suitable person as curator to his person or property or both on such terms as to it may seem meet, or it may dismiss the application or generally make such order (including an order that the costs of such proceedings be defrayed from the assets of the patient) as to it may seem meet.

(11) Different persons may, subject to due compliance with the requirements of this rule in regard to each, be suggested and separately appointed as curator to the person and curator to the property of any person found to be of unsound mind and incapable of managing his own affairs.

(12) The provisions of subrules (1), (2) and (4) to (10) inclusive shall in so far as the same are applicable thereto, also apply *mutatis mutandis* to any application for the appointment by the court of a curator under the provisions of section 56 of the Mental Health Act, 1973 (Act 18 of 1973), to the property of a person detained as or declared mentally disordered or defective, or detained as a mentally disordered or defective prisoner or as a State President's decision patient and who is incapable of managing his affairs.

(13) Save to such extent as the court may on application otherwise direct, the provisions of subrules (1) to (11) shall, *mutatis mutandis*, apply to every application for the appointment of a curator *bonis* to any person on the ground that he is by reason of some disability, mental or physical, incapable of managing his own affairs.

(14) Every person who has been declared by a court to be of unsound mind and incapable of managing his affairs, and to whose person or property a curator has been appointed, and who intends applying to court for a declaration that he is no longer of unsound mind and incapable of managing his affairs or for release from such curatorship, as the case may be, shall give 14 days' notice of such application to such curator and to the master.

(15) Upon receipt of such notice and after due consideration of the application and such information as is available to him, the master shall, without delay, report thereon to the court, at the same time commencing upon any aspect of the matter to which, in his view, its attention should be drawn.

(16) The provisions of subrules (14) and (15) hereof shall also apply to any application for release from curatorship by a person who has been discharged under section 53 of the Mental Health Act, 1973 (Act 18 of 1973), from detention in an institution, but in respect of whom a curator *bonis* has been appointed by the court under section 56 of the said Act.

(b) So 'n eed of plegtige verklaring word afgelê voor 'n regter van die hof, en die betrokke regter endosseer daaronder dat dit voor hom afgelê is en die datum van voorlegging, en onderteken dit.

Vertaling van dokumente

60. (1) 'n Dokument wat in 'n ander taal as 'n amptelike taal van die Republiek in enige verrigtinge voorgelê word, moet vergesel gaan van 'n vertaling wat deur 'n beëdigde vertaler as juis gesertifiseer is.

(2) 'n Vertaler aldus gesertifiseer word prima facie geag 'n juiste vertaling te wees en is as sodanig by voorlegging toelaatbaar.

(3) As 'n beëdigde vertaler nie beskikbaar is nie of dit na die hof se mening nie in die belang van die regspleging sal wees om 'n beëdigde vertaling te verkry nie, hetsy vanweë die uitgawe, ongerief of vertraging daarby betrokke, kan die hof ondanks die bepaling van subreël (1) 'n vertaling as bewys toelaat wat as juis gesertifiseer is deur iemand van wie die hof oortuig is dat hy daartoe bevoegd is.

Vertolking van getuienis

61. (1) As getuienis afgelê word in 'n taal wat die hof of 'n party of sy verteenwoordiger nie voldoende verstaan nie, moet dit vertolk word deur 'n bevoegde tolk wat 'n eed afgelê het om getrou en na die beste van sy vermoë in die betrokke tale te tolk.

(2) Voordat iemand as 'n tolk gebruik word, kan die hof desverkiekend of as 'n party op redelike gronde dit verlang, homself oortuig van die bevoegdheid en integriteit van so iemand deur getuienis aan te hoor of op 'n ander wyse.

(3) Wanneer 'n tolk in 'n geding gebruik word, volg die koste van vertolking (as daar is) die uitslag tensy die hof anders gelas: Met dien verstande dat waar die verteenwoordiger van 'n party getuienis uit een van sy amptelike tale van die Republiek wil laat vertolk, die koste daarvan deur die betrokke party betaal word.

Indiening, voorbereiding en insae van stukke

62. (1) As 'n saak deur meer as een regter verhoor moet word, moet 'n afskrif van alle pleitstukke, belangrike kennisgewings, aanhangsels, beëdigde verklarings en dergelike vir die gebruik van elke addisionele regter ingedien word.

(2) Alle stukke wat by die hof ingedien word, behalwe bewysstukke of 'n reproduksie daarvan, moet duidelik gedruk of getik word in permanente swart of blou-swart ink net op een kant van papier wat van A4-standaard-grootte en van goeie gehalte moet wees. 'n Stuk word geag getik te wees as dit duidelik op geskikte papier deur duplikasie, litografie, fotografie of enige ander kopieermetode gereproduceer is.

(3) Gestelde sake, petisies, beëdigde verklarings, appèlgronde en dergelike moet in bondige, genommerde paragrawe verdeel word.

(4) 'n Applikant of eiser moet minstens drie dae voor die verhoor alle afgelewerde stukke rangskik, pagineer, gerieflik vasmaak en 'n inhoudsopgawe daarvan voorsien en aflewer.

(5) Op die eerste bladsy van elke beëdigde verklaring wat deur of namens 'n respondent by die griffier ingedien word, moet, as hy verteenwoordig is, die naam en adres van die indienende prokureur verskyn.

(b) Any such oath or affirmation shall be taken or made before a judge of the court and the judge concerned shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.

Translation of documents

60. (1) Any document which is in a language other than an official language of the Republic and which is produced in any proceedings, shall be accompanied by a translation certified to be correct by a sworn translator.

(2) A translation so certified shall be deemed prima facie to be a correct translation and admissible as such upon its production.

(3) If no sworn translator is available or if, in the opinion of the court, it would not be in the interests of justice to require a sworn translation, whether by reason of the expense, inconvenience or delay involved the court may, notwithstanding the provisions of subrule (1), admit in evidence a translation certified to be correct by any person who it is satisfied is competent to make such translation.

Interpretation of evidence

61. (1) Where evidence in any proceedings is given in any language with which the court or a party or his representative is not sufficiently conversant, such evidence shall be interpreted by a competent interpreter, sworn to interpret faithfully and to the best of his ability in the languages concerned.

(2) Before any person is employed as an interpreter the court may, if in its opinion it is expedient to do so, or if any party on reasonable grounds so desires, satisfy itself as to the competence and integrity of such person after hearing evidence or otherwise.

(3) Where the services of an interpreter are employed in any proceedings, the costs (if any) of interpretation shall, unless the court otherwise orders, be costs in the cause: Provided that where the interpretation of evidence given in one of the official languages of the Republic is required by the representative of a party, such costs shall be at such party's expense.

Filing, preparation and inspection of documents

62. (1) Where a matter has to be heard by more than one judge, a copy of all pleadings, important notices, annexures, affidavits and the like shall be filed for the use of each additional judge.

(2) All documents filed with the court, other than exhibits or facsimiles thereof, shall be clearly and legibly printed or typewritten in permanent black or blueblack ink on one side only of paper of good quality and of A4 standard size. A document shall be deemed to be typewritten if it is reproduced clearly and legibly on suitable paper by a duplicating, lithographic, photographic or any other method of reproduction.

(3) State cases, petitions, affidavits, grounds of appeal and the like shall be divided into concise paragraphs which shall be consecutively numbered.

(4) An applicant or plaintiff shall not later than three days prior to the hearing of the matter collate, and number consecutively, and suitably secure, all pages of the documents delivered and shall prepare and deliver a complete index thereof.

(5) Every affidavit filed with the registrar by or on behalf of a respondent shall, if he is represented, on the first page thereof bear the name and address of the attorney filing it.

(5) As 'n aanspraakmaker aan wie 'n tussenpleit-kennisgewing en beëdigde verklaring behoorlik afgelewer is, nalaat om besonderhede van sy aanspraak binne die gestelde tyd af te lewer, of nadat hy dit wel gedoen het, nie in die hof verskyn ter ondersteuning van sy aanspraak nie, kan die hof beveel dat die aanspraak van hom en van almal wat deur hom eis, verval het teenoor die applikant.

(6) As 'n aanspraakmaker besonderhede van sy eis aflewer en voor die hof verskyn, kan die hof—

(a) nadat hy die getuienis wat hy nodig ag, aangehoor het, die aanspraak dadelik beslis;

(b) beveel dat 'n aanspraakmaker as verweerder gevoeg word in enige aksie wat reeds 'n aanvang geneem het ten opsigte van die onderwerp van die geskil, in plaas van of bykomstig tot die applikant;

(c) beveel dat 'n geskil tussen die aanspraakmakers by wyse van 'n gestelde saak of op 'n ander wyse gestel word vir verhoor, en vir daardie doel bepaal wie die eiser sal wees en wie die verweerder;

(d) as hy meen dat dit nie 'n geskikte geval vir 'n tussenpleit is nie, die aansoek van die hand wys;

(e) na goëddunke 'n bevel gee oor koste en oor die uitgawes (as daar is) deur die applikant ingevolge paragraaf (b) van subreël (2) aangegaan.

(7) As 'n tussenpleit-kennisgewing deur 'n verweerder in 'n aksie uitgereik word, word die verrigtinge in daardie aksie opgeskort hangende die beslissing van die tussenpleitgeding, tensy die hof op aansoek van enige ander party tot die aksie anders beveel.

Beëdigde vertalers

59. (1) Die hof kan enige persoon wat hom oortuig dat hy daartoe bevoegd is, toelaat en laat inskryf as 'n beëdigde vertaler in 'n amptelike taal van die gebied en in enige vreemde taal.

(2) Niemand word as 'n beëdigde vertaler toegelaat en ingeskryf nie tensy sy bedrewendheid in die taal wat hy wil oorsit, na behore skriftelik gesertifiseer is op grond van 'n eksamen wat hoogstens ses maande voor die datum van aansoek deur 'n bevoegde beëdigde vertaler van minstens sewe jaar status afgeneem is: Met dien verstande dat as daar nie 'n beëdigde vertaler van voldoende status in sy regsgebied is nie, die hof iemand wat na sy mening behoorlik gekwalifiseer is om so 'n eksamen af te neem, as eksaminator kan aanstel.

(3) Elke beëdigde vertaler, behoorlik deur enige afdeling van die Hooggeregshof toegelaat en ingeskryf, word vir die betrokke tale 'n beëdigde vertaler van die hof geag te wees en sy naam en adres word deur die griffier op 'n rol van beëdigde vertalers geplaas.

(4) (a) Iemand wat kragtens subreël (1) toegelaat en ingeskryf is, moet voordat hy sy ampswerksaamhede begin uitvoer, onderstaande eed of plegtige verklaring aflê en onderteken:

“Ek
(volle naam)

verklaar hierby onder eed/plegtig en opreg dat ek in my hoedanigheid as vertaler van die Hoërhof van Venda enige dokument getrou en korrek na die beste van my kennis en vermoë sal vertaal in 'n amptelike taal van die gebied uit enige ander taal ten opsigte waarvan ek as vertaler toegelaat en ingeskryf is.”

(5) If a claimant to whom an interpleader notice and affidavit have been duly delivered fails to deliver particulars of his claim within the time stated or, having delivered such particulars, fails to appear in court in support of his claim, the court may make an order declaring him and all persons claiming under him barred as against the applicant from making any claim on the subject matter of the dispute.

(6) If a claimant delivers particulars of his claim and appears before it, the court may—

(a) then and there adjudicate upon such claim after hearing such evidence as it deems fit;

(b) order that any claimant be made a defendant in any action already commenced in respect of the subject matter in dispute in lieu of or in addition to the applicant;

(c) order that any issue between the claimants be stated by way of a special case or otherwise and tried, and for that purpose order which claimant shall be plaintiff and which shall be defendant;

(d) if it considers that the matter is not a proper matter for relief by way of interpleader notice dismiss the application;

(e) make such order as to costs, and the expenses (if any) incurred by the applicant under paragraph (b) of subrule (2), as to it may seem meet.

(7) If an interpleader notice is issued by a defendant in an action, proceedings in that action shall be stayed pending a decision upon the interpleader, unless the court upon an application made by any other party to the action otherwise orders.

Sworn translators

59. (1) Any person may be admitted and enrolled by the court as a sworn translator in an official language of the area and in any foreign language upon satisfying the court as to his competency.

(2) No person shall be admitted and enrolled as a sworn translator unless his proficiency in the language which he intends to translate has been duly certified in writing, after examination, held not more than six months before the date of his application by a competent sworn translator of not less than seven years' standing: Provided that, if there be no sworn translator of sufficient standing within its jurisdiction, the court may appoint as examiner any person whom it considers to be duly qualified to hold such examination.

(3) Every sworn translator duly admitted and enrolled as such by any division of the Supreme Court shall to the extent of such admission and enrolment be deemed to be a sworn translator for the court and the registrar shall place his name and address on a roll of sworn translators.

(4) (a) Any person admitted and enrolled under subrule (1) shall before commencing to exercise the functions of his office take an oath or make an affirmation which shall be subscribed by him, in the form set out below, namely:

“I do hereby swear/solemnly and
(full name)

sincerely affirm and declare that I will in my capacity as a translator of the High Court of Venda faithfully and correctly translate, to the best of my knowledge and ability, any document into an official language of the area from any other language in respect of which I have been admitted and enrolled as a translator.”

(5) Vir 'n volmag in Transkei, Lesotho, Bophuthatswana, Botswana of Swaziland verly en bedoel as magtiging aan iemand om enige geregtelike verrigtinge in 'n hof in die gebied in te stel of te verdedig of daarin toe te tree, word geen waarmerking vereis nie: Met dien verstande dat so 'n volmag behoortlik onderteken en die ondertekening deur twee bevoegde getuies geattesteer skyn te wees.

Vernietiging van stukke

64. As 'n saak nie deur die hof of 'n regter beslis is en nie teruggetrek is nie, kan die griffier, behoudens die bepalings van die Argiefwet, 1962 (Wet 6 van 1962), na verloop van drie jaar vanaf die datum waarop die laaste stuk ingedien is, die vernietiging van die betrokke stukke wat by hom ingedien is, magtig.

Kommissaris van die hof

65. Iedereen wat behoortlik aangestel is as 'n kommissaris van 'n afdeling van die Hooggeregshof van Suid-Afrika, of deur die Hoofregter as 'n kommissaris van die hof, vir die afneem van beëdigde verklarings op 'n plek buite die Republiek word uit hoofde van so 'n aanstelling 'n kommissaris van die hof.

Verjaring

66. (1) Na verloop van drie jaar vanaf die dag waarop 'n uitspraak gedoen is, kan geen lasbrief vir tenuitvoerlegging uitgereik word nie tensy die skuldenaar toestem of tensy die vonnis deur die hof hernieu word. Dit kan geskied met kennisgewing van die skuldenaar, maar geen nuwe bewyse van die skuld is nodig nie. In die geval van 'n vonnis vir periodieke betalings word die drie jaar ten opsigte van enige betaling bereken vanaf die vervaldatum daarvan.

(2) Lasbriewe vir tenuitvoerlegging van 'n vonnis wat eenmaal uitgereik is, bly van krag en kan, behoudens die bepalings van die Verjaringswet, 1969 (Wet 68 van 1969), te eniger tyd ten uitvoer gelê word sonder hernuwing totdat daar ten volle aan die vonnis voldoen is.

Tarief van hofgelde

67. Die hofgelde betaalbaar is soos volg:

(a) (i) Op elke oorspronklike eerste dokument waardeur 'n aksie ingestel of 'n aansoek ingelei word: R3;

(ii) op elke kosterekening wat getakseer moet word en wat nie verbonde is aan 'n aksie of aansoek wat reeds in die hof geregistreer is nie: R3;

(iii) op elke prokurasie (wat by die griffier ingedien moet word) om teen die uitspraak van 'n laerhof te appelleer, behalwe in strafsake: R3;

(iv) op elke kennisgewing van appèl teen die uitspraak van 'n enkele regter na die volle hof: R3;

Met dien verstande dat geen gelde gehef word op die dokument waardeur 'n *in forma pauperis*-aksie ingestel word nie.

(b) Vir die sertifikaat van die griffier op gewaarmerkte afskrifte van dokumente (elk): 20c.

(c) Vir 'n afskrif van 'n hofbevel deur die griffier gemaak, vir elke 100 woorde of gedeelte daarvan: 20c.

Tarief vir adjunk-balju's

68. (1) Die gelde in die onderstaande tarief kan deur adjunk-balju's gevorder word: Met dien verstande dat geen gelde gehef word vir die betekening van prosesstukke en *in forma pauperis*-verrigtinge nie behalwe die nodige uitgawes daaraan verbonde.

(5) No power of attorney, executed in Transkei, Bophuthatswana, Lesotho, Botswana or Swaziland, and intended as an authority to any person to take, defend or intervene in any legal proceedings in a court within the area, shall require authentication: Provided that any such power of attorney shall appear to have been duly signed and the signature to have been attested by two competent witnesses.

Destruction of documents

64. In any matter which has not been adjudicated upon by the court or a judge, and has not been withdrawn, the registrar may, subject to the provisions of the Archives Act, 1962 (Act 6 of 1962), after the lapse of three years from the date of the filing of the last document therein, authorise the destruction of the documents filed in his office relating to such matter.

Commissioner of the court

65. Any person duly appointed as a commissioner of any division of the Supreme Court of South Africa or by the Chief Justice of the court as a commissioner of the court for taking affidavits in any place outside the Republic, shall by virtue of such appointment become a commissioner of the court.

Superannuation

66. (1) After the expiration of three years from the day whereon a judgment has been pronounced, no writ or execution may be issued unless the debtor consents to the issue of the writ or unless the judgment is revived by the court on notice to the debtor, but in such case no new proof of the debt shall be required. In the case of judgment for periodic payments, the three years shall run, in respect of any payment, from the due date thereof.

(2) Writs of execution of a judgment once issued remain in force, and may, subject to the provisions of the Prescription Act, 1969 (Act 68 of 1969), at any time be executed without being renewed until judgment has been satisfied in full.

Tariff of court fees

67. The court fees payable are as follows:

(a) (i) On every original initial document whereby an action is instituted or application is made: R3;

(ii) on every bill of costs to be taxed which is not related to an action or application already registered in the court: R3;

(iii) on every power of attorney (to be filed with the registrar) to appeal against the judgment of an inferior court, excluding appeals in criminal cases: R3;

(iv) on every notice of appeal against the judgment of a single judge to the full court: R3;

Provided that no fee shall be levied on the document whereby an *in forma pauperis* action is instituted.

(b) For the registrar's certificate on certified copies of documents (each): 20c.

(c) For each copy of an order of court made by the registrar, for each 100 words or part thereof: 20c.

Tariff for deputy-sheriffs

68. (1) The fees and charges contained in the appended tariff shall be chargeable by and allowed to deputy-sheriffs: Provided that no fees may be charged for the service of process in *in forma pauperis* proceedings (but the necessary disbursements for the purpose of such service may be recovered).

(6) Die griffier kan 'n stuk wat nie aan die vereistes van hierdie reël voldoen nie, verwerp.

(7) 'n Party tot 'n geding en enigiemand wat persoonlike belang daarby het, kan met verlof van die griffier na aanvoering van goeie redes, in die griffier se kantoor alle stukke insien en kopieer.

Waarmerking van dokumente wat buite die Republiek en Suidwes-Afrika verly is vir gebruik in die gebied

63. (1) In hierdie reël, tensy uit die samehang anders blyk, beteken—

“dokument” 'n akte, kontrak, volmag, beëdigde verklaring of ander geskrif, maar dit sluit nie 'n beëdigde of plegtige of geattesteerde verklaring in wat voor 'n by artikel 8 van die Wet op Vrederegters en Kommissarisse van Ede, 1963 (Wet 16 van 1963), voorgeskrewe amptenaar afgelê heet te wees nie;

“waarmerking” wanneer 'n dokument toegepas, die bevestiging van 'n handtekening daarop.

(2) 'n Dokument wat op 'n plek buite die Republiek en Suidwes-Afrika verly is, word geag voldoende gewaarmerk te wees indien dit behoorlik gewaarmerk is op so 'n vreemde plek deur die handtekening en ampeël—

(a) van die hoof van 'n Suid-Afrikaanse diplomatieke of konsulêre missie of van iemand in die administratiewe of vakkundige afdeling van die Staatsdiens wat by 'n Suid-Afrikaanse diplomatieke, konsulêre of handelskantoor in die buiteland diens doen of van 'n Suid-Afrikaanse buitelandse diensbeampte Graad VII of 'n Suid-Afrikaanse erekonsul-generaal, konsul, vise-konsul of handelskommissaris; of

(b) van 'n konsul-generaal, konsul, vise-konsul of konsulêre agent van die Verenigde Koninkryk of iemand wat as plaasvervanger in enigeen van voornoemde hoedanighede optree of 'n pro-konsul van die Verenigde Koninkryk; of

(c) van 'n staatsinstansie van so 'n vreemde plek wat met die waarmerking van dokumente ingevolge die reg van daardie vreemde land belas is; of

(d) van 'n notaris of iemand anders in so 'n vreemde plek wat volgens 'n sertifikaat van 'n persoon in paragraaf (a), (b) of (c) genoem of van 'n diplomatieke of konsulêre beampte van so 'n vreemde land in die Republiek behoorlik gemagtig is om so 'n dokument ingevolge die reg van daardie vreemde land te waarmerk; of

(e) van 'n notaris in die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland of in Transkei, Bophuthatswana, Rhodesië, Lesotho, Botswana of Swaziland; of

(f) van 'n offisier van die Suid-Afrikaanse Weermag soos omskryf in artikel 1 van die Verdedigings Wet, 1957 (Wet 44 van 1957), in die geval van 'n dokument wat deur iemand op aktiewe diens verly is.

(3) As iemand wat 'n dokument ingevolge subreël (2) waarmerk geen ampeël het nie, moet hy in dier voege daarop onder sy handtekening sertifiseer.

(4) Ondanks die bepalinge van hierdie reël, kan die hof of openbare kantoor 'n dokument wat tot die bevrediging van so 'n hof of die beampte in beheer van so 'n openbare kantoor werklik geteken blyk te wees deur die persoon deur wie dit heet geteken te wees as behoorlik gewaarmerk aanvaar.

(6) The registrar may reject any document which does not comply with the requirements of this rule.

(7) Any party to a cause, and any person having a personal interest therein, with leave of the registrar on good cause shown, may at his office, examine and make copies of all documents in such cause.

Authentication of documents executed outside the Republic and South West Africa for use within the area

63. (1) In this rule, unless inconsistent with the context—

“document” means any deed, contract, power of attorney, affidavit or other writing, but does not include an affidavit or solemn or attested declaration purporting to have been made before an officer prescribed by section 8 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act 16 of 1963);

“authentication” means, when applied to a document, the verification of any signature thereon.

(2) Any document executed in any place outside the Republic and South West Africa shall be deemed to be sufficiently authenticated if it be duly authenticated at such foreign place by the signature and seal of office—

(a) of the head of the South African diplomatic or consular mission or a person in the administrative or professional division of the Public Service serving at a South African diplomatic, consular or trade office abroad or a South African foreign service officer Grade VII or an honorary South African consul-general, consul, vice-consul or trade commissioner; or

(b) of a consul-general, consul, vice-consul or consular agent of the United Kingdom or any person acting in any of the aforementioned capacities or a pro-consul of the United Kingdom; or

(c) of any Government authority of such foreign place charged with the authentication of documents under the law of that foreign country; or

(d) of any notary public or other person in such foreign place who shall be shown by a certificate of any person referred to in paragraph (a), (b) or (c) or of any diplomatic or consular officer of such foreign country in the Republic to be duly authorised to authenticate such document under the law of that foreign country; or

(e) of a notary public in the United Kingdom of Great Britain and Northern Ireland or in Transkei, Bophuthatswana, Rhodesia, Lesotho, Botswana or Swaziland; or

(f) of a commissioned officer of the South African Defence Force as defined in section 1 of the Defence Act, 1957 (Act 44 of 1957), in the case of a document executed by any person on active service.

(3) If any person authenticating a document in terms of subrule (2) has no seal of office, he shall certify thereon under his signature to that effect.

(4) Notwithstanding anything in this rule contained, the court or any public office may accept as sufficiently authenticated any document which is shown to the satisfaction of the court or the officer in charge of such public office, to have been actually signed by the person purporting to have signed such document.

(ii) vir vervoer van die verweerder na die hof van die plek van aanhouding op 'n dag na die dag van arres, en bywoning van die hof, R5 per uur maar hoogstens: R15;

(iii) vir beslaglegging op goed *ad fundandam jurisdictionem* of *ad confirmandam jurisdictionem*: R6;

(b) vir uitsetting R5 per uur, onderworpe aan 'n minimum van (benewens redelike uitgawes noodsaaklikerwys aangegaan): R10;

(c) teen onroerende goed—

(i) vir tenuitvoerlegging, insluitende betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en die Registrateur van Aktes of ander beampte belas met registrasie van sodanige goed en as die onroerende goed deur iemand anders geokkupeer word, ook aan die okkupant: R5;

(ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of bewoner: R1,50;

identiese kennisgewing waar daar meer as een huurder, bewoner of eienaar is, vir elkeen na die eerste: 30c;

(iii) vir waardasie of verslag vir die doel van 'n verkoping R5 per uur met 'n minimum van: R10;

(iv) waar 'n adjunk-balju gemagtig is om goed te verkoop en die goed nie verkoop word nie omdat die beslaglegging teruggetrek word, opgeskort, gestaak of gestuit word, afgesien van die bedrag van die lasbrief: R3;

die nodige kennisgewing van terugtrekking van beslaglegging die eerste: R1,50;

ander identiese kennisgewings vir elkeen na die eerste: 30c;

(v) vir die vasstelling en aantekening van watter verband of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is, insluitende briefwisseling in verband daarmee (benewens redelike uitgawes noodsaaklikerwys aangegaan): R6;

(vi) om vonnisskuldeiser in kennis te stel van verbande of beswarings en van die name en adresse van die persone in wie se guns dit geregistreer is: 75c;

(vii) vir oorweging van bewys dat preferente skuldeiser aan die vereistes van paragraaf (a) van subreël (5) van reël 46 voldoen het: 50c;

(viii) vir die in subreël (6) van reël 46 bedoelde kennisgewing: R1,50;

(ix) vir oorweging van kennisgewing van verkoping wat deur vonnisskuldeiser in oorleg met adjunk-balju opgestel word: R3;

(x) vir nagaan van aangeduide koerant, die *Staatskoerant* en die *Amptelike Koerant* van Venda waarin kennisgewing van verkoping geplaas is: R1;

(xi) vir die stuur van 'n eksemplaar van die kennisgewing van verkoping aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is, vir elke eksemplaar: 30c;

(xii) vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die kennisgewingbord van die in paragraaf (e) van subreël (7) van reël 46 bedoelde magistratuurshof en op of so na moontlik aan die plek waar die verkoping sal plaasvind, 'n omvattende geld van: R1,50;

(xiii) vir oorweging van die verkoopsvoorwaardes: R3;

(xiv) by die verkoop van onroerende goed deur die adjunk-balju se afslaer, 2½ persent van die opbrengs van die verkoping, betaalbaar deur die koper, met 'n minimum van: R20;

(ii) for conveying defendant to court from place of custody on a day subsequent to the day of arrest and attending at court, R5 per hour but not exceeding: R15;

(iii) for attachment of property *ad fundandam jurisdictionem* or *ad confirmandam jurisdictionem*: R6;

(b) of ejection R5 per hour, subject to a minimum fee of (in addition to reasonable expenses necessarily incurred): R10;

(c) against immovable property—

(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the Registrar of Deeds or other officer charged with the registration of such property and if the property is in occupation of some person other than the owner, also upon such occupier: R5;

(ii) for notice of attachment to a single lessee or occupier: R1,50;

identical notices when there are several lessees, occupiers or owners, for each after the first: 30c;

(iii) for making valuation or report for purposes of sale, per hour R5 with a minimum of: R10;

(iv) when a deputy-sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed irrespective of the amount of the writ: R3;

the necessary notice for the withdrawal of the attachment, the first: R1,50;

other identical notices for each after the first: 30c;

(v) to ascertain and record what bonds or other encumbrances are registered against the property together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): R6;

(vi) to notify the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: 75c;

(vii) for consideration of proof that preferent creditor has complied with the requirements of paragraph (a) of subrule (5) of rule 46: 50c;

(viii) for the notice referred to in subrule (6) of rule 46: R1,50;

(ix) for consideration of notice of sale prepared by execution creditor in consultation with deputy-sheriff: R3;

(x) for verifying that notice of sale has been published in the newspaper indicated, the *Government Gazette* and the *Official Gazette* of Venda: R1;

(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: 30c;

(xii) for affixing a copy of the notice of sale on the noticeboard of the magistrate's court referred to in paragraph (e) of subrule (7) of rule 46 and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of: R1,50;

(xiii) for considering the conditions of sale: R3;

(xiv) on the sale of immovable property by the deputy-sheriff as auctioneer 2½ per cent of the proceeds of the sale which shall be paid by the purchaser, with a minimum of: R20;

(2) Waar 'n besondere handeling op meer as een wyse kan geskied, moet die goedkoopste manier gevolg word tensy daar redelike beswaar teen is of die party ten behoeve van wie prosesstukke uitgevoer word, op eie koste 'n bepaalde wyse verkies.

(3) Geskille oor die opeisbaarheid of omvang van enige gelde of koste, en vergoeding vir noodsaaklike werk en noodsaaklike uitgawes waarvoor geen voorsiening gemaak is nie, word beslis deur die takseermeester van die hof.

Tarief

1. Registrasie van 'n dokument vir betekening of tenuitvoerlegging by ontvangs daarvan: 30c.

2. Betekening of gepoogde betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van ter rolle plasing, ander kennisgewings, bevele of enige ander dokumente, elk: R2:

Met dien verstande dat—

(i) wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele gelde gevorder mag word vir betekening van die dokument nie. Origens mag R1 gevorder word vir elke afsonderlike dokument wat beteken word;

(ii) 'n gepoogde betekening van meer as een dokument aan dieselfde persoon beskou word as 'n gepoogde betekening van slegs een dokument; en

(iii) geen geld vir 'n aparte dokument gevorder word by die betekening van prosesstukke is straf-sake nie.

Reistoelae

3. (a) Vir die afstand werklik en noodsaaklikerwys deur die adjunk-balju of sy verteenwoordiger afgelê, bereken van die kantoor van die adjunk-balju af vir die heen- en terugreis, per kilometer of deel van 'n kilometer: 30c.

(b) Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselfde party of van verskillende partye, met een en dieselfde reis beteken kan word, moet die reistoelae redelik en billik verdeel word tussen die verskillende sake met inagneming van die afstand wat die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die adjunk-balju af woon, maar die gelde is betaalbaar vir elke betekening of gepoogde betekening.

(c) Hierdie toelae is alleen betaalbaar in gevalle waar die betrokke diens meer as 1 kilometer van die kantoor van die adjunk-balju af verrig moet word: Met dien verstande dat as die kantoor van die adjunk-balju meer as 3 kilometer van die landdroskantoor van sy distrik is, die afstand van 1 kilometer van die landdroskantoor af gemeet word.

(d) Die beperking opgelê deur die voorbehoud by subparagraaf (c) kan deur die Minister na goedgekeurde verslap word waar omstandighede dit regverdig en op aanbeveling van die balju in welke geval die balju die aanbevole omgewing ten tyde van die aanstelling van die adjunk-balju, moet meld.

4. (a) Posgeld in siviele sake, volgens die postarief.

(b) In strafsake, posvry.

5. Tenuitvoerlegging van enige lasbrief—

(a) (i) vir die arres van 'n persoon insluitende die vervoer van verweerder na die hof, na die prokureur se kantoor of na die gevangenis, per persoon: R6;

(2) Where there are more ways than one of doing any particular act, the least expensive way shall be adopted unless there is some reasonable objection thereto, or unless the party at whose instance process is executed desires any particular way to be adopted at his expense.

(3) Where any dispute shall arise as to the validity or amount of any fees or charges, or where necessary work is done and necessary expenditure incurred for which no provision is made, the matter shall be determined by the taxing officer of the court.

Tariff

1. For registration of any document for service or execution, upon receipt thereof: 30c.

2. For service, or attempted service, of summonses, petitions together with notice of motion or notice of set down, other notices, orders or any other documents, each: R2:

Provided that—

(i) whenever any document to be served with any process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, otherwise a fee of R1 may be charged in respect of each separate document served;

(ii) an attempted service of more than one document on the same person shall be treated as an attempted service of one document only; and

(iii) no fee for service of a separate document shall be charged in respect of the service of process in criminal cases.

Travelling allowance

3. (a) For the distance actually and necessarily travelled by the deputy-sheriff or his officer reckoned from the office of the deputy-sheriff, both on the forward and the return journey, per kilometre or fraction of a kilometre: 30c.

(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the deputy-sheriff, but the fee for service shall be payable for each service made or attempted to be made.

(c) This allowance shall be payable only in cases where the duty in question is to be performed beyond a radius of 1 kilometre from the office of the deputy-sheriff: Provided that if the office of the deputy-sheriff is situated more than 3 kilometres from the office of the magistrate of his district, the allowance shall be payable only where such duty is to be performed beyond a distance of 1 kilometre from the magistrate's office.

(d) The restriction imposed by the proviso in subparagraph (c) may, however, be relaxed by the Minister in his discretion, where circumstances warrant it and on the recommendation of the sheriff, in which event the extent thereof shall be specially mentioned in the appointment of the deputy-sheriff.

4. (a) Postage in civil matters, as per postal tariff.

(b) Postage in criminal matters, free.

5. For the execution of any writ—

(a) (i) of personal arrest, including conveying defendant to court, to attorney's office or to a prison, per person: R6;

Let Wel.—“Bewaring” beteken die voortdurende en noodsaaklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die adjunk-balju vir die uitsluitende doel om besit te behou;

(ii) vervoer en opberging, die redelike en noodsaaklike uitgawes, en as 'n dier op stal geplaas of gevoer moet word, die redelike uitgawes daaraan;

(iii) oppas van lewende hawe, die nodige uitgawes daaraan;

(iv) waar iemand in besit gelaat word en geen akte van sekerheidstelling verkry is nie, maar die inbeslaggenome roerende goed bly onder toesig van die adjunk-balju, per dag: 50c.

6. (a) Opstel van 'n inventaris, insluitende 'n afskrif vir die persoon wie se goed geïnventariseer word, per uur: R5.

(b) Bystand waar nodig by die opstel van 'n inventaris (beperk tot een beampte), 'n redelike allesinsluitende bedrag per dag van hoogstens: R2.

7. (a) Opstel van relaas van betekening of tenuitvoerlegging, insluitende opstel en tik van oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk: 75c.

(b) Afskrif daarvan vir die party wat betekening of tenuitvoerlegging verlang: 30c.

8. Opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring: R5.

9. Afskrifte van prosesstukke en bevele noodsaaklikerwys gemaak, per folio: 30c; met 'n minimum van: 60c.

10. Kopiëring van dagvaardings, bevele, getuiedagvaardings, lasbriewe, ens., telegrafies ontvang, 30c per folio van 100 woorde, met 'n minimum van: 60c.

11. Afneem van 'n verklaring van 'n beskuldigde wat nie verteenwoordig is nie en wat verlang dat getuies op koste van die Staat gedagvaar moet word, betreffende sy middele, die name en adresse van die getuies en wat hulle ter verdediging van hom kan sê, ten einde die griffier of die klerk van die hof op rondgang in staat te stel om te oordeel of die getuies gedagvaar moet word: 50c.

Let Wel. — Hierdie inligting moet verkry word wanneer die kennisgewing van verhoor en akte van beskuldiging beteken word en aan die griffier of die klerk van die hof oorgedra word in dieselfde brief onder dekking waarvan die dokumente teruggestuur word.

12. Bywoning van strafsittings van die hof of 'n rondgaande hof, per hof per uur: R5; maar hoogstens per dag: R15.

13. Waar die doodvonnis opgelê word, 'n allesinsluitende bedrag van: R15.

Let Wel. — Die bedrag dek die uifkenning van die gevangene by aankoms, daaropvolgende besoeke by die gevangenis op versoek van die gevangene of die owerheid, die neem van verklarings van die gevangene indien daartoe versoek, en vervoer.

14. Elke nodige brief behalwe formele briewe wat prosesstukke of relase vergesel: 75c.

15. Maak of beantwoording van elke nodige telefoonoproep (benewens voorgeskrewe hooflyngelde): 45c.

Advokaatgelde in siviele sake

69. (1) Die gelde van net een advokaat word tussen party en party toegelaat, behalwe waar die hof dié van meer dan een advokaat tussen party en party magtig.

Note.—“Possession” means the continuous and necessary presence on the premises for the period in respect of which possession is charged of a person employed and paid by the deputy-sheriff for the sole purpose of retaining possession;

(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage; and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;

(iii) for herding and preserving livestock, the necessary expenses for herding and preserving such stock;

(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the deputy-sheriff per day: 50c.

6. (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour: R5.

(b) For assistance, where necessary, in taking inventory (limited to one officer) a reasonable and inclusive fee per day, not exceeding: R2.

7. (a) For making return of service or execution, including drawing and typing original for court limited to one person upon each original process: 75c.

(b) Copy thereof for party desiring service or execution: 30c.

8. For drawing and completing bail bond, deed of suretyship or indemnity bond: R5.

9. For copies of process and order necessarily made per folio: 30;

with a minimum of: 60c.

10. For making copies of summonses, orders, subpoenas, writs, etc., received by telegram 30c per folio of 100 words, with a minimum of: 60c.

11. Taking statement from accused, who is not represented and who desires witnesses to be subpoenaed at the expense of the State, as to his means, the names and addresses of the witnesses and what they can say in his defence, in order to enable the registrar or the clerk of the court on circuit to decide whether the witnesses should be subpoenaed: 50c.

Note.—This information is to be obtained at the time of serving the notice of trial and indictment and conveyed to the registrar or clerk of the court in the same letter under cover of which the documents are returned.

12. Attending any criminal session of the court or any circuit court, per hour: R5;

maximum per day: R15.

13. In cases of prisoners sentenced to death an inclusive fee of: R15.

Note.—This fee includes identifying the prisoner, subsequent attendances at the prison at the request of the prisoner or the authorities, taking statements from prisoner if requested to do so, and transport.

14. For each necessary letter excluding formal letters accompanying process or returns: 75c.

15. For each necessary attendance by telephone (in addition to prescribed trunk charges): 45c.

Advocates' fees in civil matters

69. (1) Save where the court authorises fees consequent upon the employment of more than one advocate to be included in a party and party bill of costs, only such fees as are consequent upon the employment of one advocate shall be allowed as between party and party.

dit sluit in opwagting om die geld wat ten opsigte van die koopprys ontvang is op die depositorekening van die magistraat van die distrik in te betaal;

(xv) vir enige subreël (11) van reël 46 bedoelde verslag: R5;

(xvi) vir die gee van transport aan die koper: R1,50;

(xvii) vir die opstel van 'n distribusieplan van die opbrengs (insluitende nodige afskrifte) en afsending van afskrif aan griffier: R10;

(xviii) vir kennisgewing aan partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat distribusieplan ter insae sal lê, vir elke kennisgewing: 75c;

(xix) vir versoek aan magistraat om ooreenkomstig distribusieplan uit te betaal: 75c;

(d) teen roerende goed—

(i) wanneer 'n lasbrief by aanbidding betaal word, 1 persent van die bedrag aldus betaal met 'n minimum van: R5;

(ii) onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag: R5;

(iii) waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat beslag gelê is: R2,50;

(iv) beslaglegging, insluitende opsporing vir een uur en navraag: R5;

(v) kennisgewing van beslaglegging, indien nodig, aan een persoon: R1,50;

identiese kennisgewings waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste: 30c;

(vi) waar beslaglegging deur die vonnisskuldeiser teruggetrek of opgeskort, gestaak of gestuit word voor die verkoping, $3\frac{1}{4}$ persent van die waarde van die inbeslaggenome goed of die bedrag van die lasbrief, watter ook al die minste is;

(vii) waar die lasbrief aan die adjunk-balju betaal word deur die skuldenaar na beslaglegging maar voor verkoping, $3\frac{1}{2}$ persent van die bedrag betaal;

(viii) waar beslag op geld gelê word, $1\frac{1}{2}$ persent van sodanige bedrag;

(ix) opstel van advertensie van verkoping van inbeslaggenome goed: R2;

(x) verkoping vir uitwinning (met of sonder afslaer) insluitende verdeling van die opbrengs, vir die eerste R200 of deel daarvan 6 persent, of daarna 5 persent;

(xi) die adjunk-balju moet roerende goed self uitwin, maar 'n afslaer aanstel indien skriftelik daartoe deur die vonnisskuldeiser versoek, en mits die vonnisskuldeiser die addisionele kommissie, as daar is, betaal;

(xii) kommissie is nie van 'n vonnisskuldenaar verhaalbaar op die waarde van inbeslaggenome roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegeë is nie, tensy die goed in beslag geneem is op die uitdruklike skriftelike versoek van die vonnisskuldeiser, in welke geval die vonnisskuldeiser teenoor die adjunk-balju aanspreeklik is vir die kommissie;

(xiii) versekering van inbeslaggenome roerende goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldeiser aan die adjunk-balju, benevens die premie wat betaal word, 'n allesinsluitende bedrag van: R5;

(e) vir bewaring van goed (geld uitgesluit)—

(i) vir 'n beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag per dag van hoogstens: R8;

vir 'n addisionele beampte waar nodig, beperk tot een. per dag, hoogstens: R2;

this includes call to pay into the deposit account of the magistrate of the district all moneys received in respect of the purchase price;

(xv) for any report referred to in subrule (11) of rule 46: R5;

(xvi) for giving transfer to the purchaser: R1,50;

(xvii) for preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar: R10;

(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan will lie for inspection, for every notice: 75c;

(xix) for request to magistrate to pay out in accordance with the plan of distribution: 75c;

(d) against movable property—

(i) when a writ is paid on presentation, 1 per cent on the amount so paid with a minimum fee of: R5;

(ii) for any abortive attempt at attachment, including one hour's search and inquiry: R5;

(iii) when a writ is withdrawn or stayed before any property is attached: R2,50;

(iv) for making an attachment, including one hour's search and enquiry: R5;

(v) notice of attachment, if necessary, to a single person: R1,50;

identical notices when there are more than one person to be given notice, for each after the first: 30c;

(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, $3\frac{1}{4}$ per cent on the value of the property attached or the amount of the writ whichever is the lesser;

(vii) when a writ is paid by the debtor to the deputy-sheriff after attachment but before sale, $3\frac{1}{2}$ per cent on the amount so paid;

(viii) when moneys are taken in execution, $1\frac{1}{2}$ per cent on the amount so taken;

(ix) for drawing advertisement of sale of goods attached: R2;

(x) for selling in execution (whether auctioneer employed or not), including distribution of the proceeds, on the first R200 or part thereof, 6 per cent, and over and above the first R200, 5 per cent;

(xi) the deputy-sheriff himself shall sell movable property in execution but he shall engage the services of an auctioneer if directed thereto in writing by the judgment creditor, provided the judgment creditor bears the additional commission, if any;

(xii) commission shall not be chargeable, as against a judgment debtor, on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the deputy-sheriff for the commission;

(xiii) for insuring movable property attached when it is considered necessary and when the deputy-sheriff is directed thereto in writing, by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of: R5;

(e) for keeping possession of property (money excepted)—

(i) for an officer necessarily left in possession a reasonable inclusive fee per day not exceeding: R8;

for an additional officer, where necessary limited to one per day not exceeding: R2;

(iv) Verhore: R220.

(v) Appèlle en hersienings van magistratshowe af: R150.

(b) Daaropvolgende dae:

'n Aanvuller (sonder die noodsaaklikheid van 'n aanvullende opdrag) tot 'n bedrag per dag volgens goeddunke van die takseermeester, maar hoogstens twee derdes van die gelde by taksasie vir die eerste dag toegelaat.

(c) (i) Bywoning van hof om 'n voorbehoue uitspraak te noteer: R8.

(ii) Bywoning van hof om 'n voorbehoue uitspraak te noteer, insluitende beredenering van terme van bevel, hetsy betreffende koste of iets anders, en 'n aansoek om verlof om te appelleer: R20.

(d) Bywoning van hof vir formele onbestrede uitspraak: R8.

(e) Gelde in plaas van dié vir eerste dag se verhoor wanneer saak geskik of teruggetrek of uitgestel is op instansie van enige party—

(i) hoogstens twee dae voor die verhoordatum: Gelde andersins toelaatbaar by taksasie vir eerste dag van verhoor;

(ii) minstens drie dae en hoogstens sewe dae voor die verhoordatum: Twee derdes van gelde kragtens (i);

(iii) minstens agt dae en hoogstens 21 dae voor die verhoordatum: Helfte van gelde kragtens (i).

7. Sake in rondgaande hof:

Vir dienste noodsaaklikerwys op rondgang verrig ten opsigte van 'n saak reeds hangende in 'n rondgang-afdeling, kan gelde andersins toelaatbaar ingevolge die bostaande tarief, in die diskresie van die takseermeester met hoogstens een derde verhoog word.

Taksasie en tarief van gelde van prokureurs

70. (1) 'n Takseermeester mag alle kosterekening vir dienste werklik deur 'n prokureur in sy hoedanigheid as prokureur gelewer, takseer hetsy in verband met gedingvoering of nie. In laasbedoelde geval moet hy hom nietemin sover moontlik laat lei deur die skaal van gelde in die onderstaande tarief (hierna die tarief genoem): Met dien verstande dat die takseermeester nie koste mag takseer in gevalle waar 'n ander beampte gemagtig is om dit te doen nie. Hy mag byvoorbeeld nie die koste bedoel in subartikel (2) van artikel 73 van die Insolvensiewet, 1936 (Wet 24 van 1936), takseer vir sover hulle nie op 'n geding waartoe 'n kurator 'n party is, betrekking het nie.

(2) By die taksasie van 'n kosterekening kan die takseermeester boeke, dokumente, stukke of rekeninge opeis wat syns insiens nodig is om hom in staat te stel om 'n aangeleentheid wat uit die taksasie voortspuit, behoorlik te beslis.

(3) Ten einde die party aan wie koste toegestaan is ten volle te vergoed vir alle uitgawes redelikerwys deur hom aangegaan met betrekking tot sy eis of verweer en om te verseker dat dit deur die party teen wie die bevel gegee is, betaal word, moet die takseermeester al die koste en uitgawes toelaat wat syns insiens nodig of gepas was om reg te laat geskied, of om die regte van enige party te beskerm maar behalwe teen die party wat hulle aangegaan het, moet hy geen koste toelaat wat syns insiens aangegaan of verhoog is uit

(iv) Trials: R220.

(v) Appeals from magistrates' courts including review of proceedings thereof: R150.

(b) Subsequent days:

A refresher (without the necessity of a refresher brief) in an amount per day to be allowed in the discretion of the taxing master, but not to exceed two-thirds of the fees allowed on taxation in respect of the first day.

(c) (i) Attending court to note a reserved judgment: R8.

(ii) Attending court to note a reserved judgment, including argument as to terms of order, whether as to costs or otherwise, and an application for leave to appeal: R20.

(d) Attending court on formal unopposed postponement: R8.

(e) Fee in lieu of fee for first day's hearing when case settled or withdrawn or postponed at the instance of any party—

(i) not more than two days prior to the date of hearing: Fee otherwise allowable on taxation for first day's hearing;

(ii) not less than three days and not more than seven days prior to the date of hearing: Two-thirds of fee under (i);

(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half the fee under (i).

7. Circuit matters:

For services necessarily rendered on circuit in respect of a matter already pending in a circuit court fee otherwise allowable in terms of the foregoing tariff may be increased in the discretion of the taxing master by an amount not exceeding one-third of such fee.

Taxation and tariff of fees of attorneys

70. (1) It shall be competent for any taxing master to tax all bills of costs for services actually rendered by an attorney in his capacity as such, whether in connection with litigation or not. In the latter event the taxing master shall nevertheless be guided as far as possible by the scales of fees fixed by the appended tariff (hereinafter referred to as the tariff): Provided that the taxing master shall not tax costs in instances where some other official is empowered so to do; for example he shall not tax such costs as are referred to in subsection (2) of section 73 of the Insolvency Act, 1936 (Act 24 of 1936), in so far as these do not relate to litigation to which a trustee is a party.

(2) At the taxation of any bill of costs the taxing master may call for such books, documents, papers or accounts as in his opinion are necessary to enable him properly to determine any matter arising upon such taxation.

(3) With a view to affording the party who has been awarded an order for costs a full indemnity for all costs reasonably incurred by him in relation to his claim or defence and to ensure that all such costs shall be borne by the party against whom such order has been awarded, the taxing master shall, on every taxation, allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same, no costs shall be allowed which appear to the taxing master to have been incurred or increased through over-cau-

(2) Waar gelde vir meer as een advokaat tussen party en party toegelaat word, beloop dié van 'n addisionele advokaat hoogstens die helfte van dié van die eerste.

(3) Die onderstaande tarief van maksimum-gelde tussen party en party (hieronder die tarief genoem) geld vir die volgende aangeleenthede, behalwe waar die hof anders gelas op 'n aansoek gedoen voor of onmiddellik na die uitspraak:

(a) 'n Eis van hoogstens R3 000 met of sonder aanvullende regshulp;

(b) 'n eis om lewering van roerende of onroerende goed met 'n waarde van hoogstens R3 000;

(c) 'n eis om uitsetting uit 'n perseel waar die waarde van die okkupasiereg vir die okkupant hoogstens R3 000 is;

(d) 'n eis om egskeiding of geregtelike skeiding, of ander huweliksaangeleenthede, tensy vergesel van 'n eis om 'n som geld van meer as R3 000 of om goed met 'n waarde van meer as R3 000 (maar nie onderhoud nie);

(e) 'n appèl of 'n hersiening van 'n magistratshof of;

(f) 'n aansoek om 'n interdik *pendente lite* betreffende 'n aangeleentheid in paragraaf (a), (b), (c) of (d) genoem:

Met dien verstande dat—

(i) waar die bedrag van die eis R3 000 oorskry maar dié van die vonnis of van 'n skikking nie, die tarief van toepassing is;

(ii) waar aan die verweerder of respondent koste toegeken word en die bedrag of waarde van die eis teen hom R3 000 oorskry het, die tarief nie van toepassing is nie, in elke geval tensy die hof anders gelas.

(4) By die toepassing van die tarief moet die takseermeester die skaal van gelde wat gewoonlik tussen party en party vir soortgelyke dienste in die gebied toegelaat is voor inwerkingtreeding van die tarief, in ag neem en nie sonder gegronde redes gelde toelaat wat dit weselik oorskry nie.

(5) Die taksering van advokaatsgelde tussen party en party word deur die takseermeester in ooreenstemming met hierdie reël en waar van toepassing, die tarief, gedoen. Waar die tarief nie geld nie, laat hy soveel toe as wat hy redelik ag, en nie noodwendig meer as die tarief nie.

Tarief van maksimum-gelde vir advokate tussen party en party in sekere siviele sake

1. Skriftelike advies en memoranda in die loop van gedingvoering: R75.

2. Opstel van pleitstukke en gestelde sake, nasien van die opgawe van feite in 'n gekombineerde dagvaarding of derdeparty-kennisgewing: R75.

3. Advies oor getuienis: R75.

4. Konsultasies vir verhoor, om beëdigde verklarings, gestelde sake, ens., na te sien en om opdragte te ontvang of advies te gee, informele inspeksies met prokureur of kliënt voor die verhoor, ens. (per uur): R30.

5. Nasien van kennisgewing van mosie, beëdigde verklarings, ens., waar konsultasie nie gehou is nie: R75.

6. Verskyning in hof:

(a) Eerste dag van aanhoring:

(i) Bestrede aansoeke: R150.

(ii) Eksepsies of mosies om deuring: R150.

(iii) Gestelde sake: R150.

(2) Where fees in respect of more than one advocate are allowed in a party and party bill of costs, the fees to be permitted in respect of any additional advocate shall not exceed one-half of those allowed in respect of the first advocate.

(3) The appended tariff of maximum fees as between party and party (hereinafter referred to as the tariff) shall (save where the court on application made before or when judgment is delivered otherwise orders) apply in the following matters:

(a) Any claim for a sum not exceeding R3 000 with or without any claim for ancillary relief;

(b) any claim for delivery of property movable or immovable of a value not exceeding R3 000;

(c) any claim for ejection from premises where the value of the right of occupation to the occupier does not exceed R3 000;

(d) any claim for divorce, judicial separation or other matrimonial matters unless accompanied by a money claim exceeding R3 000 or a proprietary claim exceeding R3 000 in value (excluding a claim for maintenance);

(e) any appeal and review from magistrates' courts;

(f) any application for interdicts *pendente lite* in regard to any matter mentioned in paragraph (a), (b), (c) or (d):

Provided that—

(i) where the amount of the claim exceeds R3 000 but that of the judgment or of a settlement does not, the tariff shall apply;

(ii) where the defendant or respondent is awarded costs and the amount or value of the claim against him exceeded R3 000 the tariff shall not apply unless in either case the court otherwise orders.

(4) In applying the provisions of the tariff the taxing master shall have regard to the scale of fees ordinarily allowed, as between party and party, at the time of coming into operation of this tariff for like services in the area and shall not without substantial reason allow any fee materially in excess thereof.

(5) The taxation of advocates' fees as between party and party shall be effected by the taxing master in accordance with this rule and, where applicable, the tariff. Where the tariff does not apply, he shall allow such fees (not necessarily in excess thereof) as he considers reasonable.

Tariff of maximum fees for advocates on party and party basis in certain civil matters

1. Written advice and memoranda in the course of litigation: R75.

2. Drawing pleadings and stated cases, settling a statement of claim in a combined summons or third party notice: R75.

3. Advice on evidence: R75.

4. Consultations on trial, to settle affidavits, stated cases, etc., and receive instructions and/or furnish advice, informal inspections with attorney and/or client prior to hearing, etc. (per hour): R30.

5. Settling notice of motion, affidavit, etc., where consultation not held: R75.

6. Appearances in court:

(a) First day of hearing:

(i) Opposed applications: R150.

(ii) Exceptions or motions to strike out: R150.

(iii) Stated cases: R150.

B. Opwagting en deurlesing

1. Ontvangs, deurlesing en oorweging van—

(a) 'n dagvaarding, petisie, beëdigde verklaring, pleitstuk, advokaat se advies en konsep, verslag en belangrike kennisgewing of dokument per folio: 80c;

(b) 'n brief, oorkonde, voorraadlyste by vrywillige oorgawe, uitspraak of enige ander belangrike dokument nie elders vermeld nie: 20c per folio met 'n minimum van: 80c.

2. Ontvangs van en oorweging van enige plan of bewysstuk of ander belangrike dokument nie gedek deur Item 1 van hierdie afdeling nie: R1 tot R15.

3. Nasporing in oorkondekantore (per halfuur of gedeelte daarvan): R2.

4. Sortering, rangskikking en paginerings van stukke vir die opstel van pleitstukke, advies oor getuienis of opdrag vir 'n verhoor of appèl (per halfuur): R2.

5. Opwagting by blootlegging of insae (per halfuur): R2.

6. Te woord staan van getuie om besonderhede van sy eis te kry en dit te betaal: R1,50.

7. Opwagting om vertaling te reël en dit daarna te verkry: R1,50.

8. Ander dienste, insluitende telefoonoproep, behalwe formeles (per halfuur): R2.

Opmerking. — Die gelde alhier toegelaat is bykomstig tot dié wat vir opdragte onder Afdeling A toegestaan kan word. By die berekening van gelde vir die deurlesing van dokumente in verband met opdragte ingevolge Items A1 en A6, moet die aantal woorde in al die dokumente saam getel en die totaal deur 100 verdeel word.

C. Opwagting formeel

1. Om 'n noodsaaklike dokument of brief te beteken of af te lewer (anders as deur die pos), of 'n telegram te stuur: 80c.

2. Om 'n prosesstuk uit te neem of 'n dokument in te dien: 80c.

3. Om sake vir verhoor ter rolle te plaas: 80c.

4. Om relaas na te spoor: 80c.

5. Ontvangs van kennisgewing van voorneme om te verdedig: 80c.

6. By 'n advokaat, bv. met 'n opdrag of om 'n afspraak te maak: 80c.

7. By ondertekening van prokurasies om te dagvaar of te verdedig: 80c.

8. By *jurat*: R1.

9. Ander formele opwagtings, insluitende telefoonoproep: 80c.

10. Aandag skenk aan die ontvangs van 'n formele erkenning: 50c.

D. Opstel van dokumente

1. Inskrywing in kamerboek waar dit in gebruik is (insluitende alle opwagtings): R2.

2. Instruksies vir 'n opinie, vir die leiding van advokate by die voorbereiding van pleitstukke (met inbegrip van verdere besonderhede en versoeke daarom), insluitende eksepsies (per folio): 80c.

3. Instruksies aan advokaat insake advies oor getuienis, vir opdrag op verhoor of op kommissie (per folio): 80c.

4. Instruksie vir argument aan advokate ten opsigte van alle soorte pleitstukke: Met dien verstande dat gelde vir die opstel van instruksies insake 'n mosie, petisie, eksepsie of appèl, slegs na goeddunke van die takseermeester toegestaan word (per folio): 80c.

5. Getuieverklarings (per folio): 80c.

B. Attendance and perusal

1. Attending the receipt of and perusing, and considering—

(a) any summons, petition, affidavit, pleading, advocate's advice and drafts, report, and important notice or document, per folio: 80c;

(b) any letter, record, stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified: 20c per folio, with a minimum fee of: 80c.

2. Attending the receipt of and considering any plan or exhibit or other material document in respect of which the basis of remuneration set out in Item 1 of this section cannot be applied: R1 to R15.

3. Making searches in offices of record (per half-hour or part thereof): R2.

4. Sorting out, arranging and paginating papers for pleading, advice on evidence or brief on trial or appeal (per half-hour): R2.

5. Attending to give or take disclosure (per half-hour): R2.

6. Attending on witness to obtain particulars of his claim and to settle same: R1,50.

7. Attending to bespeak and thereafter to procure translation: R1,50.

8. Other attendances including telephone calls other than formal telephone calls (per half-hour): R2.

Note.—The fees allowed under this section shall be in addition to such fees as may be allowed for instructions under Section A. In computing the fees chargeable for perusal of documents in connection with instructions under Items A1 and A6, the number of words in all documents to be perused, shall be added together and the total divided by 100.

C. Attendance (formal)

1. To serve or deliver (other than by post) any necessary document or letter or despatch any telegram: 80c.

2. To sue out any process or file any document: 80c.

3. To set down cases for trial: 80c.

4. To search for any return: 80c.

5. On receipt of notice of intention to defend: 80c.

6. On advocate, e.g. with brief or to make appointment: 80c.

7. On signature of powers of attorney to sue or defend: 80c.

8. On *jurat*: R1.

9. Other formal attendances, including telephone calls: 80c.

10. Attending receipt of a formal acknowledgement: 50c.

D. Drafting and drawing

1. Making an entry in the chamber book, where used (including all attendances): R2.

2. Drafting instructions for case on opinion, for advocate's guidance in preparing pleadings (including further particulars and requests for same), including exceptions (per folio): 80c.

3. Drafting instructions to advocate for advice on evidence, for brief on trial or on commission (per folio): 80c.

4. Drafting instructions to advocate for argument in respect of all classes of pleading, provided that a fee for drafting instructions on motion, petition, exception or appeal, shall only be allowed in discretion of the taxing master (per folio): 80c.

5. Drafting statements of witnesses (per folio): 80c.

oorversigtigheid, of deur nalatigheid of dwaling nie, of deur die betaling van spesiale gelde aan 'n advokaat, spesiale uitgawes aan getuies of andere, of deur ander ongewone uitgawes.

(4) Voordat die takseermeester 'n kosterekening takseer, moet hy oortuig wees dat die party wat die rekening moet betaal, behoorlik kennis gekry het van die tyd en plek van taksasie en kennis dat hy geregtig is om daarby teenwoordig te wees: Met dien verstande dat so 'n kennisgewing nie nodig is nie—

(a) as die party teen wie koste toegestaan is, nie persoonlik of deur middel van sy regsverteenvoorderiger by die verhoor verskyn het nie;

(b) as die persoon wat vir die betaling van koste aanspreeklik is, skriftelik toegestem het tot taksasie in sy afwesigheid; en

(c) vir die taksasie van lasbriefrekening en uitwinningsrekeninge.

(5) Die takseermeester mag in buitengewone of uitsonderlike gevalle na goeddunke van hierdie tarief afwyk waar die strenge nakoming daarvan onbillik sou wees.

(6) (a) Ten einde sover moontlik die koste van kopiëring van stukke wat die opdragte van advokate vergesel, te verminder, moet die takseermeester nie die koste van onnodige duplikasie in opdrag toestaan nie.

(b) Gelde kan deur die takseermeester in sy diskresie tussen party en party toegestaan word vir die kopiëring van 'n dokument wat, na sy oordeel, redelikerwys vir verrigtinge vereis was.

(7) Gelde vir kopiëring moet geweier word vir sover hulle redelikerwys verminder kon gewees het deur gedrukte vorms vir verbande, huurkoopkontrakte of ander dokumente te gebruik.

(8) Waar na die mening van die takseermeester meer as een prokureur noodsaaklikerwys in diens geneem is vir enige van die dienste deur die tarief gedek, is elke sodanige prokureur geregtig om volgens die tarief vergoed te word vir werk noodsaaklikerwys deur hom gedoen.

(9) 'n Folio bestaan uit 100 woorde of 'n gedeelte daarvan en vier syfers word as 'n woord beskou.

TARIEF VAN GELDE VAN PROKUREURS

A. *Neem van instruksies*

1. Om 'n geding in te stel of te verdedig: R3 tot R48.

2. Vir advies oor getuienis of op kommissie: R1,50 tot R24.

3. Vir verkryging van opinie, of vir die leiding van 'n advokaat by die opstel van pleitstukke, insluitende eksepsies: Gelde gelykstaande aan dié wat ingevolge Item 2 van Afdeling D vir die opstel van die dokument toegelaat word.

4. Vir 'n getuieverklaring: R1,50 tot R24.

5. Om 'n saak ter rolle te plaas, uitreiking van 'n getuiedagvaarding of lasbrief, of enige ander eenvoudige instruksies: R1.

6. Om 'n petisie of beëdigde verklaring op te stel: Gelde gelykstaande aan die helfte van dié wat ingevolge Item 7 van Afdeling D vir die opstel van die dokumente toegelaat word: Met dien verstande dat die takseermeester in gevalle waar geen petisie of beëdigde verklaring werklik opgestel is nie, na goeddunke gelde toelaat maar minstens R3.

7. Om appèl aan te teken: R3.

8. Om appèl voort te sit of te verdedig (met uitsluiting van deurlesing van die oorkonde): R1,50 tot R15.

tion, negligence or mistake, or by payment of a special fee to an advocate, or special charges and expenses to witnesses or to other persons or by other unusual expenses.

(4) The taxing master shall not proceed to the taxation of any bill of costs unless he is satisfied that the party liable to pay the same has received due notice as to the time and place of such taxation and notice that he is entitled to be present thereat: Provided that such notice shall not be necessary—

(a) if the party against whom costs have been awarded has not appeared at the hearing either in person or by his legal representative;

(b) if the person liable to pay costs has consented in writing to taxation in his absence; and

(c) for the taxation of writ and postwrit bills.

(5) The taxing master shall be entitled in his discretion at any time, to depart from any of the provisions of this tariff in extraordinary or exceptional cases, where strict adherence to such provisions would be inequitable.

(6) (a) In order to diminish as much as possible the costs arising from the copying of documents to accompany the briefs of advocates, the taxing master shall not allow the costs of any unnecessary duplication in briefs.

(b) Fees may be allowed by the taxing master in his discretion as between party and party for the copying of any document which, in his view, was reasonably required for any proceedings.

(7) Fees for copying shall be disallowed to the extent by which such fees could reasonably have been reduced by the use of printed forms in respect of bonds, hire-purchase agreements or other documents.

(8) Where in the opinion of the taxing master, more than one attorney has been necessarily engaged in the performance of any of the services covered by the tariff, each such attorney shall be entitled to be remunerated on the basis set out in the tariff for the work necessarily done by him.

(9) A folio shall contain 100 words or part thereof, and, four figures shall be counted as a word.

TARIFF OF FEES OF ATTORNEYS

A. *Taking instructions*

1. To institute or defend any proceedings: R3 to R48.

2. For advice on evidence or on commission: R1,50 to R24.

3. For case on opinion, or for advocate's guidance in preparing pleadings, including exceptions: A fee equivalent to the fee allowed under Item 2 of Section D for drafting the document.

4. For statement of witness: R1,50 to R24.

5. To set down case, issue subpoena or writ or any other simple instructions: R1.

6. To draft a petition or affidavit: A fee equivalent to one-half of the fee allowed under Item 7 of Section D for drafting the document provided that in cases where no petition or affidavit is actually drawn the taxing master shall allow a fee in his discretion, but not less than R3.

7. To note an appeal: R3.

8. To prosecute or defend an appeal (exclusive of the perusal of the record): R1,50 to R15.

Bostaande skaal geld nie vir reistyd nie, maar die takseermeester moet ten opsigte van noodsaaklike reistyd hoogstens R30 per dag addisioneel toestaan, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.

6. Getuienis: Vergoeding wat volgens die mening van die takseermeester billik is vir die verkryging van die getuienis en die bywoning van getuies wie se getuiegelde op taksasie toegestaan is: Met dien verstande dat die voorbereidingsgelde van 'n getuie nie sonder 'n bevel van die hof of die toestemming van alle belanghebbende partye toegestaan word nie.

F. Allerlei

1. Advokaatsopdragte en kopiëring: Om afskrifte vir die hof, vir 'n advokaat of vir 'n prokureur, of vir betekening of vir enige ander noodsaaklike doel te maak, is die bedrag 30c per folio vir die eerste afskrif (met inbegrip van die eerste afskrif van 'n opgestelde dokument waarvoor 'n invordering ingevolge Items 2, 3, 4, 5, 7 en 9 van Afdeling D van hierdie tarief verhaalbaar is) en vir verdere afskrifte per folio: 15c.

Vir die maak van afskrifte van die oorkonde in 'n siviele appèl van die magistratuurshof af is die bedrag per folio: 15c.

2. Om 'n mondelinge of skriftelike opinie te gee (tussen prokureur en kliënt): R7 tot R75.

3. Algemeen: Allesinsluitende gelde vir konsultasies en samesprekings met 'n kliënt of advokaat waarvoor geen ander voorsiening gemaak is nie: R3 tot R30.

G. Kosterekening

In verband met 'n kosterekening van 'n prokureur is die prokureur geregtig om te vorder:

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en die betaling daarvan, 5 persent op die eerste R200 of gedeelte daarvan, 2½ persent op die tweede R200 of gedeelte daarvan en 1 persent op die gedeelte bo R400 van die prokureursgelde; hetsy soos geëis in die kosterekening indien nie getakseer nie, of soos toegestaan by taksasie; en

2. daarbenewens, indien tot taksasie oorgegaan word, vir die reëling en bywoning van taksasie en verkryging van toestemmings tot taksasie, 5 persent op die eerste R200 of gedeelte daarvan, 2½ persent op die tweede R200 of gedeelte daarvan en 1½ persent op die gedeelte bo R400 van die toegestane gelde.

Opmerking.—(1) Die minimum onder elke item in hierdie afdeling is R1,50.

(2) Die gelde onder elke item van hierdie afdeling word op dieselfde bedrag bereken.

Terrolleplusing van sake gedurende die laaste week van die termyn en op rondgang

71. (1) Geen sake word sonder die hof se verlof gedurende die laaste week van enige termyn ter rolle geplaas nie.

(2) Geen siviele sake word deur enige rondgaande hof verhoor nie, behalwe onbestrede mosies en onbestrede huweliksaangeleenthede.

Toelating van advokate

72. (1) Behoudens die bepalings van reël 6, vir sover hulle nie met die bepalings van hierdie reël in stryd is nie, moet iemand wat aansoek doen om toelating om

The above rates of remuneration shall not be applicable in respect of time spent in travelling, but the taxing master shall in respect of time necessarily so spent, allow additional remuneration not exceeding R30 per *diem*, and shall also allow the reasonable costs of necessary conveyance.

6. Evidence: Such just and reasonable charges and expenses as may, in the opinion of the taxing master, have been properly incurred in procuring the evidence and attendance of witnesses whose fees have been allowed on taxation: Provided that the qualifying expenses of a witness shall not be allowed without an order of court or the consent of all interested parties.

F. Miscellaneous

1. Briefing and copying: For making copies for the court, for counsel or for attorney, or for service or for any other necessary purpose, the charge shall be, for the first copy at the rate of 30c per folio (including the first copy of any document drafted in respect of which a charge is recoverable under Items 2, 3, 4, 5, 7 and 9 of Section D of this tariff), and for further copies, per folio: 15c.

For making copies of the record in a civil appeal from magistrates' courts the charge shall be, per folio: 15c.

2. For giving a verbal or written opinion (as between attorney and client): R7 to R75.

3. General: Inclusive fee for consultations and discussions with client or advocate not otherwise provided or specially charged: R3 to R30.

G. Bill of costs

In connection with a bill of costs for services rendered by an attorney, such attorney shall be entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, 5 per cent on the first R200 or portion thereof, 2½ per cent on the second R200 or portion thereof, and 1 per cent on the amount in excess of R400 of the amount of the attorney's fees, either as charged in the bill if not taxed, or as allowed on taxation; and

2. in addition thereto, if recourse is had to taxation, for arranging and attending taxation and obtaining consents to taxation, 5 per cent on the first R200 or portion thereof, and 2½ per cent on the second R200 or portion thereof, and 1½ per cent on the amount in excess of R400 of the fees allowed.

Note.—(1) The minimum fee under each item of this section shall be R1,50.

(2) The fee under each item of this section shall be calculated on the same amount.

Setting down of matters during last week of term and on circuit

71. (1) No cases may be placed on the roll during the last week of any term save with the leave of the court.

(2) No civil matters will be heard at any circuit session save unopposed motions and undefended matrimonial causes.

Admission of advocates

72. (1) Subject to the provisions of rule 6 in so far as they are not inconsistent with the provisions of this rule, a person applying for admission to practise and

6. Getuiedagvaardings, prokurasies om te dagvaar of te verdedig en formele kennisgewings (per folio): 80c.

7. Petisie, beëdigde verklaring, enige kennisgewing (uitgesonderd 'n formele kennisgewing), dagvaarding, versoek om en verskaffing van verdere besonderhede vir verhoor, lasbriewe vir uitwinning, arres of beslaglegging en enige ander belangrike dokument waarvoor geen ander voorsiening gemaak is nie (per folio): R3.

Die minimum onder hierdie item vir die opstel van daarvaarding, petisie of beëdigde verklaring is R6,50, maar dit geld nie vir formele beëdigde versuimverklarings in gedinge om herstel van huweliksregte, bevestigende beëdigde verklarings, beëdigde verklarings ten opsigte van betekening of ander formele beëdigde verklarings nie).

8. Brief of telegram (per folio): R1.
Lêerafskrif (per folio): 10c.

9. Inhoudsopgawe vir advokaatsopdrag (per folio): 50c.

10. Kort opdrag: R1.

Opmerking 1.—By die berekening van die aantal folio's van die dokumente bedoel in items 2, 3, 4, 5 en 7 van hierdie afdeling, trek die takseermeester gedeeltes af wat bestaan uit aanhalings uit ander stukke, maar wanneer dit ter sake is, behandel hy dit as bylaes.

Opmerking 2.—Die vordering wat in hierdie afdeling toegelaat word vir die opstel van dokumente sluit nie, behalwe in die geval van Items 1, 6, 8 en 10, die maak van die eerste skoon afskrif is nie, waarvoor ingevolge Item 1 van Afdeling F gehel word.

E. Bywoning, samespreking en ondersoek

1. (a) Bywoning van prokureur wanneer 'n advokaat optree, in hof of voor 'n regter of voor 'n kommissaris of skeidsregter of by 'n ondersoek wat deur die hof gelas is:

Om slegs uitspraak te noteer: R3;
andersins per halfuur: R7 tot R15.

(b) Opwagting van prokureur sonder 'n advokaat voor 'n regter op versoek van die regter, of voor 'n kommissaris of skeidsregter, per halfuur: R7 tot R15.

Die bostaande skaal geld nie vir reis- of wagtyd nie, maar die takseermeester moet na goeddunke soveel addisioneel daarvoor toestaan as wat hy billik en redelik ag, maar hoogstens R30 per dag plus 'n redelike bedrag vir noodsaaklike vervoerkoste.

2. Bywoning deur 'n prokureur se ingeskrewe klerk om by bestrede verrigtinge te help:

As 'n advokaat optree, per uur: R1,50.
As geen advokaat optree nie, per uur: R3.
Wanneer hy die prokureur bystaan, per dag: R4,50.

3. Enige samespreking met advokaat, met of sonder getuies, en ten opsigte van pleitstukke met inbegrip van eksepsies en besonderhede by pleitstukke, aansoeke, petisies, beëdigde verklarings, getuienis en enige ander aangeleentheid wat die takseermeester noodsaaklik ag, per halfuur: R7 tot R15.

4. (a) Enige samespreking met 'n kliënt, getuie of teenparty en enige ander samespreking wat die takseermeester noodsaaklik ag, per halfuur: R7 tot R15.

(b) Bywoning van samespreking ingevolge reël 37, per halfuur: R7 tot R15.

5. Enige inspeksie *in situ* of elders, per halfuur: R7 tot R15.

6. Drawing subpoenas, powers of attorney to sue or defend and formal notices (per folio): 80c.

7. Drafting a petition, affidavit, any notice, except formal notice, summons, further particulars requested and furnished for trial, writs of execution, arrest or attachment and any other important document not otherwise provided for (per folio): R3.

(The minimum charge under this item for drafting a summons, petition or affidavit shall be R6,50 save that the minimum charge shall not apply in the case of a formal affidavit or non-return in restitution suits, verifying affidavits, affidavits of service and other formal affidavits).

8. Letter or telegram (per folio): R1.

Copy to keep (per folio): 10c.

9. Drawing index to brief (per folio): 50c.

10. Drawing short brief: R1.

Note 1.—In computing the number of folio's of any documents referred to in paragraphs 2, 3, 4, 5 and 7 of this section, the taxing master shall deduct, but treat as annexures where relevant, any portions consisting of quotations from other documents and papers.

Note 2.—The charges allowed in this section for drafting and drawing do not, save in the case of Items 1, 6, 8 and 10, include making the first fair copy which shall be charged for under Item 1 of Section F.

E. Appearance, conference and inspection

1. (a) Attendance by attorney when an advocate is employed in court or before a judge or before a commissioner or referee or at an inspection directed by the court:

To note judgment only: R3;
otherwise, per half-hour: R7 to R15.

(b) Appearance by attorney without an advocate before a judge on request by the judge, or before a commissioner or referee, per half-hour: R7 to R15.

The above rates of remuneration shall not be applicable in respect of the time spent in travelling or waiting, but the taxing master shall, in respect of time necessarily so spent, allow such additional remuneration not exceeding R30 per *diem* as he in his discretion may deem fair and reasonable, and shall also allow a reasonable amount to cover the cost of necessary conveyance.

2. Attendance of attorney's articulated clerk to assist at contested proceeding:

If advocate employed, per hour: R1,50.
If advocate not employed, per hour: R3.
When assisting attorney, per *diem*: R4,50.

3. Any conference or consultation with advocate with or without witnesses and on pleadings including exceptions and particulars to pleadings, applications, petitions, affidavits, testimony and on any other matter which the taxing officer may consider necessary, per half-hour: R7 to R15.

4. (a) Any conference or consultation with client, witness or opposite party, and any other conference or consultation which the taxing officer may consider necessary, per half-hour: R7 to R15.

(b) Attending conference in terms of rule 37, per half-hour: R7 to R15.

5. Any inspection *in situ*, or otherwise, per half-hour: R7 to R15.

NEEM VERDER KENNIS dat indien u versuim om aldus kennis te gee, uitspraak teen u gedoen kan word sonder verdere verwysing na u.

Gedateer te..... hierdie..... dag van.....19....

Griffier van die Hoërhof van Venda

Eiser se prokureur

Adres vir betekening:

VORM 2

KENNISGEWING VAN MOSIE (Aan Griffier)

IN DIE HOËRHOF VAN VENDA

In die saak van

Applikant

NEEM KENNIS dat aansoek namens bogenoemde Applikant op die..... dag van.....19..... om 10h00 of so spoedig daarna as wat die advokaat aangehoor kan word, gedoen sal word om 'n bevel met die volgende bepalings:

- (a) (b) (c)

en dat die beëdigde verklaring van..... hierby aangeheg gebruik sal word ter ondersteuning daarvan.

Geliewe die saak dienooreenkomstig vir verhoor ter rolle te plaas. Gedateer te.....

Applikant se prokureur

Aan die Griffier van die Hoërhof van Venda.

VORM 2 (a)

KENNISGEWING VAN MOSIE (Aan Griffier en Respondent)

IN DIE HOËRHOF VAN VENDA

In die saak tussen:

Applikant en Respondent

NEEM KENNIS DAT..... (hierna die Applikant genoem) voornemens is om by hierdie Hof aansoek te doen om 'n bevel (a)..... (b)..... (c)..... (sit hier die vorm van die aangevraagde bevel uiteen) en dat die bygaande beëdigde verklaring van..... (of petisie waar regtens vereis) gebruik sal word ter ondersteuning daarvan.

NEEM VERDER KENNIS dat die Applikant.....

[meld hier 'n adres in reël 6 (4) (b) bedoel] aangewys het waar hy kennisgewings en die betekening van alle prosesstukke in hierdie verrigtinge sal aanvaar.

NEEM VERDER KENNIS dat indien u voornemens is om hierdie aansoek te bestry, u (a) die Applikant se prokureur op of voor die..... skriftelik daarvan in kennis moet stel en (b) binne 21 dae na die betekening van hierdie kennisgewing aan u, u antwoordende beëdigde verklarings, as u het, moet indien; en verder dat u in die kennisgewing 'n adres in reël 6 (4) (b) bedoel moet aangee waar u kennisgewings en die betekening van alle dokumente in hierdie verrigtings sal aanvaar.

Indien geen kennis van voorene om te bestry gegee word nie, sal die aansoek op..... om 10h00 gedoen word.

Gedateer te..... hierdie..... dag van 19.....

Applikant se prokureur (Adres)

Aan:

- (a) C.D. (Adres), RESPONDENT. (b) Die Griffier van die Hoërhof van Venda

TAKE NOTICE FURTHER that if you fail to give such notice, judgment may be granted against you without further reference to you.

Dated at..... this..... day of.....19....

Registrar of the High Court of Venda

Plaintiff's attorney

Address for service:

FORM 2

NOTICE OF MOTION

(To Registrar)

IN THE HIGH COURT OF VENDA

In the matter of

Applicant

TAKE NOTICE that application will be made on behalf of the above-named Applicant on the..... day of..... at 10h00 or as soon thereafter as counsel may be heard for an order in the following terms:

- (a) (b) (c)

and that the affidavit of..... annexed hereto will be used in support thereof.

Kindly place the matter on the roll for hearing accordingly.

Dated at.....

Applicant's attorney

To the Registrar of the High Court of Venda.

FORM 2 (a)

NOTICE OF MOTION (To Registrar and Respondent)

IN THE HIGH COURT OF VENDA

In the matter between:

Applicant and Respondent

TAKE NOTICE THAT..... (hereinafter called the Applicant) intends to make application to this Court for an order (a)..... (b)..... (c)..... (here set forth the form of order prayed) and that the accompanying affidavit of..... (or petition where required by law) will be used in support thereof.

TAKE NOTICE FURTHER that the Applicant has appointed..... [he set forth an address referred to in rule 6 (4) (b)] at which he will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required (a) to notify Applicant's attorney in writing on or before the....., (b) and within 21 days of the service of this notice upon you, to file your answering affidavits (if any) and further that you are required to appoint in such notification an address referred to in rule 6 (4) (b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on the..... at 10h00.

Dated..... this day of.....19.....

Applicant or his attorney (Address)

To:

- (a) C.D. (Address), RESPONDENT. (b) The Registrar of the High Court of Venda

as advokaat te praktiseer en magtiging om as advokaat ingeskryf te word, minstens ses weke voor die dag waarop sy aansoek deur die hof aangehoor gaan word:

(a) die griffier skriftelik kennis gee van die datum waarop die aansoek gedoen sal word;

(b) die oorspronklike en 'n afskrif van al die stukke waarop die aansoek steun, by die griffier inlewer, asook 'n beëdigde verklaring waarin vermeld word of hy te eniger tyd deur 'n hof van die rol van advokate geskrap of in sy praktyk geskors is;

(c) 'n afskrif van die in paragrawe (a) en (b) bedoelde stukke en beëdigde verklaring aan die Sekretaris van die Balieraad of die Vereniging van Advokate van die gebied, en by onstentenis van so 'n Raad of Vereniging, aan die prokureur-generaal en die Sekretaris van Justisie van Venda.

(2) By ontvangs van die in paragraaf (a) van subreël (1) bedoelde kennisgewing, laat die griffier 'n kennisgewing op die openbare kennisgewingsbord van die hof aanbring waarin vermeld word dat die applikant op 'n in die kennisgewing vermelde datum by die hof aansoek sal doen om toelating om as 'n advokaat te praktiseer en magtiging om as advokaat ingeskryf te word.

(3) Indien die applikant te eniger tyd voor die aanhoor van die aansoek enige ander stukke of verklarings as die in paragraaf (b) van subreël (1) bedoelde stukke of verklaring by die griffier inlewer, moet hy onverwyld 'n afskrif daarvan aan die Sekretaris van die Balieraad of die Vereniging van Advokate van die hof beteken, en by onstentenis van so 'n Raad of Vereniging, aan die prokureur-generaal en die Sekretaris van Justisie van Venda.

(4) By die aanhoor van die aansoek lê die applikant 'n sertifikaat van die griffier voor waarin vermeld word—

(a) dat die bepalings van subreël (2) nagekom is; en

(b) of enige besware by hom ingedien is.

(5) Enige persoon wat toegelaat word om te praktiseer en gemagtig word om as 'n advokaat ingeskryf te word, lê, wanneer hy aldus toegelaat en gemagtig word, 'n eed of plegtige verklaring voor die griffier in die hof af, wat deur hom onderteken moet word, in die vorm hieronder uiteengesit, te wete:

“Ek, verklaar hierby onder eed/plegtig en opreg dat ek my eerlik en opreg in die praktyk van advokaat na my beste wete en vermoë sal gedra en verder dat ek trou sal wees aan die Republiek van Suid-Afrika.”

EERSTE BYLAE

VORM 1

EDIKTALE DAGVAARDING

VERKORTE VORM VAN PROSESSTUK IN DIE HOËRHOF VAN VENDA

In die saak tussen:

en

Eiser

Verweerder

Aan:

A.....
B..... (geslag), (beroep)
voorheen woonagtig te.....
maar wie se huidige verblyfplek onbekend is:

NEEM KENNIS dat u, deur middel van 'n dagvaarding wat by hierdie Hof uitgeneem is, opgeroep is om kennis te gee, binne..... dae na die publikasie hiervan, aan die Griffier en aan die Eiser se prokureur, van u voorneme om te verdedig (indien u aldus van voorneme is) in 'n aksie waarin C.....
D..... eis:

(a)
(b)
(c)

for authority to be enrolled as an advocate shall, at least six weeks before the day on which his application is to be heard by the court—

(a) give written notice to the registrar of the date on which the application is to be made;

(b) deliver to the registrar the original and a copy of all the documents in support of the application and an affidavit stating whether he has at any time been struck off the roll of advocates or suspended from his practice by the court;

(c) serve a copy of the documents and affidavit referred to in paragraphs (a) and (b) on the Secretary of the Bar Council or the Society of Advocates of the area, and in the absence of such Council or Society, on the Attorney-general and the Secretary for Justice of Venda.

(2) On receipt of the notice referred to in paragraph (a) of subrule (1), the registrar shall cause a notice indicating that the applicant will on the date referred to in the notice apply to the court for admission to practice and for authority to be enrolled as an advocate, to be screened on the public notice board of the court.

(3) If the applicant at any time prior to the hearing of the application delivers any other documents or declarations, other than the documents or affidavit referred to in paragraph (b) of subrule (1) to the registrar, he shall forthwith serve a copy thereof on the Secretary of the Bar Council or the Secretary of Advocates of the court, and in the absence of such Council or Society, on the Attorney-general and the Secretary for Justice of Venda.

(4) At the hearing of the application the applicant shall produce a certificate from the registrar in which is specified—

(a) that the provisions of subrule (2) have been complied with; and

(b) whether any objections have been lodged with him.

(5) Any person who is admitted to practise and authorised to be enrolled as an advocate shall upon being so admitted and authorised take an oath or make an affirmation before the registrar in court, which shall be subscribed by him, in the form set out hereunder, namely:

“I, do hereby swear/solemnly and sincerely affirm and declare, that I will truly and honestly demean myself in the practice of advocate according to the best of my knowledge and ability, and further, that I will be faithful to the Republic of South Africa.”

FIRST SCHEDULE

FORM 1

EDICTAL CITATION

SHORT FORM OF PROCESS IN THE HIGH COURT OF VENDA

In the matter between:

Plaintiff

and

Defendant

To:

A.....
B..... (sex), (occupation)
formerly residing at....., but whose present whereabouts are unknown:

TAKE NOTICE that by summons sued out of this Court, you have been called upon to give notice, within days after publication hereof, to the Registrar and to the Plaintiff's attorney of your intention to defend (if any) in an action wherein C.....
D..... claims:

(a)
(b)
(c)

voor hierdie Hof te bring op die..... dag van.....
 19....., om 10h00, om C.....
 D..... (geslag), (beroep),
 van.....
 (woon- of besigheidsplek) in die distrik.....
 (hierna die Eiser genoem) te antwoord in die aksie waarin die
 Eiser (1)..... (2).....
 en (3)..... van die Verweerder vorder, en om die
 uitspraak van die Hof daarop af te wag of indien lasbrief uitgereik
 word na instelling van geding, om redes aan te voer waarom hy
 nie gelas behoort te word om die uitspraak van die Hof af te wag
 of sekerheid te stel dat hy binne die Hof se regsgebied sal bly totdat
 uitspraak gedoen is in die aksie ingestel deur C.....
 D..... (geslag), (beroep),
 van.....
 (woon- of besigheidsplek), in die distrik.....
 (hierna die Eiser genoem) waarin die Eiser vorder (1).....
 (2)..... en (3).....
 of by versuim om sekerheid aldus te stel, hy nie in 'n gevangenis
 aangehou behoort te word hangende die uitspraak van die Hof nie.
 (2) Aan die Bevelvoerende Offisier van die Gevangenis aan wie
 die Adjunk-balju hierdie lasbrief voorlê.

U word hierby gelas om die genoemde C.D. in bewaring te neem
 en hom veilig aan te hou totdat hy na die Hof verwyder word vir die
 doel in die eerste gedeelte van hierdie lasbrief uiteengesit, of totdat
 hy andersins regtens ontslaan word.

Gedateer te..... hierdie.....
 dag van..... 19.....

Griffier van die Hoërhof van
 Venda

Eiser se prokureur

Adres vir betekening:

Opmerking.—Die koste van hierdie lasbrief is getakseer en toege-
 staan in die bedrag van....., uitsluitende die
 Balju se gelde van.....

Griffier van die Hoërhof van
 Venda

VORM 5

BORGAKTE BY ARRES

Ons, die ondergetekendes, C.....
 D..... van.....
 en L..... M.....
 van.....
 erken hierby dat ons en ons onderskeie eksekuteurs en administra-
 teurs teenoor die Balju van die Hoërhof van Venda (of die Adjunk-
 balju vir die distrik.....), gesamentlik en
 afsonderlik verbind is, om aan hom of sy sessionarisse of regs-
 verkrygendes die som van..... te betaal indien
 die genoemde C..... D.....
 nie behoorlik voor die Hoërhof van Venda te.....
 op die..... dag van..... 19.....
 om 10h00 verskyn nie om A.....
 B..... van..... in die
 distrik.....
 (hierna die Eiser genoem) te antwoord in 'n geding waarin die
 Eiser (1)..... (2).....
 (3)..... van genoemde C.....
 D..... nie daarna binne die regsgebied van
 hierdie Hof bly totdat uitspraak in die geding gegee is nie.

ONDERTEKEN deur ons in die teenwoordigheid van die onder-
 getekende getuies te..... op hierdie.....
 dag van..... 19.....

C.D. (Verweerder)

L.M. (Borg)

As getuies:

1.
2.

before this Court on the..... day of.....
 19....., at 10h00, to answer C.....
 D..... (sex), (occupation),
 of.....
 (residence or place or business) in the District of.....
 (hereinafter called the Plaintiff) in an action wherein the Plaintiff
 claims (1)..... (2).....
 and (3)..... from Defendant, and to abide the
 judgment of this Court thereon, or if writ issued after institution of
 proceedings, to show cause why he should not be ordered to
 abide the judgment of the Court or furnish security for his further
 presence within its jurisdiction until its judgment has been delivered
 in the action instituted therein, by C.....
 D..... (sex), (occupation),
 of.....
 (residence or place of business), in the District of.....
 (hereinafter called the Plaintiff), and in which the said Plaintiff
 claims (1)..... (2).....
 and (3)..... from Defendant, or failing the due
 provisions of such security, why he should not be committed to
 prison and detained pending the judgment of this Court in the
 said action. (2) To the Officer Commanding the Prison to whom the
 deputy-sheriff presents this writ.

You are hereby commanded and required to receive the said
 C.D. and to keep him safely until such time as he shall be removed
 to have him before the Court in accordance with the first part of
 this writ or until he shall be otherwise lawfully discharged.

Dated at..... this.....
 day of..... 19.....

Registrar of the High Court of
 Venda

Plaintiff's attorney

Address for service:

Note.—The costs of this writ have been taxed and allowed at
 exclusive of the Sheriff's caption fee of

Registrar of the High Court of
 Venda

FORM 5

ARREST—BAIL BOND

We, the undersigned, C.....
 D..... of.....
 and L..... M.....
 of.....
 hereby acknowledge ourselves to be firmly bound to the Sheriff
 of the High Court of Venda (or the Deputy-sheriff for the District
 of.....), in an amount of.....
 to be paid to the said Sheriff (or Deputy-sheriff) or his cessionaries
 or assigns, for which payment we bind ourselves jointly and
 severally, and our respective executors and administrators in like
 manner, the condition of this Bond being that if the said C.....
 D..... duly appear before the High Court of Venda
 at..... on the..... day of
 19....., at 10h00, to answer A.....
 B..... of..... in the District
 of.....
 (hereinafter called the Plaintiff) in an action wherein the said Plain-
 tiff claims (1)..... (2).....
 (3)..... from the said C.....
 D..... and thereafter remains within the juris-
 diction of this Court until its judgment has been delivered in the
 said action, and abides such judgment, this Bond shall be void;
 otherwise it shall be of full force and effect.

SIGNED by us in the presence of the subscribing witnesses
 at..... on this the.....
 day of..... 19.....

C.D. (Defendant)

L.M. (Surety)

As witnesses:

1.
2.

VORM 3
DAGVAARDING: NAMPTISSEMENT
IN DIE HOËRHOF VAN VENDA

In die saak tussen:

Eiser

en

Verweerder

Aan die Balju of sy Adjunk:

STEL A.....

B..... (geslag), (beroep),
van.....
(woon- of besigheidsplek) hierna die Verweerder genoem, in kennis—

(1) dat hy hierby opgeroep word om onmiddellik aan C.....
D..... (geslag), (beroep),
van.....
(woon- of besigheidsplek).....
(hierna die Eiser genoem) 'n bedrag van..... moet betaal tesame met rente daarop bereken teen..... persent per jaar vanaf..... deur die Eiser gevorder op grond van.....
(sit die skuldoorsaak hier uiteen)....., 'n afskrif van welke dokument hierby aangeheg is;

(2) dat by versuim om betaling, hy hierby opgeroep word om voor hierdie Hof persoonlik of deur 'n advokaat te.....
dag van..... 19..... om 10h00 (of so spoedig daarna as wat die saak verhoor kan word) te verskyn om sy aanspreeklikheid vir die genoemde eis te erken of te ontken en te vermeld waarom die eiendom wat aan die verband onderhewig is, nie uitwinbaar verklaar behoort te word nie;

(3) dat indien hy aanspreeklikheid ontken hy nie later nie as middag op die..... dag van..... 19..... 'n beëdigde verklaring by die Griffier van hierdie Hof moet indien waarvan hy 'n afskrif aan die Eiser se prokureur moet beteken, en waarin hy die gronde van sy verweer teen die eis uiteensit en in die besonder vermeld of hy erken of ontken dat dit sy of sy verteenwoordiger se handtekening is wat op die genoemde..... verskyn, en as dit sy verteenwoordiger s'n is, of hy dié se magtiging erken of ontken.

EN STEL die genoemde Verweerder verder in kennis dat indien hy nie die voormelde bedrag en rente onmiddellik aan die Eiser betaal nie en indien (die genoemde Verweerder) ook versuim om 'n beëdigde verklaring soos hierbo bedoel, in te dien en voor hierdie Hof op die bogemelde tyd te verskyn, namptissement onverwyld met koste teen hom toegestaan kan word en die eiendom wat aan die verband onderhewig is, uitwinbaar verklaar kan word, maar dat by betaling van die genoemde bedrag, rente en koste, hy geregtig sal wees om sekuriteit vir die terugbetaling daarvan te eis vir geval die vonnis daarna ter syde gestel sou word.

EN beteken 'n afskrif van hierdie dagvaarding en van die genoemde..... aan die Verweerder en lewer dan hierdie dagvaarding aan die Griffier terug met u relaas van wat u daaromtrent gedoen het.

Gedateer te..... hierdie.....
dag van..... 19.....

Griffier van die Hoërhof van
Venda

.....
Eiser se prokureur
Adres vir betekening:
.....
.....
.....

VORM 4
LASBRIEF TOT ARRES SUSPECTUS DE FUGA
IN DIE HOËRHOF VAN VENDA

In die saak tussen:

Eiser

en

Verweerder

Aan die Balju of sy Adjunk:

U word hierby gelas om A.....
B..... (geslag), (beroep),
van.....
(woon- of besigheidsplek) in die distrik.....
(hierna die Verweerder genoem) te arresteer en aan te hou en hom

FORM 3
SUMMONS: NAMPTISSEMENT
IN THE HIGH COURT OF VENDA

In the matter between:

Plaintiff

and

Defendant

To the Sheriff or his Deputy:

INFORM A.....
B..... (sex), (occupation),
of.....
(residence or place of business) and hereinafter called the Defendant—

(1) that he is hereby called upon immediately to pay to C.....
D..... (sex), (occupation),
of.....
(residence or place of business).....
(hereinafter called the Plaintiff) and amount of..... together with interest thereon at the rate of..... per cent per annum as from..... claimed by Plaintiff.....
(here set out the cause of action)....., and a copy of which document is annexed hereto;

(2) that failing such payment, he is hereby called upon to appear before this Court personally or by an advocate at..... on..... the..... day of..... 19..... at 10h00 (or as soon thereafter as the matter can be heard) to admit or deny his liability for the said claim, and to state why the mortgaged property should not be declared executable;

(3) that if he denies liability for the same, he shall not later than noon on..... the..... day of..... 19....., file an affidavit with the Registrar of this Court, and serve a copy thereof on Plaintiff's attorney, which affidavit shall set forth the grounds of his defence to the said claim, and in particular state whether he admits or denies his signature to the said..... or whether he admits or denies the signature or authority of his agent.

AND INFORM the said Defendant further that in the event of his not paying the amount and interest above-mentioned to the Plaintiff immediately and if the (the said defendant) further fails to file an affidavit as aforesaid, and to appear before this Court at the time above stated, namptissement may forthwith be granted against him with costs, and the mortgaged property may be declared executable, but that against payment of the said amount, interest and costs, he will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

AND serve a copy of this summons and of the said..... on the said Defendant and then return this summons to the Registrar with your return of what you have done thereon.

Dated at..... this.....
day of 19.....

Registrar of the High Court of
Venda

.....
Plaintiff's attorney
Address for service:
.....
.....
.....

FORM 4
WRIT OF ARREST SUSPECTUS DE FUGA
IN THE HIGH COURT OF VENDA

In the matter between:

Plaintiff

and

Defendant

To the Sheriff or his Deputy:

You are hereby commanded to apprehend A.....
B..... (sex), (occupation),
of.....
(residence or place of business) in the District of.....
(hereinafter called the Defendant) and to detain and bring him

Om aldus kennis te gee, moet u 'n kennisgewing waarin vermeld word dat u voornemens is om te verdedig by die Griffier indien en 'n afskrif daarvan aan die Eiser by die adres hier onderaan vermeld, beteken. In u kennisgewing moet 'n adres (nie synde 'n posbus of poste restante nie) binne 10 kilometers van die Hof af vir die betekening aan u van kennisgewings en dokumente in die aksie, aangegee word. Tensy u al hierdie dinge doen, sal u kennisgewing ongeldig wees.

Daarna moet u 'n pleit indien waarin u kan betwis dat u 'n vennoot was of kan aanvoer dat die hierbo beweerde tydperk nie ter sake is nie of dat die Verweerder aanspreeklik is, of al drie hierdie verwerre.

Indien u nie aldus kennis gee nie sal dit u nie vrystaan om enige van bogenoemde verwerre te opper nie. Indien die genoemde Verweerder aanspreeklik bevind word, sal u blootstaan aan die uitreiking van 'n lasbrief vir uitwinning teen u indien die Verweerder se bates uitgewin is en onvoldoende is.

Gedateer te..... hierdie..... dag van..... 19.....

Prokureur vir.....

Adres:
.....
.....

N.B.—In aansoekverrigtinge moet hierdie vorm paslik gewysig word.

VORM 9

DAGVAARDING

(Ten opsigte van skuld of gelijkwiderde eis)

IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

..... Eiser
en
..... Verweerder

Aan die Balju of sy Adjunk:

STEL A.B., van..... (meld geslag en beroep)..... (hierna die Verweerder genoem), in kennis dat C.D., van..... (vermeld geslag en beroep)..... (hierna die Eiser genoem), hierby 'n aksie teen hom instel in welke aksie die Eiser vorder:

(Sit die skuldoorsaak hier bondig uiteen)

STEL die Verweerder verder in kennis dat indien hy die eis betwis en die aksie wens te verdedig, hy binne..... dae na die betekening aan hom van hierdie dagvaarding by die Griffier van hierdie Hof te..... (meld adres van die Griffier) 'n kennisgewing van sy voorneme om te verdedig moet indien en 'n afskrif daarvan aan die Eiser se prokureur moet beteken, in welke kennisgewing 'n adres (nie synde 'n posbus of poste restante nie) 10 kilometers van die Hof af vir die betekening aan die Verweerder van alle kennisgewings en dokumente in die aksie, aangegee moet word.

STEL die Verweerder verder in kennis dat indien hy versuim om 'n kennisgewing in te dien en te beteken soos voormeld, vonnis soos aangevra teen hom gegee kan word sonder verdere kennisgewing aan hom.

En beteken onmiddellik daarna 'n afskrif van hierdie dagvaarding aan die Verweerder en lewer die oorspronklike aan die Griffier terug met 'n relaas van wat u daaromtrent gedoen het.

Gedateer te..... hierdie..... dag van..... 19.....

Griffier van die Hoërhof van Venda

Eiser se prokureur

Adres:
.....
.....

To give such notice you must file with the Registrar and serve a copy thereof upon the Plaintiff at the address set out at the foot hereof a notice stating that you intend to defend. Your notice must give an address (not being a post office box or *poste restante*) within 10 kilometres of the Court for the service upon you of notices and documents in the action. Unless you do all these things your notice will be invalid.

Thereafter you should file a plea in which you may dispute that you were a partner or that the period alleged above is relevant or that the Defendant is liable, or all three of these matters.

If you do not give such notice you will not be at liberty to contest any of the above issues. If the above-named Defendant is held liable you will be liable to have execution issued against you, should the Defendant's assets be excused in execution and be insufficient.

Dated at..... this..... day of..... 19.....

Attorney for.....

Address:
.....
.....

N.B.—In application proceedings this form should be appropriately altered.

FORM 9

SUMMONS

(Claim in respect of debt or liquidated demand)

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

..... Plaintiff
and
..... Defendant

To the Sheriff or his Deputy:

INFORM A.B., of..... (state sex and occupation)..... (hereinafter called the Defendant), that C.D., of..... (state sex and occupation)..... (hereinafter called the Plaintiff) hereby institutes action against him in which action the Plaintiff claims:

(Here set out in concise terms Plaintiff's cause of action)

INFORM the defendant further that if he disputes the claim and wishes to defend the action he shall within..... days of the service upon him of this summons file with the Registrar of this Court at (here set out the address of the Registrar's office) notice of his intention to defend and serve a copy thereof on the Plaintiff's attorney, which notice shall give an address (not being a post office box or *poste restante*) within 10 kilometres of the Court for the service upon the Defendant of all notices and documents in the action.

INFORM the Defendant further that if he fails to file and serve notice as aforesaid, judgment as claimed may be given against him without further notice to him.

And immediately thereafter serve on the Defendant a copy of this summons and return the same to the Registrar with whatsoever you have done thereupon.

Dated at..... this..... day of..... 19.....

Registrar of the High Court of Venda

Plaintiff's attorney

Address:
.....
.....

**VORM 6
OORDRAG VAN BORGAKTE**

Ek,
in my hoedanigheid as Balju van die Hoërhof van Venda (of Adjunk-balju vir die distrik.....)
sedeer hierby en dra hierby oor aan A.....
B....., die genoemde Eiser, al my regte, titel en belang in die voorgaande borgakte.

GETEKEN deur my in die teenwoordigheid van die ondergetekende getuies te..... hierdie.....
dag van.....19.....

.....
Balju/Adjunk-balju

As getuies:

1.
2.

**VORM 7
KENNISGEWING AAN DERDE PARTY
IN DIE HOËRHOF VAN VENDA**

In die saak tussen:

	Eiser
en	Verweerder
en	Derde Party

Aan die bogenoemde Derde Party:

NEEM KENNIS dat die bogenoemde Eiser 'n geding teen die bogenoemde Verweerder ingestel het vir die regshulp in die dagvaarding uiteengesit, 'n afskrif waarvan hiermee aan u beteken word.

Die bogenoemde Verweerder eis 'n bydrae of skadeloosstelling (of so 'n ander grond as wat voldoende is om 'n derdeparty kennisgewing te regverdig) op die gronde in die aanhangsel hiervan uiteengesit.

As u daardie gronde betwis of die vordering van die Eiser teen die Verweerder betwis, moet u binne..... dae kennis gee van u voorneme om te verdedig. Die kennisgewing moet skriftelik wees en by die Griffier ingedien word en 'n afskrif daarvan moet aan die bogenoemde Verweerder by die adres onderaan hierdie kennisgewing vermeld, beteken word. Daarin moet 'n adres (nie synde 'n posbus of *poste restante* nie) binne 10 kilometers van die Hof af vir die betekening aan u van kennisgewings en dokumente in die geding, aangegee word. Binne 14 dae nadat u aldus kennis gegee het, moet u 'n pleit op die Eiser se vordering teen die Verweerder of 'n pleit op die Verweerder se vordering teen u, of beide sodanige pleite, indien.

Gedateer te..... hierdie.....
dag van.....19.....

.....
Verweerder se prokureur
(Adres)

Aan.....
en aan Eiser se prokureur
(Adres)

**VORM 8
KENNISGEWING AAN BEWEERDE VENNOOT
IN DIE HOËRHOF VAN VENDA**

Saak No.....

In die saak tussen:

	Eiser
en	Verweerder

Aan:

A..... B.....

NEEM KENNIS dat 'n aksie deur bogenoemde Eiser teen bogenoemde Verweerder om die bedrag van..... ingestel is en dat die Eiser beweer dat bogenoemde Verweerder 'n vennootskap is waarvan u vanaf..... tot..... 'n vennoot was.

Indien u dit betwis dat u 'n vennoot was of indien u beweer dat geen aanspreeklikheid as vennoot in bogenoemde tydperk teen u ontstaan het nie, moet u binne 14 dae na die betekening van hierdie kennisgewing kennis gee van voorneme om te verdedig. Nadat u aldus kennis gegee het, sal 'n afskrif van die dagvaarding wat aan bogenoemde Verweerder beteken is, aan u beteken word.

**FORM 6
ASSIGNMENT OF BAIL BOND**

I,
in my capacity as Sheriff of the High Court of Venda or Deputy-sheriff for the district of.....
hereby cede, assign and make over all my right, title and interest in the foregoing Bail Bond to A.....
B..... the above-named Plaintiff.

SIGNED by me in the presence of the subscribing witnesses at this.....
day of.....19.....

.....
Sheriff/Deputy-sheriff

As witnesses:

1.
2.

**FORM 7
NOTICE TO THIRD PARTY
IN THE HIGH COURT OF VENDA**

In the matter between:

	Plaintiff
and	Defendant
and	Third Party

To the above-mentioned Third Party:

TAKE NOTICE that the above-named Plaintiff has commenced proceedings against the above-named Defendant for the relief set forth in the summons a copy of which is herewith served upon you.

The above-named Defendant claims a contribution or indemnification (or such other ground as may be sufficient to justify a third-party notice) on the grounds set forth in the annexure hereto.

If you dispute those grounds or if you dispute the claim of the Plaintiff against the Defendant you must give notice of your intention to defend, within..... days. Such notice must be in writing and filed with the Registrar and a copy thereof served on the above-named Defendant at the address set out at the foot of this notice. It must give an address (not being a post office box or *poste restante*) within 10 kilometres of the Court for the service upon you of notices and documents in the action. Within 14 days of your giving such notice you must file a plea to the Plaintiff's claim against the Defendant or a plea to the Defendant's claim against you, or both such pleas.

Dated at..... this.....
day of.....19.....

.....
Defendant's attorney
(Address)

To.....
and to Plaintiff's attorney
(Address)

**FORM 8
NOTICE TO ALLEGED PARTNER
IN THE HIGH COURT OF VENDA**

Case No.....

In the matter between:

	Plaintiff
and	Defendant

To:

A..... B.....

TAKE NOTICE that action has been instituted by the above-named Plaintiff against the above-named Defendant for the sum of....., and that the Plaintiff alleges that the above-named Defendant is a partnership of which you were from..... to..... a partner.

If you dispute that you were a partner or that the above-mentioned period is in any way relevant to your liability as a partner, you must within 14 days of the service of this notice give notice of your intention to defend. Upon your giving such notice a copy of the summons served upon the above-named Defendant will be served upon you.

(5) Laasgenoemde dokumente was laas in my besit of onder my beheer.....(vermeld wanneer).

(6) Die..... (vermeld hier wat van laasgenoemde dokumente geword het en in wie se besit hulle is).

(7) Na die beste van my wete het ek geen ander dokumente of afskrifte of uittreksel daarvan wat betrekking het op enige geskilpunt in hierdie aksie, as die in die Eerste of Tweede Aanhangsels hiervan aangegee, nou in my besit, bewaring of beheer of in die besit, bewaring of beheer van my prokureur of gevolgmagtigde nie, of van enige ander persoon namens my nie, en ek het ook nooit gehad nie.

Gedateer te..... hierdie..... dag van.....19.....

Verweerder

VORM 12

KENNISGEWING INGEVOLGE REËL 35 (5)

IN DIE HOËRHOF VAN VENDA

In die saak tussen:

A.B. Eiser

en

C.D. Verweerder

Aan.....

Geliewe kennis te neem dat die bogenoemde Eiser verlang dat u binne 21 dae by die ondergemelde adres 'n skriftelike verklaring aflewer waarin uiteengesit word watter dokumente van die volgende aard u tans in u besit het of voorheen gehad het:

- (a)
(b)
(c)
(d)

In die verklaring moet u breedvoerig aangee watter dokumente nog in u besit is. Indien u nie meer enige van sodanige dokumente wat voorheen in u besit was, het nie, moet u meld in wie se besit hulle nou is.

Indien u versuim om die kennisgewing binne die voormelde tydperk af te lewer, sal aansoek by die hof gedoen word om 'n bevel waarby u verplig word om dit te doen en u gelas word om die koste van die aansoek te betaal.

Eiser se prokureur (Adres)

VORM 13

KENNISGEWING OM BLOOT TE LÊ

IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

Eiser

en

Verweerder

NEEM KENNIS dat die..... (eiser of verweerder) verlang dat u binne 10 dae die volgende dokumente wat in u beëdigde verklaring gedateer die..... dag van.....19..... aangegee word, ter insae blootlê.

(Beskryf dokumente verlang)

Gedateer te..... hierdie..... dag van.....19.....

Prokureur vir..... (Adres)

Aan: Prokureur vir die..... (Adres)

VORM 14

KENNISGEWING DAT DOKUMENTE INGESIEN KAN WORD

IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

Eiser

en

Verweerder

NEEM KENNIS dat u die dokumente in u kennisgewing van die..... dag van.....19....., genoem, by my kantoor of te..... tussen die ure van..... en..... op die volgende dae kan insien..... (of)

(5) The last-mentioned documents were last in my possession or power..... (state when).

(6) The..... (here state what has become of the last-mentioned documents, and in whose possession they are now).

(7) According to the best of my knowledge and belief, I have not now, and never had in my possession, custody, or power, or in the possession, custody or power of my attorney, or agent, or any other person on my behalf, any document, or copy of, or extracts from any document, relating to any matters in question in this action, other than the documents set forth in the First and Second Schedules hereto.

Dated at..... this..... day of.....19.....

Defendant

FORM 12

NOTICE IN TERMS OF RULE 35 (5)

IN THE HIGH COURT OF VENDA

In the matter between:

A.B. Plaintiff

and

C.D. Defendant

To.....

Please take notice that the above-named Plaintiff requires you within 21 days to deliver to the undermentioned address a written statement setting out what documents of the following nature you have presently or had previously in your possession:

- (a)
(b)
(c)
(d)

In such statement you must specify in detail which documents are still in your possession. If you no longer have any such documents which were previously in your possession you must state in whose possession they now are.

If you fail to deliver the statement within the time aforesaid, application will be made to court for an order compelling you to do so and directing you to pay the costs of such application.

Plaintiff's attorney (Address)

FORM 13

DISCOVERY--NOTICE TO PRODUCE

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

Plaintiff

and

Defendant

TAKE NOTICE that the..... (plaintiff or defendant) requires you to produce within 10 days for his inspection the following documents referred to in your affidavit, dated the..... day of.....19.....

(Describe documents required)

Dated at..... this..... day of.....19.....

Attorney for..... (Address)

To:

Attorney for the..... (Address)

FORM 14

NOTICE TO INSPECT DOCUMENTS

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

Plaintiff

and

Defendant

TAKE NOTICE that you may inspect the documents mentioned in your notice of the..... day of.....19....., at my office, or at..... and between the hours of..... and..... on the following days..... (or)

VORM 10

GEKOMBINEERDE DAGVAARDING
IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

Eiser
en
Verweerder

Aan die Balju of sy Adjunk:

STEL A.B. van.....
(vermeld geslag en beroep),
(hierna die Verweerder genoem), in kennis dat C.D. van.....
(vermeld geslag en beroep),
(hierna die Eiser genoem), hierby 'n aksie teen hom instel waarin hy die regshulp eis wat in die aangehegte besonderhede aangegee word, op die gronde daarin uiteengesit.

STEL die Verweerder verder in kennis dat indien hy die eis betwis en die aksie wens te verdedig, hy—

(i) binne..... dae na die betekening aan hom van hierdie dagvaarding by die Griffier van hierdie Hof te..... (meld adres van die Griffier) 'n kennisgewing van sy voorneme om te verdedig moet indien en 'n afskrif daarvan aan die Eiser se prokureur moet beteken, waarin 'n adres (nie synde 'n posbus of *poste restante* nie) binne 10 kilometers van die Hof af vir die betekening aan die Verweerder van alle kennisgewings en dokumente in die aksie, aangegee word;

(ii) daarna, en binne 21 dae na die indiening en betekening van die kennisgewing van voorneme om te verdedig soos voormeld, by die Griffier 'n pleit, eksepsie, kennisgewing van mosie vir deурhaling, met of sonder 'n teeneis, moet indien en aan die Eiser moet beteken.

STEL die Verweerder verder in kennis dat indien hy versuim om 'n kennisgewing soos voormeld in te dien of te beteken, vonnis soos aangevra teen hom gegee kan word sonder verdere kennisgewing aan hom, of indien hy versuim om te pleit, eksepsie op te werp, aansoek om deурhaling te doen of 'n teeneis in te stel nadat so 'n kennisgewing ingedien en beteken is, vonnis ook teen hom gegee kan word.

En beteken onmiddellik daarna 'n afskrif van hierdie dagvaarding aan die Verweerder en lewer die oorspronklike aan die Griffier terug met 'n relaas van wat u daaromtrent gedoen het.

Gedateer te..... op hierdie.....
dag van.....19.....

Griffier van die Hoërhof van
Venda

AANHANGSEL

Besonderhede van Eiser se vordering.....

Eiser se prokureur

Adres van Eiser se
prokureur:

Eiser se advokaat

VORM 11

BLOOTLEGGING—VORM VAN BEËDIGDE VERKLA-
RING IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

A.B. Eiser
en
C.D. Verweerder

Ek, C.D. die bogenoemde Verweerder, verklaar onder eed:

(1) Ek het in my besit of onder my beheer die dokumente betreffende die geskilpunte in hierdie aksie wat in die eerste en tweede dele van die Eerste Aanhangsel hiervan aangegee word.

(2) Ek maak beswaar teen die blootlegging van die dokumente in die tweede deel van die Aanhangsel aangegee.

(3) My beswaar berus daarop dat..... (vermeld hier op watter gronde die beswaar gemaak word en bevestig die feite sover moontlik).

(4) Ek het die dokumente betreffende die geskilpunte in hierdie aksie wat in die Tweede Aanhangsel aangegee word, in my besit of onder my beheer gehad maar nou nie meer nie.

FORM 10

COMBINED SUMMONS
IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

Plaintiff
and
Defendant

To the Sheriff or his Deputy:

INFORM A.B., of.....
(state sex and occupation),
(hereinafter called the Defendant), that C.D., of.....
(state sex and occupation),
(hereinafter called the Plaintiff), hereby institutes action against him in which action the Plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the Defendant further that if he disputes the claim and wishes to defend the action he shall—

(i) within..... days of the service upon him of this summons file with the Registrar of this Court at (set out the address of the Registrar) notice of his intention to defend and serve a copy thereof on the Plaintiff's attorney, which notice shall give an address (not being a post office box or *poste restante*) within 10 kilometres of the Court for the service of all notices and documents in the action;

(ii) thereafter, and within 21 days after filing and serving notice of intention to defend as aforesaid, file with the Registrar and serve upon the Plaintiff a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the Defendant further that if he fails to file and serve notice as aforesaid judgment as claimed may be given against him without further notice to him, or if, having filed and served such notice, he fails to plead, except, make application to strike out or counter-claim, judgment may be given against him.

And immediately thereafter serve on the Defendant a copy of this summons and return the same to the Registrar with whatsoever you have done thereupon.

Dated at..... this.....
day of.....19.....

Registrar of the High Court of
Venda

ANNEXURE

Particulars of Plaintiff's claim.....

Plaintiff's attorney

Address of Plaintiff's
attorney:

Plaintiff's advocate

FORM 11

DISCOVERY—FORM OF AFFIDAVIT
IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

A.B. Plaintiff
and
C.D. Defendant

I, C.D., the above-named Defendant, make oath and say:

(1) I have in my possession or power the documents relating to the matters in question in this action set forth in the first and second parts of the First Schedule hereto.

(2) I object to produce the said documents set forth in the second part of the said Schedule hereto.

(3) I do so for the reason that..... (here state upon what grounds the objection is made, and verify the fact as far as may be).

(4) I have had, but have not now in my possession or power, the documents relating to the matters in question in this action, set forth in the Second Schedule hereto.

VORM 17

KENNISGEWING INGEVOLGE REËL 43
IN DIE HOËRHOF VAN VENDA

In die saak tussen:

en
Applikant
Respondent

Aan die bogenoemde Respondent:

NEEM KENNIS dat indien u voornemens is om hierdie eis te verdedig, u binne 14 dae 'n antwoord by die Griffier van hierdie Hof moet indien, waarin 'n adres vir betekening binne 10 kilometer van die Hof af aangegee word, en 'n afskrif daarvan aan die Applikant se prokureur moet beteken. Indien u dit nie doen nie sal u outomaties belet wees om te verdedig en vonnis soos aangevra kan teen u gegee word. In u antwoord moet aangedui word welke bewerings in die Applikant se verklaring u erken of ontken en u verweer moet bondig daarin uiteengesit word.

Gedateer te..... hierdie..... dag van..... 19.....

Applikant se prokureur

Adres vir betekening:

.....
.....
.....

VORM 17A

HERSTEL VAN HUWELIKSREGTE
IN DIE HOËRHOF VAN VENDA

Saak No.....

Aan:

A.B., voorheen van..... maar wie se huidige adres onbekend is.

NEEM KENNIS dat u by 'n Hofbevel gedateer die..... dag van..... 19....., gelas word om terug te keer na en huweliksregte te herstel aan C.D., u..... (eggenoot/eggenote), op of voor die..... dag van..... 19..... Indien u versuim om dit te doen en u nie voor die bogenoemde Hof om 10h00 op die..... dag van..... 19....., redes vir die teendeel aanvoer nie, kan 'n egskeidingsbevel teen u gegee word met koste en aan u..... (eggenoot/eggenote) kan die toesig oor die..... minderjarige kind(ers) van die huwelik toegeken word, en u kan bevel word om onderhoud te betaal vir ten bedrae van.....

Gedateer te..... hierdie..... dag van..... 19.....

Griffier van die Hoërhof van
Venda

Eiser se prokureur
(Adres)

VORM 18

LASBRIEF TOT UITWINNING
IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

en
Eiser
Verweerder

Aan die Adjunk-balju..... vir die distrik.....

U word hierby gelas om op die roerende goed van..... die bogenoemde Verweerder van..... (adres) beslag te lê en dit by openbare veiling uit te win tot 'n bedrag van..... tesame met rente daarop teen..... persent per jaar vanaf die..... dag van..... 19..... plus die bedrag van..... vir die getakseerde koste en uitgawes van die genoemde..... (Eiser) wat hy by uitspraak van hierdie Hof gedateer die..... dag van..... 19....., in die bogenoemde saak verhaal het, en ook alle ander koste en uitgawes van die Eiser in die genoemde saak wat hierna egters behoorlik getakseer word, benewens al u koste daarby aangegaan.

FORM 17

NOTICE IN TERMS OF RULE 43
IN THE HIGH COURT OF VENDA

In the matter between:

and
Applicant
Respondent

To the above-named Respondent:

TAKE NOTICE that if you intend to defend this claim you must, within 14 days, file a reply with the Registrar of this Court giving an address for service within 10 kilometres of the Court and serve a copy thereof on the Applicant's attorney. If you do not do these things you will be automatically barred from defending, and judgment may be given against you as claimed. Your reply must indicate what allegations in the Applicant's statement you admit or deny, and must concisely set out your defence.

Dated at..... this..... day of..... 19.....

Applicant's attorney

Address for service:

.....
.....
.....

FORM 17A

RESTITUTION OF CONJUGAL RIGHTS
IN THE HIGH COURT OF VENDA

Case No.....

To:

A.B., formerly of....., but whose present address is unknown.

TAKE NOTICE that by Order of Court dated the..... day of..... 19....., you are required to return, and restore conjugal rights, to C.D., your..... (wife/husband) on or before the..... day of..... 19..... Should you fail to do so, and not show cause to the contrary before the above-mentioned Court at 10h00 on the..... day of..... 19..... an order of divorce may be granted against you, with costs, and your..... (wife/husband) may be granted custody of the..... minor child(ren) of the marriage, and you may be ordered to pay maintenance for..... at the rate of.....

Dated at..... this..... day of..... 19.....

Registrar of the High Court of
Venda

Plaintiff's attorney
(Address)

FORM 18

WRIT OF EXECUTION
IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

and
Plaintiff
Defendant

To the Deputy-sheriff..... for the district of.....

You are hereby directed to attach and take into execution the movable goods of....., the above-mentioned Defendant of..... (address)..... and cause the same to be realized by public auction the sum of..... together with interest thereon at the rate of..... per cent per annum from the..... day of..... 19....., and the sum of..... for the taxed costs and charges of the said..... (Plaintiff), which he recovered by judgment of this Court dated the..... day of..... 19....., in the above-mentioned case, and also all other costs and charges of the Plaintiff in the said case to be hereafter duly taxed according to law, besides all your costs thereby incurred.

Dat die (Eiser of Verweerder) beswaar maak teen die blootlegging van die dokumente in u kennisgewing van die..... dag van..... 19..... genoem, vir insae deur u, op grond daarvan dat..... (Vermeld die gronde)

Gedateer te..... hierdie dag van..... 19.....

Prokureur vir..... (Adres)

Aan:

Prokureur vir die..... (Adres)

VORM 15

KENNISGEWING OM DOKUMENTE IN PLEITSTUKKE, ENS., BLOOT TE LÊ IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

Eiser en Verweerder

NEEM KENNIS dat die Eiser (of Verweerder) verlang dat u hom ter insae die volgende dokumente in u..... (deklarasie of pleit of beëdigde verklaring) genoem, blootlê.

(Beskryf dokumente vereis)

Prokureur vir..... (Adres)

Aan:

Prokureur vir..... (Adres)

VORM 16

GETUIEDAGVAARDING IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

Eiser en Verweerder

Aan die Balju of sy Adjunk:

STEL:

- (1)
- (2)
- (3)
- (4)

(Vermeld naam, geslag, beroep, ras en besigheids- of woonplek van getuie)

in kennis dat elkeen van hulle hierby gelas word om persoonlik voor hierdie Hof te..... te verskyn op..... die..... dag van..... 19..... om 10h00 en om daarna aanwesig te bly totdat hy deur die Hof verskoon word, ten einde getuie af te lê namens die bogemelde Eiser/Verweerder aangaande sake waarvan hy kennis dra betreffende 'n aksie nou in die genoemde Hof hangende, waarin die Eiser van die Verweerder (1)..... (2)..... (3)..... vorder.

EN STEL hom in kennis dat daar verder van hom verlang word om..... (beskryf hier noukeurig elke dokument, boek of ander voorwerp wat voorgelê moet word)..... saam met hom te bring en aan die genoemde Hof voor te lê.

EN STEL elk van die genoemde persone verder in kennis dat hy in geen omstandighede moet nalaat om aan hierdie getuiedagvaarding te voldoen nie aangesien hy hom daardeur kan blootstel aan 'n boete van R50 of gevangenisstraf van drie maande.

Gedateer te..... hierdie dag van..... 19.....

Griffier van die Hoërhof van Venda

Eiser/Verweerder se prokureur

That the (Plaintiff or Defendant) objects to giving you inspection of the documents mentioned in your notice of the..... day of..... 19....., on the grounds that..... (State the grounds)

Dated at..... this day of..... 19.....

Attorney for..... (Address)

To:

Attorney for the..... (Address)

FORM 15

NOTICE TO PRODUCE DOCUMENTS IN PLEADINGS, ETC.

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

Plaintiff and Defendant

TAKE NOTICE that the Plaintiff (or Defendant) requires you to produce for his inspection the following documents referred to in your..... (declaration or plea, or affidavit).

(Describe documents required)

Attorney for..... (Address)

To:

Attorney for the..... (Address)

FORM 16

SUBPOENA

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

Plaintiff and Defendant

To the Sheriff or his Deputy:

INFORM:

- (1)
- (2)
- (3)
- (4)

(State names, sex, occupation, race and place of business or residence of each witness)

that each of them is hereby required to appear in person before this Court at..... on..... the..... day of..... 19..... at 10h00 and thereafter to remain in attendance until excused by the said Court, in order to testify on behalf of the above-named Plaintiff/Defendant in regard to all matters within his knowledge relating to an action now pending in the said court and wherein the Plaintiff claims (1)..... (2)..... (3)..... from the Defendant.

AND INFORM him that he is further required to bring with him and to produce to the said Court..... (here describe accurately each document, book or other thing to be produced)

AND INFORM each of the said persons further that he should on no account neglect to comply with this subpoena as he may thereby render himself liable to a fine of R50, or to imprisonment for three months.

Dated at..... this day of..... 19.....

Registrar of the High Court of Venda

Plaintiff's/Defendant's attorney

NADEMAAL u gelas is om die bedrag van..... in te vorder ter voldoening van 'n vonnis skuld en koste deur A.B. in hierdie Hof op die..... dag van..... 19....., verkry.

EN NADEMAAL u in u relaas vermeld het dat..... (gee hier die Adjunk-balju se relaas op die lasbrief teen roerende goed).

DERHALWE word u gelas om op die onroerende goed van die genoemde C.D., synde..... (gee hier 'n beskrywing van die eiendom)..... beslag te lê en dit uit te win om daaruit die bedrag van..... tesame met die koste hiervan en van die vorige lasbrief ten bedrae van..... en u uitgawes in verband daarmee te verkry en om daarna met die opbrengs ooreenkomstig Hofreël 46 te handel.

WAAROM dit u lasbrief is.

Gedateer te..... hierdie..... dag van..... 19.....

Griffier van die Hoërhof van Vanda

Eiser se prokureur (Adres)

VORM 21

VERKOOPVOORWAARDES BY UITWINNING VAN ONROERENDE GOED

Insake:

en

Eiser

Verweerder

Die eiendom wat te koop aangebied sal word op die..... dag van..... 19..... bestaan uit:

Die verkoping sal aan die volgende voorwaardes onderworpe wees:

1. Die eiendom sal deur die Adjunk-balju van..... te..... aan die hoogste bieder sonder 'n reserweprys/met 'n reserweprys van..... aan die hoogste bieder sonder 'n reserweprys/met 'n reserweprys van..... verkoop word.

2. Die verkoping geskied in rande en geen bod van minder as een rand sal aanvaar word nie.

3. Indien 'n geskil betreffende 'n bod ontstaan, kan die eiendom weer vir verkoping aangebied word.

4. Indien die afslaer 'n fout by die verkoping maak, is so 'n fout nie op enige van die partye bindend nie maar kan dit reggestel word. Indien die afslaer vermoed dat 'n bieder nie in staat is om of die deposito wat in voorwaarde 6 genoem word of die balans van die koopprys te betaal nie, kan hy weier om die bod van so bieder te aanvaar of kan hy dit voorwaardelik aanvaar totdat die bieder hom oortuig het dat hy in staat is om beide sodanige bedrae te betaal. By die weiering van 'n bod in dié omstandighede, kan die eiendom onmiddellik weer vir verkoping aangebied word.

5. Die koper moet so spoedig doenlik na die verkoping en onmiddellik wanneer die..... versoek, hierdie voorwaardes onderteken en indien hy as verteenwoordiger gekoop het, die naam van sy prinsipaal vermeld.

6. (a) Die koper moet 'n deposito van 10 persent van die koopprys kontant op die dag van die verkoping betaal, die balans betaalbaar teen transport en verseker te word deur 'n waarborg van 'n bank of bougenootskap wat deur die Eiser se prokureur goedgekeur is, die waarborg aan die Adjunk-balju binne..... dae na die datum van die verkoping verstrek te word.

(b) Indien die transport van die eiendom nie binne een maand na die verkoping geregistreer is nie, sal die koper aanspreeklik wees vir die betaling van rente aan die eiser teen..... per sent per jaar en aan die verbandhouer teen..... persent per jaar op die onderskeie bedrae van die toekenning aan die Eiser en die verbandhouer in die distribusieplan, vanaf die verloop van een maand na die verkoping tot die datum van transport.

7. As die koper versuim om enige van sy verpligtinge ingevolge die verkoopwaardes na te kom, die koop summier deur 'n regter op grond van 'n verslag van die Adjunk-balju en na behoorlike kennisgewing aan die koper, gekanselleer word en die eiendom kan weer te koop aangebied word. Die koper is aanspreeklik vir verliese gelyk vanweë sy versuim en dit kan op aansoek van 'n benadeelde skuldenaar wie se naam op die Adjunk-balju se distribusierekening verskyn, van hom verhaal word kragtens vonnis van die Regter wat summier op grond van 'n skriftelike verslag van die Adjunk-balju gegee word nadat die koper skriftelik in kennis gestel is dat so 'n verslag vir daardie doel voor die Regter gelê sal word. As die koper reeds in besit van die eiendom is, kan die Adjunk-balju met sewe dae kennisgewing by 'n regter uitsettingsbevel kry teen hom of teen iemand wat voorgee deur hom te besit.

WHEREAS you were directed to cause to be realized the sum of..... in satisfaction of a judgment debt and costs obtained by A.B. against the said C.D. in this Court on the..... day of..... 19.....

AND WHEREAS your return stated..... (here quote the Deputy-sheriff's return on the writ against movables).

Now, therefore, you are directed to attach and take into execution the immovable property of the said C.D., being..... (here give the description of the property) to cause to be realized therefrom the sum of..... together with the costs hereof and of the prior writ amounting to..... and your charges in and about the same, and thereafter to dispose of the proceeds thereof in accordance with Rule of Court 46.

FOR WHICH this shall be your warrant.

Dated at..... this..... day of..... 19.....

Registrar of the High Court of Vanda

Plaintiff's attorney (Address)

FORM 21

CONDITIONS OF SALE IN EXECUTION OF IMMOVABLE PROPERTY

In re:

Plaintiff

and

Defendant

The property which will be put up to auction on the..... day of..... 19....., consists of:

The sale shall be subject to the following conditions:

1. The property shall be sold by the Deputy-sheriff of..... at..... to the highest bidder without reserve/with a reserve price of.....

2. The sale shall be for rands, and no bid for less than one rand shall be accepted.

3. If any dispute arises about any bid the property may be again put up to auction.

4. If the auctioneer makes any mistake in selling, such mistake shall not be binding on any of the parties, but may be rectified. If the auctioneer suspects that a bidder is unable to pay either the deposit referred to in condition 6 or the balance of the purchase price he may refuse to accept the bid of such bidder, or accept it provisionally until the bidder shall have satisfied him that he is in a position to pay both such amounts. On the refusal of a bid under such circumstances, the property may immediately be again put up to auction.

5. The purchaser shall, as soon as possible after the sale, and immediately on being requested by the..... sign these conditions, and if he has bought *qua qualitate*, state the name of his principal.

6. (a) The purchaser shall pay a deposit of 10 per cent of the purchase price in cash on the day of sale, the balance against transfer to be secured by a bank or building society guarantee, to be approved by Plaintiff's attorney, to be furnished to the Deputy-sheriff within..... days after the date of sale.

(b) If transfer of the property is not registered within one month after the sale, the purchaser shall be liable for payment of interest to the plaintiff at the rate of..... per cent p.a. and to the..... bondholder at the rate of..... per cent p.a. on the respective amounts of the award to the Plaintiff and the..... bondholder in the plan of distribution as from the expiration of one month after the sale to date of transfer.

7. If the purchaser fails to carry out any of his obligations under the conditions of sale, the sale may be cancelled by a judge summarily on the report of the Deputy-sheriff after due notice to the purchaser, and the property may again be put up for sale; and the purchaser shall be responsible for any loss sustained by reason of his default, which loss may, on the application of any aggrieved creditor whose name appears on the Deputy-sheriff's distribution account, be recovered from him under judgment of the Judge pronounced summarily on a written report by the Deputy-sheriff, after such purchaser shall have received notice in writing that such report will be laid before the Judge for such purpose; and if he is already in possession of the property, the Deputy-sheriff may, on seven days' notice, apply to a judge for an order ejecting him or any person claiming to hold under him therefrom.

Betaal verder aan die genoemde
of sy prokureur die bedrag of bedrae aan hom verskuldig met
koste soos voormeld.

WAARVOOR dit u lasbrief is.

En lewer hierdie lasbrief terug met 'n relaas van wat u daarom-
trent gedoen het.

Gedateer te..... hierdie.....
dag van.....19.....

Griffier van die Hoërhof van
Venda

Eiser se prokureur
(Adres)

VORM 19
VORM VAN SEKERHEIDSTELLING INGEVOLGE
REËL 45 (5)

IN DIE HOËRHOF VAN VENDA

In die saak tussen:

Eiser
en
Verweerder

NADEMAAL uit hoofde van 'n sekere lasbrief van die Hoërhof
van Venda gedateer die..... dag van.....
19....., uitgereik op instansie van A.B. teen C.D. van.....
....., die Adjunk-balju die onderge-
noemde artikels geneem en daarop beslag gelê het, naamlik:

DERHALWE verbind ons, die genoemde C.D. en G.H., van
..... (beroep),
as borg vir hom, onself gesamentlik en afsonderlik deur hierby
teenoor die genoemde Adjunk-balju of sy sessionarisse, regver-
krygendes of opvolgers, te onderneem dat die genoemde goed nie
verwyder sal word nie maar in die besit van die genoemde C.D.
onder beslaglegging sal bly en aan die genoemde Adjunk-balju (of
ander persoon deur hom gemagtig om dit te ontvang) oorhandig sal
word op die..... dag van..... 19..... (die dag
vir die verkoping bepaal) of op enige ander dag wanneer dit benodig
mag word vir verkoping, tensy die genoemde beslaglegging regtens
opgehef word. Vir die geval dat hierdie onderneming nie nagekom
word nie, verbind ek, die genoemde G.H., myself en my goed hierby,
ter betaling van die bedrag van..... (geskatte waarde van
die inbeslaggenome goed) aan die genoemde Adjunk-balju, sy
sessionarisse, regverkrygendes of opvolgers, ten behoeve van die
genoemde A.B.

As getuie waarvan ons, die genoemde C.D. en G.H., hierdie
stuk onderteken op hierdie..... dag van.....
19.....

C.D.

Vonnisskuldenaar
G.H.

Borg

Adjunk-balju

OORDRAG VAN BORGAKTE

Ek,.....
in my hoedanigheid as Adjunk-balju vir die distrik.....
....., sedeer en dra aan A.B. oor al my regte,
titel en belang in die voorgaande borgakte.

Onderteken deur my in die teenwoordigheid van die onderge-
tekende getuies te..... dag van..... 19.....
hierdie.....

Adjunk-balju

As getuies:

1.
2.

VORM 20

LASBRIEF TOT BESLAGLEGGING—ONROERENDE GOED
IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

Eiser
en
Verweerder

Aan die Adjunk-balju
vir die distrik.....

Further pay to the said.....or his attorney the sum
or sums due to him with costs as above-mentioned, and for your
so doing this shall be your warrant.

And return you this writ with what you have done thereupon.

Dated..... this..... day of 19.....

Registrar of the High Court of
Venda

Plaintiff's attorney
(Address)

FORM 19

FORM OF SECURITY UNDER RULE 45 (5)
IN THE HIGH COURT OF VENDA

In the matter between:

Plaintiff
and
Defendant

WHEREAS by virtue of certain writ of the High Court of Venda
dated the..... day of..... 19....., issued at the
instance of A.B. against C.D. of.....
the Deputy-sheriff has seized and laid under attachment the under-
mentioned articles, namely:

NOW, THEREFORE, we, the said C.D. and G.H., of.....
....., a..... (occupation),

as surety for him bind ourselves severally and *in solidum*, hereby
undertaking to the said Deputy-sheriff or his cessionaries, assigns
or successors in office, that the said goods shall not be made away
with or disposed of, but shall remain in possession of the said C.D.
under the said attachment, and be produced to the said Deputy-
sheriff (or other person authorized by him to receive the same) on
the..... day of..... 19..... (the day appointed
for the sale), or on any other day when the same may be required
in order to be sold, unless the said attachment shall legally be
removed, failing which I, the said G.H., hereby bind myself, my
person, goods and effects, to pay and satisfy the sum of.....
(estimated value of the effects seized) to the said Deputy-sheriff, his
cessionaries, assigns or successors in office, for and on account of
the said A.B.

In witness whereof, we, the said C.D. and G.H., have hereunto
set our hands on this..... day of..... 19.....

C.D.

Judgment Debtor
G.H.

Surety

Deputy-sheriff

ASSIGNMENT OF SURETY BOND

I,.....
in my capacity as Deputy-sheriff for the District of.....
..... hereby cede, assign and make over to
A.B. all my right, title and interest in the foregoing surety bond.

Signed by me in the presence of the subscribing witnesses
at..... this..... day of.....
19.....

Deputy-sheriff

As witnesses:

1.
2.

FORM 20

WRIT OF ATTACHMENT—IMMOVABLE PROPERTY
IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

Plaintiff
and
Defendant

To the Deputy-sheriff for
the District of.....

VORM B

LASBRIEF VIR BESLAGLEGGING: NAMPTISSEMENT ONROERENDE GOED UITWINBAAR VERKLAAR)

IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

A.B. Eiser
en
C.D. Verweerder

Aan die Adjunk-balju vir die distrik.....

U word hierby gelas om beslag te lê op sekere (gee hier die volledige beskrywing van die eiendom) wat by 'n vonnis van hierdie Hof gedateer die... dag van... 19... spesiaal uitwinbaar verklaar is ter betaling van die bedrag... en rente daarop teen... persent per jaar vanaf die... dag van... 19... tot die datum van betaling wat A.B. by die genoemde namptissemment van die genoemde C.D. verhaal het, tesame met die bedrag van... vir die getakseerde koste en uitgawes van die genoemde A.B. en ook die bedrag van... synde die getakseerde koste van hierdie lasbrief benewens al u koste daarby aangegaan, en betaal aan die genoemde A.B. of sy prokureur die bedrag of bedrae aan hom verskuldig met koste soos vermeld na die stelling van voldoende sekerheid (indien deur die Verweerder vereis) deur hom vir die teruggawe daarvan indien die genoemde vonnis in die prinsipale saak ter syde gestel word.

WAARVOOR dit u lasbrief is.

EN lewer hierdie lasbrief terug met 'n relaas van wat u daarentrent gedoen het.

Gedateer te... op hierdie... dag van... 19.....

Griffier

Eiser se prokureur (Adres)

VORM C

SEKURITEITSAKTE NA TENUITVOERLEGGING VAN NAMPTISSEMENT WANNEER DIE VERWEERDER VOORNEMENS IS OM TOT DIE PRINSIPALE SAAK OOR TE GAAN

NADEMAAL op die... dag van... 19... aan... (Eiser) van... deur die Hoërhof van Venda namptissemment vir die bedrag van... met rente en koste teen C.D. toegestaan en nademaal die Adjunk-balju uit hoofde van die vonnis die bedrag van... ingevorder het, en nademaal die genoemde C.D. vereis het dat sekerheid gestel word vir die teruggawe daarvan indien die vonnis in die prinsipale saak ter syde gestel sou word:

SY DIT HIERMEE kennelik dat ek, A.B., van... verbind is aan C.D. van... vir die bedrag van... betaalbaar aan die genoemde C.D., sy eksekuteurs, administrateurs of regsverkrygendes, vir die behoorlike betaling waarvan ek myself, my erfgename, eksekuteurs, administrateurs of regsverkrygendes hiermee onder voorwaardelike verpligting stel.

DIE VOORWAARDE van hierdie aanspreeklikheid is dat die genoemde vonnis in die prinsipale saak ter syde gestel word, in welke geval die genoemde Adjunk-balju aan die genoemde C.D., sy erfgename, eksekuteurs, administrateurs of regsverkrygendes die bedrag van... of so 'n deel daarvan as wat die Hof mag vasstel, betaal.

INDIEN die genoemde vonnis bekragtig word, of indien die genoemde C.D. nie kennisgewing van sy voorneme om te verdedig, aflewer nie binne twee maande vanaf die datum van die voormelde vonnis sal hierdie Akte van nul en gener waarde wees.

Gedateer te... op hierdie... dag van... 19.....

As getuies:

FORM B

WRIT OF ATTACHMENT: NAMPTISSEMENT IMMOVABLE PROPERTY DECLARED EXECUTABLE

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

A.B. Plaintiff
and
C.D. Defendant

To the Deputy-sheriff for the

District of.....

YOUR are hereby directed to attach certain (here set out fully the description of the property) which was by sentence of this Court bearing date the... day of... 19... specially declared executable to satisfy the sum of... and interest thereon at... per cent per annum from the... day of... 19... to date of payment, which A.B. by the said sentence recovered by namptissemment against the said C.D., together with the sum of... for the taxed costs and charges of the said A.B. and also the sum of... being the taxed costs of this writ besides all your costs thereby incurred, and pay to the said A.B. or his attorney the sum or sums due to him with costs as above-mentioned upon sufficient security (if required by the Defendant) being given by him for restitution thereof if in the principal case the said sentence be reversed, and for so doing this shall be your warrant.

AND return you this writ with what you have done thereupon.

Dated at... on this... day of... 19.....

Registrar

Attorney for plaintiff (Address)

FORM C

DE RESTITUENDO BOND AFTER LEVY OF A NAMPTISSEMENT WHEN THE DEFENDANT INTENDS TO GO INTO THE PRINCIPAL CASE

WHEREAS on the... day of... 19... to... (Plaintiff) of... did by sentence of the High Court of Venda recover by namptissemment against C.D. the sum of... with interest and costs by him about his suit in that behalf expended; and whereas the Deputy-sheriff has levied by virtue of the said sentence the sum of..., and whereas the said C.D. has required security for the restitution thereof if in the principal case the said sentence shall be reversed:

KNOW ALL MEN by these presents that I, A.B. of... am held and firmly bound to C.D. of... in the sum of..., to be paid to the said C.D., his executors, administrators or assigns, for which payment, to be well and truly made, I bind myself, my heirs, executors, administrators or assigns firmly by these presents under my hand:

Now the condition of this obligation is such that if the said sentence shall in the principal case be reversed, then the said Deputy-sheriff shall pay to the said C.D., his heirs, executors, administrators or assigns, the said sum of..., or such part thereof as the said Court may adjudge, but if the said sentence should be confirmed, or if the said C.D. does not give notice of intention to defend within two months from date of the judgment aforesaid then this Bond shall be null and void; otherwise it shall be and remain of full force and effect.

Dated at... on this... day of... 19.....

As witnesses:

8. Die koper moet afslaersgelde op die dag van die verkoping betaal en ook hereregte, transportkoste en agterstallige belasting en ander uitgawes wat nodig is om transport te laat geskied, op versoek van die prokureur van die Vonnisskuldeiser.

9. Die eiendom kan onmiddellik na betaling van die eerste deposito in besit geneem word en sal na die betaling daarvan op die risiko en tot voordeel van die koper gehou word.

10. Die koper kan onverwyld transport kry as hy die hele koopprys betaal en aan voorwaarde 8 voldoen in welke geval enige eis vir rente verval. Anders sal transport gegee word eers nadat die koper voorwaardes 6 en 8 hiervan nagekom het.

11. Die Adjunk-balju kan eis dat enige gebou op die verkoopte eiendom onmiddellik deur die koper vir die volle waarde daarvan verassureer word en dat die assuransiepolis aan hom oorhandig en van krag gehou word vir solank as wat die koopprys nog nie ten volle betaal is nie. As hy dit nie doen nie, kan die Adjunk-balju die assuransië op die koper se koste uitneem.

12. Die eiendom word verkoop soos deur die titelaktes en kaart voorgestel; die Adjunk-balju is nie aanspreeklik vir enige tekort wat gevind mag word nie en doen afstand van enige oorskot. Die eiendom word ook verkoop onderhewig aan alle serwitute en voorwaardes in die transportakte vermeld.

13. Die Vonnisskuldeiser is geregtig om 'n prokureur aan te stel om die transport te behartig.

Te..... hierdie.....
dag van.....19.....

Adjunk-balju

Ek sertifiseer dat die voormelde eiendom vandag vir.....

in my teenwoordigheid verkoop is.

Ek, die ondergetekende.....
woonagtig te.....
in die distrik.....
verbind my hierby as koper van die voormelde eiendom om die koopprys te betaal en om al die bogenoemde voorwaardes na te kom.

TWEDE BYLAE

(Gepubliseer vir die leiding van praktisyns)

VORM A

LASBRIEF TOT UITWINNING: ROERENDE GOED
NAMPTISSEMENT

IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

A.B. Eiser
en
C.D. Verweerder

Aan die Adjunk-balju
vir die distrik.....

U word hierby gelas om op die roerende goed van C.D., die bogenoemde Verweerder, van..... (adres)..... beslag te lê en dit by openbare veiling uit te win tot die bedrag van..... tesame met rente daarop teen..... persent per jaar vanaf die..... dag van.....19..... en die bedrag van..... vir die getakseerde koste en uitgawes van die genoemde A.B. wat hy by namptissement van hierdie Hof verhaal het op die..... dag van.....19..... asook alle ander koste en uitgawes van die genoemde Eiser in die genoemde aksie wat hierna regtens getakseer word, benewens al u koste daarby aangegeen; en verder om aan die genoemde A.B. of sy prokureur die bedrag of bedrae aan hom verskuldig met koste soos voormeld te betaal na die stelling van voldoende sekerheid (indien deur die Verweerder vereis) deur hom vir die teruggawe daarvan indien die vonnis in die prinsipale saak ter syde gestel word.

WAARVOOR dit u lasbrief is.

EN lewer hierdie lasbrief terug met 'n relaas van wat u daarentrent gedoen het.

Griffier

Eiser se prokureur
(Adres)

8. The purchaser shall pay auctioneer's charges on the day of sale and in addition, transfer dues, costs of transfer, and arrear rates, taxes and other charges necessary to effect transfer, upon request by the attorney for the Execution Creditor.

9. The property may be taken possession of immediately after payment of the initial deposit, and shall after such deposit be at the risk and profit of the purchaser.

10. The purchaser may obtain transfer forthwith if he pays the whole price and complies with condition 8, in which case any claim for interest shall lapse, otherwise transfer shall be passed only after the purchaser has complied with the provisions of conditions 6 and 8 hereof.

11. The Deputy-sheriff may demand that any buildings standing on the property sold shall be immediately insured by the purchaser for the full value of the same, and the insurance policy handed to him and kept in force as long as the whole price has not been paid; and if he does not do so, the Deputy-sheriff may effect the insurance at the purchaser's expense.

12. The property is sold as represented by the title deeds and diagram, the Deputy-sheriff not holding himself liable for any deficiency that may be found to exist and renouncing all excess. The property is also sold subject to all servitudes and conditions specified in the deed of transfer.

13. The Execution Creditor shall be entitled to appoint an attorney to attend to transfer.

At..... this.....
day of.....19.....

Deputy-sheriff

I certify hereby that today the.....
in my presence the hereinbefore-mentioned property was sold for..... to.....

I, the undersigned.....
residing at.....
in the District of.....
do hereby bind myself as the purchaser of the hereinbefore-mentioned property to pay the purchase price and to perform all and singular the conditions mentioned above.

SECOND SCHEDULE

(Published for the guidance of practitioners)

FORM A

WRIT OF EXECUTION: MOVABLE PROPERTY
NAMPTISSEMENT

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

A.B. Plaintiff
and
C.D. Defendant

To the Deputy-sheriff for the
District of.....

YOU are hereby directed to attach and take into execution the movable goods of C.D., the above-mentioned Defendant, of..... (address)..... and cause the same to be realized by public auction the sum of..... together with interest thereon at..... per cent per annum from the..... day of.....19..... and the sum of..... for the taxed costs and charges of the said A.B. which he recovered by namptissement of this Court on the..... day of.....19..... in the above-mentioned suit, and also all other costs and charges of the said Plaintiff in the said suit to be hereafter taxed according to law, besides all your costs thereby incurred; and further to pay to the said A.B., or his attorney the sum or sums due to him with costs as above-mentioned upon sufficient security (if required by the Defendant) being given by him for the restitution thereof, if in the principal case the said sentence is reversed, and for so doing this shall be your warrant.

AND return this writ with what you have done thereupon.

Registrar

Plaintiff's attorneys
(Address)

NADEMAAL dit volgens die stukke blyk dat hierdie Hof op die..... dag van..... 19..... 'n bevel toegestaan het:

(Verstrek besonderhede van Hofbevel)

EN NADEMAAL dit verder volgens die stukke blyk dat hierdie Hof op die..... dag van..... 19..... 'n bevel toegestaan het vir die gevangesetting van die Respondent weens minagting van die Hof deurdat hy versuim het om aan die voormelde Hofbevel te voldoen, op die volgende wyse:

(Meld hier op watter wyse hy versuim het)

WORD u hierby gelas om C.D. van..... in die regsgebied van....., indien hy in daardie gebied gevind word, te neem en hom aan die bewaarder van die gevangenis van die distrik waarin hy gevind word, tesame met 'n behoorlike gewaarmerkte afskrif van hierdie lasbrief te oorhandig, waar hy veilig aangehou moet word vir 'n tydperk van..... vanaf die datum waarop hy kragtens hierdie lasbrief in genoemde gevangenis aangehou word, of totdat hy op 'n ander wyse regtens ontslaan word.

WAARVOOR dit u lasbrief is.

EN lewer hierdie lasbrief terug met 'n relaas van wat u daaromtrent gedoen het.

(2) Aan die Bevelvoerder van die Gevangenis aan wie die Adjunk-balju hierdie lasbrief oorhandig:

U word hierby gelas om genoemde C.D. te ontvang en hom veilig aan te hou vir 'n tydperk van..... vanaf die datum waarop die genoemde C.D. kragtens hierdie lasbrief in genoemde gevangenis ontvang word of totdat hy andersins regtens ontslaan word.

Gedateer te..... op hierdie..... dag van..... 19.....

Griffier

Applikant se prokureur
(Adres)

VORM G

LASBRIEF TOT BESLAGLEGGING OM JURISDIKSIE TE VESTIG

IN DIE HOËRHOF VAN VENDA

Saak No.....

In die saak tussen:

A.B. Applikant
en
C.D. Respondent

Aan die Adjunk-balju vir die distrik.....

U word hierby gelas ingevolge 'n bevel van die Hoërhof van Venda gedateer die..... dag van..... 19..... om onverwyld beslag te lê op..... (meld eiendom)..... tans te..... (adres)....., vir die vestiging van jurisdiksie van die genoemde Hof in die aksie van A.B. teen C.D. van..... (adres van Respondent).....

..... vir..... (meld skuldorsaak).....; waarvoor dit u lasbrief is.

EN lewer hierdie lasbrief terug met 'n relaas van wat u daaromtrent gedoen het.

Gedateer te..... op hierdie..... dag van..... 19.....

Griffier

Applikant se prokureur
(Adres)

Opmerking.—Die Adjunk-balju kan nie bloot uit hoofde van die Hofbevel beslag lê nie; daar moet 'n lasbrief soos hierbo aan hom gegee word.

VORM H

WAARMERKING VAN HANDTEKENING AAN WIE DIT MAG AANGAAN:

Ek,..... (Griffier se volle naam) Griffier van die Hoërhof van Venda, sertifiseer hierby dat..... (notaris of prokureur se volle naam)..... wie se handtekening op die aangehegte dokument gemerk "A", verskyn, 'n notaris of prokureur is wat kragtens wettige gesag behoorlik ingesweer en toegelaat is en wat as sodanig in hierdie gebied

WHEREAS it appears of record that the Court on the..... day of..... 19....., granted an order:

(Set out particulars of Order of Court)

AND WHEREAS it further appears of record that this Court, on the..... day of..... 19....., granted a decree committing the Respondent for contempt of Court for failing to comply with the aforesaid Order of Court, in the manner following:

(Here set out the terms of his omission)

YOU are hereby directed to take C.D. of..... in the area of jurisdiction of....., if he be found within that area and deliver him to the keeper of the prison of the district in which he be found, together with a duly certified copy of this writ, there to be safely kept until the expiration of..... from the date upon which he shall have been detained in the said prison by virtue of this warrant, or until the said C.D. shall be otherwise legally discharged; and for your so doing this shall be your warrant.

AND return you this writ with what you have done thereupon.

(2) To the Officer Commanding the Prison to whom the Deputy-sheriff presents this writ:

YOU are hereby commanded and required to receive the said C.D. into your custody and keep him safely until the expiration of..... from the date on which the said C.D. shall be received in the said prison by virtue of this warrant or until he shall be otherwise legally discharged.

Dated at..... on this..... day of..... 19.....

Registrar

Applicant's attorney
(Address)

FORM G

WRIT OF ATTACHMENT AD FUNDANDAM JURISDICTIONEM

IN THE HIGH COURT OF VENDA

Case No.....

In the matter between:

A.B. Applicant
and
C.D. Respondent

To the Deputy-sheriff for the District of.....

YOU are hereby directed pursuant to an order of the High Court of Venda bearing date the..... day of..... 19....., forthwith to attach..... (here set out the property)..... *ad fundandam jurisdictionem* of the said Court in an action by A.B. against C.D. of..... (address of Respondent).....

..... for..... (here set out the cause of action).....; and for so doing this shall be your warrant.

AND return you this writ with what you have done thereon.

Dated at..... on this..... day of..... 19.....

Registrar

Applicant's attorney
(Address)

Note.—The Deputy-sheriff cannot attach merely on the Order of Court; he must be furnished with a writ as above.

FORM H

AUTHENTICATION OF SIGNATURE TO ALL WHOM IT MAY CONCERN:

I,..... (Registrar's name in full), Registrar of the High Court of Venda do hereby certify that..... (notary's or attorney's name in full)....., whose signature appears on the document hereto annexed marked "A", is a notary public or attorney by lawful authority duly sworn and admitted and practising* as such in this area, and that to all

VORM D

**SERTIFIKAAT VAN EIENAARSKAP EN BESWARINGS:
UITWINNINGSVERKOPING VAN ONROERENDE GOED**

Uitwinningsverkooping.....
teen.....

Saak No.....

Ek,,
Registrateur van Aktes, van die.....
sertifiseer dat.....
die regisgestreerde eienaar is van die plaas.....
geleë in die distrik....., groot.....
hektaar, uit hoofde van Transportakte No.....
geregistreer op die..... dag van..... 19.....
en dat daar geen bewarings op die genoemde eiendom is nie met
uitsondering van die volgende:

Verbande
Servitude
ens., ens., ens.

Die eiendom/me is geleë in 'n.....
gebied ingevolge die Wet op Groepsgebiede geproklameer.
Die soekgelde betaalbaar is.....

Gedateer te..... op hierdie.....
dag van..... 19.....

Registrateur van Aktes

VORM E

**LASBRIEF TOT UITSETTING
IN DIE HOËRHOF VAN VENDA**

Saak No.....

In die saak tussen:

A.B.		Eiser (Applikant)
en		
C.D.		Verweerder (Respondent)

NADEMAAL A.B.,,
(beroep en adres).....
'n bevel in die Hoërhof van Venda op die.....
dag van..... 19....., teen C.D.....
(beroep en adres).....
verkry het waarby bevel is dat hy en alle persone wat voorgee dat
hulle 'n besitreg van hom afei, uitgesit word uit.....
(meld eiendom of persele waaruit Verweerder gesit moet word)
..... tans geokkupeer deur die genoemde
C.D. soos dit uit die stukke blyk.

DERHALWE word u gelas om die genoemde C.D. en alle per-
sone wat voorgee dat hulle 'n besitreg van hom afei, en sy goedere
en besittings, uit te sit uit die grond of perseel en dit dan te verlaat
sodat die genoemde A.B. dit vreedsaam kan betrek en in besit kan
neem.

WAARVOOR dit u lasbrief is.

Gedateer te..... op hierdie..... dag van
..... 19.....

Griffier

VORM F

**LASBRIEF TOT GEVANGESSETTING WEENS MINAGTING
VAN DIE HOF
IN DIE HOËRHOF VAN VENDA**

Saak No.....

In die saak tussen:

A.B.		Applikant
en		
C.D.		Respondent

(1) Aan die Balju van.....
of sy wettige Adjunk.

FORM D

**CERTIFICATE OF OWNERSHIP AND ENCUMBRANCES:
SALE IN EXECUTION OF IMMOVABLE PROPERTY**

Sale in execution.....
versus.....

Case No.....

I,,
Registrar of Deeds of the.....
hereby certify that.....
is the registered owner of the farm.....
situate in the District of....., in extent
hectare by virtue of Deed of Transfer No.....
registered on the..... day of..... 19.....
and that there are no encumbrances on the said property save and
except the following:

Bonds
Servitudes
etc., etc., etc.

The property/ies is/are situated in a/an.....
area proclaimed under the Group Areas Act.
The search fee payable is.....

Dated at..... this..... day of..... 19.....

Registrar of Deeds

FORM E

**WRIT OF EJECTMENT
IN THE HIGH COURT OF VENDA**

Case No.....

In the matter between:

A.B.		Plaintiff (Applicant)
and		
C.D.		Defendant (Respondent)

WHEREAS A.B.,,
(occupation and address)..... obtained an order in
the High Court of Venda on the..... day of.....
19....., against C.D.....
(occupation and address)....., ordering
him and all persons claiming through him to be ejected from and
out of..... (set out the property or premises
from which the Defendant is to be ejected).....
at present occupied by the said C.D., as appears to us of record.

NOW, THEREFORE, you are directed to eject the said C.D. and
all persons claiming through him, his goods and possessions from
and out of all occupation and possession whatsoever of the said
ground and/or premises, and to leave the same, to the end that the
said A.B. may peaceably enter into and possess the same, and for
so doing this shall be your warrant.

Dated at..... on this..... day of.....
19.....

Registrar

FORM F

**WRIT OF COMMITMENT FOR CONTEMPT OF COURT
IN THE HIGH COURT OF VENDA**

Case No.....

In the matter between:

A.B.		Applicant
and		
C.D.		Respondent

(1) To the Sheriff of.....
or his lawful Deputy.

MEMOIRS VAN DIE BOTANIESE OPNAME VAN SUID-AFRIKA

Die memoirs is individuele verhandelings, gewoonlik ekologies van aard, maar soms handel dit oor taksonomiese of ekonomiese-plantkundige onderwerpe. Nege-en-dertig nommers is reeds gepubliseer waarvan sommige uit druk is.

Verkrygbaar van die Direkteur, Afdeling Landbouinligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

MEMOIRS OF THE BOTANICAL SURVEY OF SOUTH AFRICA

The memoirs are individual treatises usually of an ecological nature, but sometimes taxonomic or concerned with economic botany. Thirty-nine numbers have been published, some of which are out of print.

Obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria.

Sales tax must accompany inland orders.

DIE BLOMPLANTE VAN AFRIKA

Hierdie publikasie word uitgegee as 'n geïllustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die redakteur verwelkom geskikte bydraes van 'n wetenskaplike en kunststandaard afkomstig van verwante inrigtings.

Onder huidige omstandighede word twee dele van die werk gelyktydig gepubliseer, maar met onreëlmatige tussenpose; elke deel bevat tien kleurplate. Intekengeld bedra R5 per deel (buitelands R5,25 per deel): Vier dele per band. Vanaf band 27 is die prys per band in linne gebind R30; in moroccoleer gebind R35. (Buitelands, linne gebind R31; moroccoleer R36).

Verkrygbaar van die Direkteur, Afdeling Landbouinligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

THE FLOWERING PLANTS OF AFRICA

This publication is issued as an illustrated serial, much on the same lines as Curtis's Botanical Magazine, and for imitating which no apology need be tendered.

The desire, and object of the promoters of the publication will be achieved if it stimulates further interest in the study and cultivation of our indigenous plants.

The illustrations are prepared mainly by the artists at the Botanical Research Institute, but the Editor welcomes contributions of suitable artistic and scientific merit from kindred institutions.

Each part contains 10 plates and costs R5 per part (other countries R5,25 per part). Two, three or four parts may be published annually, depending on the availability of illustrations. A volume consists of four parts. From Volume 27, the price per volume is: Cloth binding, R30; morocco binding, R35 (other countries, cloth binding R31; morocco binding R36).

Obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria.

Sales tax must accompany inland orders.

praktiseer* en dat alle aktes, stukke, dokumente en geskifte deur hom in hierdie hoedanigheid onderteken as volkome betroubaar en geloofwaardig beskou word in hierdie gebied, sowel in die Hof as daarbuite.

GEGEE onder my Hand en Ampseël te.....
op hierdie..... dag van..... in die jaar
Eenduisend Negehonderd.....

Griffier van die Hoërhof van
Venda

(Seël)

* Indien die notaris of prokureur 'n beëdigde verklaring afge-
neem het, voeg by "en as sodanig 'n kommissaris van ede is".

VORM I

SERTIFIKAAT VAN BETEKENING VAN BUITELANDSE PROSESSTUKKE

I,.....
Griffier van die Hoërhof van Venda, verklaar hierby dat die vol-
gende stukke aangeheg is—

(1) die oorspronklike versoek om betekening van 'n prosesstuk
of sitasie ontvang van..... (staat, gebied
of hof) in die saak tussen..... en
.....;

(2) die prosesstuk wat die versoek vergesel het;

(3) die bewys van betekening aan.....
die persoon in die versoek om betekening genoem, tesame met
die bevestigende sertifikaat van.....

Ek verklaar ook dat die betekening en die bewys daarvan voldoen
aan die praktyk en reëls van hierdie Hof.

Ek verklaar verder dat die koste van die betekening, behoorlik
deur die takseermeester van hierdie Hof bevestig, die som van
R..... bedra.

GEGEE onder my Hand en Ampseël, te.....
op hierdie..... dag van..... 19.....

Griffier van die Hoërhof van
Venda

(Seël)

acts, instruments, documents and writings subscribed by him in
that capacity full faith and credence are given in this area in Court
and thereout.

GIVEN under my Hand and Seal of Office at.....
on this..... day of....., in the year One thousand
Nine hundred and.....

Registrar of the High Court of
Venda

(Seal)

* If the notary or attorney has taken an affidavit, add "and as
such a commissioner of oaths".

FORM I

CERTIFICATE OF SERVICE OF FOREIGN PROCESS

I,.....
Registrar of the High Court of Venda hereby certify that the fol-
lowing documents are annexed—

(1) the original request for service of process or citation
received from.....
(state territory or court) in the matter between.....
..... and.....;

(2) the process received with such request;

(3) the proof of service upon.....
the person named in such request for service, together with the
certificate of verification of.....

I also certify that the service so proved and the proof thereof
are such as are required by the practice and rules of this Court.

I further certify that the cost of effecting such service, duly
Certified by the taxing master of this court, amounts to the sum of
R.....

GIVEN under my Hand and Seal of Office at.....
on this..... day of..... 19.....

Registrar of the High Court of
Venda

(Seal)

FLORA VAN SUIDELIKE AFRIKA

'n Taksonomiese behandeling van die flora van die
Republiek van Suid-Afrika, Lesotho, Swaziland en
Suidwes-Afrika. Sal bestaan uit 33 volumes, nie in
numeriese volgorde nie.

Reeds beskikbaar:

Vol. 26 (1963): Prys R4,60. Buitelands R5,75,
posvry.

Vol. 1 (1966): Prys R1,75. Buitelands R2,20,
posvry.

Vol. 13 (1970): Prys R10. Buitelands R12, posvry.

Vol. 16 Deel 1 (1975): Prys R13,50. Buitelands
R16,75, posvry.

Deel 2 (1977): Prys R16. Buitelands R20, posvry.

Vol. 22 (1976): Prys R8,60. Buitelands R10,75,
posvry.

Vol. 9 (1978): Prys R4,25. Buitelands R5,30, pos-
vry.

Verkrygbaar van die Direkteur, Afdeling Land-
bou-inligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings
ingesluit word.

FLORA OF SOUTHERN AFRICA

A taxonomic treatment of the flora of the Republic
of South Africa, Lesotho, Swaziland and South West
Africa. To be completed in 33 volumes, not in
numerical sequence.

Now available:

Vol. 26 (1963): Price R4,60. Other countries
R5,75, post free.

Vol. 1 (1966): Price R1,75. Other countries R2,20,
post free.

Vol. 13 (1970): Price R10. Other countries R12,
post free.

Vol. 16 Part 1 (1975): Price R13,50. Other coun-
tries R16,75, post free.

Part 2 (1977): Price R16. Other countries R20,
post free.

Vol. 22 (1976): Price R8,60. Other countries
R10,75, post free.

Vol. 9 (1978): Price R4,25. Other countries R5,30,
post free.

Obtainable from the Director, Division of Agricul-
tural Information, Private Bag X144, Pretoria.

Sales tax must accompany inland orders.

BOTHALIA

Bothalia is 'n medium vir die publikasie van plantkundige artikels oor die flora en plantegroei van Suidelike Afrika. Een of twee dele van die tydskrif word jaarliks gepubliseer.

Die volgende dele is beskikbaar:

Vol. 3 Deel 1 uit druk	Vol. 8 Deel 1 1962 R3
2 1937 75c	2 1964 R3
3 1938 75c	3 1965 R3
4 1939 75c	4 1965 R3

Vol. 4 Deel 1 1941 75c	Supplement
2 1942 75c	
3 1948 75c	Vol. 9 Deel 1 1966 R3
4 1948 75c	2 1967 R3
	3 en 4
	1969 R6

Vol. 5 1950 R3	
----------------	--

Vol. 6 Deel 1 1951 R1,50	Vol. 10 Deel 1 1969 R3
2 1954 R2,50	2 1971 R3
3 1956 R2	3 1971 R3
4 1957 R2	4 1972 R3

Vol. 7 Deel 1 1958 R2	Vol. 11 Deel 1 en 2
2 1960 R3	1973 R6
3 1961 R3	3 1974 R3
4 1962 R3	4 1975 R3

Vol. 12 Deel 1 1976 R5
2 1977 R5
3 1978 R7,50

Verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by alle binnelandse bestellings ingesluit word.

BOTHALIA

Bothalia is a medium for the publication of botanical papers dealing with the flora and vegetation of Southern Africa. One or two parts of the journal are published annually.

The following parts are available:

Vol. 3 Part 1 out of print	Vol. 8 Part 1 1962 R3
2 1937 75c	2 1964 R3
3 1938 75c	3 1965 R3
4 1939 75c	4 1965 R3

Vol. 4 Part 1 1941 75c	Supplement
2 1942 75c	
3 1948 75c	Vol. 9 Part 1 1966 R3
4 1948 75c	2 1967 R3
	3 and 4
	1969 R6

Vol. 5 1950 R3	
----------------	--

Vol. 6 Part 1 1951 R1,50	Vol. 10 Part 1 1969 R3
2 1954 R2,50	2 1971 R3
3 1956 R2	3 1971 R3
4 1957 R2	4 1972 R3

Vol. 7 Part 1 1958 R2	Vol. 11 Part 1 and 2
2 1960 R3	1973 R6
3 1961 R3	3 1974 R3
4 1962 R3	4 1975 R3

Vol. 12 Part 1 1976 R5
2 1977 R5
3 1978 R7,50

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Buy National Savings Certificates

AGROANIMALIA

Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958-1968 en bevat artikels oor Diereproduksie en -tegnologie, Diereversorging en -ekologie, Fisiologie, Genetika en Teelt, Suiwelkunde en Voeding. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienstelike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Die tydskrif is verkrygbaar van bogenoemde adres teen R1,50 per eksemplaar of R6 per jaar, posvry (Buitelands R1,75 per eksemplaar of R7 per jaar).

Verkoopbelasting moet by alle binnelandse bestellings ingesluit word.

AGROANIMALIA

This publication is a continuation of the South African Journal of Agricultural Science Vol. 1 to 11, 1958-1968 and deals with Animal Production and Technology, Livestock Management and Ecology, Physiology, Genetics and Breeding, Dairy Science and Nutrition. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at R1,50 per copy or R6 per annum, post free (Other countries R1,75 per copy or R7 per annum).

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Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958-1968 en bevat artikels oor Biochemie, Biometrika, Grondkunde, Landbou-ingenieurswese, Landbouweerkunde en Ontledingstegnieke. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienstelike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Die tydskrif is verkrygbaar van bogenoemde adres teen R1,50 per eksemplaar of R6 per jaar, posvry (Buitelands R1,75 per eksemplaar of R7 per jaar).

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

AGROCHEMOPHYSICA

This publication is a continuation of the South African Journal of Agricultural Science Vol. 1 to 11, 1958-1968 and deals with Biochemistry, Biometry, Soil Science, Agricultural Engineering, Agricultural Meteorology and Analysis Techniques. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at R1,50 per copy or R6 per annum, post free (Other countries R1,75 per copy or R7 per annum).

Sales tax must accompany inland orders.

INHOUD

<i>No.</i>	<i>Bladsy No.</i>	<i>Staats- koerant No.</i>
Samewerking en Ontwikkeling, Departement van Goewermentskennisgewing		
R. 1528	Grondwet van die Swart State (21/1971): Hoërhof van Venda.....	1 6579

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Controversy over priests' part in 'gospel of division'

113 Post
1979



Bishop Desmond Tutu

CONFRONTATION is looming in church circles in Vendloland over the participation of pastors and evangelists in the independence preparations.

Almost all churches in the homeland have been invited to participate in the Inter-denomination Church Service ICS, which will conduct services on "independence" day. Priests who have responded have done so without consulting their seniors and have formed a choir that will sing at the celebrations on September 13.

The priests and Evangelists who will participate were approached individually by the chairman of ICS, Mr Rufus Ndou, and did not consult their seniors. Mr Ndou is also secretary designate of the Venda National Assembly.

Major churches like the Evangelical Lutheran Church, the Roman Catholics and Methodists, have declared their abhorrence of the policy of separate development and the participation of their ministers in the "independence" celebrations preparations, is a direct contradiction of official church policy.

The dean of the De-vhula circuit of the Lutheran church, and one time president of the outlawed Black People's Convention (BPC) Dean S Farisan, was not approached, but his ministers and Evangelists were, and they are partici-

By
MATHATHA TSEDU

pating in the choir. None of his ministers approached him for approval.

Bishop Solomon Sarote of the Lutheran church northern diocese, expressed shock over the involvement of his ministers and said the gospel was against their involvement "in the cutting up of the country".

The Bishop said the Pastors had, by accepting individual approaches to participate in the whole exercise, broken the constitutional communication structure in the church and added that their active participation was "totally against church unity."

"We of the Lutheran Church cannot enter into a gospel of division. We are a colourless church which believes in the

unity and brotherhood of mankind and a common fatherhood in God Almighty. We cannot at any time support a policy that divides people. Our ministers are ministers of reconciliation and as such they must preach to all men under all circumstances. What we shall object to is active support for division," the Bishop said.

The Bishop said he appreciated the fact that the ministers were in a serious position regarding the independence issue

with the politicians claiming that it was the wishes of the Venda masses.

A spokesman for the Catholic church in Sibasa said they had received an invitation to participate but had not replied. He said they do not want to "soil their hands with the blood of millions of blacks who are suffering from the effects of apartheid, of which Venda's so-called independence is a final crystallisation."

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● Chief Mphedu

No reason to worry — Mphedu

CHIEF Patrick Mphedu says Vendas will not lose any of their citizenship rights and benefits in South Africa as a result of the territory becoming "independent" in September.

In a statement published in the Venda Government mouthpiece, Thohoyandou, Chief Mphedu claims that the definition of citizenship contained in the draft constitution for an independent Venda meant that Venda people would not lose any of their rights in South Africa by becoming Venda citizens.

But the report does not specify what citizenship is defined as in the draft constitution.

It says only that provision "to this effect" will be made in the *STATUS OF VENDA Act*.

PREPARATIONS are well underway for Vendaland's venture into South African-style independence.

The territory follows the Transkei and BophuthaTswana into a political system devised under the Government's apartheid policy.

Despite the first two territories' failure to get international recognition, even from small neighbouring states like Lesotho, Chief Patrick Mphedu is going ahead in the strongest conviction that the Vendas are equipped to "go it alone".

Vendaland political plans have been opposed by Opposition party members in Parliament and has been attacked by prominent political figures in urban areas.

But the territory nevertheless is venturing into "independence" with no significant economic prospect whatsoever. It has no natural resources of its own. Neither has it industries to supply jobs for its less than a million inhabitants.

The one asset that the homeland can boast is its warm climate which is favourable to a timber industry. But people living in Vendaland have no means to do much about it. The soil is rich and almost anything grows well there all year.

But the people there seem to take little interest in farming. They still have to import the bulk of their foodstuff requirements like maize, which is their staple food, from outside the territory. There is some fruit

113 SP 5/8/76

At least the sun will shine in Vendaland

By SAM MABE

like bananas, paw-paws, avocado pears and pineapples grown mostly by white concerns. Also, the massive tea plantations which are white-owned, give thousands of jobs to the unskilled and abundant labour force at low wages.

I asked a man why the people there were not developing their land for agriculture when they have the climate and rich soil to boost vegetation. He said they were discouraged by chiefs who would in the end benefit from their hard work.

"Land is distributed among us by chiefs and if and when they wish, they can kick you off your land and give you another patch elsewhere.

They do this when they realise that you have spent a lot of time and money to develop your land, and they take it from you with excuses that it was not supposed to have been given to you for one reason or another."

Sibasa is the only town in the territory and a stone's throw away the building of a new capital, Thohoyandou (head of an elephant), is taking shape.

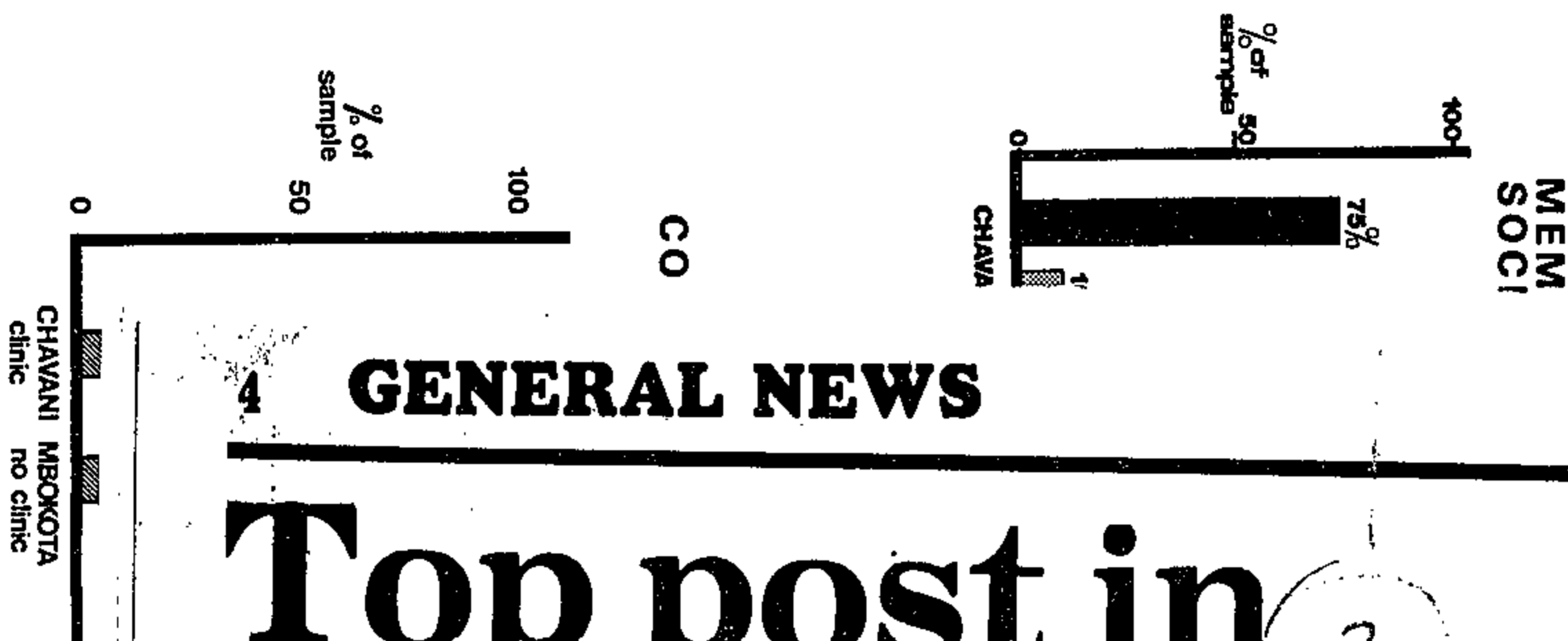
The independence stadium has been completed. Ministerial houses have been built and a luxurious residence for Chief Mphedu, who will be the territory's first president, is nearing completion.

But the independence of Vendaland will not be

the showpiece of South African-style rural democracy: it's made out to be following the mass detentions of Chief Mphedu's opponents after his defeat in last year's general elections by Mr Baldwin Mudau's Venda Independence Party which won 31 of the 43 seats in the Assembly.

Chief Mphedu's defeat in the polls started a series of detentions without trial of opposition party members in which Chief Mphedu used the security laws inherited from South Africa to keep himself in power.

That BophuthaTswana and South Africa will be the only two to recognise Vendaland is not questioned by political observers.



CHAVANI
MBOKOTA
no clinic

4 GENERAL NEWS

Top post in Venda for SA policeman

113
Rom 6/6/79

By PATRICK LAURENCE
Deputy Political Editor

A FORMER South African security policeman, Lieutenant-Colonel T R Mulautzi, will become commander of the Venda National Force when Venda becomes independent next month.

Colonel Mulautzi is at present a member of the uniformed branch of the South African Police.

Based in Sibasa, Venda, since May last year, he has been helping with the formation of the National Force, which will be responsible for law and order in the homeland after it becomes independent on September 13.

The National Force will combine the functions of the army, the police, the traffic police and the prison service.

Colonel Mulautzi was introduced to visiting journalists last week, but refused to talk either about himself or his future role on the ground that he had not been given permission by the SAP.

But in a television interview the next day he said Venda

would, if necessary, call on the assistance of its "good friends in South Africa" to help check any threat from insurgents across the border.

Situated near the Limpopo River in the north-east Transvaal, Venda, the smallest homeland to receive independence so far, occupies a strategic position near the borders with Zimbabwe-Rhodesia and Mozambique.

South Africa's recognition of the strategic importance of Venda is manifest in two measures, both of which were undertaken with the approval of the Venda authorities.

A narrow strip of territory along the Limpopo River has been excised from Venda and taken over by the SA Defence Force, while the Madimo air base will be open to SA military aircraft after independence.

The security situation in Venda, however, is not helped by the Mphephu administration, which has all the marks of a minority government with little popular support.

The ruling Venda National Party of Chief Patrick Mphephu was beaten twice in popular elections in 1973 and 1978, but retained power because of its backing from chiefs and headmen and its detention of political opponents.

Last year the opposition Venda Independence Party won 31 of the 42 elected seats. However, before the Legislative Assembly met to elect a new Chief Minister, 11 opposition members were detained. Chief Mphephu was subsequently re-elected as Chief Minister, largely through the vote of the nominated chiefs and headmen.

Positive support in Venda for independence, as distinct from passive acceptance of it, appears to be confined to what political scientist Dr Roger Southall has termed the beneficiaries of independence.

These include members of the Cabinet, chiefs and headmen, top civil servants, and businessmen who hope to benefit from the R20-million poured into the territory by South Africa.

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Venda traders are 'crucified'

Deputy Political Editor

INDIAN businessmen in Louis Trichardt are "crucifying" black traders in the Venda homeland, according to the chairman of the Venda Development Corporation (VDC), Mr J J Viljoen.

Mr Viljoen's allegation was made to visiting journalists in defence of an arrangement which the VDC has entered into with Frasers, the wholesale trading company which concentrates on selling in black territories.

Under the arrangement, a supermarket is being established in Venda as a tripartite partnership between the VDC, Frasers and individual Vendas. The VDC, half of whose directors are Venda, is bound to sell half of its shares to Venda citizens.

Mr Viljoen rejected the view that the introduction of a supermarket under the auspices of a large established company would be to the detriment of the estimated 450 independent Venda traders.

Dismissing the argument that Venda traders would be unable to compete with the supermarket, he referred to a

plan through which Frasers would assist select Venda traders by undertaking to supply them with stock at competitive prices.

It was put to him that the outcome of this arrangement would be to strengthen Frasers' hold on the small trader. He replied that Venda traders were already losing out to competitors based in Louis Trichardt.

He was then asked whether the present arrangement did not amount to rescuing Venda traders from one powerful competitor only to put them at the mercy of another.

"Let me be blunt," Mr Viljoen replied. He then referred specifically to competition from "Indian traders" in the nearest white-controlled town of Louis Trichardt.

"I can tell you they (the Venda traders) are being crucified. When one thinks of the amount of Indian penetration, the mind boggles."

Mr Viljoen justified the agreement with Frasers on two further counts. It would counteract the flow of money out of Venda and it would also benefit consumers.

Venda: Another 1/2 m independent blacks

C. Times 9/18/79 (113)

THE PRIME MINISTER, Mr. P. W. Botha, today visits Venda, the northern Transvaal homeland due to take South African-style independence on September 13.

Whatever policy changes his government may contemplate, he will see the implementation of the grand design of apartheid, which continues apace. This is the creation of independent black states within South African borders to whom blacks will owe their allegiance and where they will exercise political rights.

Two former homelands have already opted for independence — Transkei in 1976 and Bophuthatswana in 1977 — South Africa regards them as being as independent as any state in black Africa, and more viable than many. They have the right to make their own laws and both have done away with discriminatory measures.

But, by opting for independence, they have also deprived more than four million Xhosa and Tswana of their South African citizenship. Each time, the white percentage of population in the remaining South Africa increased.

When the Venda flag is raised, at Independence Stadium amid pomp and ceremony at midnight on September 12, another half-million people will be deducted from South Africa's black population. Many of them were born and live in South Africa's urban areas, and

some have never seen what officials tell them is their "homeland".

The independence issue divides homeland leaders. Mr. Botha has already visited two homelands — Ciskei and Gazankulu — which could be next in line to ask for sovereignty.

Two others, KwaZulu and Lebowa, are vociferously opposed to signing away their rights to a share of all South African Government.

It still consists of two blocks of land, although consolidation plans are well advanced which will make it the first independent homeland comprising one land area. While nearly three-quarters of its population lives

Political Correspondent MICHAEL ACOTT reports on a tour of Venda, which becomes independent next month

South Africa for many years to come. Its national budget for the current financial year is R36 million, of which R30 million is granted by the South African Government.

Like Transkei and Bophuthatswana, Venda has no hope of achieving international recognition, a seat in the Organization of African Unity or a place at the United Nations. Nor can it become economically independent.

Instead, it will be drawn into Mr. Botha's planned "consolidation of Southern African states" as part of an economically interdependent commonwealth of white- and black-ruled countries in the sub-continent.

Despite the trappings of independence and the millions of rand being poured into the country in preparation for nationhood, Venda will continue to be financially dependent on

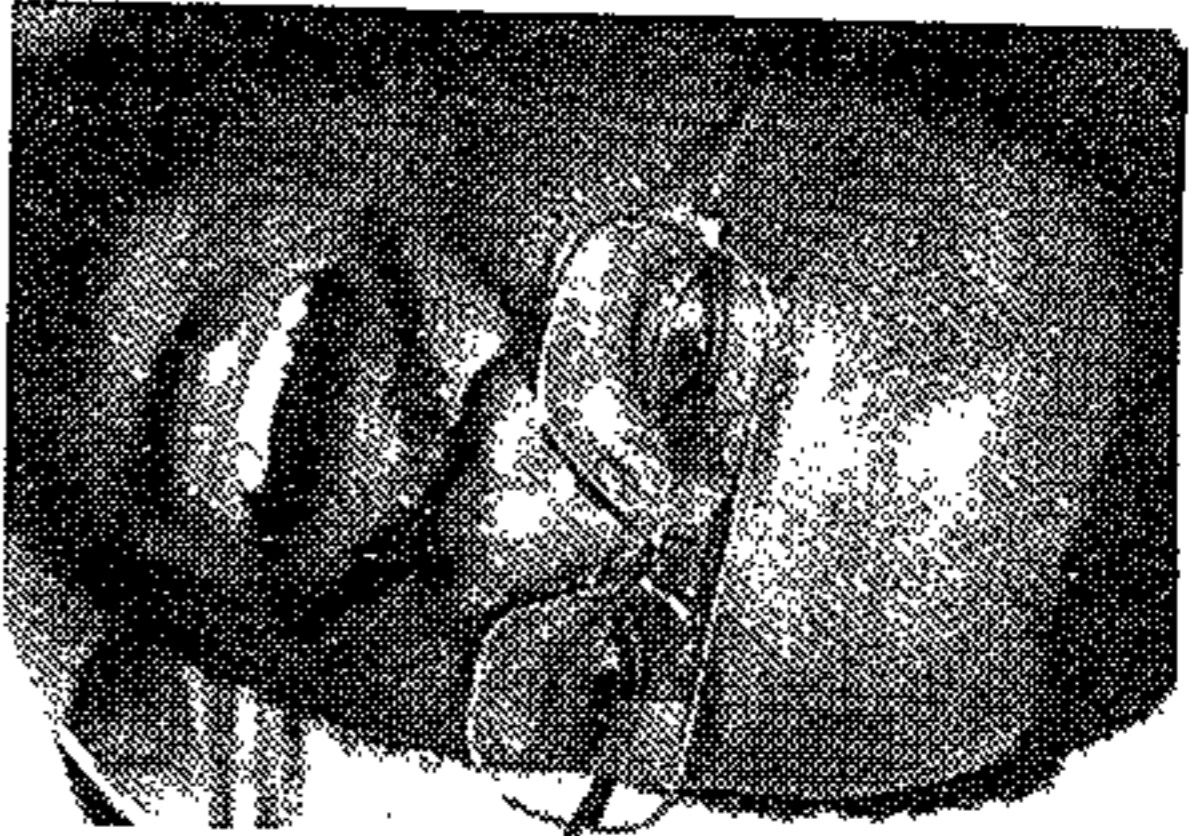
South Africa for many years to come. Its national budget for the current financial year is R36 million, of which R30 million is granted by the South African Government.

It still consists of two blocks of land, although consolidation plans are well advanced which will make it the first independent homeland comprising one land area. While nearly three-quarters of its population lives

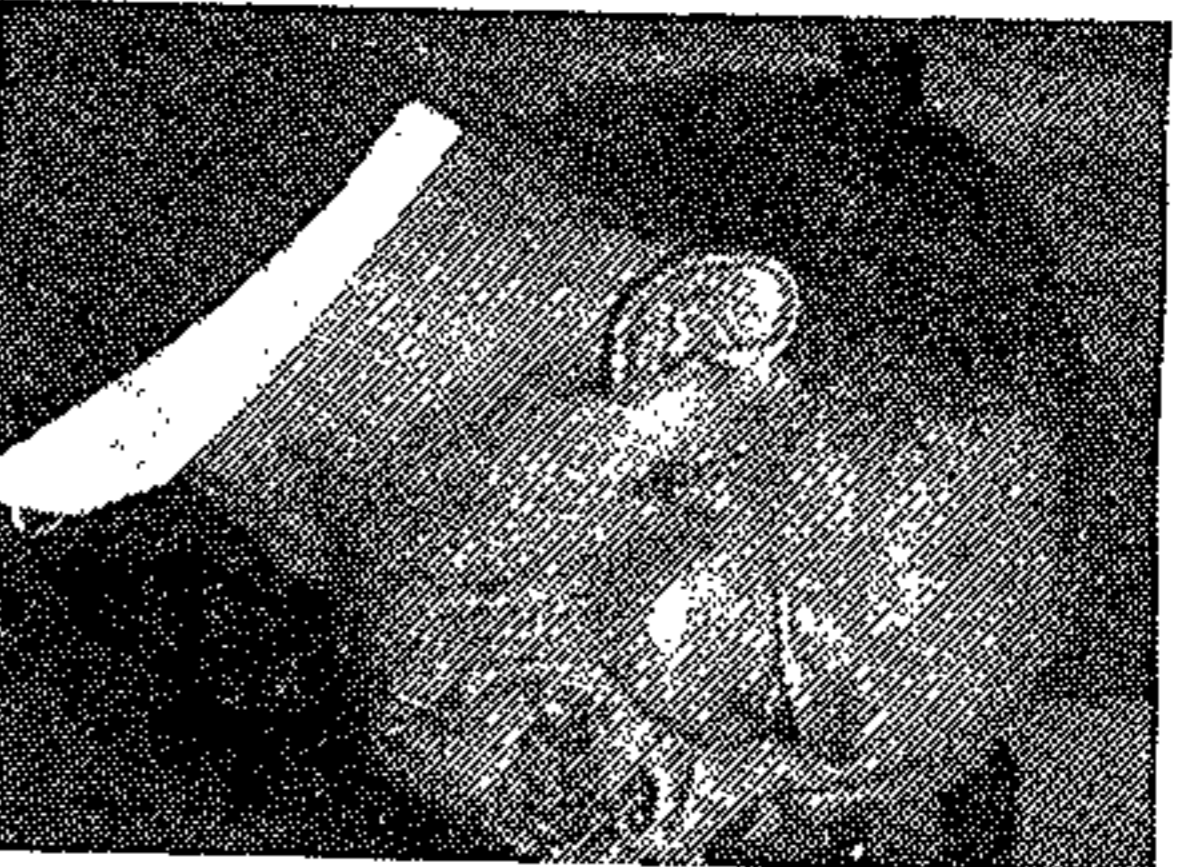
in Venda, an estimated 60 per cent of its economically active men work in South Africa. Many of them repatriating money to their families there.

After independence, like its two predecessors — and like former British colonies in southern Africa still supported financially by Britain, Venda will continue to have its national coffers supplemented from Pretoria.

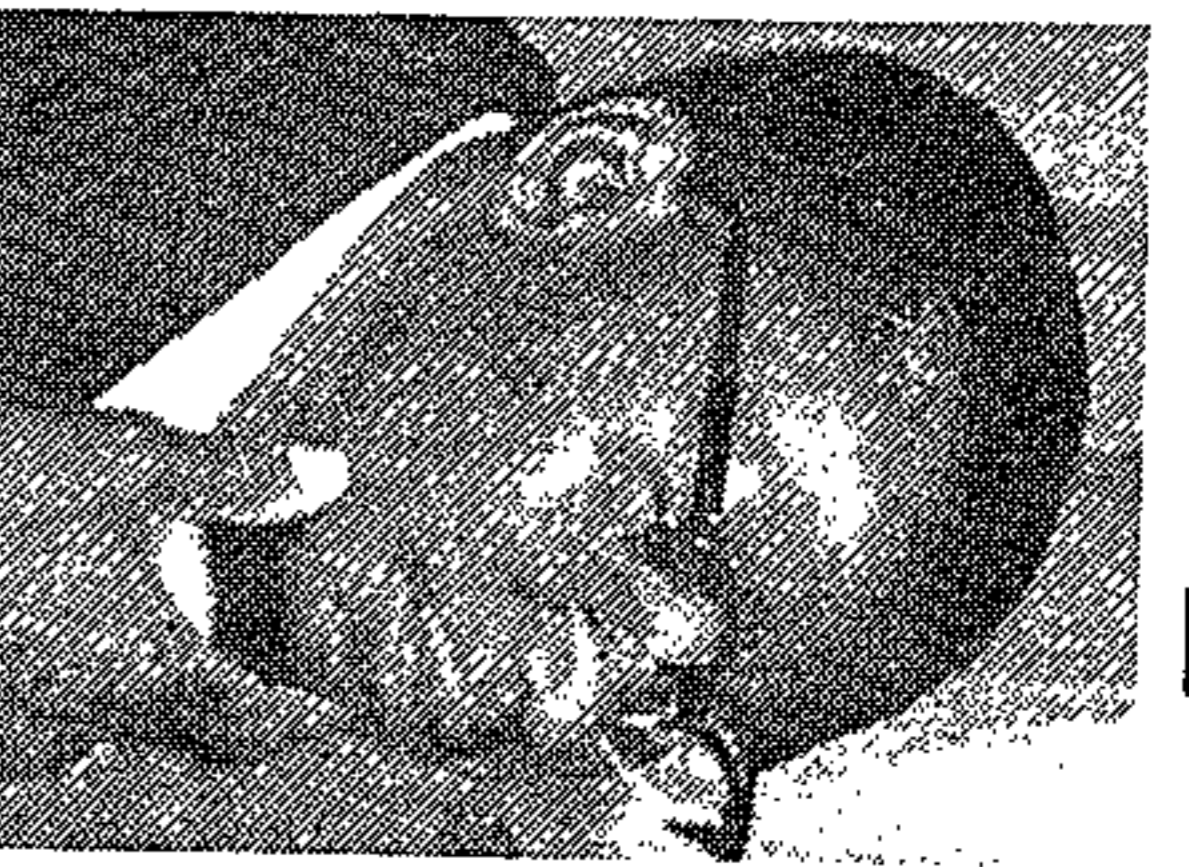
Nonetheless, the South African Government is doing its best to ensure that as much development as possible takes place in Venda both before and after independence. Local wealth is being generated and exploited, employment is being created and everything possible is being done to improve



Chief Gatscha Buthelezi



Dr. Cedric Phatudi



Chief Patrick Mphahlele

the standard of living.

This is already high by comparison with some other homelands and countries in independent Africa. The average per capita income was estimated at R288 in 1975.

The overriding impression of a tour in the vicinity of the capital Thohoyandou (formerly Sibasa) is of massive and rapid construction work as the independence date approaches. Since Venda opted for independence in May last year, plans have been approved and built-up has started on several op-

lent or ambitious projects.

These include a R5 million parliamentary building and adjacent government offices, a presidential mansion costing R580 000, a R1.8 million camp for the National Force comprising police, army and prisons officers and a R300 000 independence stadium. Residences for cabinet ministers are complete and 110 houses for civil servants are nearing completion.

A R2 million shopping centre is being put up by the Venda Development Corporation.

where subsidized rentals and participation by the main tenant are aimed at making prices competitive with traders in nearby white towns like Louis Trichardt and Pietersburg, keeping money in the homeland.

While Venda's mineral wealth is largely unexplored, its main potential lies in its deep, rich red soil. Millions of rand are being spent on agricultural development with the aim of enabling the country to feed itself and turning it into a food-exporting nation.

'Lebowa can't be trapped' — Chief

Political Correspondent

WHILE Venda has opted for independence next month, neighbouring Lebowa is determined to remain part of South Africa.

Their Chief Minister, Chief Cedric Phatudi, told journalists who had just visited Venda that his people had no desire to follow the same path.

He shares with Chief Gatscha Buthelezi of KwaZulu the belief that South Africa belongs to all its peoples.

"The people of Lebowa don't want so-called independence," he said.

"It is not independence, that is a misnomer. The people of Lebowa can't be trapped into that."

"We take the stand that we are South Africans who belong to South Africa, with South African citizenship. Transkei, Bophuthatswana and now Venda have opted for divorce from South Africa, but their people still live there and take our jobs."

Chief Phatudi said his government was prepared to con-

sider alternatives to independence, and believed that a federal system of government was probably the best.

"We think we should have as much power over our internal affairs as possible, while still remaining part and parcel of South Africa."

"We are interdependent economically and we need a political arrangement that will reflect the economic realities of South Africa, the economic integration."

Rebutting frequent charges that homeland leaders were South African government stooges, he said the only way to secure peaceful change was by working within the system.

While much has been done in the fields of housing and education, he said his country needed development, infrastructure and consolidation. He did not believe Lebowa, with

its sub-tropical, frost-free climate, with high rainfall and rivers with a year-round flow, supports rich crops of bananas, avocado pears, mangoes and paw-paws. Its northern areas are suitable for cattle farming, and other crops include wheat, maize, cotton, groundnuts, sorghum and citrus fruits.

Farmers are being taught intensive cultivation along the banks of the Nkhalale and Levubu rivers, are helped to pay for tractors and fertilizer and 1 500 farmers each year attend an agricultural training school for three days a week to learn how to get the best out of their land.

Government-assisted projects include a large tea plantation, employing nearly 1 000 people, and which will ultimately produce 1.25 million-kg a year, a fledgling coffee plantation and vast forestry tracts.

Fish hatcheries help produce low-cost protein.

Venda has deposits of copper, vermiculite, phosphate, magnetite, graphite and gold. It also has the only coking-coal deposits so far found in South Africa, and further exploration and exploitation could bring in additional wealth.

But mining development and industry in Venda suffer from a lack of infrastructure. There are few tarred roads and there are few rail links, although officials are optimistic that the coking-coal deposit will spur the construction of a rail line.

Venda's political history has been controversial and could continue to be so after independence.

Its first executive State President is certain to be the present Chief Minister, Chief Patrick Mphahlele, who has been unable to win a majority of elected seats in two elections

since self-government in 1973. His Venda National Party has been kept in power by chiefs and headmen nominated to 42 seats in the legislative assembly in addition to the 42 elected members.

The opposition Venda Independence Party won 31 of the elected seats last year. After alleging election irregularities nearly 50 of its supporters, including at least 11 members of the assembly, were detained on Chief Mphahlele's orders. They have since been released.

Emergency regulations promulgated in 1977 provide for detention of up to 90 days for people suspected of insurrection or resistance to the Venda Government.

The VIP, led by Mr Baldwin Mndau, supports independence on the basis of greater consolidation, economic viability and full political freedom from South Africa.



The Prime Minister, Mr. P. W. Botha, who is on a tour of African homelands. Yesterday he visited Gazankulu.

Venda divorce on a lonely course

Last week I visited Venda, the "homeland" of the exiled black consciousness leader, Ranwedzi (Harry Nengwekhulu).

It was a surprise to learn that he had grown up in this remote part of Southern Africa, but I was told by two senior civil servants that he grew up there and had gone to school there before entering the University of the North.

One of the last things on earth that Harry Nengwekhulu would do would be to join the system in the homelands

which, for him, Venda represents.

This would be even more the case on September 13, when Venda will be granted its independence by the South African government.

But I was told by the civil servants, both former student colleagues of the exiled leader, both former

members of the now banned South Africa Students Organisation (Saso) and both soon to hold senior posts in the Venda government, that: "we need him here."

Certainly Venda does need people like Harry Nengwekhulu. It desperately needs all the skilled and talented people it can get.

However, the need for skilled people is overshadowed by the political considerations which dominate South Africa. It is for this reason that people like him will never go back to Venda, particularly when it is theoretically an independent state.

For people like the Prime Minister, Mr P. W. Botha, who is visiting Venda today, and like its Chief Minister and soon-to-be President, Chief Patrick Nphephu, the new constitutional process represents a milestone in the national progress and development of the Venda people.

Here they will have their own territory, with their own government, in a country of their own. For them, the destiny of the Venda people will be resolved by themselves.

In the context of this approach, it was quite fascinating to learn from a Venda historian — he has written a Master's degree on the subject — that the Venda people came from the Malawi area to their present location in about the year 1200 — although

he said they used to occupy a far larger piece of ground.

It was equally interesting to learn that in 1867 the Venda defeated a Boer army under the leadership of the renowned Paul Kruger. It was following this defeat that the Boers established Pietersburg.

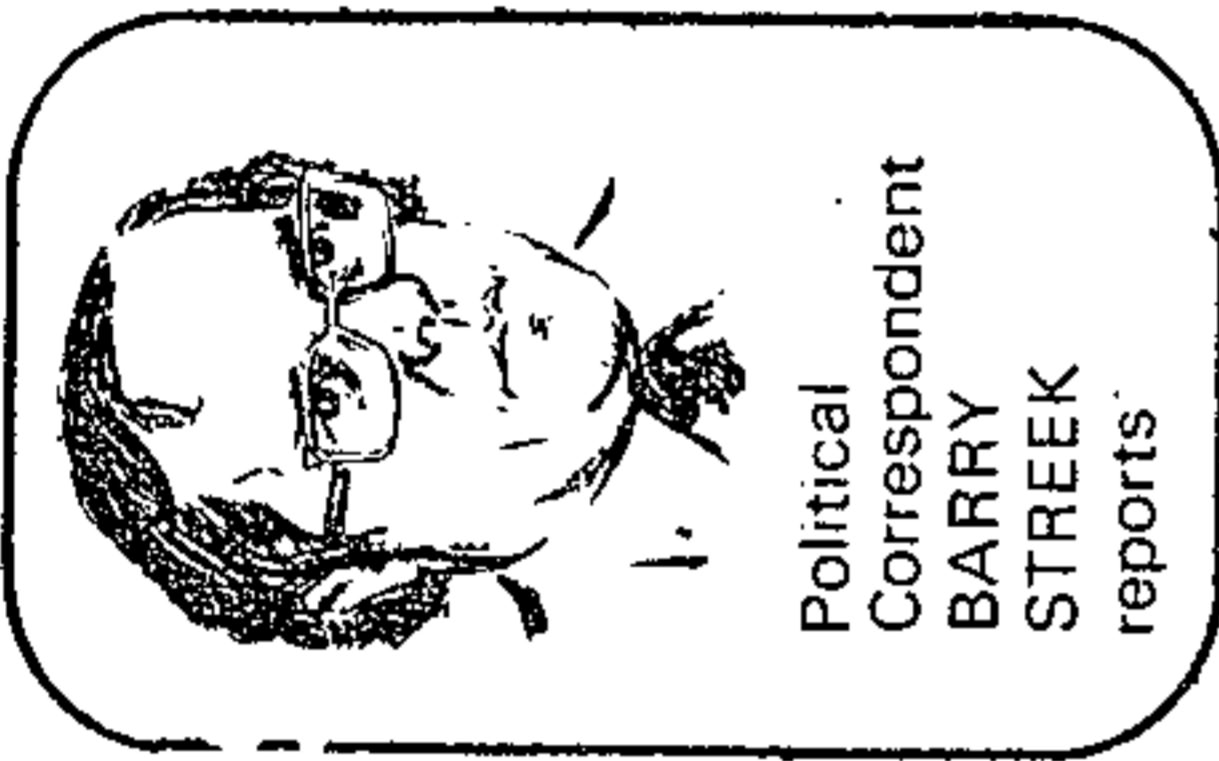
It was only in 1898 that the Venda were finally brought under white, ironically Afrikaner, control.

From the perspective of both the Republican and the Venda governments this historical precedent provides ground for an independent state. There is also obviously a Venda identity as was shown by my conversation about Harry Nengwekhulu — although many would regard their South African, or black, identity as far more important.

But that is clearly only half the story. For many, like Nengwekhulu himself and others like the Chief Ministers of neighbouring Lebowa and Gazankulu, as well as kwaZulu, the independence of Venda is a tragedy of people seeking short-sighted aims which will divide black people.

Lebowa's Chief Minister, Dr Cedric Phatudi, actually described it to us as "a divorce", which was not a matter for celebration.

And for sure, like Transkei and Bophuthatswana before it, the Venda leadership is



Political Correspondent BARRY STREEK reports

taking their territory on a different course — a lonely course which may never be accepted by any other government in the world except South Africa.

Apart from purely political considerations, Venda faces massive problems, even if one accepts the framework of the respective governments.

There are many dedicated people working there, like a young doctor, Dr A. B. T. Niemand, who has given up the prospects of a high salary, easy working conditions and urban life, to become one of the ten permanent doctors for the 350 000 people living in Venda because he feels he ought to serve the people.

People like Dr Niemand really appear to be changing and improving Venda's health service with

groups took place in Venda last week while Chief Mphephu and his cabinet were in Pretoria for talks.

Whatever the reason, it was an unfortunate and awful public relations. It meant we were not able to raise the apparent political situation with the very people who are going to run the new state.

This may well affect my judgment, but what is clear is that in two successive elections Chief Mphephu's government has been rejected — he is only kept in power by the nominated chiefs. Not only that but his government has used its emergency powers to detain Members of Parliament and others.

I was told by a person I met in the pub in the Venda capital, Toyandhou, that he was scared to talk politics there because he alleged the country was riddled with informers.

In effect, it appears that an unrepresentative government is using repressive measures to keep in power. That conclusion may be wrong, but that is what it appears to be.

And if that judgment is correct for all the good work that is being done, and for all the nice new buildings, Venda's independence is going to be awfully shaky and shallow.

In addition to its economic dependence on South Africa, it certainly looks as though Harry Nengwekhulu's refusal to join the system in the area he grew up in will be justified.

with new buildings, a Presidential Palace, houses for Cabinet Ministers, a new suburb for civil servants, a shopping centre, a hotel, an independence stadium, an agricultural showground, an agricultural high school and a teachers' training college.

Yet, other than the hotel (which is being expanded) all these buildings have either just been completed or will be completed by independence.

It certainly looks as though a crash programme of building had been launched since May last year when the then Prime Minister, Mr Vorster, and Chief Mphephu signed an independence agreement to give Venda the symbols of independence.

However impressive the new buildings look (and we were shown almost all of them in three days) they are trappings of independence.

It is the real sources of potential independence — the legitimacy and the support for the government — that needs to be assessed.

And on those key elements Venda looks like a highly unlikely candidate for successful independence.

For some extraordinary reason, a government-sponsored tour by pressmen from major South African news

the establishment of satellite clinics around the four hospitals in the country to take health care to the people.

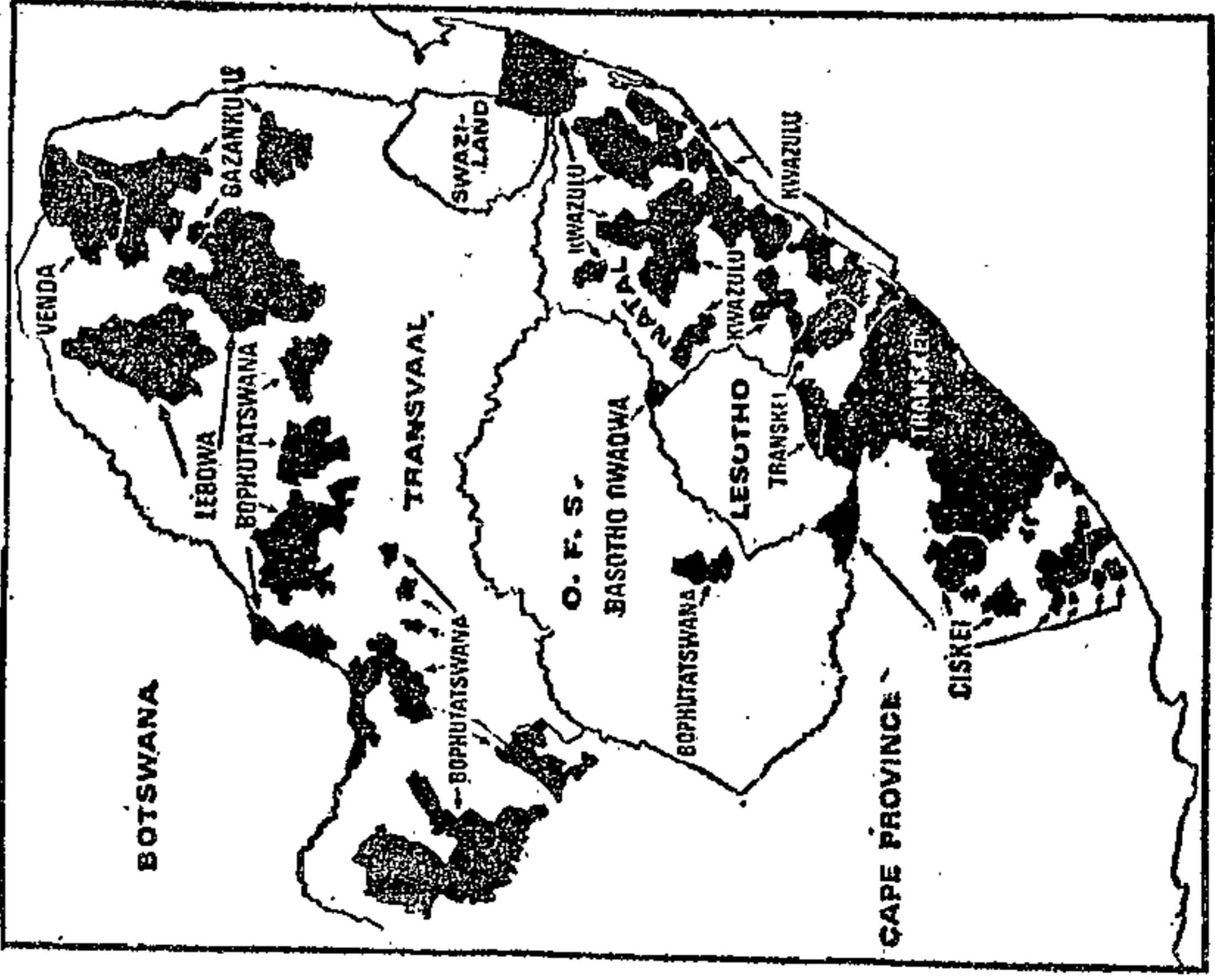
We saw numerous agricultural workers doing their best to make Venda viable on the basis of an agricultural economy — which the Commissioner-General, Dr J. C. Otto, really believes is possible. (And I must add from what we saw, this is not an unrealistic possibility because the soil is fertile and once tapped there is plenty of water).

In these endeavours they have established some 2 000 farmers on economic irrigation plots, they train 1 500 working farmers in advanced skills every year and they are the agricultural product of the country.

These are the kind of developments which most people would support, whatever their political views. It is the kind of thing the two civil servants would, one suspects, people like Harry Nengwekhulu to be involved in.

But those endeavours, however sincere and however dedicated, do not make an independent state. Not remotely.

Nor does the construction of a parliament, a government office block, a prison, a national force (consisting of police, army, prisons, security police and traffic police)



Black states and homelands . . . next for independence, in September, is Venda.

Botha's tour no real value says PFP

Political Reporter

THE current tour of the homelands by the Prime Minister, Mr. P. W. Botha, and Dr. Piet Koornhof's "apartheid is dead" speech in America were of no real value as indicators of a change in racial attitude by the Government as long as separate development was retained, Mr. Ray Swart (PFP, Musgrave), said in Durban yesterday.

Warning against the adoption of a "siege mentality" in South Africa, Mr. Swart, National chairman of the PFP, told about 55 people at a report back meeting that the separate development concept "is totally divisible, and can never stand alone without the prop of race discrimination".

"No amount of juggling with the details, of fiddling with homelands' boundaries or setting up the trappings of regional infrastructure will make it more acceptable in the long run."

South Africa's problem was not merely one of race, "it is a problem of the enormous gap between the haves and the have nots in our society which threatens the credibility and durability of our free enterprise economy, and our way of life with it."

Mr. Swart said people of all races had to share the benefits of the system if they were to prefer it to others, such as the Marxist system.

It was depressing to hear Cabinet Ministers such as Mr. Pik Botha — the Minister of Foreign Affairs — say that South Africa never received recognition from the outside world for anything she did.

"We often say nobody in the world understands us, but we are trying to sell a product totally unacceptable, and that is separate development, or apartheid."

PM faces race row in Venda

NM 9/8/79

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Mercury Correspondent

JOHANNESBURG — The Prime Minister, Mr. P. W. Botha, and the Minister of Co-operation and Development, Dr. Piet Koornhof, will walk head-on into an ugly row when they arrive for their tour of the Venda homeland today.

The row threatens to cause a deep rift between the homeland Indian businessmen and politicians in the far northern Transvaal town of Louis Trichardt.

The chairman of the Venda Development Corporation, Mr. J. J. Viljoen, is reported to have told journalists last week that Indian businessmen in Louis Trichardt were "crucifying" the homeland's Black traders.

Furious, the Louis Trichardt Indian Traders Association, the Reform Party of the South African Indian Council and the Peoples' Candidates Party have demanded his immediate resignation, or apology to the Indian community.

Telegrams of protest have been sent to Mr. Botha, Dr. Koornhof and the Chief Minister of Venda, Mr. Patrick Mphahlele.

Mr. Aboo Abraham of the Reform Party, said yesterday the remark "smacked of racialism and of a type of divide-and-rule tactics."

Demand

He said: "We will only be satisfied if the Prime Minister, who has set the course for change, finds it appropriate to get rid of Mr. Viljoen."

He is fully backed by Mr. Carlie Ayob, chairman of the Louis Trichardt Indian Traders Association.

He added: "I also want to know if this is a reflection of the attitude of the Government, the VDC, or if this is Mr. Viljoen's personal view."

Dr. Rashid Salojee, leader of the Peoples' Candidate Party said he considered Mr. Viljoen's remark "a smokescreen for his own questionable

action in introducing his own monopolistic structure in the homeland.

"The old bogey of 'Indian-bashing' to promote White business interests has been repeatedly exposed in the past, as being dishonest. If anything it has been the Nationalist Government's policy that has crucified Black economic development."

Speaking from his office in Sibasa, the Venda capital, yesterday, Mr. Viljoen emphatically denied that he had made the offending remark.

Botha pleased with homeland attitudes

SIBASA — The Prime Minister, Mr. P. W. Botha, said here last night he had found a positive attitude on the part of homeland leaders he had visited as far as the joint task that lay ahead was concerned.

Speaking at a Press conference after a day-long visit to the Venda homeland, Mr. Botha said he had found tremendous goodwill and a spirit of relaxation on the part of the leaders and their peoples.

Since he had not visited all the homelands yet, it was not possible to give his full impressions of his tours. But, he had travelled far enough to say that he felt it incumbent on himself to thank South

African civil servants for the work they were doing in the homelands.

During his consultations, he had given the leaders the opportunity to ask questions. They had expressed their views and opinions and had also voiced their reservations about certain matters. "But nowhere have I found reservations to enter the future in a spirit of teamwork."

Mr. Botha said he was convinced there was a desire on the part of the homeland leaders and their peoples to co-operate and to face the future together.

"As far as I am concerned a potential exists for greater prosperity and increasing higher living standards."

Referring to the question of consolidation, he said the Government was awaiting a report from the committee investigating it, which was expected in September.

"This is a problem area and one which will have to be solved by all who have an interest in it."

Growing number

Another problem was the fact that there was a growing number of young Black people who had to be accommodated in the economy of the country.

The Minister of Co-operation and Development, Dr. Piet Koornhof, was fully aware of this. He was confident that this challenge could be met with the aid of the private sector and the homeland Governments. It was a matter which required high priority. — (Sapa.)

JARVERSLAG

1978

R INTERGROEPSTUDIES

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Die Sentrum word grootliks gefinansier deur die Abe Bailey-Trust wat ingevolge die testament van Sir Abe Bailey gestig is. Dit is geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited (Beperk deur Garansie) - 'n maatskappy beperk deur garansie en sonder 'n aandeel-kapitaal kragtens die Maatskappywet 1973 (Wet Nr. 61 van 1973).

'Red gold' could help to feed SA

Plant a stick in Venda soil and it will grow, says an old tribal adage. But the Northern Transvaal homeland still relies heavily on South Africa for its basic foods.

The "red gold" of Venda soil could convert the homeland into an important food source for South Africa and neighbouring states, according to Dr J C Otto, Commissioner-General for Venda.



And the homeland's potential income from agriculture has been estimated at R34-million a year in a development plan drawn up by the Rand Afrikaans University.

The lush Venda highlands, fed by perennial rivers and about 100 mm of rain each year, are ideally suited for orchards and irrigation farming in general. The plains are suited to stock farming, although overgrazing is a

problem.

The homeland has about 6000 avocado bearing trees and Mr John Viljoen, general manager of the Venda Development Corporation, would like to see avocados being flown to Europe from an international airport proposed in the RAU development plan.

Venda already has a well-established timber industry, forestry was the homeland's biggest income generator in 1977/78 and earned R328 000. Plantations cover more than 4 000 ha.

The 500 ha Sapekoe tea estate, established in 1973 by the Industrial Development Corporation and the Corporation for Economic Development, produced 240 000 kg of black tea this season and manager Mr Peter Vaughan aims to boost production to 1.4 million kg a year (total consumption in South Africa being in the region of 20-million kg a year).

The "red gold" of tea has provided jobs for 650 women and 150 men on the estate and the VDC plans to expand tea production in Venda by about another 1 000 ha, offering shares to tribes in exchange for their land.

The projected income from 1 500 ha of tea is R3-million a year.

Three-day courses for local farmers are offered at three training centres run by the Venda Department of Agriculture. About 90 percent of Venda's 1 800 irrigation farmers have already attended courses at the Palmariville Centre.

The homeland also has 72 qualified extension officers in the field to assist farmers.

Sapekoe tea produced at the 500 ha Tshivase estate on the slopes of Venda has been described in the following glowing terms by a big firm of tea brokers: "Well made, even, neat, clean black leaf. The liquors have excellent colour and strength, are very bright and brisk with a touch of most useful quality."

The "force" will fall under the department of the future President, present Chief Minister Patrick Mphahlele, and will be headed by Colonel T R Mulandzi, who has served in South Africa with the security and uniformed branches of the police.

The Press group did not meet members of the opposition during their tour of the homeland.

Venda is separated from the South African border by a narrow strip of land, their security.

One seconded official told The Star that the people of Venda were concerned that the strategic proximity of the homeland to Zimbabwe Rhodesia and Mozambique might constitute a threat to their security.

The South African Government has seconded staff to Venda to help "improve contact" between the VNP and the Venda people.

According to a South African source familiar with the situation, the VNP out-cannased the ruling party before the elections.

Elements of the strong Tshivase clan are known to have supported the opposition.

Asked why in a tribal society such as Venda the chiefs had not been able to reassure their subjects in the face of "intimidation," the officials replied cryptically that it had been a matter for the police and not the chiefs.

One official suggested that the 1978 riots had created the climate for intimidation. Venda experienced its share of the 1976-77 unrest in 1976, including vandalism at schools.

Senior Venda government officials told The Star that young radicals had "intimidated" the older tribesfolk into opposing their chiefs by voting for the opposition.

The subsequent detention without trial of about 13 opposition members and 50 of their supporters made headlines in South Africa.

The opposition Party (VIP) won 31 of the 42 popularly elected seats in the Legislative Assembly, but the ruling Venda National Party (VNP) retained power thanks to the support of the 42 nominated members, who included the homeland's 25 chiefs and two headmen.

The opposition Party were all subsequently released.

Appeared in court and they

economic interdependence between the homelands and South Africa: the granting of greater self-governing powers to homelands without divorcing them from the rest of the country.

But he agreed that Lebowa has had to witness the pouring of funds into those homelands which have opted for independence.

Venda is no exception. South Africa has granted an extra R18-million for 12 "independence" projects in the homeland, including a R5-million government building complex and a stateley R580 000 presidential residence for Chief Minister Patrick Mphahlele.

Journalists taken to Venda by the South African Department of Development and a five-member construction

But none of the members and officers detained in their victory at their



A waterfall on the Muthindudi, one of many perennial rivers in Venda.

New deal for trade

The Venda Development Corporation (VDC) aims to break the stranglehold which outside interests have on trade in the homeland.

Mr John Viljoen, VDC General Manager, said existing Venda traders were for all practical purposes being run by Indian wholesalers in the South African town of Louis Trichardt.

Because of the resulting high prices and inadequate stock-mix, Venda traders were losing business to outside competitors.

Fraser's, a company with experience in Botswana, Lesotho and Swaziland, will move into a R2-million shopping complex near the capital in the

Thohoyandou.

In terms of an agreement with the VDC, Fraser's Venda (Pty) Ltd will introduce a "revolving account" system. Venda traders wishing to participate in the scheme will be provided with the correct stock-mix by Fraser's.

Asked if the scheme would not give Fraser's a hold over small traders in the homeland, Mr Viljoen said at present some outside wholesalers were "crucifying" Venda traders.

Fraser's had been in the business for a century, he said. The company could never hope to obtain a monopoly in the homeland, as it could not finance all the 450 Venda traders.

Retailers would maintain their right to buy where they liked and Fraser's prices would have to be competitive, Mr Viljoen said. Outsiders would still be free to take orders in the homeland.

The VDC has a 50 percent shareholding in the company and Mr Viljoen said the corporation would sell up to half of its shares to Venda interests. About 40 vendors had already "snapped up" 10 percent of the VDC's shareholding within 10 days of the first issue.

The contract with Fraser's stipulates that the company must withdraw from Venda after 10 years, unless allowed to remain by the homeland government. Fraser's has undertaken to train Venda staff to take over the operation after the first 10 years.

workers faced an August 3 deadline for completion of the new Supreme Court and an August 21 deadline for the finishing touches to the presidential residence.

One top white official in Venda agreed that independence was a "rush job." But Dr J C Otto, Commissioner-General for Venda, told us the homeland's viability would increase drastically during the next decade.

Dr Otto said the Venda Cabinet had not been influenced by South Africa but had asked him what steps should be taken to obtain independence.

And Mr S M Phaswana, chief information officer for Venda, claimed that the ruling Venda National Party's canvassing throughout the homeland had established that most of the people wanted independence.

Intimidation by militant youth led directly to the opposition victory in the 1978 elections, according to government spokesmen in this Northern Transvaal homeland.

Uhuru comes to Venda

By Rob Meintjes

On September 13 the sound of guns will roll through the tranquil mountains of Venda.

Echoes from the gunfire will mingle with the ringing of church bells and the throb of drums.

For those who witnessed independence celebrations in Transkei and Bophuthatswana the scenario will be familiar.

On September 13 another piece of the South African Government's grand homeland plan will fall into place when the tiny Northern Transvaal Venda unit celebrates its independence.

Tribe-folk gathered for the occasion will be housed in a 1 000-bed village at the Venda capital of Thohoyandou.

South Africa will provide the tents and the artillery for the 101-gun salute. Venda will provide the drums.

Catering

And the South African Railways will take over catering functions at the new Thohoyandou Hotel for dignitaries attending the celebrations.

The homeland has undeniable potential in its rich red soil and minerals, including valuable co-king coal deposits. But independence will not free Venda from its heavy reliance on South African aid.

About R30-million of the homeland budget for 1978-1980 is provided by the South African Government, raising serious doubts as to Venda's viability as an independent nation.

The homeland has no direct rail link with the rest of South Africa and communications are hampered by the absence of an automatic telephone exchange.

tea estate in the background and the Tshivase "red gold," but the homeland still relies heavily on South Africa for its basic foods.

Venda still imports about half its food from South Africa.

Dr C N M Phahudi, chief minister of the neighbouring Lebowa homeland feels that Venda — together with the Transkei and Bophuthatswana — has been misled into accepting so-called independence that will divorce it from the rest of South Africa.

Lebowa was opposed to becoming a "second grade" self-governing state, Dr Phahudi told a touring group of South African journalists.

He said he would prefer to see a political structure which would reflect the

economic interdependence between the homelands and South Africa: the granting of greater self-governing powers to homelands without divorcing them from the rest of the country.

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Youngs people 'bullied' elders

Intimidation by militant youth led directly to the opposition victory in the 1978 elections, according to government spokesmen in this Northern Transvaal homeland.

But none of the members and officers detained in their victory at their

Opposition

The homeland's embryonic "national force" — police, defence force, prisons and traffic department — would be severely tested by any form of hostile incursion.

The "force" will fall under the department of the future President, present Chief Minister Patrick Mphahlele, and will be headed by Colonel T R Mulandzi, who has served in South Africa with the security and uniformed branches of the police.

The Press group did not meet members of the opposition during their tour of the homeland.

Strong

Elements of the strong Tshivase clan are known to have supported the opposition.

According to a South African source familiar with the situation, the VNP out-cannased the ruling party before the elections.

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One seconded official told The Star that the people of Venda were concerned that the strategic proximity of the homeland to Zimbabwe Rhodesia and Mozambique might constitute a threat to their security.

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Misled

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Mennonite Central Committee se Konferensie oor: 'Die Rol van Geskiedkundige Vredeskerke', Gaborone, Botswana. Verhandeling voorgelê oor: 'The Role of Churches in Promoting Justice in Southern Africa' (Oktober).

Konferensie van die Afrikaanse Calvinistiese Beweging, Potchefstroom (Oktober).

(c) Deelname aan Welsyns- Professionele en Openbare Organisasies

Die Direkteur het aktief gebly in die Suid-Afrikaanse Instituut vir Rasse-Verhoudinge as 'n lid Distrikskomitee, die Nasionale Uitvoerende Raad.

Hy is Voorsitter van die Quaker Service Fund, die diensafdeling van die Godsdienstige Verenigings (Quakers), wat gemeenskapontwikkeling op en in die stadsgebiede bevorder.

Die Direkteur is gekies as lid van die Raad Vereniging vir Sosiologie in Suidelike Afrika, ook 'n lid van die Suid-Afrikaanse Sosiologiese Vereniging van die Internasionale Sosiologiese Vereniging, is aangestel as die Suid-Afrikaanse afgevaardigde van die Internasionale Sosiologiese Vereniging vir die tydperk 1978-1982.

WAARDERING EN DANK

Ek is altyd dankbaar vir die geleentheid wat die jaarverslag bied om my waardering te betuig aan lede van die Akademiese Advieskomitee en die Beheerraad vir hulle leiding, aanmoediging en belang in die aangeleenthede van die Sentrum.

Die Universiteit van Kaapstad het beneuens 'n bydrae tot die bedryfskoste van die Sentrum, ook vir die Sentrum sedert sy stigting in kantooruimte voorsien. Met die uitbreiding van personeel het ons die huisie op die laer

navorsings-Fellows het aansienlik tot die Sentrum se program bygedra: dr Sheila T. van der Horst, afgetrede mede-professor van Ekonomie, U.K., en professor J.L. Boshoff, gewese Rektor van die Universiteit van die Noorde.

LIDMAATSKAP

Soos voorheen gemeld, is die Sentrum vir Intergriepstudies geregistreer as 'n maatskappy. In die Memorandum en Statute van Venootskap word voorsiening gemaak vir die benoeming van eenhonderd lede. Tans is daar 57 lede en hulle sluit die volgende in.

It has been agreed that Venda will assume responsibility for all previous assistance granted to industrialists in the homeland under the Government's scheme for the decentralisation of industries, the Secretary for Industries, Mr P. F. Theron, has announced.

He said the Venda Government would continue to assist industrialists who wished to establish themselves in Venda after independence on the same basis as was applicable before independence.

"The two governments will maintain regular contact with each other in regard to the relative levels of assistance," he added.

According to Mr Theron, industrialists who operate in Venda as branches or wholly-owned subsidiaries of companies registered in South Africa are aware that tax assistance granted to these branches or subsidiaries may be utilised by the parent company in South Africa over a period of time.

This arrangement will continue — but only in respect of income tax assistance granted prior to the independence of Venda. — Sapa.

Professor W.H.B. Dean
Dr J.P. Duminy

Professor G.F.R. Ellis

Biskop A.W. Habelgaarn

Mnr E.V.E. Howes

Professor M.F. Kaplan

Ds. W.A. Landman

Mnr G.K. Lindsay

Sir Richard Luyt

Professor S.J. Saunders

Professor H.W. van der Merwe

Mede-professor D.J. Welsh

Professor Monica Wilson

Venda ^{Star} 15/8/79 will keep up aid ⁽¹¹³⁾ scheme

Post (113) 16/8/79

MY ARMY WILL FIGHT: MPHEPHU

CHIEF Patrick Mphphu, Chief Minister of Venda, whose homeland becomes the third to gain its independence from South Africa on September 13, has said that his

army would help fight terrorism in Northern Transvaal.

Chief Mphphu this week signed non-aggression, freedom of movement and other agreements with the

South African Prime Minister, Mr P W Botha, at the Union Buildings in Pretoria.

The agreements, which include economic and industrial development will take effect on Independence Day.

Because of common interests, my army and the South African Army, will jointly fight any terrorist insurgents in the Northern Transvaal, he said.

He said that preparations for the independence were well under way.

In addition to a new army, he was also preparing his own police force and a traffic department.



Chief Patrick Mphphu.

ring van die Maat-
ar 'n verteenwoordiger
n 1978 gehou en die
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n die Kaapse Skier-
ike navorsings-

Friends (Quakers) en van die American Friends Service Committee deurgebring. Hy het 'n aantal konferensies in verskillende dele van die land bygewoon, baie vergaderings toegesprek en senior beamptes van die Carnegie Corporation, van Community Relations Services van die Departement van Justisie van die Amerikaanse regering, van die American Friends Service Committee en kollegas verbonde aan verskeie universiteite besoek.

Gedurende Augustus en September het die Direkteur Engeland, Nederland, Switserland, Swede, Israel en Zambië besoek. Hy het vooraanstaande joernaliste, Suid-Afrikaanse diplomaate, senior amptenare van die Suid-Afrika-Stigting en verskeie regerings betrokke by Suid-Afrikaanse belange ontmoet. Hy het besprekings gevoer met stigtings, trusts en opvoedkundige verenigings. As gevolg van sy besoek aan Nederland het hy 'n toelae vir die Konstruktiewe Program ontvang van die Algemeen Diakonaal Bureau van die Gereformeerde Kerken in Holland.

Professor J.L. Boshoff, ere-fellow van die Konstruktiewe Program, het met 'n aantal instansies, wat universiteite in Natal en Transvaal insluit, en met verskeie handels- en industriële firmas in Natal, kontak opgebou.

(b) Konferensies

Gedurende 1978 het die Direkteur die volgende konferensies bygewoon:

Jaarlikse Konferensie, Nasionale Uitvoerende Komitee- en Raadsvergadering van die Suid-Afrikaanse Instituut vir Rasverhoudinge, Kaapstad (Januarie).

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VENDA-WETGEWENDE VERGADERING.—
WYSIGING VAN PROKLAMASIE R. 119 VAN
1971

Kragtens die bevoegdheid my verleen by artikel 1
(2) van die Grondwet van die Swart State, 1971 (Wet
12934—A

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VENDA LEGISLATIVE ASSEMBLY.—AMEND-
MENT OF PROCLAMATION R. 119 OF 1971

By virtue of the powers vested in me by section 1 (2)
of the Black States Constitution Act, 1971 (Act 21 of
6620—1

GG 6620

They have persuaded me to stay at home

21 van 1971), wysig ek hierby die gebied van die Venda-
Wetgewende Vergadering, soos omskryf in die Bylae
van Proklamasie R. 119 van 1971, deur genoemde
Bylae deur bygaande Bylae te vervang.

Gegee onder my Hand en die Seël van die Republiek
van Suid-Afrika te Pretoria, op hede die Dertigste dag
van Julie Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

“BYLAE

GEBIED VAN DIE VENDA- WETGEWENDE
VERGADERING

Die gebied bestaande uit die volgende distrikte,
naamlik:

- (a) Sibasa;
- (b) Dzanani;
- (c) Vuwani;
- (d) Mutale.”

1971), I hereby amend the area of the Venda Legis-
lative Assembly, as defined in the Schedule to Procla-
mation R. 119 of 1971, by the substitution for the said
Schedule of the accompanying Schedule.

Given under my Hand and the Seal of the Republic
of South Africa at Pretoria this Thirtieth day of July,
One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

“SCHEDULE

AREA OF THE VENDA LEGISLATIVE
ASSEMBLY

The area consisting of the following districts, namely:

- (a) Sibasa;
- (b) Dzanani;
- (c) Vuwani;
- (d) Mutale.”

Cum obsidionem Gallii non reliquerent, Romanii Camillium ab exsilio revocare

Gallii, ubi paucos dies in urbe manserunt ut praedam e templis domibusque
quam plurimam compararent, in arcem impetum facere constituerunt. Prima
luce convenerunt omnes in forum; deinde magno clamore ad collem contenderunt.
Romani tamen, cum fortiter pugnarent, magna clade eos depulerunt. Itaque
cum spes victoriae illo die nulla esset, Gallii obsidionem paraverunt. Mox
in periculo ingenti arx erat. Gallii enim, cum aut vestigium hominis
vidissent aut ipsam viam invenissent, collem nocte ascendere constituerunt.
Cum autem alios per saxa traherent, magno silentio ad summum pervenerunt.
Nihil audierunt custodes Romani; ne canes quidem excitati sunt. Sed erant
forte in Capitolio anseres quidam, quibus, cum Junoni sacri essent, Romani
in maxima inopia cibi abstinerant. Quae res tum Romanos servavit. Clangore
enim anserum alarumque strepitu cum excitatus esset Marcus Manlius, vir
bello insignis, arma cepit, ceteros vocavit, ipse ad locum contendit et
Gallium, qui iam in summo stabat, scuto deturbavit. Illius casu cum ceteri
strati essent, mox omnes Gallii praecipites delecti sunt.

After massacring the old men, the Gauls sacked the city and attacked the
Capitol. Beaten off, they besieged it until the garrison was ready to
buy peace with gold. At the critical moment the great general Camillus,
who had been living in exile, arrived with an army to take vengeance on
the invaders.

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Vendas get books gift

c) Ander lede:

- Mnr K. Bosman
- Professor A. Cupido
- Mnr N. Daniels
- Mnr Achmat Davids
- Professor R.J. Davies
- Mnr H.W. Middelmann
- Erw. M.T.L. Moletsane
- Professor A.D. Muller
- Sheik A. Najaar
- Mnr Victor Norton
- Professor N.T. ...

4

A R30 000 donation to buy books for the Venda National Library was made here yesterday by the Chamber of Mines to the Venda government.

ers last year had earned R4,5-million.

Much of this amount would have returned to Venda.

The mining industry was trying to improve the quality of life for the miners and had spent R350-million on accommodation facilities over the past five years.

Thanking the Chamber of Mines, the Venda Minister of Education, Mr E R B Nesengani, said one of the agreements signed recently with the South African Government made it possible for Venda to participate in the Southern African Inter-Library Loan system.

Books, he said, provided essential information to assist all those concerned with national development.

Presenting the cheque on the eve of Venda independence next month, the president of the Chamber of Mines, Mr D A Etheredge, said education was one of Africa's great needs. Venda would need to increase its skills in agriculture and other skills and, it was hoped, also in mining.

Noting that the number of Vendas working on South African mines had risen from 300 in 1976 to 3 000 last year, Mr Etheredge said the Venda min-

A. Mobiliteit en Politieke Verandering in Suid-Afrika
Hierdie projek is 'n paar jaar gelede aangepak. 'n Onderzoek onder die kleurling bevolking van die Kaapse Skiereiland is onderneem. 'n Aantal tydelike navorsings-

Friends (Quakers) en van die American Friends Service Committee deurgebring. Hy het 'n aantal konferensies in verskillende dele van die land bygewoon, baie vergaderings toegesprek en senior beamptes van die Carnegie Corporation, van Community Relations Services van die Departement van Justisie van die Amerikaanse regering, van die American Friends Service Committee en kollegas verbonde aan verskeie universiteite besoek.

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VENDA

THE THIRD OF THE NEW SOUTH AFRICAN STATES

● ORMANDE POLLOK, political correspondent has been visiting
Venda which in three week's time will become independent.

He poses the question...

Can it sever the apron strings?

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Government's separate
development policy.

One side of the coin is the
political futility of so-
called independence which
really will amount to little
more than local autonomy
over their internal affairs.

The other, brighter side
is the benefit to the local
people of industrial
decentralisation and the
mod. cons. which go with it

— such as improved health
services, education and
training, job opportunities
and a better quality of life.

SECRET

Politically, Venda is an
unknown quantity. Nobody
there seemed able, or
allowed, to say just how
the political system would
work. Although a constitu-
tion has been prepared

journalists on our recent
trip were told variously
that it was still secret or
that it was not yet
available.

Arrangements to meet
the future president, Chief
Patrick Mpephu, and his
cabinet went awry. Nobody
could even tell us how the
president would be elected.

However, nobody
questioned that it would be
Chief Mpephu who so far
has lost two popular elec-
tions, but sits secure in the
saddle by dubious virtue of
the 42 nominated seats in
the assembly, all held by
chiefs and headmen.

Of the 42 elected seats
his VNP won only 11. The
rest are held by the
Independence Party
headed by Mr. Baldwin
Madau, a Johannesburg
sociologist.

Described as a "conser-



ONE of the stamps which will be used to com-
memorate the independence of Venda. The elephant
plays a big part in the history and tradition of the
Venda people.

where the farmers of
tomorrow are given
specially designed courses
with practical training in
mechanics, building,
woodwork and other sub-
jects so that the students
will be equipped to deal
with many of the day to
day problems which will
confront them.

There is no question that
serious efforts are being
made to improve the
agricultural potential, but
there is a tremendous way
to go.

There are confident
predictions though that
Venda will not only be self-
supporting in food but that
it will ultimately have
enough for large-scale ex-
port as well.

Another investment in
the future is the number of
children in schools and peo-
ple in training courses —
about 135 000 — more than
a third of the local popula-
tion.

A specially notable in-
stitution is the Deaf School
at Thohoyandou where 120
children are being

Those who favour this
approach may yet have
their way because of grow-
ing suggestions that this is
what the Prime Minister,
Mr. P. W. Botha may ul-
timately have in mind
when he speaks of a con-
stellation of states.

Whatever the politicians
are doing, the officials in-
volved in efforts to develop
Venda and train its own
workers and farmers are
endowed with a missionary
dedication.

JOBS

Few of them talk
politics — what really in-
terests them is how they
can create jobs and
generate new industries
and promote skills where
few existed before.

What has been achieved
so far is minor in terms of

vative", Chief Mpephu started the Venda National Party which is tradition orientated and concerned with preserving the powers and functions of the chiefs.

According to an official handout, Venda will be multiracial, Whites will be able to take out citizenship, but there do not seem many there to do so if they wished, and South Africa's race laws will be retained.

There does, however, seem to be some question about the retention of the race laws.

SHARE

Some non-official views on the homeland's political future seem to favour the inclusion of Venda in a federal or confederal arrangement with South Africa and other developing homelands.

The argument is that in this way the country will be able to share in the general good fortune of South Africa as a whole.

large scale development. But, an important start has been made at training colleges where basic trades are being taught, teachers and farmers are being trained and Black entrepreneurs of the future are being helped to establish themselves.

One of the problems is that people who have been trained are snapped up and move away.

Clearly, those involved in the development see the country's future in the rich soil — red gold as they call it — which is virtually everywhere.

So far the biggest projects are a huge tea farm and forests.

Water schemes for irrigation and rural consumption, which will transform the lifestyles of many are being developed. There has been research into the best crops to be planted and the Dinani Agricultural College already has 300 students, which will grow to 450,

prepared to face life in a competitive society.

The school has just started caring for blind children as well, some of whom arrived never even having walked because of the over-protection of their families.

MINING

Mining and tourism also offer hope of development but the full mineral potential is not yet known and the country's natural beauty has still to be exploited.

A not uncommon sight in Venda are experts in various fields and doctors on secondment from the South African Defence Force who are helping to prepare the country for the future.

While the country will be technically as independent as any other it will be welded to South Africa for many years to come even if all the dreams of the developers come true.



VENDA — showing its position in the north-east corner of South Africa between the borders of Zimbabwe-Rhodesia and Mozambique. The boundaries have been slightly modified and after the 1975 consolidation there a South African corridor was created along the Limpopo River.

Map by courtesy of Black Homelands in South Africa by T. Malan and P. S. Hattingh published by the Africa Institute of South Africa.

Links with the past

THE Venda people who become independent on September 13 are still highly tradition orientated although links with the past are being watered down by contact with "Western" civilisation.

About a quarter of the people of the tiny state live away from home.

Some of the old beliefs are still strongly held by the local population whose forefathers trekked from Rhodesia in the 1600s and settled this fertile area.

Prominent in the folklore is the sacred Fundudzi Lake, the resting place of the Vhatavhatsindi clan's forefathers.

It is close to visitors and is regarded as a place of worship. It is inhabited by crocodiles which, according to local belief, will not eat people. The crocodiles are considered sacred and may not be killed.

The headman must give permission for anyone to fish there but visits have been stopped for tourists since some Whites desecrated a cave shrine a few years ago and stole some assegais.

They were prosecuted and fined a sheep, a cow, money for beer and R500.

Another tribe the Iwamondo regard the ba-boon troops of a particular

mountain as sacred and protect them in return for warning the tribe of an impending attack by marauders years ago.

Having being warned the sleeping tribe was able to beat off the attack.

Animals have an important place in Venda life. the capital, Sibasa, is to be renamed Thohoyandou after the Venda's first chief. The new state president, Chief Patrick Mpephu, is a direct descendant of the first chief.

Literally translated Thohoyandou means, head of the elephant and a huge elephant's head mural dominates the decorative new Parliament.

Mphephu move shatters hopes for peace in Venda

SUN. EXPRESS 24/8/73

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OTHER CHIEFS ANGRY AS HE IS MADE PARAMOUNT

BY JEAN LE MAY

VENDA's pre-independence euphoria was damped this week when its Legislative Assembly met in an unexpected one-day session which bodes ill for the future peace of the state.

In a wholly unexpected move, Chief Patrick Mphephu, the homeland's autocratic Chief Minister, was made a Paramount Chief — the first and only Paramount Chief in Venda.

The move was bitterly resented by other senior Venda chiefs — and, anthropologists consulted by the Sunday Express say, the new paramouncy is not justified historically.

The chiefs sat glumly in the palatial new Parliament this week and heard a Cabinet Minister, Mr. E. Nesen-

gane, introduce the motion to make them subservient to Chief Mphephu.

Chief Tshivase, generally regarded as a possible claimant to a Paramouncy in Venda, sat silent, glaring across the floor at the man to whom it had been granted.

It was left to two commoners, Opposition Leader Mr Baldwin Mudau and his deputy Mr Gilbert Ligege, to oppose the motion.

"Imposing a Paramount Chief on us will disturb the entire equilibrium of the Venda people," warned Mr. Mudau.

"I am very suspicious of this move. It is intended to frighten the chiefs — chieftainship is being undermined. This has been planned by people who have rewritten history for their own purposes."

Mr Ligege asked: "What is the job description of a Paramount Chief?" adding that it was a dangerous innovation to combine the office of Executive President and Paramount Chief.

The Sunday Express learnt this week that Venda's 27 chiefs were called together recently and arbitrarily told to elect a Paramount Chief. The name of Chief Mphephu was put forward and those who objected were told that if they did not agree they would immediately be deposed.

The motion in the Legislative Assembly was thus merely rubber stamping a decision which had already been taken.

The motion was not even put to the vote, since 41 of the 42 nominated chiefs and headmen support Chief Mphephu's Government and would have out-voted Mr Mudau's 31 supporters — all elected members — in the Assembly.

Political observers see the creation of a Paramount Chieftancy in Venda as extremely dangerous.

When Venda becomes in-

dependent in just over two weeks, Chief Mphephu, whose autocratic leanings are well known, will hold total power over the state's traditional quasi-religious institutions, as well as over its administration, to an extent never before seen in Southern Africa.

There are indications that the other powerful chieftaincy in Venda, that of Chief Tshivase, bitterly resents the creation of a Paramount Chief. Chief Tshivase has always been regarded as the senior in a loose confederacy of independent chiefs in Eastern Venda, while Chief Mphephu was regarded as senior chief in Western Venda.

There is traditional enmity between the two houses, who until very recently, were also political enemies.

Die Sentrum word grootliks gefinansier deur die Abe Bailey-Trust wat ingevolge die testament van Sir Abe Bailey gestig is. Dit is geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited (Beperk deur Garansie) — 'n maatskappy beperk deur Garansie en sonder 'n aandele-kapitaal kragtens die Maatskappywet 1973 (Nets. Nr. 61 van 1973).

No. R. 200, 1979

7/9/79
OORDRAG VAN GROND EN SEKERE REGTE
AAN DIE REGERING VAN VENDA

Kragtens die bevoegdheid my verleen by artikel 36 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), artikel 4bis van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), en artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), verklaar ek hierby dat—

(1) behoudens die bepalinge van paragraaf (3) en onderworpe aan enige bestaande skriftelike vergunning, koopkontrak, huurkontrak, serwituut, verband of ander beswaring, reg of verpligting, alle grond geleë in die distrikte vermeld in Bylae A, waarvan die eiendomsreg of beheer berus by of verkry is deur die Regering van die Republiek van Suid-Afrika of die Suid-Afrikaanse Ontwikkelingstrust, ingestel by artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936) (hieronder "die Trust" genoem), uitgesonderd die grond omskryf in Bylae B, berus by of hierby oorgedra word aan die Regering van Venda;

(2) behoudens die bepalinge van paragraaf (3) en onderworpe aan enige bestaande skriftelike vergunning, koopkontrak, huurkontrak, serwituut, verband of ander beswaring, reg op verpligting, alle grond geleë in die distrikte vermeld in Bylae A, wat op naam van die Minister van Samewerking en Ontwikkeling of van enige ander persoon in trust vir 'n Swart persoon, stam of gemeenskap geregistreer staan, hierby oorgedra word aan die Hoofminister

No. R. 200, 1979

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TRANSFER OF LAND AND CERTAIN RIGHTS
TO THE GOVERNMENT OF VENDA

Under and by virtue of the powers vested in me by section 36 of the Black States Constitution Act, 1971 (Act 21 of 1971), section 4bis of the Development Trust and Land Act, 1936 (Act 18 of 1936), and section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby declare that—

(1) subject to the provisions of paragraph (3) and subject to any existing written concession, contract of sale, lease, servitude, bond or other encumbrance, right or obligation, all land, excluding the land described in Schedule B, situate in the districts mentioned in Schedule A, the ownership or control of which is vested in or has been acquired by the Government of the Republic of South Africa or the South African Development Trust, constituted by section 4 of the Development Trust and Land Act, 1936 (Act 18 of 1936) (hereinafter referred to as "the Trust"), shall vest in, or is hereby transferred to, the Government of Venda;

(2) subject to the provisions of paragraph (3) and subject to any existing written concession, contract of sale, lease, servitude, bond or other encumbrance, right or obligation, all land situate in the districts mentioned in Schedule A which is registered in the name of the Minister of Co-operation and Development or of any other person in trust for a Black person, tribe or community is hereby transferred to

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van Venda en op sy naam in trust vir sodanige Swart persoon, stam of gemeenskap geregistreer word;

(3) alle mineraleregte wat deur die Regering van die Republiek van Suid-Afrika of die Trust gehou word ten opsigte van grond geleë in die distrikte vermeld in Bylae A, uitgesonderd die mineraleregte in die grond omskryf in Bylae B, berus by of hierby oorgedra word aan die Regering van Venda;

(4) 'n sertifikaat—

(a) ten opsigte van grond in paragraaf (1) bedoel, waarvan die eiendomsreg of beheer berus by of verkry is deur die Trust, die grond in paragraaf (2) bedoel en die mineraleregte in paragraaf (3) bedoel, waarvan die Trust die houer is, onderteken deur die Sekretaris van Samewerking en Ontwikkeling of enige persoon behoorlik deur hom daartoe gemagtig, ten effekte dat die grond of mineraleregte beskryf in 'n titelbewys aan sodanige sertifikaat geheg, kragtens hierdie Proklamasie berus by of oorgedra is aan die Regering van Venda of die Hoofminister van Venda, na gelang van die geval;

(b) ten opsigte van grond in paragraaf (1) bedoel, waarvan die eiendomsreg of beheer berus by of verkry is deur die Regering van die Republiek van Suid-Afrika, en die mineraleregte in paragraaf (3) bedoel, waarvan die Regering van die Republiek van Suid-Afrika die houer is, onderteken deur die Sekretaris van Landboukrediet en Grondbesit of enige persoon behoorlik deur hom daartoe bemagtig, ten effekte dat die grond of mineraleregte beskryf in 'n titelbewys aan sodanige sertifikaat geheg, kragtens hierdie Proklamasie berus by of oorgedra is aan die Regering van Venda;

voldoende bewys is vir die Registrateur van Aktes om enige endossement op genoemde titelbewys aan te bring of enige inskrywing te dien effekte in sy registers te maak.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agt-entwintigste dag van Augustus Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE A

Dzanani.

Mutale.

Sibasa.

Vuwani.

BYLAE B

1. Gedeelte 1 van die plaas Mpapuli 278 MT.

2. Grond ten opsigte waarvan die Suid-Afrikaanse Ontwikkelingstrust of die Regering van die Republiek van Suid-Afrika met 'n ander party ooreengekom het, of met onderhandelings besig is onmiddellik voor die datum van inwerkingtreding van hierdie Proklamasie, om sodanige grond aan sodanige ander party oor te dra, maar wat nog nie aldus oorgedra is nie.

the Chief Minister of Venda and registered in his name in trust for such Black person, tribe or community;

(3) all mineral rights held by the Government of the Republic of South Africa or the Trust, in respect of land situate in the districts mentioned in Schedule A, excluding the mineral rights in the land described in Schedule B, shall vest in or are hereby transferred to the Government of Venda;

(4) a certificate—

(a) in respect of land referred to in paragraph (1), the ownership or control of which is vested in or has been acquired by the Trust, the land referred to in paragraph (2) and the mineral rights referred to in paragraph (3) of which the Trust is the holder, under the hand of the Secretary for Co-operation and Development or any person duly authorised thereto by him, to the effect that the land or mineral rights described in a title deed annexed to such certificate vest in or have been transferred to the Government of Venda or the Chief Minister of Venda, as the case may be, in terms of this Proclamation;

(b) in respect of land referred to in paragraph (1) the ownership or control of which is vested in or has been acquired by the Government of the Republic of South Africa and the mineral rights mentioned in paragraph (3) which are held by the Government of the Republic of South Africa, under the hand of the Secretary for Agricultural Credit and Land Tenure or any person duly authorised thereto, by him, to the effect that the land or mineral rights described in a title deed annexed to such certificate vest in or have been transferred to the Government of Venda in terms of this Proclamation;

shall be sufficient proof for the Registrar of Deeds to make any endorsement on the said title deed or any entry to that effect in his registers.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this Twenty-eighth day of August One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE A

Dzanani.

Mutale.

Sibasa.

Vuwani.

SCHEDULE B

1. Portion 1 of the farm Mpapuli 278 MT.

2. Land in respect of which the South African Development Trust or the Government of the Republic of South Africa has come to an agreement, or an agreement is being negotiated with another party immediately prior to the date of coming into operation of this Proclamation, to transfer such land to such other party, but which has not yet been so transferred.

VENDA INDEPENDENCE

Into the cold

With the help of all our people and guidance from above, we shall meet the challenges of the future as our ancestors responded to the challenges of their day. If we do so, we can face the future with confidence — Chief Patrick Mphphu of Venda.

In one week's time, Chief Mphphu's faith will be tested to the utmost. On September 13, the minuscule homeland of Venda — 6 500 km² of lush but impoverished land strategically wedged in the remote north-eastern Transvaal — cuts its umbilical cord with SA and achieves "independence."

As with its predecessors, Transkei and BophuthaTswana, Venda will embark on a course of political and economic isolation. There will be an SA embassy in its new capital of Thohoyandou and financial hand-outs from Pretoria, but the world will shun Venda as the offspring of apartheid.

One of the crucial issues is citizenship. Mphphu has proudly noted that "the definition of citizenship contained in the draft constitution for an independent Venda homeland was unanimously agreed upon by the legislative assembly."

All very well. But Mphphu, in alliance with traditional chiefs and headmen, controls that assembly. The 1979 Status of Venda Act confers Venda citizenship not only on the 322 900 Vhavenda in the new state, but also on the 150 300 living in "white" SA. At independence they will all lose both their SA citizenship and their rights to a political destiny in a common SA.

Mphphu — executive president-designate of Venda and now a paramount chief to boot — has said that Vendas in SA after independence will not lose their "rights and privileges." But whether or not this means that leasehold rights of urban Vendas can be inherited remains unclarified.

The attached strings

Pretoria provided over R30m of Venda's 1978-79 budget of R36,4m. Financial grants will continue, so there is no doubt who controls the purse strings. Stamp revenue, local taxation, gst, income from the customs pool — these will only be supplementary sources of income.

But Venda's *raison d'être* remains political, not economic. And Mphphu, whose record is one of autocracy bolstered by conservative tribal support, is regarded as Pretoria's man.

Mphphu's chief political opponent, Baldwin Mudau of the Venda Independence Party, appears to have overcome most of his earlier scruples about independence.

The political upheavals of 1976-77 — when there were riots and arson in Venda — and of 1978, when Mudau supporters were jailed after elections showed that he enjoyed majority support in the elected seats, are far from forgotten. And Mphphu has even risked enmity among traditional elements by having himself declared paramount chief.

Internal tensions can only be exacerbated by Venda's geographical situation, with Frelimo's Mozambique to the east, and Zimbabwe-Rhodesia to the north, separated by the Kruger National Park and a



Mphphu . . . is he Pretoria's man?

narrow strip of the Transvaal respectively. (A portion of Venda was excised so as to create a sort of "Caprivi Strip" between the bantustan's northern border and the Limpopo.) The relatively unpopulated north and bushy south are ideal territory for guerrilla incursions.

However, "The South African Soldier is Your Friend," appears on classroom posters; and a new para-military Venda National Force (functioning as army, police, traffic police and prisons service) under the command of a former SA security policeman is everywhere in evidence.

The spanking new capital of Thohoyandou, near Sibasa, boasts a legislative assembly, administration buildings, and a supreme court — costing around R19m. One informant told the *FM* that a new jail has also been constructed — complete with gallows "so that offenders can pay their debt to their own society rather than someone else's."

Female workers are a common sight in Venda. Officials are quick to note that this

is a "traditional" aspect of the society. However, since per capita income is put at R22 a month, half the territory's food must be imported and 67% of the male workforce must seek a livelihood outside Venda's boundaries (62 300 migrants earned R99,7m, over 70% of gross national income in 1978), "tradition" has probably less to do with it than sheer necessity. A sad rider to the above is the infant mortality rate: 103/1 000 for females, 134/1 000 for males.

The main areas needing attention are:

- Development of infrastructure. Since a rail spur to Louis Trichardt in the west appears beyond hope of fulfilment, upgrading of the road system is a priority. Venda's cash agricultural produce — tea, coffee, tropical fruits, even pepper — has to be shifted to the big market centres for it to become a significant revenue earner.

- Mining. Coal deposits in the north-west are a possibility, though Iscor will tell the *FM* only that it is "continuing with exploration."

- Tourism. Venda's southern sub-tropical region has reasonable roads, though little else. Predictably, the Thohoyandou Hotel is apparently to be decked out with gambling facilities. Indeed, there is talk of expanding gambling as an industry. But, with Sol Kerzner's Sun City in Bophutha-Tswana providing a massive drawcard, Venda's future as a den of iniquity appears dim.

Much is made of the "African" aspects of Venda, and it is said the Vhavenda are SA's most tribally-orientated people. If so, it is hardly feasible that the chiefs would permit the bare-breasted maidens of the Domba initiation dance to become a tourist attraction.

- Agriculture. This contributed R7,2m of Venda's GDP of R26m in 1976, and the subsistence sector remains relatively large. Traditionally, land is vested in the tribe, so consolidation for viable projects has been retarded.

- Manufacturing and retailing. The Venda Development Corporation is involved in a number of tripartite agreements with SA concerns, of which a Frasers supermarket in the capital has caused most controversy. Undoubtedly, small traders in Venda and the neighbouring Transvaal will suffer from slick marketing of household commodities. But the counter-argument — that it is important to prevent "leakage" of purchasing power out of Venda — also carries weight.

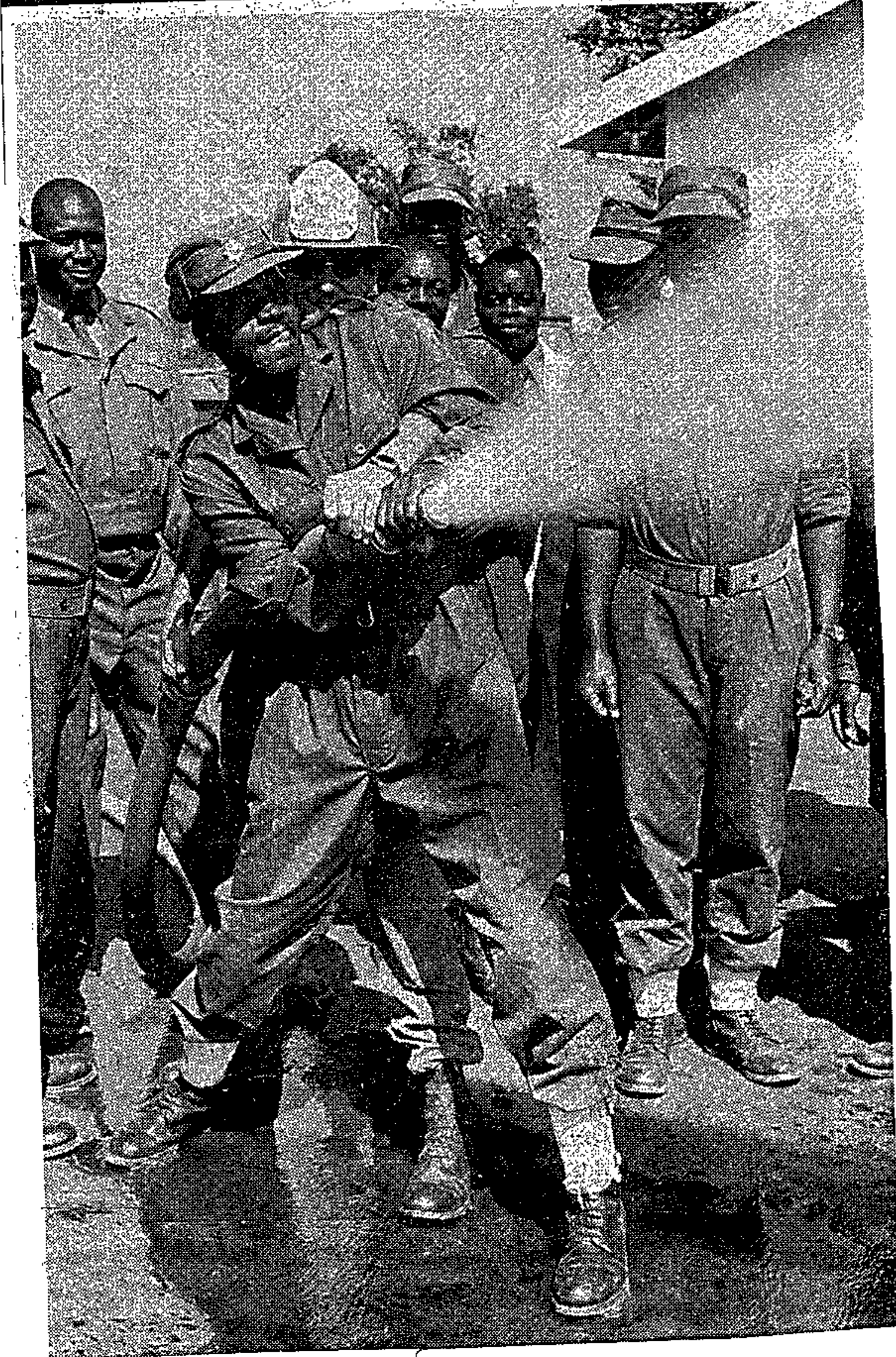
Whatever the good intentions, the attendant brouhaha and the extent of television coverage of independence, the Vhavenda will wake up to austerity and a diplomatic freeze on September 14.

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FM 7/9/79

SUNDAY EXPRESS September 9, 1979

VENDA READY TO ASSUME THE TR



SA taxpayers' For shares in

VENDA's new capital, Thohoyandou, is an R18-million going-away present from the taxpayers of South Africa.

The angular, plum-brown buildings, sprawling over a hillside near Sibasa, were alive with activity when Sunday Express chief photographer Doug Lee and I went there last week.

Working against time — Independence for the homeland is next Thursday — men and women were putting finishing touches to the grounds and office blocks.

In the new Parliament building, a few electronic snags still had to be ironed out — the simultaneous translation system left the Press box in silence, and proceedings were periodically plunged into darkness.

Speaking as a South African taxpayer, I must say we've done them proud. The huge chamber is panelled with indigenous wood, dominated by a carving of Thoyoyandou — the Head of the Elephant.

Legendary King of the Venda after whom the capital is named.

● Dampening — firefighters of Venda's new National Force learn to handle the hoses in time for Independence Day.

He will also be Commander-in-Chief of the Venda National Force. This

By JEAN LEMAY WITH PICTURES BY DOUG LEE



body will combine army, police, firefighters, and prison staff. The force is being trained by South Africans at its big new base in the capital.

The photographed Corporal Arthur Plank of the Witwatersrand Command training a posse of Venda fire-fighters. The C-in-C was not available for photographs. "Anyway, he was only measured for his uniform last week," we were told.

The Independence stadium was being erected on a hillside outside the capital.

It will seat 20,000, said a man who works for the construction company. "We did Trankel and Bophuthatswana — they had stands for 60,000," he sniffed.

Close-by, a tent city was being put up to house 10,000 people during the celebrations. Word is being spread among the mountains and oxen killed and free beer for everybody.

People we spoke to were either not prepared to tell us what they thought of Independence, or obeyed the traditional injunction against giving information to strangers. Several groups of school children said they had been told nothing about Independence, at all, their

NEW COAT OF ARMS, A PARAMOUNT CHIEF AND A BR R18-million gift: a pickle factory?

fell about laughing as we drove away.

We knew this was not true, however, because we had been told of film shows and talks, of school choirs practising, of dancing and sports teams in training for the week of arena events and for the big day itself.

A rather drunken man to whom we gave a lift was enthusiastic about Independence until he spoilt everything by adding that he no longer lived in Venda and would never live there again if he could get his pass fixed up.

Deputy Leader of the Venda Opposition Gilbert Ligege, whom we visited on his flourishing farm, was also reticent about the future of Venda — not surprising, as he spent two months in detention under Venda's emergency laws after the last general election.

Politically, he foresaw trouble over the creation of a Paramount Chieftaincy for Chief Mphhephu, he said, since the chiefs of Eastern Venda have never acknowledged his claim to the Paramountcy. Economically, he said, Venda would have to depend



● Gilbert Ligege, deputy leader of the opposition Venda Independence Party, sees economic and political trouble ahead for the new State.

more than from any other single source except exports of labour. But 66% of farmers transport their produce by foot and by donkey wagon.

The country grows good quality tea and coffee. Ishivase Tea Estate manager Peter Vaquidini, a former Assam tea planter, described the green hills of Venda as the best potential tea country he had ever

drought, so the villages of conical huts surrounded by banana plants were bathed in dust. Smoke fromveld fires veiled the dim, blue mountains.

A few houses in Chief Mphhephu's home village, 50km from the capital, had been freshly painted with bright geometrical designs. The local shop had good stocks of mealie meal, cool drinks, very expensive tinned fish and washing powders.

Such a shop had a turnover of R800 a month, we were told. The Mphhephu Bottle Store (owned by the Chief's brother) displayed two shelves filled with half-bottles of J & B Whisky.

We were discouraged from taking pictures of the Chief's traditional home of thatched mud huts. His jail, a small stone building with high barred windows, was unoccupied.

It could remain so, because among the going-away presents to Vendors is a brand spanking new prison.

1/3
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on South Africa — R30-million out of its R36-million



budget for this year alone — as much as it ever did because the homeland state was unlikely to be acknowledged internationally.

What about the much-vaunted find of coking coal, we asked, and Mr. Ligege replied: "Eating won't wait — how long will the coal take to develop?"

"Good question," commented Venda economic adviser Robert Smith when we spoke to him about Mr. Ligege's query later. "Only half the coal is exploitable," he said. "There is no railway line at all in Venda — and no tarred roads outside the capital.

"Venda is not rich in minerals, and is having problems with 20 000 small claims dating from the turn of the century, nearly all owned by Whites."

He admitted that Venda was pinning its hopes for the future on agriculture — chiefly tea, coffee, tropical fruit and vegetables.

"We are the biggest producer of green mangos in Southern Africa," he said, telling us of the pickle factory — of which all Venda officials seem inordinately proud — and of plans for canning and freezing plants.

Venda earns R500 000 a year from tropical fruit —

seen. Tea produced on the estate has had glowing reports from London brokers and people flock to work on the plantation.

Officials enthuse about Venda's potential for tourism, but it is only potential. The only hotel in Thohoyandou is always crammed to capacity with White officials and visiting businessmen and, at night, is loud with merrymaking by local drinkers. Some guests sleep in dormitories and, while we were in Venda, the hotel had had no water supply for two days.

Another snag is that that seeming tourist attractions such as Lake Fundudzi, the

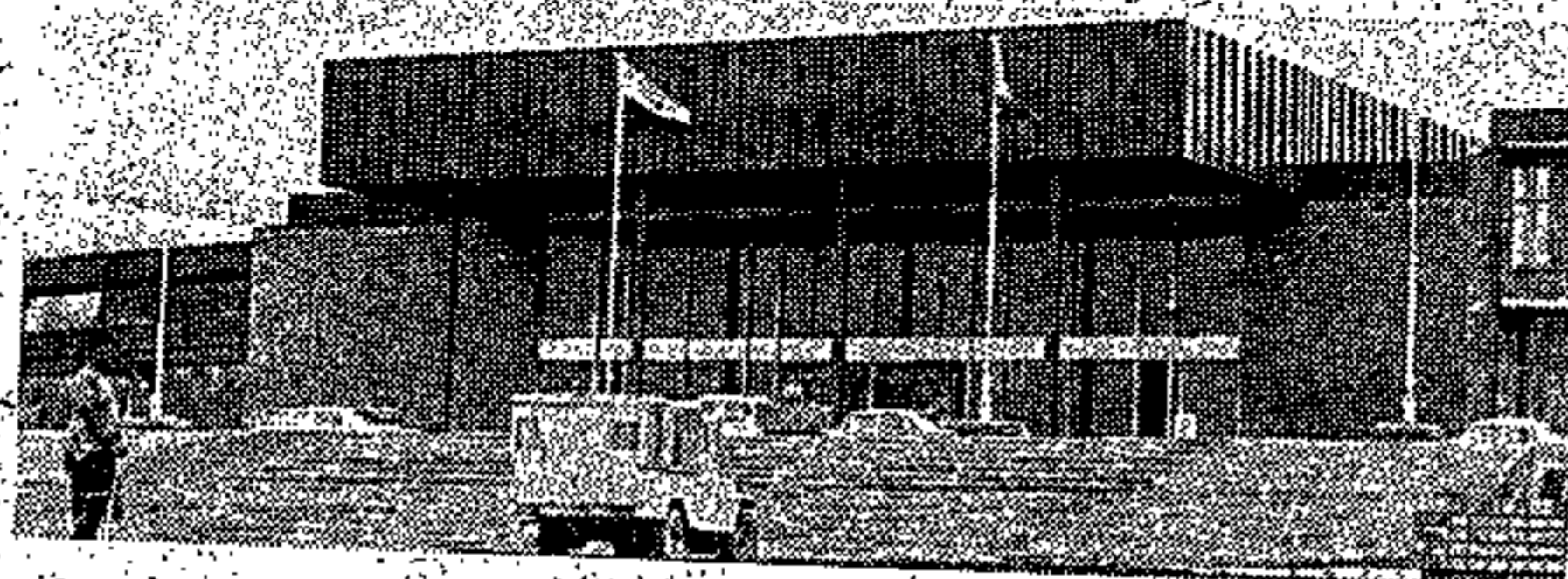
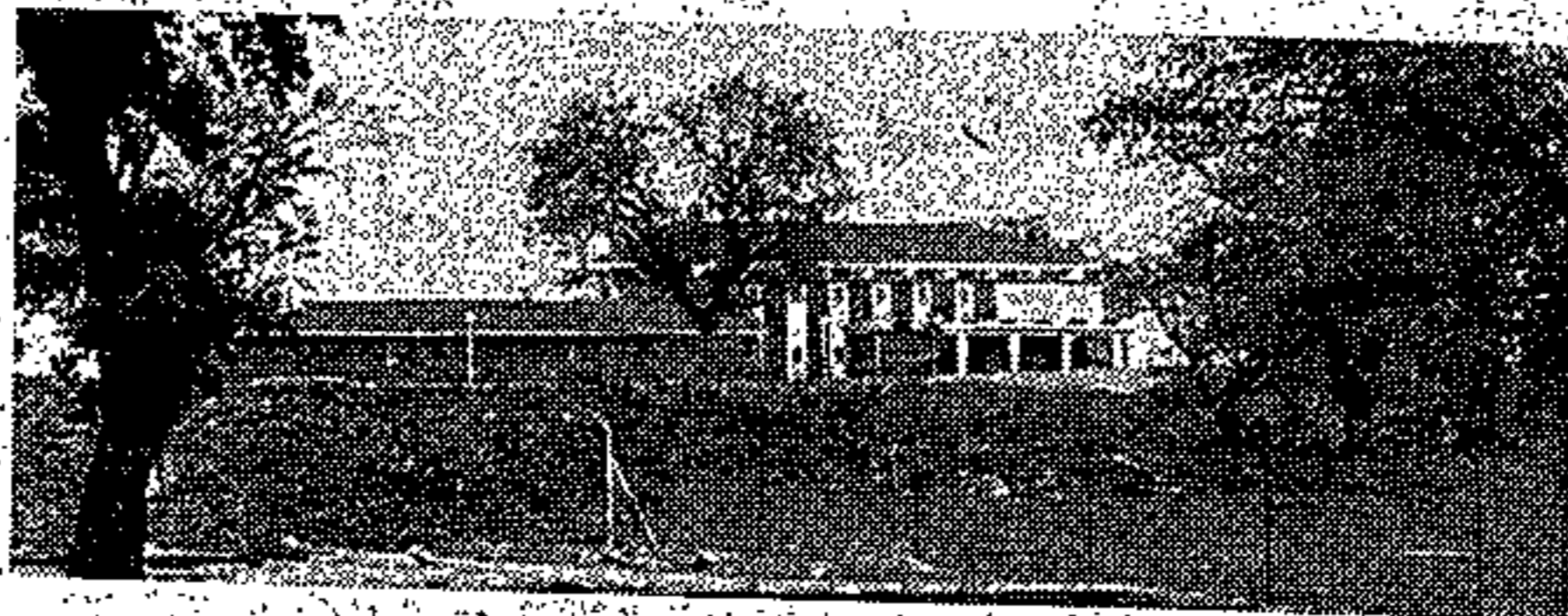


Phiphidi Falls and the famous domba dances are sacred to the Venda, who resent sightseers.

But tourists can always visit the crocodiles, housed at the fish farm.

We heard that the crocodiles climbed out of the river and ate up all the fish, so the fish farm was to be replaced by a handcrafts establishment selling crocodile skin handbags, but everyone was rather evasive about this.

Outside the capital, Venda appeared untouched by its approaching Independence. Girls swayed grace-



● Presidential palace (top) for Paramount Chief Mphahlele and the new Parliament building — part of an R1.8-million Independence gift from South African taxpayers.

AND SPANKING NEW PRISON



● Women must work in Venda, since most men leave to work as migrants. Here they pluck tea at Tshivase estate, spruce up the grounds of Parliament for Independence, and carry the wood which keeps the home fires burning.

Venda ¹¹³ ^{STAR} ^{1 of 9/79} getting ready for the big day

By Derrick Thema
The euphoria of independence has gripped Thoho-Ya-Ndou, the fledgling capital of Venda, as the "uhuru" countdown for South Africa's third independent homeland begins. On Thursday, a 101-gun salute will herald the birth of a new sovereign state.

Activities in this hillside city have turned it into a beehive. Hundreds of vendas have arrived here to sing praise to Thoho-Ya-Ndou — head of the elephant — the age-old symbol of Venda pride. Many more are expected to converge on the city in coming days. Final touches are being hurried on, the

eye-catching House of Parliament which has been built at a cost of R5-million. It will house an administrative building and a High Court swathed in luxury.

COLOURS

The Thoho-Ya-Ndou hotel, which stands alongside the tattered road lined with flag-

poles displaying Venda's colours — blue, green, brown and yellow — has been closed to the public as final preparations are made to suit the dignitaries, mainly heads of states and Cabinet Ministers, who will be staying there.

Paramount Chief Patrick Mphahlele's house, built on a hill-

side, and Cabinet Ministers' plush houses, contrast with the dullness of the conical thatched mud huts which sprawl across the fertile land of paws, bananas, tea and coffee.

A tent city to house 10,000 people has sprung up to accommodate the many people who will make the pil-

grimage to Thoho-Ya-Ndou.

For many Vendas, the celebration ceremonies are a spectacle which draws them like magnets.

Highlight of the start of the festivities was the handing over of the Venda National Force base which cost R1,8-million.

STAL
 10/9/79
 Several
 homeland
 leaders

may not go

Staff Reporter

THOHO-YA-NDOU — Five members of Bishop Abel Muzorewa's Zimbabwe Rhodesian Government will be among dignitaries attending the Venda independence celebration here this week but several prominent homeland leaders appear to have turned down invitations.

That is what informed circles here predict.

Mr J A M Sihimela, secretary-designate of the Department of Interior, lists the names of heads of states who will attend the celebrations — but the list does not include Dr Cedric Phatudi, Chief Minister of Lebowa, Chief George Matanzima, Prime Minister of Transkei, and Chief Gatsha Buthelezi, Chief Minister of kwazulu.

SA TEAM

The State President of South Africa, Mr Viljoen, Mr S P Botha, Minister of Manpower, Dr Kgornhof, Minister of Co-operation and Development, Mr Pik Botha, Minister of Foreign Affairs, Mrs Hartzenberg, Minister of Education, Mr Weitzel, Mr G Morrison, Deputy Minister of Co-operation and Development, Mr M C Botha and Dr. de Wet Nel, will attend the ceremony. Five Zimbabwe Rhodesia officials will also be attending.



South Africa's Deputy Minister of Defence, Mr Kobie Coetsee, hands over the key of the base of the Venda national guard to the Chief Minister of Venda, Chief Patrick Mphahlele, during a ceremony at the weekend.

STUFFED CABBAGE SALAD

May Bennett, Ridgeworth

- 1 fresh green medium size cabbage
- onions
- carrots
- tomatoes
- fresh pineapple
- radishes

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well, then pile the salad into the cabbage "bowl". Garnish with radish roses and a small bowl of mayonnaise for those who like it. To make the radish roses, cut across the tops in a double cross, then put them in iced water until the radishes open up.

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GERMAN POTATO SALAD

Ethne Ecard, Port Elizabeth

- boiled potatoes
- cooked bacon
- mayonnaise
- chopped onion
- salt and pepper

Cube the potatoes while still hot. Chop up the bacon, mix with the potatoes, onion and mayonnaise. Season with a little salt and pepper. Use hot or cold.

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EGG SALAD

May Bennett, Ridgeworth

- hard boiled eggs
- salad dressing
- salt and pepper
- parsley and parsley

Cut eggs in half and lay on a flat salad platter; cut side

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10/9/79

Sebe for Venda

THOHOYANDOU
Venda's independence celebrations here next week will be attended by a strong South African delegation headed by the State President, Mr Marais Viljoen, as well as by representatives of Bophuthatswana, Zimbabwe Rhodesia, the Ciskei and Gazankulu.

Bophuthatswana will be represented by President Lucas Mangope. The Chief Minister of the Ciskei, Chief Lennox Sebe, will head his country's delegation. — SAPA.

SA pair win

NEW YORK — South Africa's Bob Hewitt and Greer Stevens won the mixed doubles at the United States Open tennis championships here yesterday by defeating Frew McMillan (South Africa) and Betty Stove (Holland) 6-3, 7-5 in the final. — SAPA-RNS.

French dressing: Blend together 6 T salad oil and 2 T lemon juice.

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SPRING GREEN SALAD

Ray Bennett, Ridgeworth

- 1 medium size lettuce
- 2 onions
- parsley
- 1 cucumber
- mint (fresh)
- scallions

Wash and shred the lettuce, chop onions finely and parsley; keep a few pieces for garnishing. Wash cucumber peel and cube. Wash scallions, and cut tops off leaving a short piece of the green left on. Toss the lettuce, parsley, cucumber, onion and scallions together, salt and pepper. Pour over a little french dressing and serve in a glass bowl. Garnish with a few sprigs of mint and parsley.

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CURRIED GREEN BEAN SALAD

Mrs Futter, East London

- 2 lbs sliced green beans
- 2 chopped onions
- 1 d salt, level
- 2 cups water

Boil the beans (sliced) with salt and onions till cooked, then pour off the water.

- Sauce:
- 1 1/2 cups sugar
- 1 d curry powder
- 1 heaped T flour
- 1/2 bottle vinegar

Mix the curry powder, flour with a little water. Mix well, so that no lumps form, and then add the sugar and vinegar, boil up and stir all the time, then add the cooked beans and onions, bring to boil again. Bottle.

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APPLE TUNA TOSS SALAD

- 1 medium head lettuce, torn in bite-size pieces (4 cups)
- 2 cups diced apple
- 1 11 oz can (1 1/3 cups) mandarin orange sections, drained
- 1 6 1/2 or 7 oz can tuna, drained and broken in large chunks
- 1/3 cup coarsely chopped walnuts
- 1/2 cup mayonnaise or salad dressing
- 2 t soya sauce
- 1 t lemon juice

In a large salad bowl, combine lettuce, apple, orange sections, tuna and nuts; toss together. Combine mayonnaise, soya sauce and lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4 - 6 servings.

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Chief Ministers made pact to boycott Venda

THOHOYANDOU — A pact to boycott Venda independence in protest against further fragmentation of South Africa was made by Chief Ministers opposed to independence, it was learnt yesterday.

Made at a meeting near Jan Smuts airport in February, the pact explains the absence of representatives of KwaZulu, Lebowa, and Kangwane from the Venda celebrations.

But it does not explain the absence of representatives from Transkei, the first black territory to receive independence from Pretoria. Nor does it explain the presence of representatives from the Ciskei and Gazankulu, whose leaders attended the February meeting.

The Transkei Prime Minister, Chief George Matanzima, has claimed that he did not receive an invitation and would not be attending for that reason.

Asked if that was the

only reason for his non-attendance or whether he was opposed to Venda independence, Chief Matanzima said: "I would rather not comment."

The Ciskei Chief Minister, Chief Lennox Sebe, has adopted a generally neutral attitude on independence since the appointment of a commission by his government to investigate whether independence is a viable option for the Ciskei.

Chief Sebe will be heading a four-strong contingent at Venda's independence celebrations.

The Gazankulu Chief Minister, Professor Hudson Ntsanwisi, has consistently opposed independence. He will not attend the celebrations personally, but his government will be represented by a four-man contingent.

The absence of Professor Ntsanwisi and the presence of members

of his Cabinet appears to represent a compromise between political protest and personal politeness.

Bophuthatswana, the second territory to accept independence from Pretoria, will be represented by President Lucas Mangope and the Bophuthatswana Minister of Education.

From the broader South African perspective, the "catch" of the occasion must be the presence of a five-man delegation from Zimbabwe-Rhodesia headed by the Minister of Mines, Manpower and Social Affairs, Mr. D. M. Mutasa.

His presence implies acceptance of Pretoria's "decolonisation" policy and is an obvious propaganda point in favour of South Africa's latest concept of a constellation of Southern African states.

Venda becomes independent at midnight tonight. — DDC.

Guests arrive in Venda

C.T. 113
12/19/79

THOHOYANDOU. — Top guests are arriving here for the Venda independence celebrations which reach a climax at a midnight ceremony tonight and early on Thursday.

In the South African delegation will be the Minister of Foreign Affairs, Mr Pik Botha.

Also due are Gazankulu guests, headed by the Minister of Health, Mr B Macfihane.

Among the dignitaries due today are South Africa's State President, Mr Viljoen, and Bophuthatswana's President Lucas Mangope. Also scheduled

to arrive are a Zimbabwe Rhodesian contingent headed by the Minister of Mines, Mr D M Mutasa.

Meanwhile, the Venda Bureau for Information and Broadcasting announced yesterday that the Minister of Cooperation and Development, Dr Piet Koornhof, had been unable to attend the opening of the R5-million Venda Government complex yesterday.

The statement said Dr Koornhof had been represented by the Deputy Minister of Cooperation and Development, Dr G de V Morrison. — Sapa

The Cape Times

WEDNESDAY, SEPTEMBER 12, 1979

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Venda: Gains and losses

THERE is little joy for the vast majority of South Africans in Venda's acceptance at midnight tonight of South African-style independence. Yet another slice of the country is being excised in the third stage of the government's process of balkanization. Yet another physically small, geographically divided and economically dependent country is said to be as independent as any state in black Africa. Yet again South Africa's borders decrease, and the total wealth and potential of a great country shrinks. But yet again, in terms of Nationalist ideology, there are fewer blacks in the remaining white-ruled South Africa. Their hope of a continued share of all South Africa's riches now lies in the prime minister's constellation of states, which seeks to join again what he and his predecessors have put asunder.

Like Transkei in 1976 and Bophuthatswana in 1977, the people of Venda have opted for grand apartheid in order to escape the evils, indignities and discrimination of petty apartheid. For the third time in three years, a section of the black population has taken the opportunity to dispense with discriminatory measures and segregation. On this the people of Venda are to be congratulated, and to this extent we wish them well.

The caveat is that this division of South Africa is not what the vast majority of its population, both black and white, would have chosen. It is the lesser of two evils presented as the only alternatives to our fellow black citizens by a government representative only of a section of the whites. It involves giving up a claim to share in the riches of South Africa as it was formed in 1910. It involves making thousands of South African blacks, many of whom have never been

near Venda, foreigners in their own country. It deprives the children of these people of their rights in South African urban areas. It is a divisive and potentially explosive issue.

There are benefits to Venda. Apart from the ability to free itself from statutory discrimination, there has been considerable government investment and development designed to make the territory more self-sufficient, to provide more jobs and to increase the standard of living. But much of this has been done with an eye to coming independence. All of it and more could — and should — have been done with an eye to improving the living standards of all blacks and developing all regions of the country, particularly the traditional black rural areas with their high concentration of underdeveloped people. All of it could have been done under a policy of regional autonomy or self-government.

The point that is often forgotten is that apartheid is designed to benefit whites, not blacks. As the Nationalist government realized that its policy of *baasskap* was morally indefensible, it invented the theory of separate freedoms. Blacks could have equality, political rights, mixed residential areas and desegregated schools, but not where this would disturb the whites. It would have to be done in the homelands, now known as national states. The benefits to blacks in these areas are not being given out of a new-found compassion for fellow black compatriots. They are given in order to justify continued discrimination against these blacks in the rest of white-ruled South Africa. This is the policy for which the people of Venda have opted and, while congratulating them on what they have gained, we commiserate with them on what they have lost.

9, 12, 14, 16, 23, 24, 26, 27, 30, 33, 36, 38, 40, 42, 45, 47, 53,
55, 70, 89, 90, 92, 111, 127, 139, 142, 145, 148, 152,
For full texts of these agreements see

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gg 6652: Government
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REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 210, 1979

UITLEWERINGSOOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA, AANGEGAAN INGEVOLGE DIE WET OP UITLEWERING, 1962 (WET 67 VAN 1962)

Die Uitleweringsooreenkoms vervat in die Bylae hiervan, aangegaan met die Regering van Venda, word hierby ooreenkomstig artikel 2 (3) (a) van die Wet op Uitlewering, 1962 (Wet 67 van 1962), gepubliseer.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agt-en-twintigste dag van Augustus Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. W. BOTHA.

BYLAE

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT UITLEWERING

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat tussen die twee Regerings en hulle mense bestaan, erken; en

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda begerig is om by wyse van ooreenkoms die betrekkinge tussen die Republiek van Suid-Afrika en Venda op die gebied van uitlewering van oortreders te reël;

PROCLAMATION

by the State President of the Republic of South Africa

No. R. 210, 1979

EXTRADITION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA, ENTERED INTO IN TERMS OF THE EXTRADITION ACT, 1962 (ACT 67 OF 1962)

The Extradition Agreement contained in the Annexure hereto, entered into with the Government of Venda, is hereby published in accordance with section 2 (3) (a) of the Extradition Act, 1962 (Act 67 of 1962).

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of August, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. W. BOTHA.

ANNEXURE

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO EXTRADITION

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa and the Government of Venda are desirous to regulate by agreement the relations between the Republic of South Africa and Venda in the sphere of extradition of offenders;

Opmerking.—In gevalle waar ooreenkomste deur notawisseling aangegaan is, verskyn slegs die Suid-Afrikaanse notas in die Bylae hiervan. Die tekste van hierdie notas is *mutatis mutandis* in dieselfde terme as die tekste van die wederkerige notas van die Regering van Venda.

BYLAE

MINISTERIE VAN BINNELANDSE
SAKE

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE STIGTING, ADMINISTRASIE EN INSTANDHOUDING DEUR DIE DEPARTEMENT VAN ONDERWYS VAN DIE PROVINSIE TRANSVAAL VAN SEKERE SKOLE IN VENDA EN SAKE WAT DAARMEE IN VERBAND STAAN

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat tussen die twee Regerings en hul mense bestaan, erken; en

Nademaal die Departement van Onderwys van die provinsie Transvaal die gesag is wat tot nog toe by wet met die bevoegdheid beklee is om sekere skole in Venda as deel van daardie provinsie te stig, te administreer en in stand te hou; en

Nademaal Venda by onafhanklikwording sal ophou om deel van die Republiek van Suid-Afrika en derhalwe van genoemde provinsie te wees; en

Nademaal dit dienstig is dat genoemde Departement van Onderwys, na die onafhanklikwording van Venda, voortgaan om sodanige skole in Venda te stig, te administreer en in stand te hou;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

STIGTING EN INSTANDHOUDING VAN SKOLE
IN VENDA

Die Departement van Onderwys van die provinsie Transvaal (hieronder die "Departement" genoem) het na die datum waarop Venda onafhanklikheid verkry (hieronder die "datum van onafhanklikwording" genoem), die reg—

(a) om te Sibasa en op sodanige ander plekke in Venda as waarop onderling ooreengekom word tussen die Departement en die Regering van Venda (hieronder die "Regering" genoem) dié laerskole binne die betekenis van die Transvaalse Onderwys-ordonnansie, 1953, wat nodig en wenslik geag word, te stig, te administreer en in stand te hou;

(b) om wonings in Venda te verskaf en in stand te hou vir die huisvesting van die personeel by Artikel 2 (a) beoog;

(c) om enige skool of woning in paragraaf (a) beoog, te vergroot, uit te brei en te verbeter in die mate wat nodig en wenslik geag word;

(d) om dienste in Venda in te stel en te bedryf vir die vervoer van leerlinge wat die skole in paragraaf (a) beoog, besoek, of om 'n skool of skole in Transvaal te besoek;

(e) om van tyd tot tyd in Venda die eksamens af te neem wat nodig en wenslik geag word vir leerlinge wat die skole in paragraaf (a) beoog, besoek; en

Note.—In cases where agreements were concluded by way of Exchange of Notes, only the South African Notes appear in the Schedule hereto. The texts of these Notes are *mutatis mutandis* in the same terms as the texts of the reciprocal Notes of the Government of Venda.

SCHEDULE

MINISTRY OF INTERIOR

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO ESTABLISHMENT, ADMINISTRATION AND MAINTENANCE BY THE DEPARTMENT OF EDUCATION OF THE PROVINCE OF THE TRANSVAAL OF CERTAIN SCHOOLS IN VENDA AND MATTERS RELATED THERETO

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Department of Education of the Province of the Transvaal is the authority hitherto vested by law with the power to establish, administer and maintain certain schools in Venda as being part of that Province; and

Whereas Venda upon obtaining independence, will cease to be part of the Republic of South Africa and therefore of the said Province; and

Whereas it is expedient that the said Department of Education shall after the attainment of independence by Venda continue to establish, administer and maintain such schools in Venda;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

ESTABLISHMENT AND MAINTENANCE OF
SCHOOLS IN VENDA

The Department of Education of the Province of the Transvaal (hereafter referred to as the "Department") shall after the date on which Venda obtains independence (hereinafter referred to as the date of independence) have the right—

(a) to establish, administer and maintain at Sibasa and such other places in Venda as may be mutually agreed upon between the Department and the Government of Venda (hereinafter referred to as the "Government") such primary schools within the meaning of the Transvaal Education Ordinance, 1953, as may be considered necessary and desirable, to establish, administer and maintain;

(b) to provide and maintain dwellings in Venda for the accommodation of staff contemplated by Article 2 (a);

(c) to enlarge, extend and improve any school or dwelling as contemplated by paragraph (a) to such extent as may be considered necessary and desirable;

(d) to institute and conduct services in Venda for the conveyance of pupils attending schools as contemplated by paragraph (a) or to attend a school or schools in the Transvaal;

(e) from time to time to conduct in Venda such examinations for pupils attending schools as contemplated by paragraph (a) as may be considered necessary and desirable; and

Nasionale

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ARTIKEL 5

INWERKINGTREDING, BEEÏNDIGING
EN WYSIGING

(a) Hierdie ooreenkoms tree in werking op die datum van Venda se onafhanklikwording en kan deur enigeen van die twee Partye opgesê word deur aan die ander Party ses maande skriftelike kennis van beëindiging langs die diplomatieke kanaal te gee.

(b) Enige wysiging van hierdie ooreenkoms waarvoor beide Partye ooreenkom word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewys waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hul onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

A. L. SCHLEBUSCH.

Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Vir die Regering van Venda.

MEMORANDUM VAN OOREENKOMS AANGE-
GAAN TUSSEN DIE REGERING VAN DIE
REPUBLIEK VAN SUID-AFRIKA EN DIE REGE-
RING VAN VENDA MET BETREKKING TOT
DIE VERBETERING EN ONDERHOUD VAN
SEKERE OPENBARE PAAIE IN VENDA EN
SAKE WAT DAARMEE IN VERBAND STAAN

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die Administrasie van die provinsie Transvaal (hieronder die "Administrasie" genoem) by wet verantwoordelik is vir die aanbou en onderhoud van die paaie of trajekte van paaie in die Bylae van hierdie Ooreenkoms genoem, of vir die verlenging van finansiële bystand aan die plaaslike owerhede in wie se gebiede hulle geleë is, ten opsigte van hulle aanbou en onderhoud; en

Nademaal genoemde paaie of sekere trajekte daarvan in Venda geleë is; en

Nademaal Venda by onafhanklikwording sal ophou om deel van die Republiek van Suid-Afrika en dus van genoemde provinsie uit te maak; en

Nademaal die Regering van Venda begerig is dat na die datum waarop hy onafhanklik word, daar aan hom bystand verleen word met betrekking tot die verbetering en onderhoud van sodanige trajekte van genoemde paaie as wat in Venda geleë is;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL 1

Die Regering van die Republiek van Suid-Afrika verbind hom daartoe om te verseker—

(a) dat vanaf die datum waarop Venda sy onafhanklikheid verkry (hieronder die "datum van onafhanklikwording" genoem), die Administrasie of sy benoemdes sal voortgaan met die verbetering en onderhoud van die paaie of trajekte van paaie in die Bylae van hierdie Ooreenkoms genoem;

ARTICLE 5

ENTRY INTO FORCE, TERMINATION
AMENDMENT

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement shall be agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

MEMORANDUM OF AGREEMENT
ENTERED INTO BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF SOUTH AFRICA
AND THE GOVERNMENT OF VENDA IN
CONNECTION WITH THE IMPROVEMENT AND
MAINTENANCE OF CERTAIN PUBLIC
ROADS IN VENDA AND MATTERS INCIDENTAL
THERE TO

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda have friendly relations existing between the two Governments and their peoples; and

Whereas the Administration of the Province of Transvaal (hereinafter referred to as "the Administration") is by law responsible for the maintenance of the roads or sections of roads specified in the Schedule to this Agreement or to which the Administration is rendering assistance to the local authorities in which the roads are situated in respect of their construction, maintenance; and

Whereas the said roads or certain sections of roads are situated in Venda; and

Whereas Venda upon obtaining independence shall cease to form part of the Republic of South Africa and therefore of the said Province; and

Whereas the Government of Venda has requested assistance be rendered to it after the date of its independence, in connection with the construction and maintenance of such sections of roads as are situated in Venda;

Now, therefore, it is hereby agreed between the Government of the Republic of South Africa and the Government of Venda as follows:

ARTICLE 1

The Government of the Republic of South Africa undertakes to ensure—

(a) that the improvement and maintenance of the roads or sections of roads specified in the Schedule to this Agreement shall from the date of the attainment of independence by Venda (hereinafter referred to as the "date of independence") be provided by the Administration or its nominees;

(b) Enige wysiging van hierdie Ooreenkoms waaroor beide Partye ooreenkom, word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hul onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

A. L. SCHLEBUSCH.

Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Vir die Regering van Venda.

BYLAE

Provinsiale Pad P99-1.
Provinsiale Pad P98-1.
Provinsiale Pad P135-1.
Distrikspad 1253.
Distrikspad 4.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE VERSKAFFING VAN ELEKTRISITEIT DEUR DIE STADSRAAD VAN LOUIS TRICHARDT EN DIE TOESTAAN VAN REGTE AAN DIE STADSRAAD VAN LOUIS TRICHARDT

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die Provinsiale Raad van die provinsie Transvaal die gesag is met die bevoegdheid om instellings of liggame te stig, te beheer en te reguleer vir die uitvoering en die verrigting van die funksies van plaaslike besture in sekere gebiede binne genoemde provinsie; en

Nademaal die Stadsraad van Louis Trichardt (hieronder genoem die "Raad") 'n plaaslike owerheid is wat aldus gestig is en sodanige funksies het in genoemde provinsie; en

Nademaal die Raad tans bystand verleen deur die verskaffing van elektrisiteit in en aan Venda ooreenkomstig geskrewe ooreenkomste rakende die onderskeie regte en verpligtinge van die Partye, met inbegrip van die gebruiksreg deur die Raad op grond, toerusting en werke in Venda in verband met sodanige diens, finansiële reëlings, die eiendomsreg van sodanige werke en toerusting en aangeleenthede wat daarmee in verband staan; en

Nademaal sekere elektriese kraglyne, deur middel waarvan die Raad ten behoeve van homself elektrisiteit verskaf aan sekere van sy verbruikers in die Republiek van Suid-Afrika, gedeeltelik oor die grondgebied van Venda gaan en aan die Raad, benewens die regte genoem in die voorafgaande paragraaf, die gebruiksreg op grond in Venda toegestaan is vir die doeleindes van sodanige kraglyne en vir werke en toerusting wat daarmee saamgaan; en

Nademaal dit dienstig geag word dat die *status quo* met betrekking tot hierdie aangeleenthede behou word ná die verkryging van onafhanklikheid deur Venda; en

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

SCHEDULE

Provincial Road P99-1.
Provincial Road P98-1.
Provincial Road P135-1.
District Road 1253.
District Road 4.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATIVE TO THE SUPPLY OF ELECTRICITY BY THE TOWN COUNCIL OF LOUIS TRICHARDT AND THE GRANTING OF RIGHTS TO THE TOWN COUNCIL OF LOUIS TRICHARDT

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Provincial Council of the Province of Transvaal is the authority with the power to establish, control and regulate institutions or bodies for the exercise and performance of local governments functions in certain areas within the said Province; and

Whereas the Town Council of Louis Trichardt (hereinafter referred to as the "Council") is a local authority so established and with such functions in the said Province; and

Whereas the Council is presently rendering assistance by supplying electricity in and to Venda in accordance with written agreements relating to the respective rights and obligations of the parties including the beneficial use by the Council of land, equipment and works in Venda in connection with such service, financial arrangements, the ownership of such works and equipment and matters incidental thereto; and

Whereas certain electric power lines, by means of which the Council on its own behalf supplies electricity to certain of its consumers in the Republic of South Africa, partly cross the territory of Venda and the Council has, in addition to the rights referred to in the previous paragraph, been granted the beneficial use of land in Venda for the purpose of such power lines and for works and equipment which are ancillary thereto; and

Whereas it is deemed expedient that the *status quo* should in regard to these matters be maintained after the attainment of independence by Venda; and

(d) Die Regering van die Republiek van Suid-Afrika boekstaaf dat die Raad gemagtig is om die dienste te lewer en die funksies uit te voer wat beoog word in enige Bedryfsooreenkoms wat aangegaan word uit hoofde van hierdie Ooreenkoms.

(e) Enige Bedryfsooreenkoms wat aangegaan word uit hoofde van hierdie Ooreenkoms, maak deel uit van en word saamgelees met hierdie Ooreenkoms: Met dien verstande dat—

(i) enige latere ooreenkoms betreffende elektrisiteitsverskaffing aan verbruikers in gebiede wat nog by Venda ingelyf moet word, in die vorm van 'n addendum by sodanige Bedryfsooreenkoms is; en

(ii) ingeval die bepalinge van hierdie Ooreenkoms en dié van sodanige Bedryfsooreenkoms, met inbegrip van enige addendum daarby soos beoog in subparagraaf (i) hierbo, in stryd is met mekaar, die bepalinge van hierdie Ooreenkoms geld.

ARTIKEL 2

(a) Hierdie Ooreenkoms tree in werking op 13 September 1979 en kan deur enigeen van die twee Partye opgesê word deur aan die ander Party ses maande skriftelike kennis van beëindiging langs die diplomatieke kanaal te gee: Met dien verstande dat sodanige kennis van beëindiging nie gegee word nie voor die verstryking van sewe jaar, bereken vanaf voormelde datum.

(b) Enige wysiging van hierdie Ooreenkoms waaroor albei Partye ooreenkoms, word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

A. L. SCHLEBUSCH.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR DIE BEWEGING VAN BURGERS VAN VENDA EN VAN DIE REPUBLIEK VAN SUID-AFRIKA OOR DIE GEMEENSKAPLIKE GRENSE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hul mense bestaan; en

Nademaal dit noodsaaklik geag word om sekere reëlins te tref ten einde die beweging van burgers van Venda en burgers van die Republiek van Suid-Afrika oor die gemeenskaplike grense te reguleer vanaf die datum waarop Venda onafhanklikheid verkry; en

Nademaal dit noodsaaklik geag word om ook voorsiening te maak vir verskillende addisionele aangeleenthede rakende burgers van Venda in die Republiek van Suid-Afrika en burgers van die Republiek van Suid-Afrika in Venda;

(d) The Government of the Republic of South Africa records that the Council is empowered to render the services and perform the functions contemplated by any Operational Agreement to be entered into by virtue of this Agreement.

(e) Any Operational Agreement to be entered into by virtue of this Agreement shall form part of and be read with this Agreement: Provided—

(i) that any subsequent agreement relating to the supply of electricity to consumers in areas still to be incorporated into Venda, shall be in the form of an addendum to such Operational Agreement; and

(ii) That in the event of any conflict between the provisions of this Agreement and of such Operational Agreement, including any addendum thereto as contemplated in subparagraph (i) above, the provisions of this Agreement shall prevail.

ARTICLE 2

(a) This Agreement shall commence on 13 September 1979 and may be terminated by either party giving six months' written notice to the other Party through the diplomatic channel: Provided that such notice shall not be given before expiry of seven years calculated from the above date.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE MOVEMENT OF CITIZENS OF THE REPUBLIC OF SOUTH AFRICA AND OF VENDA ACROSS THE COMMON BORDERS

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas it is considered necessary to make certain arrangements to regulate the movement of citizens of the Republic of South Africa and of Venda across the common borders as from the date on which Venda shall attain independence; and

Whereas it is considered necessary also to make provisions for sundry additional matters affecting citizens of Venda in the Republic of South Africa and citizens of the Republic of South Africa in Venda;

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR DIE REGISTRASIE VAN KIESERS EN DIE HOU VAN VERKIESINGS

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat tussen die twee regerings en hul mense bestaan, erken; en

Nademaal Venda by onafhanklikwording sal ophou om deel van die Republiek van Suid-Afrika te wees; en

Nademaal die wette van Venda wat betrekking het op die registrasie van kiesers en die hou van verkiesings, voorsiening maak vir die registrasie van kiesers en die uitbring van stemme deur kiesers van Venda buite die grense van Venda; en

Nademaal die Regering van die Republiek van Suid-Afrika begerig is om die kiesers van Venda in die Republiek van Suid-Afrika te help by hul deelname aan verkiesings van Venda; en

Nademaal die Regering van Venda begerig is om die Republiek van Suid-Afrika te help met die registrasie van Suid-Afrikaanse kiesers in Venda en om hul deelname aan Suid-Afrikaanse verkiesings te vergemaklik;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda hierby soos volg ooreenkom:

ARTIKEL 1

Die Regering van die Republiek van Suid-Afrika en sy amptenare oefen in die Republiek van Suid-Afrika namens die Regering van Venda al die bevoegdhede en funksies uit wat voorgeskryf is by Proklamasie R. 13 van 1973, soos van tyd tot tyd gewysig, betreffende die uitbring van stemme deur kiesers van Venda in die Republiek van Suid-Afrika tydens verkiesings van Venda.

ARTIKEL 2

Die Regering van Venda verskaf alle vorms, skryf-behoefte en toerusting vir die behoorlike uitoefening van genoemde funksies.

ARTIKEL 3

Die Regering van Venda betaal aan die Regering van die Republiek van Suid-Afrika alle uitgawes aangegaan aan reise in verband met die uitoefening van genoemde funksies terug; sodanige terugbetaling word gedoen op die basis van bestaande tariewe van toepassing op die gebruik van staats- of ander vervoer in die Republiek van Suid-Afrika.

ARTIKEL 4

Die Regering van die Republiek van Suid-Afrika eis geen terugbetaling nie waar enige van genoemde funksies deur sy amptenare in die gewone loop van hul pligte en gedurende hul normale werksure uitgeoefen word, behalwe soos van tyd tot tyd deur die Regering van Venda bepaal word met betrekking tot—

(i) 'n kiesbeampte, 'n voorsittende beampte, 'n stemopnemer en getuies gedurende 'n verkiesing waar geen bykomende stemlokale in sy distrik ingerig word nie; en

(ii) voorsittende beamptes, stemopnemers en getuie gedurende 'n verkiesing waar bykomende stemlokale in 'n distrik ingerig word.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE REGISTRATION OF VOTERS AND THE CONDUCT OF ELECTIONS

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas Venda upon obtaining independence will cease to be part of the Republic of South Africa; and

Whereas the laws of Venda relating to the registration of voters and the conduct of election provide for the registration of voters and the polling by voters of Venda outside the borders of Venda; and

Whereas the Government of the Republic of South Africa is desirous of assisting the voters of Venda in the Republic of South Africa in participating in elections in Venda; and

Whereas the Government of Venda is desirous of assisting the Republic of South Africa in the registration of South African voters in Venda and in facilitating their participation in South African elections;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

That the Government of the Republic of South Africa and its officials shall exercise in the Republic of South Africa on behalf of the Government of Venda all the powers and functions prescribed in Proclamation R. 13 of 1973, as amended from time to time, relating to the voting by voters of Venda in the Republic of South Africa during elections of Venda.

ARTICLE 2

That the Government of Venda shall provide all forms, stationery, equipment for the due performance of aforementioned functions.

ARTICLE 3

That the Government of Venda shall reimburse the Government of the Republic of South Africa in respect of all expenses incurred on travelling connected with the performance of the aforementioned functions; such reimbursement shall be effected on the basis of ruling tariffs applying to the use of Government or other transport in the Republic of South Africa.

ARTICLE 4

The Government of the Republic of South Africa shall claim no reimbursement where any of the functions referred to are performed by its officials during the ordinary course of their duties and during their normal working hours, except as is provided for from time to time by the Government of Venda in relation to—

(i) a returning officer, presiding officer, polling officer and witnesses during an election where no additional polling stations are established in his district; and

(ii) presiding officers, polling officers and witnesses during an election where additional polling stations are established in a district.

ARTIKEL 5

Nademaal die Regering van die Republiek van Suid-Afrika deur bemiddeling van sy Departement van Samewerking en Ontwikkeling beskik oor die rekords ten opsigte van geregistreerde kiesers en nademaal na verwagting die Regering van Venda nie die oorname en instandhouding van hierdie rekords onmiddellik na onafhanklikwording sal kan behartig nie, hou die Regering van die Republiek van Suid-Afrika steeds genoemde rekords in stand en voorsien hy die Regering van Venda van meesterlyste en ander inligting wat nodig is vir die behoorlike opstel en druk van kieserslyste. Aan die ander kant vergoed die Regering van Venda die Regering van die Republiek van Suid-Afrika vir enige redelike koste wat in hierdie verband aangegaan word.

ARTIKEL 6

Die Regering van Venda weerhou hom van enige handeling wat die registrasie van Suid-Afrikaanse kiesers wat in Venda woon, sal verhinder of hulle behoorlike deelname aan Suid-Afrikaanse verkiesings sal belemmer.

ARTIKEL 7

(a) Hierdie Ooreenkoms tree in werking op die dag van die onafhanklikwording van Venda en kan beëindig word deur enigen van die twee Partye met 12 maande skriftelike kennisgewing aan die ander Party langs die diplomatieke kanaal.

(b) Enige wysiging van hierdie Ooreenkoms waaroor die Partye ooreengekom het, word aangebring deur die wisseling van Diplomatieke Notas tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

A. L. SCHLEBUSCH.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR OPGAWES WAT VERSTREK MOET WORD DEUR DIE REGERING VAN VENDA MET VERMELDING VAN BESONDERHEDE VAN DIE DOOD VAN EN DIE OPLEGGING VAN SEKERE VONNISSE OP SEKERE PERSONE WAT SUID-AFRIKAANSE BURGERS IS ASOOK DIE UITOEFENING VAN BEVOEGDHEDE EN FUNKSIES AAN 'N VOORSITTENDE BEAMPTTE VIR STEMME VAN SPESIALE KIESERS VERLEEN OF OPGEDRA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat tussen die twee Regerings en hul mense bestaan, erken; en

Nademaal Venda by onafhanklikwording sal ophou om deel van die Republiek van Suid-Afrika te wees; en

ARTICLE 5

Whereas the Government of the Republic of South Africa through its Department of Co-operation and Development is in possession of records in respect of registered voters and whereas it is anticipated that the Government of Venda will not be in a position to take over and maintain these records immediately after independence, the Government of the Republic of South Africa shall continue to maintain the said records and to provide the Government of Venda with such master lists and other information as may be required for the proper preparation and printing of voters' lists. The Government of Venda on the other hand shall compensate the Government of the Republic of South Africa for any reasonable costs incurred in this connection.

ARTICLE 6

The Government of Venda shall refrain from taking any action which will prevent the registration of South African voters resident in Venda or hamper their proper participation in South African elections.

ARTICLE 7

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving 12 months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO RETURNS TO BE FURNISHED BY THE GOVERNMENT OF VENDA CONTAINING PARTICULARS REGARDING THE DEATH OF AND THE IMPOSITION OF CERTAIN SENTENCES UPON CERTAIN PERSONS WHO ARE SOUTH AFRICAN CITIZENS AS WELL AS THE EXERCISING OF THE POWERS AND THE CARRYING OUT OF THE FUNCTIONS CONFERRED OR IMPOSED UPON A PRESIDING OFFICER FOR VOTES OF SPECIAL VOTERS

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas Venda upon obtaining independence will cease to be part of the Republic of South Africa; and

ARTIKEL 7

(a) Hierdie Ooreenkoms tree in werking op die dag van die onafhanklikwording van Venda en kan beëindig word deur enigee van die twee Partye met skriftelike kennisgewing van 12 maande aan die ander Party langs die diplomatieke kanaal.

(b) Enige wysiging van hierdie Ooreenkoms waaroor die Partye ooreenkoms, word aangebring deur die wisseling van Diplomatieke Notas tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

A. L. SCHLEBUSCH.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT SEKERE BURGERSKAPS- EN VERWANTE AANGELEENTHEDE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat tussen die twee Regerings en hulle mense bestaan, erken; en

Nademaal dit wenslik is dat 'n reëling getref word ter afhandeling van vraagstukke met betrekking tot burgerskap, wat mag voortspruit uit die verkryging van onafhanklikheid deur Venda;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda hierby soos volg ooreenkoms:

ARTIKEL 1

(a) Daar is 'n gesamentlike Burgerskapsraad waarin die Regering van Venda en die Regering van die Republiek Suid-Afrika elk drie verteenwoordigers het.

(b) Die lede van die Raad kies uit eie gelede die eerste voorsitter, wat die amp vir 'n tydperk van 12 maande beklee; daarná word die voorsitterskap van die Raad, met tussenpose van 12 maande, om die beurt deur 'n verteenwoordiger van Venda of 'n verteenwoordiger van die Republiek van Suid-Afrika beklee.

(c) Vraagstukke voor die Raad word deur meerderheidstem beslis; elke lid het een stem en die Voorsitter het, benewens 'n gewone stem, ook 'n beslissende stem.

(d) Vier lede van die Raad vorm 'n kworum.

(e) Die Raad vergader op sodanige tye en op sodanige plekke as wat die Voorsitter bepaal, en kom minstens een keer elke 12 maande byeen.

ARTIKEL 2

Die Burgerskapsraad oorweeg, wanneer daar twyfel bestaan, gevalle betreffende die burgerskap van persone wat deur of die Regering van Venda of die Regering van die Republiek van Suid-Afrika na hom verwys word vir 'n bevinding deur die Raad oor die burgerskap van die betrokke persoon.

ARTICLE 7

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving 12 months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO CERTAIN CITIZENSHIP AND RELATED MATTERS

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas it is desirable that an arrangement be made whereby questions relating to citizenship which may arise from the attainment of independence by Venda can be settled;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

(a) There shall be a joint Citizenship Board on which the Government of Venda and the Government of the Republic of South Africa shall each have three representatives.

(b) The members of the Board shall elect from their number the first chairman to hold office for a period of 12 months; thereafter the chairmanship of the Board shall alternate between a representative of Venda and a representative of the Republic of South Africa at twelve-monthly intervals.

(c) Questions before the Board shall be decided by majority vote, each member having one vote and the chairman having a casting vote in addition to an ordinary vote.

(d) Four members of the Board shall constitute a quorum.

(e) The Board shall meet at the times and places determined by the Chairman and shall meet at least once every 12 months.

ARTICLE 2

The Citizenship Board shall, where a doubt exists, consider cases regarding the Citizenship of persons referred to it by either the Government of Venda or the Government of the Republic of South Africa for a finding by the Board as to the citizenship of the person concerned.

ARTIKEL 3

Die Burgerskapsraad kom vir die eerste keer byeen op 'n datum wat aanvaarbaar is vir sowel die Regering van Venda as die Regering van die Republiek van Suid-Afrika en oorweeg elke geval wat na hom verwys word, ooreenkomstig sodanige prosedurereëls as wat die Voorsitter van tyd tot tyd in oorleg met lede van die Raad bepaal.

ARTIKEL 4

Sodanige bevinding van die Raad is bindend vir die Regering van Venda en die Regering van die Republiek van Suid-Afrika en is finaal.

ARTIKEL 5

Die Regering van Venda verbind hom daartoe om nie later nie as die tweede sessie van die Venda Wetgewende liggaam wetgewing aan te neem waarby die procedure in hierdie Ooreenkoms uiteengesit, wetlik voorgeskryf word, terwyl die Regering van die Republiek van Suid-Afrika hom ook daartoe verbind om enige wetgewing aan te neem wat nodig mag wees om hierdie bepaling ten uitvoer te bring.

ARTIKEL 6

(a) Hierdie Ooreenkoms tree in werking op die dag van die onafhanklikwording van Venda en kan deur enigeen van die twee Partye opgesê word deur aan die ander Party ses maande skriftelike kennis van beëindiging langs die diplomatieke kanaal te gee.

(b) Enige wysiging van hierdie Ooreenkoms waarvoor beide Partye ooreengekom het, word aangebring deur die wisseling van Diplomatieke Notas tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik deur hulle onderskeie Regerings daartoe gemagtig, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

A. L. SCHLEBUSCH.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

MINISTERIE VAN BOSBOU

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA BETREFFENDE SAMEWERKING OP DIE GEBIED VAN BOSBOUTEAGNOLOGIE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal Suidelike Afrika swak bedeel is met natuurlike houtbronne; en

Nademaal dit essensieel is om die produksie van hout as grondstof te reguleer en te stimuleer; en

Nademaal dit noodsaaklik is dat bergopvanggebiede bestuur word op 'n wyse wat die maksimum hoeveelheid onbesoedelde water sal verseker;

ARTICLE 3

The Citizenship Board shall initially convene on a date mutually acceptable to the Government of Venda and the Government of the Republic of South Africa and shall consider each case referred to it in accordance with the rules of procedure as may be determined from time to time by the Chairman in consultation with members of the Board.

ARTICLE 4

Such finding by the Board shall be binding on the Government of Venda and the Government of the Republic of South Africa, and shall be final.

ARTICLE 5

The Government of Venda undertakes to pass legislation not later than the second session of the Venda legislature whereby the procedure set out in this Agreement shall be laid down by law, while the Government of the Republic of South Africa also undertakes to pass any legislation which may become necessary to give effect to this provision.

ARTICLE 6

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

A. L. SCHLEBUSCH.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

MINISTRY OF FORESTRY

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA CONCERNING CO-OPERATION IN THE FIELD OF FOREST TECHNOLOGY

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas Southern Africa is poorly endowed with natural timber resources; and

Whereas it is essential to regulate and stimulate the production of timber as a raw material; and

Whereas it is imperative that mountain catchment areas be managed in a way which will ensure the maximum quantity of unpolluted water;

(v) Beskrywing, hoeveelheid en waarde van hout en houtprodukte verkoop of oorgeplaas-uit.

(vi) Besonderhede van geraamde toekomstige vraag na rondhout en volume van sodanige vraag.

Plantasies:

(i) Naam, adres en ligging van plantasie.

(ii) Soort eienaarskap.

(iii) Oppervlakte van plantasie volgens houtsoorte en ouderdomme.

(iv) Doel van bestuur van plantasie en beskrywing van plantasie.

(v) Grondgehalte.

(vi) Deursnee en hoogte van bome, stamme per ha en aanwas per ha.

(vii) Beskrywing, hoeveelheid en waarde van bosprodukte uit plantasies verkoop.

(viii) Nuwe bebossing onderneem en beskrywing van beplande omskepping.

(v) Description, quantity and value of timber and timber products sold or transferred-out.

(vi) Details of estimated future demand for roundwood, and volume of such demand.

Plantations:

(i) Name, address and locality of plantation.

(ii) Type of ownership.

(iii) Area of plantation by species and age.

(iv) Object of management of plantation and description of plantation.

(v) Soil quality.

(vi) Diameter and height of trees, stems per ha and increment per ha.

(vii) Description, quantity and value of forest products sold from plantations.

(viii) New afforestation undertaken and description of planned conversion.

MINISTERIE VAN BUITELANDSE SAKE

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE BASIESE VOORWAARDES BETREFFENDE DIE VERSKAFFING VAN TEGNIESE EN ADMINISTRATIEWE PERSONEEL DEUR DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA AAN DIE REGERING VAN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die Regering van die Republiek van Suid-Afrika, met die oog op die voordele wat sal voortspuit uit noue samewerking, bereid is om amptenare te sekondeer om diens te verrig in die Regeringsdiens van Venda en om bystand te verleen met die werwing van ander geskikte personeel namens die Regering van Venda; en

Nademaal dit wenslik is om die basiese diensvoorwaardes van sodanige Suid-Afrikaanse amptenare en sekere aangeleenthede wat betrekking het op gewerfde personeel, te formaliseer;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

(a) In hierdie Ooreenkoms, tensy uit die samehang anders blyk, beteken—

“besoldiging” enige salaris, bonusse en toelaes (uitgesonderd enige vervoer- of reistoelae binne Venda);

“amptenaar” enige persoon in diens van die Regering van die Republiek van Suid-Afrika;

“gesekondeer” gesekondeer ingevolge die wette betreffende die diensvoorwaardes van amptenare, en het “sekondering” ’n ooreenstemmende betekenis.

(b) Behoudens die bepalinge van hierdie Ooreenkoms is die Regering van die Republiek van Suid-Afrika bereid om amptenare te sekondeer aan die Regeringsdiens van Venda en om bystand te verleen met die werwing, uit die privaatsektor, van gekwalifiseerde personeel wat die Regering van Venda nodig het vir diens in Venda.

MINISTRY OF FOREIGN AFFAIRS

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE BASIC CONDITIONS GOVERNING THE PROVISION OF TECHNICAL AND ADMINISTRATIVE PERSONNEL BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA TO THE GOVERNMENT OF VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas in view of the benefits to be derived from close co-operation the Government of the Republic of South Africa is willing to second officials to service in the Government Service of Venda and to assist in recruiting other suitable personnel on behalf of the Government of Venda; and

Whereas it is desirable to formalise the basic conditions of service of such South African officials and certain matters pertaining to recruited personnel;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

(a) In this Agreement, unless the context otherwise indicates—

“emoluments” means any salary, bonuses and allowances (excluding any transport or travelling allowance within Venda);

“official” means any person in the employ of the Government of the Republic of South Africa;

“seconded” means seconded in terms of the governing conditions of service of officials;

“secondment” has a corresponding meaning.

(b) Subject to the provisions of this Agreement the Government of the Republic of South Africa is prepared to second officials to the Government Service of Venda and to assist with the recruitment, from the private sector, of qualified personnel required by the Government of Venda for service in Venda.

(b) Enige wysiging van hierdie Ooreenkoms waarop beide Partye ooreenkom, word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik deur hulle onderskeie Regerings daartoe gemagtig, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

R. F. BOTHA, Minister van Buitelandse Sake.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.

Namens die Regering van Venda.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

R. F. BOTHA, Minister of Foreign Affairs.

For the Government of the Republic of South Africa.

P. R. MPHEPHU, Chief Minister.

For the Government of Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE BASIESE VOORWAARDES BETREFFENDE DIE SEKONDERING VAN REGTERS BEHEER

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die Regering van die Republiek van Suid-Afrika, met die oog op die voordele wat sal voortspuit uit noue samewerking, bereid is om regters van die Hooggeregshof van Suid-Afrika te sekondeer vir diens in die Hooggeregshof van Venda; en

Nademaal dit wenslik is om die basiese diensvoorwaardes van gesekondeerde regters te formaliseer;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

In hierdie Ooreenkoms, tensy uit die samehang anders blyk, beteken "besoldiging" enige salaris, bonusse en toelaes (uitgesonderd enige vervoer- of reistoelae binne Venda).

ARTIKEL 2

Die sekondering van enige regter geskied vir so lank as wat sy dienste deur die Regering aan Venda verlang word of vir so lank as wat sy dienste aan Venda beskikbaar gestel kan word.

ARTIKEL 3

Daar word ooreengekom dat indien die Regering van Venda om watter rede ook al nie langer die dienste van 'n bepaalde gesekondeerde regter nodig het nie, gemelde Regering voldoende kennis daarvan moet gee aan die Regering van die Republiek van Suid-Afrika, wat dan reëlings moet tref vir sy terugplasing na die Republiek van Suid-Afrika.

ARTIKEL 4

Ten opsigte van enige gesekondeerde regter moet die Regering van die Republiek van Suid-Afrika—

(a) die verantwoordelikheid dra vir die betaling van sy besoldiging;

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE BASIC CONDITIONS GOVERNING THE SECONDMENT OF JUDGES

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas in view of the benefits to be derived from close co-operation the Government of the Republic of South Africa is willing to second judges of the Supreme Court of South Africa to serve in the Supreme Court of Venda; and

Whereas it is desirable for formalise the basic conditions of service of seconded judges;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

In this Agreement, unless the context otherwise indicates, "emoluments" means any salary, bonuses and allowances (excluding any transport or travelling allowance within Venda).

ARTICLE 2

The secondment of any judge shall be for as long as his services are required by the Government of Venda or for as long as his services can be made available to Venda.

ARTICLE 3

It is agreed that should the Government of Venda for any reason whatsoever no longer require the services of any particular seconded judge, the said Government shall give adequate notice thereof to the Government of the Republic of South Africa who shall thereupon arrange his transfer back to the Republic of South Africa.

ARTICLE 4

The Government of the Republic of South Africa shall, in respect of any seconded judge—

(a) be responsible for the payment of his emoluments;

**TUSSENTYDSE OOREENKOMS MET BETREK-
KING TOT DIE MONETÊRE VERHOUDINGS
TUSSEN DIE REGERING VAN DIE REPUBLIEK
VAN SUID-AFRIKA EN DIE REGERING VAN
VENDA**

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda begerig is om monetêre verhoudings tussen hulle te formaliseer;

En nademaal dit die voorneme van die Regering van Venda is om aansoek te doen om toetreding tot die bestaande Monetêre Ooreenkoms tussen die Regerings van die Koninkryk van Swaziland, die Koninkryk van Lesotho en die Republiek van Suid-Afrika ná die onafhanklikwording van Venda;

En nademaal sodanige aansoek nog nie voorgelê is nie;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL 1

1. Die bepalinge van die Monetêre Ooreenkoms bedoel in die Aanhef hiervan, uitgesonderd Artikels 5 en 6 van daardie Ooreenkoms, is *mutatis mutandis* van toepassing met betrekking tot die monetêre verhoudings tussen die Republiek van Suid-Afrika en Venda asof enige verwysing in daardie Ooreenkoms na—

(a) die Koninkryk van Lesotho of die Koninkryk van Swaziland of na die Regering van enigeen van dié lande 'n verwysing is na Venda of na die Regering van Venda, na gelang van die geval;

(b) die Kontrakterende Partye of 'n Kontrakterende Party 'n verwysing is na die Kontrakterende Partye of 'n Kontrakterende Party by hierdie Ooreenkoms;

(c) daardie Ooreenkoms 'n verwysing is na daardie Ooreenkoms soos toegepas ingevolge hierdie Ooreenkoms.

2. 'n Afskrif van gemelde Monetêre Ooreenkoms is hierby aangeheg as Bylae A.

ARTIKEL 2

1. Die Regering van die Republiek van Suid-Afrika boekstaaf sy bereidwilligheid om vergoedende betalings aan die Regering van Venda te maak op die basis bedoel in Artikel 6 van gemelde Monetêre Ooreenkoms. Sodanige betalings is onderworpe aan soortgelyke bepalinge as dié vervat in Artikel 6 van gemelde Monetêre Ooreenkoms.

2. Ten einde die eerste bedrag van vergoeding betaalbaar aan Venda, te bepaal, verbind die Regering van die Republiek van Suid-Afrika en die Regering van Venda hulle daartoe om gesamentlik die nodige reëlings te tref met die oog op die berekening van die hoeveelheid Rand in omloop in Venda op die 31ste dag van Desember 1979.

3. Die eerste vergoedende betaling aan die Regering van Venda is ten opsigte van die tydperk vanaf die datum van onafhanklikwording van Venda tot die 30ste dag van Junie 1980 en word nie later as laasgenoemde datum betaal nie.

4. Daaropvolgende betalings sal jaarliks gemaak word op die laaste besigheidsdag van Februarie van elke daaropvolgende jaar en is ten opsigte van die 12-maande-tydperk wat eindig op die 30ste dag van Junie van daardie jaar.

**INTERIM AGREEMENT ON THE MONETARY
RELATIONS BETWEEN THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA AND THE
GOVERNMENT OF VENDA**

The Government of the Republic of South Africa and the Government of Venda.

Desiring to formalise the monetary relations between them;

Bearing in mind the intention of the Government of Venda to apply for accession to the existing Monetary Agreement between the Governments of the Kingdom of Swaziland, the Kingdom of Lesotho and the Republic of South Africa after the attainment of independence by Venda;

Considering that such an application has not as yet been submitted;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

1. The provisions of the Monetary Agreement referred to in the Preamble hereto, except Articles 5 and 6 of that Agreement, shall apply *mutatis mutandis* with reference to the monetary relations between the Republic of South Africa and Venda as if any reference in that Agreement to—

(a) the Kingdom of Lesotho or the Kingdom of Swaziland or to the Government of either country were a reference to Venda or to the Government of Venda, as the case may be;

(b) the Contracting Parties or a Contracting Party were a reference to the Contracting Parties or a Contracting Party to this Agreement;

(c) that Agreement were a reference to that Agreement as applied in terms of this Agreement.

2. A copy of the said Monetary Agreement is attached hereto as Annexure A.

ARTICLE 2

1. The Government of the Republic of South Africa records its preparedness to make compensatory payments to the Government of Venda on the basis referred to in Article 6 of the said Monetary Agreement. Such payments shall be subject to provisions similar to those contained in Article 6 of the said Monetary Agreement.

2. In order to determine the first amount of compensation payable to Venda the Government of the Republic of South Africa and the Government of Venda undertake to make the necessary arrangements jointly with a view to calculating the Rand currency in circulation in Venda on the 31st day of December 1979.

3. The first compensatory payment to the Government of Venda shall be in respect of the period from the date of the attainment of independence by Venda to the 30th day of June 1980 and shall be paid not later than the latter date.

4. Subsequent payments shall be made annually on the last business day of February of each succeeding year and shall be in respect of the 12-month period ending on the 30th day of June of that year.

Ten bewyse waarvan die ondergetekendes, behoorlik deur hul onderskeie Regerings daartoe gemagtig, hierdie Oorenkoms onderteken het, en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

O. P. F. HORWOOD, Minister van Finansies.
Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.
Namens die Regering van Venda.

OORENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR SAKE RAKENDE DIE BEROEP VAN REKENMEESTERS EN OUDI-TEURS

AANHEF

Nademaal rekenmeesters en ouditeurs geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet 51 van 1951), soos gewysig, van die Republiek van Suid-Afrika (hieronder "die Wet" genoem), wat in Venda woonagtig is en wat onmiddellik voor die onafhanklikwording van Venda aan die bepalings van die Wet onderworpe was; en

Nademaal geoktrooierde rekenmeesters (Suid-Afrika) wat in Venda woonagtig is onmiddellik voor die onafhanklikwording van Venda en lede was van een of meer van die Transvaalse Genootskap van Geoktrooierde Rekenmeesters, die Natalse Genootskap van Geoktrooierde Rekenmeesters, die Kaapse Genootskap van Geoktrooierde Rekenmeesters en die Oranje-Vrystaatse Genootskap van Geoktrooierde Rekenmeesters (welke genootskappe hieronder gesamentlik "die Genootskappe" genoem word) en onderworpe was aan die bepalings van die Geoktrooierde Rekenmeesters Benaming (Private) Wet, 1927 (Wet 13 van 1927), soos gewysig, en/of die Wet op die Transvaalse en Natalse Genootskappe van Geoktrooierde Rekenmeesters, 1968 (Wet 66 van 1968), en/of die grondwet en verordeninge van die onderskeie Genootskappe; en

Nademaal die Openbare Rekenmeesters- en Ouditeursraad ingestel kragtens artikel 2 van die Wet (hieronder "die Raad" genoem), ingevolge die Wet met sekere regte, funksies en bevoegdhede beklee is wat onmiddellik voor die onafhanklikwording van Venda uitoefenbaar was ten opsigte van geregistreerde rekenmeesters en ouditeurs woonagtig in Venda; en

Nademaal die Genootskappe met sekere regte, funksies en bevoegdhede beklee is wat onmiddellik voor die onafhanklikwording van Venda ten opsigte van geoktrooierde rekenmeesters (Suid-Afrika) woonagtig in Venda uitoefenbaar was; en

Nademaal rekenmeesters en ouditeurs kragtens die Wet geregistreer en geoktrooierde rekenmeesters (Suid-Afrika) wat lede van enige van die Genootskappe is, was dit nie vir die aangaan van hierdie Oorenkoms nie, met ingang van die datum van onafhanklikwording van Venda sou ophou om aan die bepalings van die wette en/of verordeninge hierbo vermeld, soos van toepassing in die Republiek van Suid-Afrika, onderworpe te wees; en

Nademaal die Raad bereid is om die registrasie van geregistreerde rekenmeesters en ouditeurs te behou wat tans en hierna in Venda woonagtig is en om persone as openbare rekenmeesters en ouditeurs te registreer

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed this Agreement.

Done at Pretoria, in duplicate, on this 13th day of August 1979.

O. P. F. HORWOOD, Minister of Finance.
For the Government of the Republic of South Africa

P. R. MPHEPHU, Chief Minister.
For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA ON MATTER PERTAINING TO THE PROFESSION OF ACCOUNTANTS AND AUDITORS

PREAMBLE

Whereas accountants and auditors registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951), as amended, of the Republic of South Africa (hereinafter referred to as "the Act") who are resident in Venda were, immediately prior to the independence of Venda, governed by the provisions of the Act; and

Whereas chartered accountants (South Africa) who are resident in Venda immediately prior to the independence of Venda and who were members of one or more of the Transvaal Society of Chartered Accountants, the Natal Society of Chartered Accountants, the Cape Society of Chartered Accountants and the Orange Free State Society of Chartered Accountants (which societies are hereinafter collectively referred to as "the Societies") were governed by the Chartered Accounts Designation Private Act, 1927 (Act 15 of 1927), as amended, and/or by the Transvaal Natal Societies of Chartered Accounts Act, 1968 (Act 66 of 1968), and/or by the constitution and by-laws of the respective Societies; and

Whereas the Public Accountants' and Auditors' Board established in terms of section 2 of the Act (hereinafter referred to as "the Board") is, in terms of the Act vested with certain rights, functions and powers which, immediately prior to the independence of Venda were exercisable in respect of registered accountants and auditors resident in Venda; and

Whereas the Societies are vested with certain rights, functions and powers which, immediately prior to the independence of Venda, were exercisable in respect of chartered accountants (South Africa) resident in Venda; and

Whereas accountants and auditors registered in terms of the Act and chartered accountants (South Africa) who are members of any of the Societies would, but for the entering into of this Agreement, cease as from the date of independence of Venda, to be subject to the provisions of the laws and/or by-laws mentioned above as applicable in the Republic of South Africa; and

Whereas the Board is prepared to retain the registration of registered accounts and auditors now hereafter resident in Venda and to register as chartered accountants and auditors persons now or hereafter

geag word altyd geregtig te gewees het op die regte en voorregte ingevolge die Wet op dieselfde wyse en met dieselfde bepalings en voorwaardes as dié wat op hulle van toepassing sou gewees het indien hulle in Venda woonagtig was.

ARTIKEL 2

Die Regering van die Republiek van Suid-Afrika verbind hom om te verseker dat geregistreerde rekenmeesters en ouditeurs en klerke onder leerkontrak by geregistreerde rekenmeesters en ouditeurs in Venda, met ingang van die datum van onafhanklikwording van Venda, geregtig is op en geag word altyd geregtig te gewees het op die regte en voorregte ten opsigte van die Raad ingevolge die Wet en ten opsigte van die Genootskappe *mutatis mutandis* op dieselfde wyse en met dieselfde bepalings en voorwaardes as dié wat op hulle van toepassing sou gewees het indien hulle in die Republiek van Suid-Afrika woonagtig was of daar gepraktiseer het of onder leerkontrak gedien het.

ARTIKEL 3

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikwording deur Venda en kan deur enigeen van die twee Partye opgesê word deur ses maande skriftelik kennis van beëindiging aan die ander Party langs die diplomatieke kanaal te gee.

(b) Enige wysiging van hierdie Ooreenkoms waarvoor albei Partye onderling ooreengekom het, word aangebring deur Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik deur hulle onderskeie Regerings daartoe gemagtig, hierdie Ooreenkoms geteken en geseël het.

Geteken te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

O. P. F. HORWOOD, Minister van Finansies.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.

Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA BETREFFENDE VOORTGESETTE DEELNAME DEUR VENDA AAN BESTAANDE EN NUWE TERMYN-KONTRAKTE AANGEGAAN DEUR DIE STAATSTENDERRAAD VAN DIE REPUBLIEK VAN SUID-AFRIKA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die wenslikheid erken van voortgesette deelname deur die Regering van Venda, na onafhanklikheid, aan bestaande en nuwe termynkontrakte aangeaan deur die Staatstenderraad van die Republiek van Suid-Afrika;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

Die Staatstenderraad ingestel kragtens die Wet op die Staatstenderraad, 1968 (Wet 86 van 1968), van die Republiek van Suid-Afrika (hieronder die "Staatstenderraad" genoem) oefen, op versoek van die Regering van Venda maar behoudens die hieropvolgende bepalings van hierdie Ooreenkoms, enige bevoegdheid vir

always to have been entitled to the rights and privileges in terms of the Act in the same manner and on the same terms and conditions as those which would have been applicable to them if they were resident in Venda.

ARTICLE 2

The Government of the Republic of South Africa undertakes to ensure that registered accountants and auditors and articulated clerks of registered accountants and auditors in Venda shall, with effect from the date of independence of Venda, be entitled, and be deemed always to have been entitled, to the rights and privileges in respect of the Board and in terms of the Act and in respect of the Societies *mutatis mutandis* in the same manner and on the same terms and conditions as those which would have been applicable to them if they were resident or practising or serving under articles of clerkship in the Republic of South Africa.

ARTICLE 3

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

O. P. F. HORWOOD, Minister of Finance.

For the Government of the Republic of South Africa

P. R. MPHEPHU, Chief Minister.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA REGARDING CONTINUED PARTICIPATION BY VENDA IN EXISTING AND NEW PERIOD CONTRACTS ARRANGED BY THE STATE TENDER BOARD OF THE REPUBLIC OF SOUTH AFRICA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the desirability of the continued participation after independence by the Venda Government in existing and new period contracts arranged by the State Tender Board of the Republic of South Africa;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

The State Tender Board established under the Tender Board Act, 1968 (Act 86 of 1968), of the Republic of South Africa (hereinafter referred to as "State Tender Board") shall, at the request of the Government of Venda but subject to the succeeding provisions of this Agreement, exercise for and on behalf

MINISTERIE VAN GESONDHEID

OOREENKOMS TUSSEN DIE REGERINGS VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR RAADPLEGING, SAMEWERKING EN WEDERSYDSE HULP IN AANGELFENTHEDE BETREFFENDE GESONDHEIDSDIENSTE, EN DIE HANDAWING VAN TOEREIKENDE EN VERENIGBARE STANDAARDE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die bestaande vriendelike samewerking tussen die twee Regerings en hulle inwoners erken; en

Nademaal dit nodig is vir die doeltreffende bestryding van siekte en die beskerming en bewaring van gesondheid in die algemeen dat daar raadpleging, samewerking en wedersydse hulp in gesondheidsaangeleenthede behoort te wees tussen die Regering van die Republiek van Suid-Afrika en die Regering van Venda, meer spesifiek in die daarstelling, voortsetting en handhawing van toereikende en verenigbare standaarde daarin;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

Die Regering van die Republiek van Suid-Afrika kan deur bemiddeling van sy Departement van Gesondheid (hieronder Republiekgesondheid genoem) en op versoek van die Regering van Venda, deur bemiddeling van sy Departement van Gesondheid en Welsyn (hieronder Vendagesondheid genoem)—

(a) professionele en tegniese advies, leiding en inligting in verband met gesondheidsaangeleenthede aan Vendagesondheid beskikbaar stel;

(b) vir die inligting, leiding en hulp van Vendagesondheid statistieke en ander data kollasioneer en verwerk, hetsy deur middel van 'n rekenoutomaat of andersins ten opsigte van—

(i) siektes in enige distrik van Venda; en

(ii) die beheer van narkotiese en psigotropiese stowwe soos vereis deur die internasionale ooreenkoms tot tyd en wyl die Venda Regering dit op sigself kan bekragtig;

(c) in die geval van 'n epidemie of natuurlike ramp in Venda of enige noodtoestand wat daaruit voortspuit, sodanige gekwalifiseerde personeel en ander middele as wat nodig is om die toestand die hoof te bied, tot die beskikking van Vendagesondheid stel;

(d) waar moontlik sodanige gekwalifiseerde personeel tot die beskikking van Vendagesondheid stel wat behulpsaam sal wees om 'n doeltreffende gesondheidsdiens te lewer, en tot tyd en wyl Vendagesondheid self sodanige diens kan lewer;

(e) waar die betrokke opleidingsfasiliteite nie in Venda beskikbaar is nie, mediese, tandheelkundige, verpleeg, aptekers en paramediese personeel van Venda binne sy vermoë oplei, of waar Republiekgesondheid nie fasiliteite daarvoor het nie, met ander organisasies in die Republiek onderhandel om die nodige opleidingsfasiliteite daarvoor beskikbaar te stel;

(f) die Regering van Venda op eie koste van sodanige entstof wat Republiekgesondheid of van oorsake aankoop of in sy laboratoriums vervaardig voorsien; en

MINISTRY OF HEALTH

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO CONSULTATION, CO-OPERATION AND RECIPROCAL ASSISTANCE IN MATTERS CONCERNING HEALTH SERVICES, AND THE MAINTENANCE OF ADEQUATE AND COMPATIBLE STANDARDS

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas it is necessary for the effective combating of disease and the protection and preservation of health generally that there should be consultation, co-operation and reciprocal aid in health matters between the Government of the Republic of South Africa and the Government of Venda especially in the provision, continuation and maintenance of adequate and compatible standards therein;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

The Government of the Republic of South Africa may through its Department of Health (hereinafter referred to as Republican Health) and on request the Government of Venda, through its Department of Health and Welfare (hereinafter referred to as Venda Health)—

(a) make available to Venda Health professional and technical advice, guidance and information in health matters;

(b) for the information, guidance and assistance of Venda Health, collate and process statistics and other data, whether by means of a computer or otherwise, relating to—

(i) disease in any district of Venda; and

(ii) the control of narcotic and psychotropic substances as required by the relevant international conventions, until such time as the Venda Government has ratified these in its own right;

(c) place at the disposal of Venda Health, in the event of an epidemic or natural disaster in Venda or any emergency arising therefrom, such qualified personnel and other means as may be necessary to deal with the situation;

(d) where possible place at the disposal of the Government of Venda such qualified personnel who will assist in the rendering of an effective health service, until such time as Venda Health can render such service;

(e) where the relevant training facilities are not available in Venda, train within its resources, dental, nursing, pharmacist and para-medical personnel from Venda, or where Republican Health does not have facilities therefor, negotiate with other organisations within the Republic to make the necessary training facilities available therefor;

(f) supply the Government of Venda at its expense with such vaccines as Republican Health requires, whether purchased from overseas or manufactured in its laboratories; and

MINISTERIE VAN GEVANGENISSE

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA BETREFFENDE DIE AANHOUDING VAN GEVANGENES IN DIE REPUBLIEK VAN SUID-AFRIKA EN IN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat tussen die twee Regerings en hulle mense bestaan, erken; en

Nademaal artikel 30 van die Wet op Gevangenis, 1959 (Wet 8 van 1959), die Minister van Gevangenis van die Republiek van Suid-Afrika volmag gee om 'n ooreenkoms aan te gaan met die regering van enige gebied in Afrika volgens bepalings en op voorwaardes uiteengesit in die Ooreenkoms, vir die ontvangs in die Republiek van Suid-Afrika en aanhouding in enige gevangenis in die Republiek van Suid-Afrika van enige persoon wat gevonnissen is of verwys is vir aanhouding daarin deur 'n bevoegde hof of persoon in sodanige gebied volgens die wet van krag in sodanige gebied; en

Nademaal die Regering van Venda op dieselfde manier 'n ooreenkoms mag aangaan met die regering van enige gebied in Afrika volgens bepalings en op voorwaardes uiteengesit in die Ooreenkoms vir die ontvangs in Venda en aanhouding in enige gevangenis daarin van enige persoon wat tot gevangenisstraf gevonnissen is deur 'n bevoegde hof van sodanige gebied, ooreenkomstig enige wet wat daarin van krag is, of die opneming van enige persoon wat na 'n gevangenis verwys is vir aanhouding daarin deur 'n bevoegde hof of 'n persoon wat daartoe gemagtig is by enige wetsbepaling of enige bevel, reël of regulasie wat die krag van wet het; en

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda wedersyds begerig is om sodanige ooreenkoms aan te gaan;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda behoudens die bepalings van genoemde Wet en enige genoemde wetsbepalings en op voorwaardes wat hieronder verskyn, soos volg ooreenkoms:

ARTIKEL 1

Enige persoon wat deur 'n bevoegde hof van Venda ooreenkomstig die reg gevonnissen is, of enige persoon wat na 'n gevangenis verwys is vir aanhouding daarin deur 'n bevoegde hof of 'n persoon wat daartoe gemagtig is by enige wetsbepaling of enige bevel, reël of regulasie wat die krag van wet het mag opgeneem en aangehou word in gevangenis in die Republiek van Suid-Afrika en enige persoon wat deur 'n bevoegde hof van die Republiek van Suid-Afrika ooreenkomstig die reg gevonnissen is, of enige persoon wat na 'n gevangenis verwys is vir aanhouding daarin deur 'n bevoegde hof of 'n persoon wat daartoe gemagtig is by enige wetsbepaling of enige bevel, reël of regulasie wat die krag van wet het, mag opgeneem en aangehou word in gevangenis in Venda.

ARTIKEL 2

Gevangenes wat gevonnissen is deur hof in die Republiek van Suid-Afrika en aangehou word in 'n gevangenis in Venda op die dag waarop Venda onafhanklikheid verkry, word beskou as gevonnissen deur 'n bevoegde hof van Venda ooreenkomstig die reg wat daarin van

MINISTRY OF PRISONS

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA CONCERNING THE DETENTION OF PRISONERS IN THE REPUBLIC OF SOUTH AFRICA AND IN VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas section 30 of the Prisons Act, 1959 (Act 8 of 1959), empowers the Minister of Prisons of the Republic of South Africa to enter into an agreement with the government of any territory in Africa on terms and conditions set out in the Agreement providing for the reception in the Republic of South Africa and detention in any prison in the Republic of South Africa of any person sentenced or referred to any prison for detention therein by a competent court or prison in such territory according to the law in force in such territory; and

Whereas the Government of Venda may likewise enter into an agreement with the government of any territory in Africa on terms and conditions set out in the Agreement, for the reception in Venda and detention in any prison therein of any person sentenced to imprisonment by a competent court of such territory according to the law in force therein, or the admission of any person who has been committed to prison for detention therein by a competent court or a person authorised thereto by any law or any order, rule or regulation having the force of law; and

Whereas the Government of the Republic of South Africa and the Government of Venda are mutually desirous of concluding such an agreement;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda, subject to the provisions of the said Act and any said law and to conditions hereinafter appearing, agree as follows:

ARTICLE 1

Any person sentenced by a competent court of Venda, according to law or any person who has been committed to prison for detention therein by a competent court or a person authorised by any law or any order, rule or regulation having the force of law, may be admitted and detained in prisons in the Republic of South Africa and any person sentenced by a competent court of the Republic of South Africa according to law or any person who has been committed to prison for detention therein by a competent court or a person authorised by any law or any order, rule or regulation having the force of law, may be admitted and detained in prisons in Venda.

ARTICLE 2

Prisoners sentenced by courts in the Republic of South Africa and detained in a prison in Venda on the day on which Venda attains independence will be regarded as sentenced by a competent court of Venda according to the law in force therein and thereupon

die bepalings van hierdie Artikel nie van toepassing sal wees nie indien dit teenstrydig is met die bepalings van enige ooreenkoms tussen die Regering van die Republiek van Suid-Afrika en die Regering van Venda met betrekking tot die indiënsneming van burgers van die Republiek van Suid-Afrika in Venda en tot die indiënsneming van burgers van Venda in die Republiek van Suid-Afrika.

ARTIKEL 6

Gevangenes wat kragtens die wetgewing wat handel oor die veiligheid van die Staat gevonnisd of aangehou word, word uit hierdie Ooreenkoms uitgesluit.

ARTIKEL 7

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikheid van Venda en kan deur enig een van die twee Partye opgesê word deur ses maande skriftelike kennis van beëindiging aan die ander Party langs die diplomatieke kanaal te gee. Indien en wanneer hierdie Ooreenkoms beëindig word, word alle gevangenes wat volgens hierdie Ooreenkoms in gevangenis aangehou word, na die gebiede waarin hulle gevonnisd is, teruggestuur.

(b) Enige wysiging van hierdie Ooreenkoms waaroor albei Partye onderling ooreengekom het, word aangebring deur Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hul onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op hede die 13de dag van Augustus 1979.

L. LE GRANGE.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

MINISTERIE VAN HANDEL EN VERBRUIKER-SAKE

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR AANGELEENTHEDE RAKENDE MAATSKAPPYE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat daar tussen hulle twee Regerings en hulle mense bestaan; en

Nademaal dit geag word tot voordeel van beide lande te streef om, sover moontlik, 'n eenvormige benadering te handhaaf ten opsigte van aangeleenthede van gemeenskaplike belang; en

Nademaal daar besef word dat maatskappye wat in die Republiek van Suid-Afrika ingelyf of geregistreer is, ewigdurende bestaansreg in die Republiek kan geniet waar hulle ook al in die Republiek geleë is; en

Nademaal die Regering van Venda voornemens is om die aanname van die toepaslike wetgewing wat in die Republiek van Suid-Afrika van toepassing is, te inisieer opdat dit *mutatis mutandis* in Venda van toepassing kan wees; en

Nademaal die Regering van Venda dit nodig ag om wetgewende maatreëls in te stel ten einde die ononderbroke voortsetting van regte en verpligtinge in aangeleenthede rakende maatskappye te verseker; en

shall not apply if they are inconsistent with the provisions of any agreement between the Government of the Republic of South Africa and the Government of Venda with regard to the employment of citizens of the Republic of South Africa in Venda and to the employment of citizens of Venda in the Republic of South Africa.

ARTICLE 6

Prisoners sentenced or detained in terms of the legislation dealing with the security of the State are excluded from this Agreement.

ARTICLE 7

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel. If and when this Agreement is terminated all prisoners who are being held in prisons in terms of this Agreement shall be returned to the territories in which they were sentenced.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

L. LE GRANGE.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

MINISTRY OF COMMERCE AND CONSUMER AFFAIRS

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA ON MATTERS PERTAINING TO COMPANIES

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas it is deemed to be to the benefit of both countries to maintain, as far as possible, uniformity of approach in matters of common concern; and

Whereas it is appreciated that companies incorporated or registered in the Republic of South Africa may enjoy perpetual existence wherever situated in the Republic; and

Whereas it is the intention of the Government of Venda to initiate the adoption of the appropriate companies legislation applicable in the Republic of South Africa in order that it may apply *mutatis mutandis* in Venda; and

Whereas the Government of Venda deems it necessary to introduce legislative measures to ensure the uninterrupted continuation of rights and obligations in matters pertaining to companies; and

Ten bewyse waarvan die ondergetekendes, behoorlik deur hul onderskeie Regerings gemagtig, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

S. W. VAN DER MERWE.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

S. W. VAN DER MERWE.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR AANGELEENTHEDE RAKENDE HANDELSMETROLOGIE, EENVORMIGE MEETEENHEDE, PRYSBEHEER EN HANDELSPRAKTYKE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat daar tussen die twee Regerings en hul mense bestaan, erken; en

Nademaal dit geag word tot voordeel van beide lande te strek om, sover moontlik 'n eenvormige benadering te handhaaf ten opsigte van aangeleenthede van gemeenskaplike belang; en

Nademaal die Regering van Venda dit nodig ag om wetgewing in te stel ten einde te verseker dat eenvormige meeteenhede gebruik word, dat billikheid geld in alle handelstranskaksies waarby die hoeveelheid van goedere bepaal moet word (handelsmetrologie), dat die pryse van sekere goedere aan beheer onderworpe moet wees en, dat aanvaarbare handelspraktyke gehandhaaf word; en

Nademaal die Regering van Venda, ter bereiking van die doel, van voornemens is om die toepaslike wetgewing van die Republiek van Suid-Afrika te inisieer opdat sodanige wetgewing *mutatis mutandis* van toepassing kan wees in Venda; en

Nademaal dit die bedoeling is dat toepaslike gekwalifiseerde beamptes van die Republiek van Suid-Afrika aan die Regering van Venda bystand sal verleen met die administrasie en implementering van genoemde toepaslike wetgewing, totdat die Regering van Venda hiervoor selfonderhoudend is;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL I

1.1 Die toepaslike wetgewing op handelsmetrologie in hierdie Ooreenkoms bedoel, is die Wet op Handelsmetrologie, 1973 (Wet 77 van 1973).

1.2 Die toepaslike wetgewing op meeteenhede in hierdie Ooreenkoms bedoel, is die Wet op Meeteenhede en Nasionale Meetstandaarde, 1973 (Wet 76 van 1973).

1.3 Die toepaslike wetgewing op prysbeheer in hierdie Ooreenkoms bedoel, is die Wet op Prysbeheer, 1964 (Wet 25 van 1964).

1.4 Die toepaslike wetgewing op handelspraktyke in hierdie Ooreenkoms bedoel, is die Wet op Handelspraktyke, 1976 (Wet 76 van 1976).

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA ON MATTERS PERTAINING TO TRADE METROLOGY, UNIFORM MEASURING UNITS, PRICE CONTROL AND TRADE PRACTICES

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their Peoples; and

Whereas it is considered to be to the benefit of both countries to maintain, as far as possible, uniformity of approach in matters of common concern; and

Whereas the Government of Venda considers it necessary to introduce legislation to ensure that uniform measuring units be used, that equity prevail in all commercial transactions involving the determination of quantity of goods (trade metrology), that the prices of certain goods be subjected to control and, that acceptable trade practices be maintained; and

Whereas it is the intention of the Government of Venda to this end to initiate the adoption of the appropriate legislation of the Republic of South Africa to *mutatis mutandis* apply in Venda; and

Whereas it is the intention that appropriately qualified officers of the Republic of South Africa should assist the Government of Venda in the administration and implementation of the said appropriate legislation until the Government of Venda is self-supporting in this regard;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE I

1.1 The appropriate legislation on trade metrology referred to in this Agreement is the Trade Metrology Act, 1973 (Act 77 of 1973).

1.2 The appropriate legislation on measuring units referred to in this Agreement is the Measuring Units and National Measuring Standards Act, 1973 (Act 76 of 1973).

1.3 The appropriate legislation on price control referred to in this Agreement is the Price Control Act, 1964 (Act 25 of 1964).

1.4 The appropriate legislation on trade practices referred to in this Agreement is the Trade Practices Act, 1976 (Act 76 of 1976).

ARTIKEL IV

Die Regering van die Republiek van Suid-Afrika en die Regering van Venda onderneem om na die onafhanklikwording van Venda, noue betrekkinge met betrekking tot aangeleenthede rakende handelsmetrologie, eenvormige meeteenhede, prysbeheer en handelspraktyke te handhaaf en om met mekaar te onderhandel wanneer sodanig onderhandelinge ookal nodig mag wees.

ARTIKEL V

(a) Hierdie ooreenkoms tree in werking op die dag van onafhanklikheid en kan deur enigeen van die Partye beëindig word deur ses maande skriftelike kennis aan die ander Party, langs die diplomatieke kanaal, te gee.

(b) Enige wysiging van hierdie ooreenkoms waarvoor onderling deur beide Partye ooreengekom is moet aangebring word deur middel van Diplomatieke Notawisseling tussen die Partye.

Ten bewyse waarvan die ondergetekendes, behoorlik deur hul onderskeie Regerings gemagtig, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

S. W. VAN DER MERWE.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

OOREENKOMS OOR DIE EKONOMIESE BETREKKINGE TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat daar tussen die twee Regerings en hul mense bestaan, erken; en

Nademaal die bepalings van die Doeane-unie-ooreenkoms tussen Suid-Afrika, Botswana, Lesotho en Swaziland wat op 11 Desember 1969 te Pretoria onderteken is, tans van toepassing is op Venda as deel van die Republiek van Suid-Afrika en derhalwe van die Gemeenskaplike Doeanegebied soos omskryf in daardie Ooreenkoms; en

Nademaal 'n formele aansoek om toetrede tot die Doeane-unie nog nie deur die Regering van Venda aan die Kontrakterende Partye by die genoemde Doeane-unie gerig is nie; en

Nademaal dit die verklaarde voorneme van die Regering van Venda is om na die verkryging van onafhanklikheid aansoek te doen om tot die Doeane-unie toe te tree;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda hierby soos volg ooreenkom:

ARTIKEL I

1. Die bepalings van die genoemde Doeane-unie-ooreenkoms, soos gewysig of aangevul, met betrekking tot die regte en verpligtinge van die Kontrakterende Partye daarby, soos tot dusver toegepas ten opsigte van Venda, bly na onafhanklikwording op Venda van toepassing en enige verwysing na Suid-Afrika of na die

ARTICLE IV

The Government of the Republic of South Africa and the Government of Venda undertakes to, after the independence of Venda, maintain close relations in connection with matters pertaining to trade metrology, uniform measuring units, price control and trade practices and to negotiate with each other whenever such negotiations may be necessary.

ARTICLE V

(a) This Agreement shall enter into force on the day of independence and may be terminated by either Party giving six month's written notice through the diplomatic channel to the other Party.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between the Parties.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

S. W. VAN DER MERWE.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT ON THE ECONOMIC RELATIONS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the provisions of the Customs Union Agreement between South Africa, Botswana, Lesotho and Swaziland, which was signed in Pretoria on 11 December 1969 presently applies with reference to Venda is forming part of the Republic of South Africa and therefore of the Common Customs Area is defined in that Agreement; and

Whereas a formal application for accession to the Customs Union has not yet been made by the Government of Venda to the Contracting Parties of the said Customs Union; and

Whereas it is the declared intention of the Government of Venda to apply for accession to the Customs Union after Venda attains independence;

Now, therefore, it is hereby agreed between the Government of the Republic of South Africa and the Government of Venda as follows:

ARTICLE I

1. That the provisions of the said Customs Union Agreement, as amended or supplemented, concerning the rights and obligations of the Contracting Parties thereto, as hitherto applied in respect of Venda, shall continue to apply to Venda after it attains independence, and any reference to South Africa or to the

(b) Enige wysiging van hierdie Ooreenkoms waaroor beide Partye ooreenkoms, word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op hede die 13de dag van Augustus 1979.

H. S. J. SCHOEMAN.

Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Vir die Regering van Venda.

OOREENKOMS AANGEGAAN TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA BETREFFENDE INTERNASIONALE GRENSE EN SAKE WAT DAARMEE IN VERBAND STAAN

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat daar tussen die twee Regerings en hul mense bestaan; en

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda dit in hul beste belang ag—

(a) dat die grens tussen die Republiek van Suid-Afrika en Venda duidelik omskryf en afgebaken moet word; en

(b) dat enige bestaande of nuwe heining op genoemde grens, hetsy dit voor of na die inwerking-treding van hierdie Ooreenkoms opgerig is, goed in stand gehou behoort te word;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL 1

WOORDOMSKRYWING

Vir die doel van hierdie Ooreenkoms, tensy die inhoud anders vereis, beteken—

(a) "alluvio" die geleidelike en onwaarneembare afsetting van grond teen die oewer van 'n rivier of spruit;

(b) "avulsio" die waarneembare afsetting van grond teen die oewer van 'n rivier of spruit;

(c) "grens" die grens tussen die Republiek van Suid-Afrika en Venda, of enige gedeelte van sodanige grens soos omskryf in Artikel 2 van hierdie Ooreenkoms;

(d) "afbakening" die werklike bepaling van die grenslyn op die grond en die omskrywing daarvan deur bakens, grensstutte of enige ander struktuur of merk wat opgerig, gebou of gevestig word met die doel om die presiese ligging van die grens aan te dui;

(e) "heining" enige heining op of ten opsigte van die grens, hetsy dit voor of na die inwerking-treding van hierdie Ooreenkoms opgerig is, en ook—

(i) enige baken of ander struktuur of merk wat opgerig, gebou of gevestig is met die doel om die presiese ligging van die grens aan te dui; en

(ii) enige heining wat tevore deur albei Partye by die Ooreenkoms veronderstel is presies op die grens geleë te wees, welke grens daarna gevind word af te wyk van die grens soos opgemeet ingevolge Artikel 5 hiervan, tot tyd en wyl 'n nuwe heining op die presiese ligging van die grens opgerig is.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria in duplicate, on the 13th day of August 1979.

H. S. J. SCHOEMAN.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA CONCERNING INTERNATIONAL BOUNDARIES AND MATTERS CONNECTED THEREWITH

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa and the Government of Venda consider it in their best interest—

(a) that the boundary between the Republic of South Africa and Venda should be clearly defined and demarcated; and

(b) that any existing or new fence on the said boundary whether erected before or after the coming into operation of this Agreement, should be kept in good repair;

Now therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

DEFINITIONS

For the purpose of this Agreement, unless the context otherwise requires—

(a) "alluvio" means a gradual and imperceptible deposition of soil upon the bank of a river or spruit;

(b) "avulsio" means the perceptible deposition of soil upon the bank of a river or spruit;

(c) "boundary" means the boundary between the Republic of South Africa and Venda or any part of such boundary as defined in Article 2 of this Agreement;

(d) "demarcation" means the actual laying down of the boundary line on the ground and its definition by beacons, boundary pillars or any other structure or mark erected, constructed or established for the purpose of indicating the precise location of the boundary;

(e) "fence" means any fence on or in respect of the boundary whether erected before or after the coming into operation of this Agreement and includes—

(i) any beacon or other structure or mark erected, constructed or established for the purpose of indicating the precise location of the boundary; and

(ii) any fence heretofore presumed by either Party to the Agreement to be on the precise location of the boundary which is subsequently found to deviate from the boundary as surveyed in terms of Article 5 hereof, until such time as a new fence is erected on the precise location of the boundary.

MINISTERIE VAN MYNWESE

OOREENKOMS TUSSEN DIE REGERING VAN
DIE REPUBLIEK VAN SUID-AFRIKA EN DIE
REGERING VAN VENDA OOR SAMEWERKING
OP DIE GEBIEDE VAN PROSPEKTERING EN
MYNBOU

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hul mense bestaan; en

Nademaal Suidelike Afrika ryklik bedeed is met 'n groot verskeidenheid minerale; en

MINISTRY OF MINES

AGREEMENT BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF SOUTH AFRICA AND
THE GOVERNMENT OF VENDA ON CO-OPERATION
IN THE FIELDS OF PROSPECTING
AND MINING

PREAMBLE

Whereas the Government of the Republic of Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas Southern Africa is richly endowed with a wide variety of minerals; and

van die Republiek van Suid-Afrika stem van sy kant daartoe in en verbind hom daartoe om geologiese en ander vakkundige, tegniese en administratiewe bystand, advies en leiding aan die Regering van Venda te gee in verband met al die genoemde aangeleenthede.

ARTIKEL 5

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikwording van Venda, en kan deur enige een van die twee Partye opgesê word deur aan die ander Party twee jaar skriftelike kennis van beëindiging langs die diplomatieke kanaal te gee.

(b) Enige wysiging van hierdie Ooreenkoms waaroor beide Partye ooreenkoms, word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik deur hulle onderskeie Regerings daartoe gemagtig, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

F. W. DE KLERK.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT VEILIGHEID EN GESONDHEID IN DIE MYNBDRYF IN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hul mense bestaan; en

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda begerig is om prospektering en mynontwikkeling in hulle onderskeie lande te bevorder deur die aanwending van basies dieselfde veiligheids- en gesondheidsbeginsels by prospektering en in die mynbedryf; en

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda met inagneming van die oogmerke en beginsels van die Wet op Myne en Bedrywe, 1956 (Wet 27 van 1956), en die regulasies daarkragtens uitgevaardig (hieronder gesamentlik genoem "genoemde Wet"), begerig is dat daardie oogmerke en beginsels in Venda van krag bly, en aangesien die Regering van die Republiek van Suid-Afrika, deur bemiddeling van sy Departement van Mynwese, die hulpmiddels en kundigheid tot sy beskikking het om daardie oogmerke en beginsels in Venda toe te pas;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda (hieronder die "Partye" genoem) soos volg ooreenkoms:

ARTIKEL 1

Behoudens sodanige uitsonderings en voorbehoude as waaroor die Partye ooreenkoms, welke uitsonderings en voorbehoude nie die basiese en erkende beginsels vir veiligheid en gesondheid in die mynbedryf mag benadeel nie, bly die bepalinge van genoemde Wet ingevolge artikel 2 van die Wet op die Status van Venda, No. 109 van 1979, en die toepaslike bepalinge

of the Republic of South Africa on its part agrees and undertakes to provide geological and other professional, technical and administrative assistance, advice and guidance to the Government of Venda in regard to all the said matters.

ARTICLE 5

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving two years' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

F. W. DE KLERK.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO SAFETY AND HEALTH IN MINING IN VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa and the Government of Venda are desirous of further prospecting and mining development in their respective countries through the application of, basically similar principles of safety and health in prospecting and mining; and

Whereas the Government of the Republic of South Africa and the Government of Venda having regard to the objects and principles of the Mines and Work Act, 1956 (Act 27 of 1956), and the regulations made thereunder (together hereinafter referred to as "the said Act") are desirous that these objects and principles remain in force in Venda and while the Government of the Republic of South Africa through its Department of Mines has at its disposal the resources and expertise to implement the said objects and principles in Venda;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda (hereinafter referred to as the "Parties"), agree as follows:

ARTICLE 1

Subject to such exceptions and reservations as may be agreed upon between the Parties, which exceptions and reservations shall not adversely affect the objects and recognised principles of safety and health in mining, the provisions of the said Act shall remain in force and effect in Venda in terms of Article 1 of the Status of Venda Act, No. 109 of 1979, and

instansie wat deur die Regering van Venda beheer word, enige plaaslike owerheid of ander openbare liggaam en enige ander privaat persoon in Venda, die reg het om SABS se dienste aan te vra met dien verstande dat SABS vergoeding vir sodanige dienste kan vorder.

2. Verder kom die Regering van Venda en die Raad van die Suid-Afrikaanse Buro vir Standaarde ooreen dat—

(a) die Regering van Venda 'n senior beampte in sy diens, verkieslik in sy Departement wat vir die ontwikkeling van die nywerheid of die handel verantwoordelik is, sal aanwys om as Standaardskakelbeampte tussen hom en SABS op te tree en om sodanige funksies te verrig en sodanige stappe te doen as wat kragtens wet noodsaaklik mag wees vir die behoorlike en suksesvolle uitvoering van hierdie Ooreenkoms in Venda;

(b) SABS sodanige aparte rekenings sal hou of laat hou as wat nodig mag wees om die omvang van sy aktiwiteite in Venda aan te toon;

(c) 'n afskrif van die jaarverslag en rekenings van SABS, soos aan die Minister van Nywerheidswese van die Republiek van Suid-Afrika voorgelê, aan die Regering van Venda voorgelê word.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

R. F. J. TEICHMANN.

Namens die Raad van die Suid-Afrikaanse Buro vir Standaarde.

P. R. MPHEPHU.

Namens die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA INSAKE NYWERHEIDSONTWIKKELING

INLEIDING

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat daar bestaan tussen die twee Regerings en hulle mense, erken; en

Nademaal die Regering van Suid-Afrika en die Regering van Venda besorg daaroor is dat ontwinging mag volg uit omstandighede waar maatreëls getref word wat nie in harmonie is vir die aanmoediging van treeksnywerheidsontwikkeling in hulle onderskeie lande nie; en

Nademaal die behoeftes vir sowel volgehoue bevordering van nywerheidsontwikkeling in die gedesentraliseerde gebiede van die Republiek van Suid-Afrika en in Venda as die wenslikheid van onderlinge koördinasie van ondersteunde nywerheidsontwikkeling in hulle onderskeie gebiede, erken word;

Non derhalwe kom die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreen:

ARTIKEL 1

MAATSTAWE EN PEILE VAN HULP

(a) Die maatstawe en peile van hulp vir die onderskeie gedesentraliseerde gebiede wat van toepassing is in die Republiek van Suid-Afrika onmiddellik voor die onafhanklikheidswording van Venda sal steeds toegevoeg word in die gebiede waarvoor die Regering van

controlled by the Government of Venda, any local authority or other public body and any other private person in Venda shall have the right to call upon SABS, on the understanding that SABS shall be entitled to charge for such services.

2. It is furthermore agreed between the Government of Venda and the Council of the South African Bureau of Standards that—

(a) the Government of Venda shall designate a senior officer in its service, preferably in its Department responsible for the development of industry or commerce, to act as Standards Liaison Officer between it and SABS and to perform such functions and take such steps as may in law be necessary for the due and successful implementation of this Agreement in Venda;

(b) SABS shall keep or cause to be kept such separate accounts as may be necessary to reflect the extent of its activities within Venda;

(c) a copy of the annual report and accounts of SABS as submitted to the Minister of Industries of the Republic of South Africa, shall be submitted to the Government of Venda.

Done at Pretoria, in duplicate, on the 13th day of August, 1979.

R. F. J. TEICHMANN.

For the Council of the South African Bureau of Standards.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA IN REGARD TO INDUSTRIAL DEVELOPMENT

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas the Government of the Republic of South Africa and the Government of Venda are concerned that disruption may result from situations where the measures applied in regard to the encouragement of regional industrial development in their respective countries are not in harmony; and

Whereas the need for the continued promotion of industrial development in the decentralised areas of the Republic of South Africa and Venda, as well as the desirability of mutual co-ordination of assisted industrial development in their respective areas are recognised;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

CRITERIA AND LEVELS OF ASSISTANCE

(a) The criteria and levels of assistance for the respective decentralised areas in operation in the Republic of South Africa immediately prior to the attainment of independence by Venda shall continue to be applied in the areas for which the Government of

6. KAPITAALTOERUSTING.

Alle kapitaaltoerusting gekoop deur die WNNR met geld verskaf deur die Regering (kyk Klousule 1.8) is die eiendom van die Regering.

7. WYSIGINGS.

Enige wysigings aan die bedinge en voorwaardes van hierdie Ooreenkoms moet skriftelik geboekstaaf word.

8. ADRESSE.

Vir alle doeleindes van hierdie Ooreenkoms is die adres van die Regering, Die Regering van Venda, Thohoyandau, Venda, en die adres van die WNNR is Scientia, Meiring Naudéstraat, Posbus 395, Pretoria, 0001.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

C. v. d. M. BRINK, President.

Vir die Wetenskaplike en Nywerheidsnavorsingsraad.

P. R. MPHEPHU, Hoofminister.

Vir die Regering van Venda.

6. CAPITAL EQUIPMENT.

All capital equipment purchased by the CSIR from funds provided by the Government (refers Clause 1.8), shall be, the property of the Government.

7. AMENDMENTS.

Any amendments to the terms and conditions of this Agreement shall be recorded in writing.

8. ADDRESSES.

For all purposes of this Agreement the addresses of the Government shall be The Government of Venda, Thohoyandou, Venda, and the address of the CSIR shall be Scientia, Meiring Naudé Street, P.O. Box 395, Pretoria, 0001.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

C. v. d. M. BRINK, President.

For the Council for Scientific and Industrial Research.

P. R. MPHEPHU, Chief Minister.

For the Government of Venda.

MINISTERIE VAN ONDERWYS, KUNS EN WETENSKAP

OOREENKOMS AANGEGAAN TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA OOR DIE BASIESE VOORWAARDES BETREFFENDE DIE VERSKAFFING VAN HULP OP ONDERWYSGEBIED DEUR DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA DEUR SY DEPARTEMENT VAN ONDERWYS EN OPLEIDING AAN DIE REGERING VAN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hul mense bestaan; en

Nademaal die Regering van die Republiek van Suid-Afrika, in die lig van die voordele wat deur noue samewerking verkry kan word, gewillig is om hulp in sekere onderwysaangeleenthede aan die Regering van Venda te verleen; en

Nademaal dit wenslik is om die samewerking en die lewering van sodanige hulp te formaliseer;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL 1

Die Regering van die Republiek van Suid-Afrika sal aan die Regering van Venda eksamenfasiliteite beskikbaar op dieselfde basis as vir skole in die Republiek van Suid-Afrika en soos onderling ooreengekom.

Sodanige fasiliteite sluit ook in die verskaffing aan die Regering van Venda van sillabusse op alle vlakke, onderwysersgidse, lyste van toerusting en lyste van voorgestelde skrewe werke en handboeke.

ARTIKEL 2

Om die bystand uiteengesit in Artikel 1 te vergemaklik, verleen die Regering van die Republiek van Suid-Afrika aan die Regering van Venda verteenwoordiging in die verskillende professionele liggame verbonde aan die onderwys, soos onderling ooreengekom.

MINISTRY OF EDUCATION, ARTS AND SCIENCE

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA ON THE BASIC CONDITIONS GOVERNING THE PROVISION OF AID IN EDUCATIONAL MATTERS BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA THROUGH ITS DEPARTMENT OF EDUCATION AND TRAINING TO THE GOVERNMENT OF VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas in view of the benefits to be derived from closed co-operation the Government of the Republic of South Africa is willing to render assistance in certain educational matters to the Government of Venda; and

Whereas it is desirable to formalise co-operation and the rendering of such assistance;

Now therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

The Government of the Republic of South Africa shall make available examination facilities to the Government of Venda on the same basis as for schools in the Republic of South Africa and as mutually agreed upon.

Such facilities shall also include the provision to the Government of Venda of syllabuses at all levels, teachers' guides, equipment lists and lists of prescribed networks and textbooks.

ARTICLE 2

In order to facilitate the assistance outlined in Article 1 the Government of the Republic of South Africa shall accord to the Government of Venda representation on the various professional bodies connected with education in a manner mutually agreed upon.

4. Die administrasie van die land van herkoms betaal aan die administrasie van die deurgangland dié koste wat deur laasgenoemde administrasie vereis word vir telegramme en telefoon- en teleksoproep wat in transit na 'n ander land of na skepe ter see oor sy net gaan.

5. In die geval van telekommunikasieverkeer wat in 'n derde land ontstaan en oor die net van een van die administrasies onderweg na die ander gaan, betaal die administrasie van die deurgangland in beginsel aan die ander dié bedrae waarvoor die administrasies onderling ooreenkom.

ARTIKEL 7

VOORSIENING VAN DIENSTE DEUR EEN ADMINISTRASIE VIR OF NAMENS DIE ANDER

Die administrasies kan ooreenkomste vir die uitvoer of voorsiening van dienste deur een administrasie vir of namens die ander aangaan. Die koste of gelde wat betaal moet word aan die administrasie wat sodanige dienste uitvoer of voorsien, of die wyse waarop sodanige koste of gelde bereken moet word, moet in sodanige ooreenkomste uiteengesit word.

ARTIKEL 8

TOEPASSING, INWERKINGTREDING EN GELDIGHEIDSDUUR VAN DIE OOREENKOMS

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikheid van Venda en kan deur enigeen van die twee Partye beëindig word deur ses maande skriftelike kennis langs die diplomatieke kanale aan die ander Party te gee.

(b) Enige wysiging van hierdie Ooreenkoms waarvoor die twee Partye ooreenkom, moet deur middel van die wisseling van Diplomatieke Notas tussen hulle geskied.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en geseël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

H. H. SMIT, Minister van Pos- en Telekommunikasiewese.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.

Namens die Regering van Venda.

MINISTERIE VAN SAMEWERKING EN ONTWIKKELING

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE REG OM 'N STUK GROND IN VENDA TE BETREE MET DIE OOG OP DIE AANLÊ, IN STAND HOU EN BEDRYF VAN 'N KRAGLYN

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge wat tussen die twee Regerings en hulle volke bestaan, erken; en

Nademaal 'n bogrondse kraglyn op 'n sekere stuk grond soos in die Aansoek van hierdie Ooreenkoms beskryf, bestaan; en

4. The administration of the country of origin shall pay to the administration of the country of transit such charges as may be required by the latter administration for telegrams and telephone and telex calls that pass over its network in transit to another country or to ships at sea.

5. In the case of telecommunication traffic originating in a third country, and passing through the network of one of the administrations en route to the other, the administration of the country of transit shall, in principle, pay to the other such sums as may be mutually agreed upon by the administrations.

ARTICLE 7

PROVISION OF SERVICES BY ONE ADMINISTRATION FOR OR ON BEHALF OF THE OTHER

The administrations may enter into agreements for the performance or provision of services by one administration for or on behalf of the other. The charges or fees that shall be paid to the administration that performs or provides such services, or the manner in which such charges or fees are to be calculated, shall be set out in such agreements.

ARTICLE 8

APPLICATION, ENTRY INTO FORCE AND DURATION OF THE AGREEMENT

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

H. H. SMIT, Minister of Posts and Telecommunications.

For the Government of the Republic of South Africa.

P. R. MPHEPHU, Chief Minister.

For the Government of Venda.

MINISTRY OF CO-OPERATION AND DEVELOPMENT

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA CONCERNING THE RIGHT TO ENTER UPON A PORTION OF LAND IN VENDA FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, AND OPERATING A POWER LINE

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas an overhead powerline exists on a certain area of land as described in the Annexure to this Agreement; and

u Regering gelewer en gegee word. Die volgende word uitdruklik geïdentifiseer as projekte ten opsigte waarvan sodanige professionele bystand en raad verleen en gegee sal word:

(a) Die teer van die pad vanaf Sibasa deur die Nzhelele-vallei tot by Wyllie's Poort.

(b) Die teer van die pad vanaf Sibasa tot by die Magistraatskantoor by Thengwe.

6. By ontvangs van u antwoord waarin aangedui word dat die voorafgaande bepalings aanneemlik is vir die Regering van Venda, word hierdie Nota en u antwoord daarop deur die Regering van die Republiek van Suid-Afrika geag 'n Ooreenkoms uit te maak tussen ons twee Regerings aangaande hierdie aangeleentheid, welke Ooreenkoms op 13 September 1979 in werking tree.

Aanvaar asseblief, Meneer die Hoofminister, die verskering van my besondere hoogagting.

P. G. J. KOORNHOF, Minister van Samewerking en Ontwikkeling.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA MET BETREKKING TOT DIE INDIENSNEMING VAN BURGERS VAN DIE REPUBLIEK VAN SUID-AFRIKA IN VENDA EN TOT DIE INDIENSNEMING VAN BURGERS VAN VENDA IN DIE REPUBLIEK VAN SUID-AFRIKA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat daar tussen die twee Regerings en hulle mense bestaan; en

Nademaal dit nodig geag word om sekere reëlings te tref met betrekking tot die indiense-neming van burgers van die Republiek van Suid-Afrika in Venda en tot die indiense-neming van burgers van Venda in die Republiek van Suid-Afrika ná verkryging van onafhanklikheid deur Venda; en

Nademaal dit nodig geag word om voorsiening te maak vir diverse bykomende aangeleenthede rakende burgers van Venda in die Republiek van Suid-Afrika; en

Nademaal dit ook nodig geag word om voorsiening te maak vir diverse bykomende aangeleenthede rakende burgers van die Republiek van Suid-Afrika in Venda;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkoms:

ARTIKEL 1

Geen burger van Venda wat in Venda gewerf word vir indiense-neming in die Republiek van Suid-Afrika, mag die Republiek van Suid-Afrika binnekom met die doel om sodanige arbeid te aanvaar nie, tensy—

(a) hy voldoen aan die wette en regulasies betreffende die toelating tot, verblyf in en vertrek uit die Republiek van Suid-Afrika;

(b) hy in besit is van 'n skriftelike dienskontrak in Venda geattesteer of "inroepkaart" (d.i. 'n verkorte dienskontrak wat deur 'n vorige werkgewer voltooi word vir die herindiense-neming van 'n werker na voltooiing van die oorspronklike dienskontrak) behoorlik deur sy vorige werkgewer ingevul waarin werk aangebied word en wat deur die Arbeidsowerhede in die Republiek van Suid-Afrika gemagtig is;

free of charge. The following are specifically identified as projects upon which such professional assistance and advice will be rendered:

(a) Tarring of the road from Sibasa through Nzhelele valley up to Wylliespoort.

(b) Tarring of the road from Sibasa to the Magistrate's office at Thengwe.

6. Upon receipt of your reply indicating that the foregoing provisions are acceptable to the Government of Venda, the Government of the Republic of South Africa will consider that this Note and your reply thereto constitute an Agreement between our two Governments on this subject, the Agreement to enter into force on 13 September 1979.

Please accept, Mr Chief Minister, the assurance of my highest consideration.

P. G. J. KOORNHOF, Minister of Co-operation and Development.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE EMPLOYMENT OF CITIZENS OF THE REPUBLIC OF SOUTH AFRICA IN VENDA AND TO THE EMPLOYMENT OF CITIZENS OF VENDA IN THE REPUBLIC OF SOUTH AFRICA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

Whereas it is considered necessary to make certain arrangements relating to the employment of citizens of the Republic of South Africa in Venda and to the employment of citizens of Venda in the Republic of South Africa after the attainment of independence by Venda; and

Whereas it is considered necessary to make provision for sundry additional matters affecting citizens of Venda in the Republic of South Africa; and

Whereas it is considered necessary also to make provision for sundry additional matters affecting citizens of the Republic of South Africa in Venda;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

No citizen of Venda recruited in Venda for employment in the Republic of South Africa shall enter the Republic of South Africa for the purpose of taking up such employment unless—

(a) he complies with the laws and regulations relating to the admission to, residence in and departure from the Republic of South Africa;

(b) he is in possession of a written contract of employment attested in Venda or a "call-in card" (i.e. an abridged service contract completed by a previous employer for the re-engagement of a worker after completion of the original service contract) duly completed by his previous employer offering employment, and authorised by the Labour Authorities in the Republic of South Africa;

ARTIKEL 9

(a) Hierdie Ooreenkoms tree in werking op die datum van onafhanklikwording van Venda en kan deur enige van die twee partye beëindig word deur aan die ander Party ses maande skriftelike kennis van beëindiging langs die diplomatieke kanaal te gee.

(b) Enige wysiging van hierdie Ooreenkoms waarvoor beide Partye ooreenkom, word aangebring deur middel van Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en gescël het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

P. G. J. KOORNHOF.

Vir die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU.

Vir die Regering van Venda.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA RAKENDE DIE EKONOMIESE ONTWIKKLING VAN VENDA

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge erken wat tussen die twee Regerings en hulle mense bestaan; en

Nademaal die verdere ekonomiese ontwikkeling van Venda wenslik is; en

Nademaal sodanige verdere ekonomiese ontwikkeling vir die Regering en mense van Venda aanvaarbaar bevorder kan word deur die oordrag van al die belange en funksies van die Ekonomiese Ontwikkelingskorporasie Beperk of ander korporasies soos omskryf in artikel 5 (1) (b) van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968 (Wet 46 van 1968), (hierna genoem Suid-Afrikaanse korporasies), aan die Venda-ontwikkelingskorporasie Beperk; en

Nademaal ekonomiese ontwikkeling bevorder kan word deur hegte samewerking tussen die Venda-ontwikkelingskorporasie Beperk en die Ekonomiese Ontwikkelingskorporasie Beperk of Suid-Afrikaanse korporasies; en

Nademaal dit wenslik is om die basiese diensvoorwaardes van personeel wat deur die Ekonomiese Ontwikkelingskorporasie Beperk of enige Suid-Afrikaanse korporasie tot beskikking gestel word van die Venda-ontwikkelingskorporasie Beperk of ander korporasies wat deur die Regering van Venda beheer word, te formaliseer;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda soos volg ooreenkom:

ARTIKEL 1

Die Regering van Venda en/of die Venda-ontwikkelingskorporasie Beperk of enige ander ontwikkelingskorporasie of ander regsentiteit in Venda kan die Ekonomiese Ontwikkelingskorporasie Beperk of enige Suid-Afrikaanse korporasie versoek om aan hulle sodanige hulp te verleen as wat nodig geag word, insluitende

ARTICLE 9

(a) This Agreement shall enter into force on the date of independence of Venda and may be terminated by either Party giving six months' written notice to the other Party through the diplomatic channel.

(b) Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

P. G. J. KOORNHOF.

For the Government of the Republic of South Africa.

P. R. MPHEPHU.

For the Government of Venda.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA RELATING TO THE ECONOMIC DEVELOPMENT OF VENDA

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relationship existing between the two Governments and their peoples; and

Whereas the further economic development of Venda is desirable; and

Whereas such further economic development can be promoted by the Government and peoples of Venda acceptably promoted by the transfer of all the interests and functions of the Corporation of Economic Development Limited or other corporations as defined in section (1) (b) of the Promotion of the Economic Development of Black States Act, 1968 (Act 46 of 1968) (hereinafter referred to as South African corporations), to the Venda Development Corporation Limited; and

Whereas economic development can be promoted by close co-operation between the Venda Development Corporation and the Corporation for Economic Development Limited or South African corporations;

Whereas it is desirable to formalise the basic conditions of service of personnel made available by the Corporation for Economic Development Limited or any South African corporation to the Venda Development Corporation Limited or other corporations controlled by the Government of Venda;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

The Government of Venda and/or the Venda Development Corporation Limited or any other development corporation or other legal entity in Venda request the Corporation of Economic Development Limited or any South African corporation to assist them such assistance as may be deemed necessary.

Venda 'Independence'

TO MOST of the people at the Venda independences celebrations at Thoho - Yo - Ndou the whole exercise is a big two-week feast.

One nine-year-old girl, Lufuno, when asked what she thought of the place, said: "It is nice. There is a lot of food here." About going back to school, she said it would be good if "they brought the school here."

One old man in his sixties, the Rev Tibus Mula of the Apostolic Faith Mission in nearby Louis Trichardt, had

gone with his congregation to attend the inter-denominational church service last Sunday. POST asked him of his

By Mathatha Tsedu

opinion about the "independence" and he replied: "We were told that there will be a gathering of all churches here and we decided to come and attend. I don't know what the independence will bring us."

Real life at the stadium starts after dark when the cream of Venda converge there in flashy cars to dance and drink the night away at the numerous beer gardens.

One student from the Venda College of Education, who did not want to be named, said most of the students were against participation in the celebrations but were afraid to say so.

"The instructions to participate came from the principals. So if one were to refuse, that would be insubordina-

tion and one could be expelled or detained. There are those of us who feel very strongly against this so-called independence but we had to come.

"We are aware that the only people who will benefit are those in higher administrative positions. The government labourers, the workers in other industries are still going to suffer more," he said.

Some teachers also expressed the same feeling and said they had no choice. "Instructions are instructions", said one. Amongst the elderly people, none seems to know or care about the significance of the celebrations. The citizenship issue, which is the bone of contention of the separate development policy, is a non-issue as far as the majority of them are concerned.

FACTS AND FIGURES

VENDA, the tiny 639 000 hectare homeland in the Northern Transvaal, is to become the third homeland to attain "independence" tomorrow morning.

The step, the ultimate of National Party policy, will be the end of a constitutional development that started seventeen years ago when a regional authority was constituted. In 1969 more powers were conferred with the establishment of a territorial authority under Chief P R Mphephu. On February 1973 the first six man cabinet was declared.

The first elections followed in which Chief Mphephu won only five of the 18 elected seats. He however, got into power with the support of 41 traditional leaders who were a part of the 60 members assembly.

The second elections were held last year when the Venda Independence Party (VIP), won 31 of 42 elected seats. Chief Mphephu again retained his position with traditional leaders' support and detention of opposition members.

Twelve opposition members and more than 30 other people were detained for 90 days under proclamation R275 for allegedly trying to subvert the government by violent means. A police inquiry into the matter was promised but nothing was ever heard about its findings. All the detainees were released without being charged.

On September 13, Venda will join Transkei and BophuthaTswana as the youngest states in Africa that were hatched by Pretoria. The new "state" will be multi-racial where whites could take citizenship.

STUDENT

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"The instructions to participate came from the principals. So if one were to refuse, that would be insubordina-

(113) 12/9/79

'Venda freedom in SA's hands'

THOHYANDOU. — It was the responsibility of the South African Government to grant the people of Venda their independence, and the responsibility of the people of Venda to acknowledge their birthright, the deputy Minister of Co-operation and Development, Dr G de V Morrison, said yesterday.

Neither Venda nor South Africa had shirked its responsibility, he said when he handed over the new R5-million government complex at Thohoyandou to the Venda Government. The complex includes the country's parliament, supreme court and three office blocks.

Some people said it was foolish of Venda to ask the South African Government for independence and that the South African Government, on the other hand, was 'only too willing to accede to your request because it wanted to be rid of the Venda people', Dr Morrison said.

"These people say that this is all folly. If this is folly, then it is also folly for the child to become a man and leave his parent's home to make his own, independent way in the world."

Dr Morrison said South Africa and Venda would still have a certain responsibility to each other.

"We have a responsibility towards our future here in southern Africa. But if we turn our backs on one another and let our friendship lapse, it will be bad for Venda and for South Africa."

The homeland becomes independent at midnight tonight.

• Venda would not fear to negotiate, but would not negotiate from fear. Venda's Minister of Education, Mr E R B Nesengani, said last night when he opened the National Music Festival at the Independence Stadium.

He said Venda could not, as a free nation, compete with those who believed in the tactics of terror, assassination and the spilling of innocent blood to attain their freedom.

"We cannot abandon the slow but peaceful process of consultation to match the swift expediences of those who want to wrench everything by the barrel of a gun for their own selfish interest."

Mr Nesengani said Venda would have realise it was a fraction of mankind and could not right every wrong or reverse each adversity.

"We must lead a co-operative life with other states in southern Africa for peace and prosperity which cannot be attained without toil," he said — Sapa.

'Independent' Venda blasted by Buthelezi

By AMEEN AKHALWAYA Political Reporter

KWAZULU'S Chief Gatsha Buthelezi yesterday blasted Venda's "independence", accusing Chief Patrick Mphahlele's homeland government of conniving at fragmenting the South African nation and making blacks stateless.

The Inkatha leader, making it clear he would not be attending the celebrations, described the "independence" scheduled for midnight tonight as a tragedy and treacherous to the cause of black people.

Speaking at Jan Smuts Airport on his return from a three-week visit to the United States, Chief Buthelezi also reiterated that he would not accept "independence" for KwaZulu under any circumstances.

He said "independence" was not fair to the ordinary black man, who had not been consulted — "it was imposed on him".

The strength of blacks in the country was their numbers, he said, and those who accepted "independence" had said they are not citizens in 87% of the surface area of South Africa.

Chief Buthelezi said they were forfeiting their South African birthright.

"Independence" was the trappings of power, which were meaningless.

He spelled out his strong stand against independence. "I would be happier if there were a referendum on independence," he said. Should the people of KwaZulu opt for independence, he would resign.

He reiterated the views he had expressed in a speech to the National Council of Churches in New York: "If ever the South African Government forces me and my people to become independent at the point of a gun, I would reply with a gun."

Speaking of his American trip, he said attitudes towards the South African Government's policies had hardened since his last visit a year ago.

The divestment issue was raised all the time. Chief Buthelezi said he remained opposed to divestment, although he understood the motivation of those in favour.

He said he could only speak for his people, who made up most of the ordinary black workers in South Africa.

On Bishop Desmond Tutu's reported call for a coal boycott of South Africa, Chief Buthelezi

said he did not know how the general secretary of the South African Council of Churches came to this conclusion.

The KwaZulu chief's "leadership is constituency leadership" and he could not take decisions without noting the wishes of his people.

In South Africa, he had not heard a strong voice, an identifiable and discernible constituency, against divestment.

He also said: "It's not that we are not prepared to suffer or even die in the struggle for liberation. In the particular black experience, we are not prepared to suffer without returns, we are not prepared to die futilely."

In Washington, Chief Buthelezi met State Department officials who were interested in his interpretation of the state of South Africa.

"I spoke strongly to them on US failure to aid blacks in South Africa at the humanitarian level. Summing up their reaction, I would say they have stated that they have no formula for doing this at present, otherwise it would mean signing agreements with South Africa, for example," he said.

Document needed for visit

STAC 13/9/79

South Africans wanting to enter the newly independent Republic of Venda must be in possession of a valid identity document or a passport.

However passport control points will not be established at points of entry into Venda.

This emerges from an agreement reached between the South African and Venda Governments.

Notice boards are being put up at all points of entry into Venda and the following measures have to be observed:

● South Africans entering Venda must possess a South African identity document or a passport.

● Venda citizens en-

tering South Africa must possess a valid travel document. For the time being reference books will be recognised as travel documents.

● Citizens of other countries travelling through Venda must be able to produce a valid passport.

● A South African citizen does not need a visa to enter Venda and a Venda citizen does not need a visa to enter South Africa. However, this visa exemption may be withdrawn from a person.

● A citizen of another country does not need a visa to enter Venda if he or she has lawful resi-

dence in South Africa. Foreigners resident elsewhere must apply for visas.

● South Africans and other foreign visitors to Venda must obtain a permit if they stay for more than 14 days.

● Citizens of Venda travelling in transit or planning a visit of less than 14 days do not need the permission of the

South African authorities. However, if in terms of any law permission is needed to stay in any specific area of South Africa such permission should be obtained.

● A citizen of Venda who gets employment in South Africa must hold a contract of employment attested to by a magistrate in Venda or any other authorised official.

Guns boom for Venda State

AT 13/9/79

(113)

SIBASA. — To the boom of a 101-gun salute at midnight last night, the tiny territory of Venda became the third black South African homeland to become an independent state.

Less than half the size of Israel, the infant state came into being after the State President, Mr. Marais Viljoen, handed over a copy of the Status of Venda Act to the Venda Chief Minister, Paramount Chief Patrick Mphephu.

The act simultaneously conferred independence on Venda and Venda citizenship on all 500 000 Venda people — including the 150 000 who live permanently in South Africa.

The hoisting of the Venda flag, the kindling of the flame of independence and the firing of the 101-gun salute came as a climax to the colourful independence ceremony. The stands at Venda's Independence Stadium were packed with cheering Vendas, many of whom were people from the country districts.

Logical step

In his address to the nation, Chief Mphephu, certain to be elected Venda's first president today, described the decision to opt for independence as a logical step.

Both Chief Mphephu and President Viljoen referred to the peaceful manner in which Venda had acquired its independence.

President Viljoen said: "There is no explosion of bombs, no fire, no blood and no groaning of wounded and maimed people."

CDM 12/9/79

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By PATRICK LAURENCE

SIBASA — To the boom of a 101-gun salute at midnight last night, the tiny territory of Venda became the third black South African homeland to become an independent state.

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tion, Chief Mphephu — who is certain to be elected as Venda's first president today — described the decision to opt for independence as a logical step.

Recalling that the Venda had been an independent people until 1902, Chief Mphephu asked, "Why should any nation given the opportunity for self-determination opt for subjugation?"

Looking to the future, Chief Mphephu said of rela-

So far, we have discussed methods of choosing means to obtain a given objective. But what tools are available to aid the choice of objectives themselves? Can anything be said on the question of the priority to be given to particular diseases or age groups, whether to allocate more to child welfare clinics or care of the aged?

Overall criteria are needed, and they have to be expressed in such a way that they can guide these detailed questions. Essentially, the problem is not only to relate resources used to objectives achieved, but to relate the various objectives to each other.

There are various means of doing this; but all of them require that expenditure be accounted for by the ends it is expected to achieve.

2.1 Programme Budgeting

Programme budgeting, also known as budgeting by objectives, involves the presentation of expenditure data according to the objectives to which it is directed. Thus, projects to combat TB would be grouped together, geriatric problems, sanitation programmes, etc.

This is necessary:

- (a) to know the cost of pursuing each objective;
- (b) to group together activities with the same objectives which can be compared by cost-effectiveness analysis;

Independent Venda

tions with South Africa. "As with good neighbours, the wall between us must never be allowed to be built so high that we cannot come to each other's aid in times of need."

Chief Mphephu went on to welcome the decision by the South African Prime Minister, Mr P W Botha, to see whether the black homelands can be better consolidated and his idea of creating a constellation of Southern African states.

In an apparent reference to the neighbouring black homeland of Gazankulu, Chief Mphephu said: "We are aware of the problems confronting (South African) attempts to satisfy all black states, but the owner of the house and the tenant who has been allowed to hire a room cannot receive equal treatment."

The Tsonga-speaking people of Gazankulu came into South Africa from Mozambique in the last century

Rhodesia may recognise homeland

By CAMUEL DIKOTLA
SIBASA. — Zimbabwe-Rhodesia would recognise Venda if Venda recognised the government of Bishop Abel Muzorewa, the Zimbabwe-Rhodesian Minister of Manpower and Social Affairs, Mr D M Mutasa, said yesterday.

Mr Mutasa headed the five-man delegation from Zimbabwe-Rhodesia which attended Venda's independence celebrations. He was accompanied by two other MPs.

Asked whether his government would recognise the new state of Venda, Mr Mutasa said: "I think we would recognise any government which would recognise us"

An official of the Zimbabwe-Rhodesian Depart-

and some were granted land for grazing and settlement by Venda chiefs.

Since then they have become permanent inhabitants and gained recognition and a territory of their own, Gazankulu, which includes land claimed by Venda.

Both Chief Mphephu and President Viljoen referred to the peaceful manner in which Venda acquired its independence.

As President Viljoen put it: "There is no explosion of bombs, no fire, no blood and no groaning of wounded and maimed people."

See Page 12

To the taking of which one might suggest that where decisions are primarily ethical or moral judgement - of determining basic objectives can best be achieved - drug therapy but where it is a more technical question of moral therapy - one would want the activities to be within a particular programme. This distinction an economic jargon of slightly older vintage - benefit and cost-effectiveness; and through that team of neoclassical welfare economics, which attempts a distinction between the choice of the composition of the resources from it is to be produced. The former is, in a broad sense, the choice of the set of resources from which to produce, values, or utilities; the latter is a technique of Foreign Affairs.

took a slightly different view however. He denied that the presence of an official delegation at Venda's independence celebrations amounted to approval of the independence of values or health to controversial homelands of view, the technical policy.

It is not approval but a per way to fulfil a society's show of friendship to a treatment of this self. neighbouring country," he apt to muddle them, and the administrative suits them, keep them separate".

then, entails the attempt at this separation, sort-implicity of decisions those which can be made on creative or economic, together with medical-technical in which the role of the public through political

President calls for cooperation in Venda

DESPITE the onslaught of marxism on the continent of Africa, there were clear signs of co-operation and progress in Southern Africa, the State President, Mr Marais Viljoen, said in Thoho-Yandou last night.

Speaking shortly before Venda became independent at midnight the State President referred to Venda's strategic position.

The newly independent nation — with Mozambique, Gazankulu, Lebowa, South Africa, Botswana and Zimbabwe Rhodesia as neighbours — was "very favourably situated for interstate co-operation in Southern Africa", he said.

"These territories all form part of greater Southern Africa. It is

important to the peoples of each of these countries that there should be mutual co-operation and sound relations between them."

Although each had its own political system, there was nothing to prevent interstate co-operation in the economic and social spheres, Mr Viljoen said.

Such co-operation between the existing states in this region was growing.

CUSTOMS

"I need only mention the electricity, transport and labour arrangements between the Republic of South Africa and Mozambique. The customs arrangements between Lesotho, Swaziland, Botswana and South Africa, and the transport and trade arrangements between Zambia, Botswana, Zimba-

bwe Rhodesia and South Africa.

"There are many others and new ones are being concluded." As the needs of the populations of these southern states grew, the economic and social dependence of one on the other would become greater, the State President said.

"This leads to greater interstate co-operation. In this way these common interests become so important to the states concerned that they resort to joint action to resist any encroachment on their interests.

"Thus a group of states is formed which is gradually formed into a cohesive unit by common interests. In this unit each state retains political sovereignty within its own territory, while co-operat-

ing with the others in the economic and social spheres."

Mr Viljoen said the process towards cohesion had already reached an advanced stage in Europe and was moving in the same direction in Southern Africa.

"There is as little prospect of the views and attitudes of individuals and of governments stopping this process as there is of sweeping the ocean back with a broom at high tide."

The Republic of Venda was now joining the community of Southern African states and its watchword should be the promotion of this process of co-operation on a basis of friendship "because of your strategic position, you can make an important contribution in this connection," he said.

assuming

a) deferral method

b) liability method

(assume there are no other items causing timing differences)

3. How will the answer to 2. be affected by the existence of an extraordinary gain on disposal of a division of the company, amounting to R70 000, all of which was taxable, in the 19.7 financial year?
4. How does the answer to 3. change if the R70 000 is now a deductible loss, which can be set off against the taxable income from other sources of R50 000? Draw up the income statement assuming the deferral method is used.
5. Further to Note 4, assume now that the company has a set profit before depreciation of R60 000 in 19.8.

Draw up the income statement for the 19.8 financial year under a) liability method

b) deferral method

Assume the tax rate remains 42%

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. 186, 1979

INWERKINGTREDING VAN DIE WET OP DIE STATUS VAN VENDA, 1979

Kragtens die bevoegdheid my verleen by artikel 7 van die Wet op die Status van Venda, 1979 (Wet 107 van 1979), bepaal ek hierby dat genoemde Wet op 13 September 1979 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Tiende dag van Augustus Eenduisend Negenhonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

12941—1

113

PROCLAMATIONS GG 6644

by the State President of the Republic of South Africa

No. 186, 1979

COMMENCEMENT OF THE STATUS OF VENDA ACT, 1979

Under and by virtue of the powers vested in me by section 7 of the Status of Venda Act, 1979 (Act 107 of 1979), I hereby determine that the said Act shall come into operation on 13 September 1979.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Tenth day of August, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

6644—1

STUFFED CABBAGE SALAD

May Bennett, Ridgeworth

1 fresh green medium size
cabbage
onions
carrots

tomatoes
fresh pineapple
radishes

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well; then pile the salad into the cabbage "bowl". Garnish with radish roses and a small bowl of mayonnaise for those who like it. To make the radish roses, cut across the tops in a double cross, then put them in iced water until the radishes open up.

----o0o----

GIRMAN POTATO SALAD

Ethne Beard, Port Elizabeth

boiled potatoes
cooked bacon
mayonnaise

chopped onion
salt and pepper

Cube the potatoes while still hot. Chop up the bacon, mix with the potatoes, onion and mayonnaise. Season with a little salt and pepper. Use hot or cold.

----o0o----

EGG SALAD

May Bennett, Ridgeworth

hard boiled eggs
salanaise

salt and pepper
paprika and parsley

Cut eggs in half and lay on a flat saled platter; cut side down. Pour over salanaise.

----o0o----

CHICKEN AND CUCUMBER SALAD

S. Drury, East London

1 cup cooked chicken, diced
4 T finely chopped walnuts
French dressing/mayonnaise
lettuce

1 cup cucumber, peeled and diced
1 cup cooked green peas

Marinate chicken, cucumber, nuts and peas with french dressing. Serve on lettuce with mayonnaise. Cover with greaseproof paper and refrigerate until ready for use.

French dressing:
Blend together 6 T salad oil and 2 T lemon juice.

----o0o----

SPRING GREEN SALAD

May Bennett, Ridgeworth

1 medium size
lettuce
2 onions
parsley

Wash and shred
keep a few pieces
Wash scallion
green left on
scallions to
dressing and
of mint and

Nigerian diplomat Mr Akporode Clark, chairman of the committee, said this week that "despite the opposition of the people, the apartheid regime colluded with tribal

THE United Nations Special Committee against Apartheid has denounced independence for Venda as "another crime against the African people of South Africa and a serious challenge to the international community".

Nigerian diplomat Mr Akporode Clark, chairman of the committee, said this week that "despite the opposition of the people, the apartheid regime colluded with tribal

CURRIED GREEN

2 lbs sliced green beans
2 chopped onions

Boil the beans (sliced) and pour off the water.

Sauce:

1 1/2 cups sugar
1 d curry powder

Mix the curry powder, flour so that no lumps form, and boil up and stir all the and onions, bring to boil

chiefs led by Chief Patrick Mphephu, has tried to impose sham independence as part of its diabolic strategy.

"The proclamation of the so-called 'independence' of Venda — in order to create another

dependency in an enclave of South Africa and deprive 450 000 Africans of their inalienable rights — is a crime which must be denounced by the international community," Mr Clark said in a statement.

APPLE TUNA TOSS SALAD

1 medium head lettuce, to bite-size pieces (4 cup)
2 cups diced apple
1 11 oz can (1 1/3 cups) orange sections, drained
1 6 1/2 or 7 oz can tuna, and broken in large chunks

In a large salad bowl, combine tuna and nuts; toss together. Add lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4 — 6 servings.

UN committee slams Venda independence

13/9/79 Post

113

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Venda leader: I felt like Moses

By PATRICK LAURENCE
Deputy Political Editor

SIBASA. — Paramount Chief Patrick Mphephu compared himself to Moses shortly after his election as first President of Venda yesterday.

Chief Mphephu, 54, was speaking at his inauguration after he had won a contested election for the presidency against Mr Baldwin Mudau, of the opposition Venda Independence Party.

After his victory, by 52 votes to 31, Chief Mphephu said: "I was fortunate enough to be chosen leader to lead my people over many hurdles before we could attain independence."

He then added: "At times I felt to a certain extent like Moses when he was trying to lead his people through the wilderness to the promised land."

Chief Mphephu was elected president by the 84-member National Assembly in an election supervised by the Venda Chief Justice, Mr G P van Rhyn.

Chief Mphephu has the backing of 41 nominated chiefs and headmen and 11 elected members. Mr Mudau is supported by 30 elected members and nominated chiefs.

Throughout his political career, Chief Mphephu has relied heavily on the backing of chiefs and headmen. He twice lost popular elections — in 1973 and 1978 — but retained his position as Chief Minister with the help of traditional leaders.

At his inaugural speech President Mphephu defended the role of chiefs in political affairs through specially created positions for them in the constitution.

"I say to those who criticise, devise a better system, a system which incorporates a balanced mixture of the past and the future, yet a system that allows every man and woman a say in the running of the country and the election of the President," he said.

"Africa is strewn with the debris of Utopian dreams, where due cognisance was not paid to the traditions of the people and the aspirations of the traditional leaders."

Mr Mudau said he feared he might be detained if he talked. "I am not prepared to issue a statement as long as I still want to put my foot here," he said.

"I admit the election of the President was fair."

However, he said he was not happy about saying too much as he felt he could still be detained.

Mr Mudau yesterday said he was not surprised at the results of the election.

The vanquished leader, however, refused to tell reporters what line of action he was intending to take.

"You must bear in mind that the Mphephu group are in the majority. There is nothing further I can add," he said.

Asked what his feelings were about his defeat, Mr Mudau, who had been keeping a low profile since the beginning of this week, said: "I am not prepared to talk. I want to give my safety first priority. I can tell you that it is very dangerous to talk. I am not prepared to have any discussion with anyone until the law of detention in Venda is repealed."

ANC pamphlets litter

Venda Stadium

~~327~~ 113 14/9/79
KST

By Mathatha Tsedu
THE Venda Independence Stadium, the scene of the "hand-over of full sovereignty" by South Africa to chief Patrick Mphahlele on Wednesday evening, was yesterday morning strewn

with pamphlets denouncing the homeland's independence.

The pamphlets, which are produced by the banned African National Congress (ANC), were probably distributed on Wednesday evening when thousands of people, and a large number of police,

attended the granting of independence to Venda.

Unconfirmed reports yesterday said two young boys were detained by police while distributing the highly critical pamphlets. The pamphlets indicate that they are distributed by the ANC and can therefore not be quoted.

Security police in Sibasa could not be reached for comment yesterday.

Meanwhile 64 unnamed ports of entry have been established between South Africa and the new Republic of Venda, according to a Press release made jointly by the Pretoria and Venda authorities.

The release says reference books will serve as travel documents for Venda citizens in transit through South Africa. There will be no visas for travels by citizens of the two states.

Foreigners resident elsewhere than in South Africa must apply for visas. There will, however, be no passport control post or passport control officers at the declared ports of entry.

Venda citizens resident or employed in South Africa should obtain valid travel documents not later than two years from yesterday.

STUFFED CABBAGE SALAD

May Bennett, Ridgeworth

1 fresh green medium size
cabbage
onions
carrots

tomatoes
fresh pineapple
radishes

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well; then pile the salad into the cabbage "bowl". Garnish with radish roses and a small bowl of mayonnaise for those who like it. To make the radish roses, cut across the tops in a double cross, then put them in iced water until the radishes open up.

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GERMAN POTATO SALAD

Ethne Beard, Port Elizabeth

boiled potatoes
cooked bacon
mayonnaise

chopped onion
salt and pepper

Cube the potatoes while still hot. Chop up the bacon, mix with the potatoes, onion and mayonnaise. Season with a little salt and pepper. Use hot or cold.

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EGG SALAD

May Bennett, Ridgeworth

hard boiled eggs
salanaise

salt and pepper
paprika and parsley

Cut eggs in half and lay on a flat salad platter; cut side down. Pour over salanaise.

---o0o---

CHICKEN AND CUCUMBER SALAD

S. Drury, East London

1 cup cooked chicken, diced
4 T finely chopped walnuts
French dressing/mayonnaise
lettuce

1 cup cucumber, peeled and diced
1 cup cooked green peas

Marinate chicken, cucumber, nuts and peas with French dressing. Serve on lettuce with mayonnaise. Cover with greaseproof paper and refrigerate until ready for use.

French dressing:

Blend together 6 T salad oil and 2 T lemon juice.

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113 DD 14/9/79
**Venda independence
stamps on sale**

EAST LONDON — Special Venda independence first day covers to mark the independence of Venda are on sale at the main Post Office in East London until September 21.

The price of the stamps are 85c. There will also be a folder with a series of Venda independence

stamps for sale at R5.50 until the same date.

The stamps will be a special collectors item for philatelists.

Another item which will interest philatelists is the first day cover of the Golden Jubilee of the Christmas Stamp Association. These are on sale at 20c. — DDR

SPRING GREEN SALAD

1 medium size lettuce
2 onions
parsley

Wash and shred the lettuce keep a few pieces for garnish. Wash scallions, and cut the green left on. Toss the scallions together, salt dressing and serve in a g of mint and parsley.

CURRIED GREEN BEAN SALAD

2 lbs sliced green beans
2 chopped onions

Boil the beans (sliced) pour off the water.

Sauce:

1 1/2 cups sugar
1 d curry powder

Mix the curry powder, flour with a little water. Mix well, so that no lumps form, and then add the sugar and vinegar, boil up and stir all the time, then add the cooked beans and onions, bring to boil again. Bottle.

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APPLE TUNA TOSS SALAD

1 medium head lettuce, torn in bite-size pieces (4 cups)

2 cups diced apple

1 11 oz can (1 1/3 cups) mandarin orange sections, drained

1 6 1/2 or 7 oz can tuna, drained and broken in large chunks

1/3 cup coarsely chopped walnuts
1/2 cup mayonnaise or salad dressing

2 t soya sauce
1 t lemon juice

In a large salad bowl, combine lettuce, apple, orange sections, tuna and nuts; toss together. Combine mayonnaise, soya sauce and lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4 - 6 servings.

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101 GUNS SOUND THE DEATHKNELL TO SA CITIZENSHIP RIGHTS

Sun Tribune 16/9/79

By GEOFF DALGLISH (113)

THE tired old man shuffled along the dusty road, stopping often to check on a destination blurred by failing eyesight and the shimmering heat waves.

Leaning heavily on his stick and peering over grimy, scratched glasses he appeared bemused by the questions of the white stranger.

"Independence . . . this is the first I have heard of it," centenarian Jim Tshifaro admitted. "But I'm not interested and nothing will change," he added, dismissing the subject for something far closer to his heart.

Just 100 metres and a faltering 10 minutes walk away lay his prize — a pair of bright blue tackies in a fancy cardboard box with new socks to match.

While he sat on a tin and had the shoes laced up for him, the talk at the trading store was of the independence that was to come to the republic of Venda within hours.

Shop assistant Petrus Mphidi was optimistic that better times lay ahead for the impoverished mini-State in the Northern Transvaal, bordering the Limpopo River and Zimbabwe-Rhodesia to the north, and the Kruger National Park to the east.

"There are no jobs here but when a child is born it must learn to go step by step. It can't just get up and run."

A customer who did not wish to give his name was more cynical about prospects.

"We need some millionaires to move in with their money and jobs. This is my home and my family live here but I have to work in Johannesburg," he said.

The annual income per head was R261 in 1976 with more than 60 percent of the men having to find work in the "white" areas of South Africa.

Untapped

Government spokesmen point to the potential for agriculture from the rich, red soil, the untapped coal deposits and the possibility of developing tourism in what is an undeniably beautiful setting, straddling the Soutpansberg mountain range.

A harsh fact of life is that despite the development potential the Vhavenda can't yet feed themselves, importing half of their staple food from South Africa.

According to a planning report compiled by the Rand Afrikaans University, Venda urgently needs another 40-50 000 jobs, and an extra 150 000 jobs over the next 30 years.

For some independence, at midnight on Wednesday was a total non-event but for the thousands who packed a hastily erected tent town it was all the fun of the fair.

With South African taxpayers' money financing the final touches to the capital, Thohoyandou, the locals revelled in the great free show.

Billowing dust clouds poured from a marquee that contained a frenzied and almost exclusively male disco crowd.

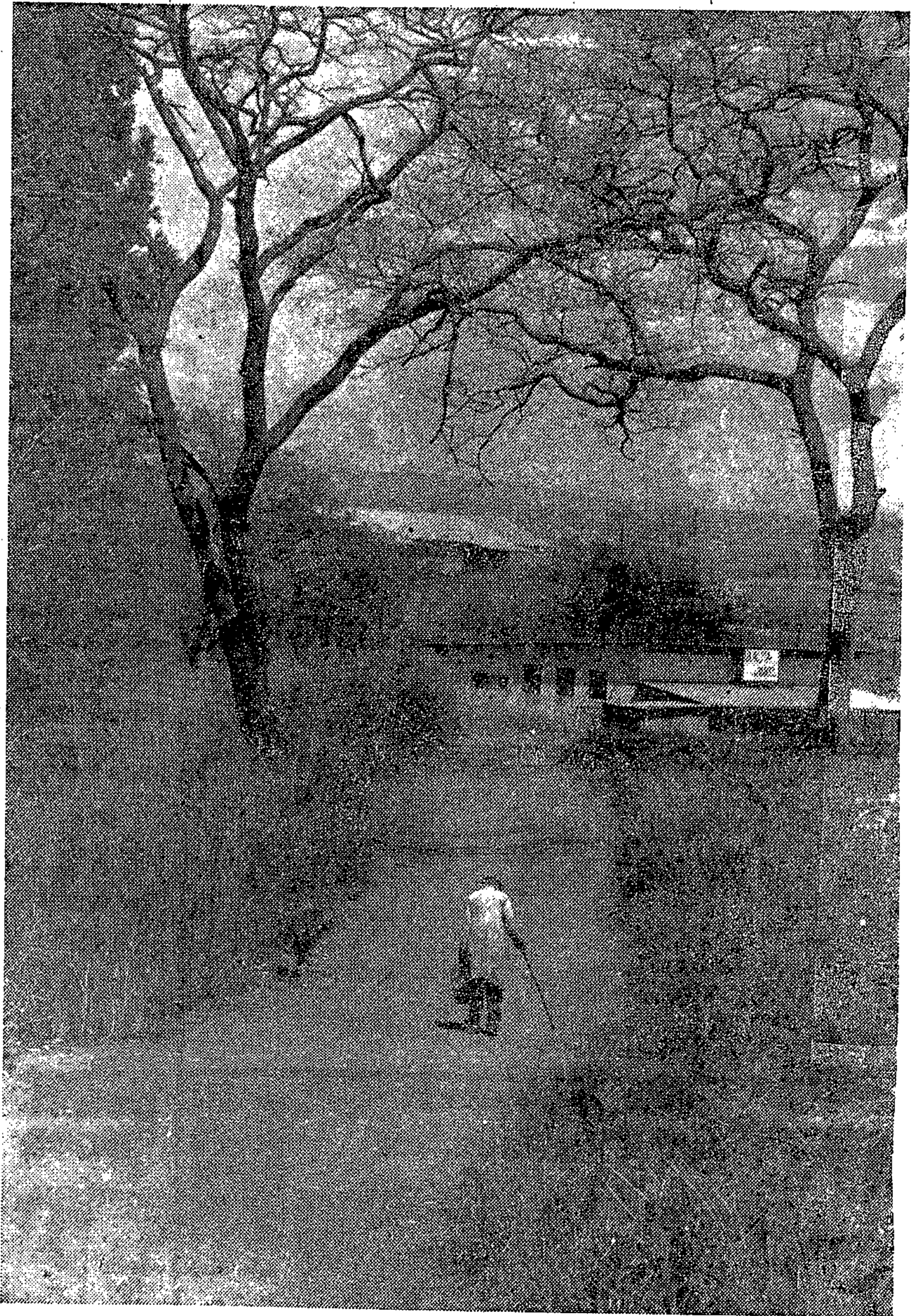
And at the hostel that accommodated the corps of local and international Press, an army corporal got into the swing of things by downing several drinks and then eating the glasses as well.

"The sherry glasses definitely taste better," he pronounced while crunching a glass into fine pieces.

Closely following the formula of Transkei and Bophuthatswana, the crowds were treated to sports events a choir festival, traditional dances and gymnastic displays.

But before midnight many had begun to leave while others had fallen

UHURU COMES TO VENDA ...BUT THERE IS A LONG DUSTY ROAD AHEAD



Centenarian Jim Tshifaro on the long road, not to independence, but to the local trading store



"Independence . . . This is the first I have heard of it"

asleep, huddled in their blankets.

"It's not that they don't want independence," I was hastily assured. "It's just that some of the people are tired and some prefer the entertainment to the speeches."

For the Chief Minister, Paramount Chief Patrick Mphedu, it was victory to the loser who had waited.

In 1973 he lost the popular election to the Venda Legislative Assembly when his arch-

rival, Mr Baldwin Mudau, leader of the Venda Independence Party, won 13 of the 18 contested seats.

Fearing that the setback would influence the 42 pro-Mphedu nominated chiefs and headmen he took them on a four-day game reserve trip where they were persuaded to remain loyal.

He was re-elected Chief Minister.

When chiefs and headmen crossed the floor of the Assembly in 1974,

reducing his majority and threatening to topple him, he abruptly ended the session.

In July last year Mr Mudau's party captured 31 of the 42 popularly elected seats and at least 70 percent of the popular vote.

Again there was the danger that Chief Mphedu would be dropped by the chiefs.

Taking advantage of the emergency powers of detention granted to him by South Africa to use

against black militants in the wake of the 1976 unrest, he locked up 11 successful opposition candidates and scores of their followers.

He was re-elected as Chief Minister and has since proclaiming himself Paramount Chief.

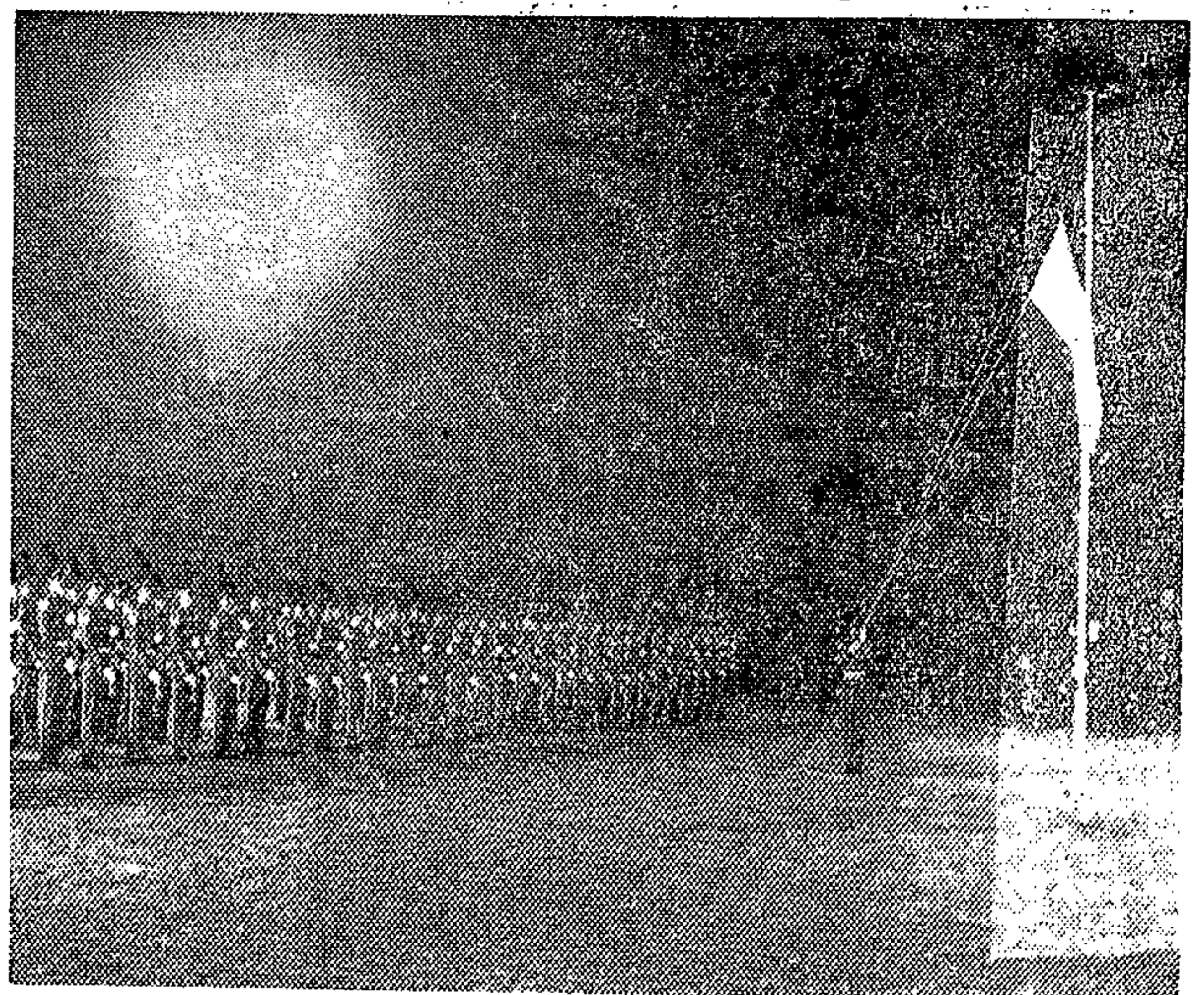
Arriving at the independence stadium in a casual suit and cardigan, he was overshadowed in dress and presence by other dignitaries, notably President Lucas Mangope

of Bophuthatswana.

At midnight the boom-boom of the 101 gun salute sounded the deathknell for 500 000 people's right to South African citizenship.

For Chief Mphedu it was another triumph for the loser.

For the South African taxpayer it was an expensive send-off and for the ethnic mini-State an Uhuru that must rate as the continent's least exciting yet.



Uhuru, homeland-style . . . the Venda flag is raised by a member of the national force

Only SA

gives

nod to

Venda

Post
27/9/79

(113)

By MATHATHA
TSEDU

ONLY South Africa has so far recognised Venda's independence. The South African Ambassador, Mr P D Palm, presented his credentials to the homelands president, Paramount Chief P R Mphedu, last week.

Asked yesterday about possible recognition by other "independent" homelands like Transkei and Bophutha-Tswana, Venda's Foreign Secretary, Mr Ezrom Mulaudzi, declined to comment.

It was generally believed that Chief Lucas Mangope of BophuthaTswana would announce his territory's recognition of Venda after the celebrations which he attended personally but he did not.

Transkei was not represented at the celebrations.

Zimbabwe Rhodesias representative at the celebrations, Mines and Pensions Minister Mr D M Mutasa, announced on his arrival at Thohoyandou that his country would recognise Venda — if Venda recognised his country.

112. 1057
28/1/77

Venda SP raid ex-BPC chiefs

By Mathatha Tsedu
VENDA security police yesterday morning launched a massive pre-dawn raid at the homes of former Black Consciousness Movement officials. A number of typewriters and a duplicating machine were confiscated but nobody was detained.

The machines plus a number of books were taken from the Beuster Mission at Maunkane, near Sibasa, where former BPC president, Dean T S Farisane, is based. The other former BPC officials raided were Mr Dickson Ralushai (29), Gabriel Malaka (39) and Mr Cleopas Mulaudzi (no age given) — all of Mankwara location in Sibasa.

A builder, Mr William Mabhoroko is also understood to have been visited by white security policemen on Wednesday afternoon.

DECLINED

The Venda chief of security, LiLeu G Ramabulana, declined to comment yesterday but said he might release the statement today. According to Mr M Ralushai, who was Northern Transvaal Regional secretary of the outlawed BPC at the time of the 1977 banings, two black security policemen woke him at about 3 a.m. yesterday with a warrant to search the house.

Mr Malaka's house was also raided at about the same time, but nothing was taken. At Mr Mulaudzi's house, the policemen left after knocking at the door, according to sources. Mr Ralushai and Mr Malaka were among the more than 60 people detained during the 1977 massive security clamp down on black leaders. They spent 268 and 101 days respectively in detention at Modder Bee.

PHATUDI'S NO TO INDEPENDENCE

Post 301919 (113)

By SAM MABE
VENDAS have sold their heritage to the South African Government for a bowl of beans and for generations to come. And their great-grandchildren will suffer for it, said Dr Cedric Phathudi, Chief Minister of the Lebowa legislative assembly.

Attacking Venda, Transkei and BophuthaTswana independence the Chief Minister vowed yesterday before a crowd of about 250 people at the Dube YWCA

in Soweto, that he would never opt for independence, no matter what the South African Government promised him.

"I will never do that. Only the uninitiated, the unenlightened, the ignorant and the 'yes man' will accept this misleading, suicidal procedure.

"I will never do it," the Chief Minister emphasised.

He said black people

● To Page 2

"NO INDEPENDENCE"

● From Page 1

have suffered for 300 years under the white man's rule and that they were on the point of saying "we'd rather die".

He said the white man's leadership should be rejected because the white man is failing to lead blacks to prosperity.

He said in times of hunger "we should all starve and in times of plenty we should all have enough to eat because South Africa belongs to all of us."

Dr Phatudi said when the name of the Depart-

ment of Bantu Administration and Development was changed to the Department of Co-operation and Development, it was because of him.

He said he told the whites that apartheid was unacceptable. When they changed the name of apartheid to separate development, that was also unacceptable. What was required was co-operation and development.

He also challenged the Government to give the correct population figures of Lebowa and Soweto so their budgets would cover their needs.

101-14 34 36 38 43 44

13



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GOVERNMENT GAZETTE

STAATSKOERANT
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Vol. 172]

PRETORIA, 19 OCTOBER 1979
OKTOBER

No. 6706

PROCLAMATION

by the State President of the Republic of South Africa

No. R. 252, 1979

INCOME TAX ACT, 1962

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

Under the powers vested in me by section 108 (2) of the Income Tax Act, 1962 (Act 58 of 1962), I do hereby declare that the Agreement set out in the Schedule to this Proclamation has, under section 108 (1) of the said Act, been entered into between the Government of the Republic of South Africa and the Government of Venda for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Third day of October, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

O. P. F. HORWOOD.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

PREAMBLE

Whereas the Government of the Republic of South Africa and the Government of Venda recognise the friendly relations existing between the two Governments and their peoples; and

15416-A

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 252, 1979

INKOMSTEBELASTINGWET, 1962

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA TER VERMYDING VAN DUBBELE BELASTING EN DIE VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTING OP INKOMSTE

Kragtens die bevoegdheid my verleen by artikel 108 (2) van die Inkomstebelastingwet, 1962 (Wet 58 van 1962), verklaar ek hierby dat die Ooreenkoms wat in die Bylae van hierdie Proklamasie vervat is, kragtens artikel 108 (1) van genoemde Wet tussen die Regering van die Republiek van Suid-Afrika en die Regering van Venda aangegaan is ter vermyding van dubbele belasting en die voorkoming van fiskale ontduiking met betrekking tot belasting op inkomste.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Derde dag van Oktober Eenduisend Nege-honderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

O. P. F. HORWOOD.

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA TER VERMYDING VAN DUBBELE BELASTING EN VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTING OP INKOMSTE

AANHEF

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda die vriendskaplike betrekkinge tussen die twee Regerings en hul mense erken; en

6706-1

Whereas the Government of the Republic of South Africa and the Government of Venda are desirous of concluding an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income;

Now, therefore, the Government of the Republic of South Africa and the Government of Venda agree as follows:

ARTICLE 1

TAXES COVERED

1. This Agreement shall apply to taxes on income imposed on behalf of each of the States or of its political subdivisions irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income.

3. The existing taxes to which the Agreement shall apply are, in particular—

(a) in the case of Venda—

- (1) the general and the normal tax;
- (2) the non-resident shareholders' tax;
- (3) the non-residents tax on interest;
- (4) the undistributed profits tax;

(hereinafter referred to as "Venda tax");

(b) in the case of South Africa—

- (1) the normal tax;
- (2) the non-resident shareholders' tax;
- (3) the non-residents tax on interest;
- (4) the undistributed profits tax;

(hereinafter referred to as "South African tax").

4. This Agreement shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes, and references in this Agreement to "Venda tax", "South African tax" and "tax" shall be construed so as to include such identical or substantially similar taxes. The competent authorities of the States shall notify to each other any substantial changes which have been made in their respective taxation laws.

ARTICLE 2

GENERAL DEFINITIONS

1. In this Agreement, unless the context otherwise requires—

(a) the term "State" means Venda or South Africa, as the context requires; the term "States" means Venda and South Africa;

(b) the term "Venda" means the Republic of Venda;

(c) the term "South Africa" means the Republic of South Africa and includes the sea-bed and sub-soil of the submarine areas that extend beyond its territorial sea and over which it exercises sovereign rights, according to international law, for the purposes of exploring it and exploiting its natural resources;

(d) the term "person" comprises an individual, a company and any other body of persons;

(e) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;

(f) the terms "Venda enterprise" and "South African enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of Venda and an industrial or commercial enterprise or undertaking carried on by a resident of South

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda bereid is om 'n ooreenkoms ter vermyding van dubbele belasting en voorkoming van fiskale ontduiking met betrekking tot belasting op inkomste aan te gaan;

So is dit dat die Regering van die Republiek van Suid-Afrika en die Regering van Venda hierby soos volg ooreenkoms:

ARTIKEL 1

BELASTINGS GEDEK

1. Hierdie Ooreenkoms is van toepassing op belasting op inkomste opgelê ten behoeve van elk van die State of van hul staatkundige onderverdelings, ongeag die wyse waarop dit gehef word.

2. As belasting op inkomste word geag alle belasting gehef op totale inkomste of op inkomste-elemente.

3. Die bestaande belasting waarop die Ooreenkoms van toepassing is, is in die besonder—

(a) in die geval van Venda—

- (1) die algemene en die normale belasting;
- (2) die belasting op buitelandse aandeelhouders;
- (3) die rentebelasting op buitelanders;
- (4) die belasting op onuitgekeerde winste;

(hieronder "Venda-belasting" genoem);

(b) in die geval van Suid-Afrika—

- (1) die normale belasting;
- (2) die belasting op buitelandse aandeelhouders;
- (3) die rentebelasting op buitelanders;
- (4) die belasting op onuitgekeerde winste;

(hieronder "Suid-Afrikaanse belasting" genoem).

4. Dié Ooreenkoms is ook van toepassing op enige identiese of wesenlik soortgelyke belasting wat hierna hokomend by, of in plaas van, die bestaande belasting opgelê word, en verwysings in dié Ooreenkoms na "Venda-belasting", "Suid-Afrikaanse belasting" en "belasting" word uitgeleë as sou dit sulke identiese of wesenlik soortgelyke belasting insluit. Die bevoegde owerhede van die State stel mekaar in kennis van enige wesenlike veranderings wat in hul onderskeie belastingwette aangebring word.

ARTIKEL 2

ALGEMENE WOORDOMSKRYWING

1. In hierdie Ooreenkoms, tensy die sinsverband anders aandui, beteken—

(a) die uitdrukking "Staat" Venda of Suid-Afrika, na gelang die sinsverband vereis; en beteken die uitdrukking "State" Venda en Suid-Afrika;

(b) die uitdrukking "Venda" die Republiek Venda;

(c) die uitdrukking "Suid-Afrika" die Republiek van Suid-Afrika en ook die oppervlakte van die oop see ten opsigte waarvan Suid-Afrika kragtens volkerereg geregtig is om regte oor die seebodem en ondergrond en hul natuurlike hulpbronne uit te oefen;

(d) die uitdrukking "persoon" ook 'n individu, 'n maatskappy en enige ander liggaam van persone;

(e) die uitdrukking "maatskappy" enige liggaam met regs persoonlikheid of enige entiteit wat vir belastingdoeleindes as 'n liggaam met regs persoonlikheid behandel word;

(f) die uitdrukking "Venda-onderneming" en "Suid-Afrikaanse onderneming" onderskeidelik 'n nywerheids- of handelsonderneming of onderneming wat deur 'n inwoner van Venda gedryf word en 'n nywerheids- of handelsonderneming of onderneming wat deur 'n

Africa, and the terms "enterprise of one of the States" and "enterprise of the other State" mean a Venda enterprise or a South African enterprise, as the context requires;

(g) the term "competent authority" means—

(i) in Venda the Secretary for Finance or his authorised representative;

(ii) in South Africa the Secretary for Inland Revenue or his authorised representative.

2. As regards the application of the Agreement by either of the States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that State relating to the taxes which are the subject of this Agreement.

ARTICLE 3

FISCAL DOMICILE

1. For the purposes of this Agreement, the term "resident of one of the States" means any person who, under the law of that State, is liable to taxation therein by reason of his residence, place of management or any other criterion of a similar nature.

2. For the purposes of this Agreement an individual who is a member of a diplomatic or consular mission of one of the States in the other State or in a third State and who is a national of the sending State, shall be deemed to be a resident of the sending State if he is submitted therein to the same obligations in respect of taxes on income as are residents of that State.

3. Where by reason of the provisions of paragraph 1 an individual is a resident of both States, then this case shall be determined in accordance with the following rules:

(a) He shall be deemed to be a resident of the State in which he has a permanent home available to him. If he has a permanent home available to him in both States, he shall be deemed to be a resident of the State with which his personal and economic relations are closest (centre of vital interests).

(b) If the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident of the State in which he has an habitual abode.

(c) If he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident of the State of which he is a national.

(d) If he is a national of both States or of neither of them, the competent authorities of the States shall settle the question by mutual agreement.

4. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both States, then it shall be deemed to be a resident of the State in which its place of effective management is situated.

ARTICLE 4

PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

2. The term "permanent establishment" shall include especially—

- (a) a place of management;
- (b) a branch;

inwoner van Suid-Afrika gedryf word en beteken die uitdrukking "onderneming van een van die State" en "onderneming van die ander Staat" 'n Venda-onderneming of 'n Suid-Afrikaanse onderneming, na gelang die sinsverband vereis;

(g) die uitdrukking "bevoegde owerheid"—

(i) in Venda, die Sekretaris van Finansies of sy gemagtigde verteenwoordiger;

(ii) in Suid-Afrika, die Sekretaris van Binnelandse Inkomste of sy gemagtigde verteenwoordiger.

2. By die toepassing van hierdie Ooreenkoms deur enigeen van die State bet 'n uitdrukking wat nie anders omskryf is nie, tensy die sinsverband anders vereis, die betekenis wat daaraan geheg word deur daardie Staat se wette betreffende die belastinge waaroor hierdie Ooreenkoms handel.

ARTIKEL 3

FISKALE DOMISILIE

1. Vir die toepassing van hierdie Ooreenkoms beteken die uitdrukking "inwoner van een van die State" 'n persoon wat, kragtens die wette van daardie Staat, daarin vir belasting aanspreeklik is uit hoofde van sy verblyf, plek van bestuur of enige ander soortgelyke maatstaf.

2. Vir die toepassing van hierdie Ooreenkoms word 'n individu wat 'n lid is van 'n diplomatieke of konsulêre sending van een van die State in die ander Staat of in 'n derde Staat en wat 'n burger is van die Staat wat hy verteenwoordig, geag 'n inwoner van laasgenoemde Staat te wees indien hy daarin aan dieselfde verpligtinge ten opsigte van belastinge op inkomste as inwoners van daardie Staat onderwerp word.

3. Waar 'n individu uit hoofde van die bepalinge van paragraaf 1 'n inwoner van beide State is, word die aangeleentheid ooreenkomsdig die volgende reëls beslis:

(a) Hy word geag 'n inwoner te wees van die Staat waarin hy 'n permanente tuiste tot sy beskikking het. Indien hy in beide State 'n permanente tuiste tot sy beskikking het, word hy geag 'n inwoner te wees van die Staat waarmee sy persoonlike en ekonomiese betrekkinge die nouste is (middelpunt van lewensbelange).

(b) Indien nie bepaal kan word in watter Staat hy sy middelpunt van lewensbelange het nie, of indien hy nie 'n permanente tuiste tot sy beskikking in een van die State het nie, word hy geag 'n inwoner te wees van die Staat waarin hy 'n gewoontelike verblyfplek het.

(c) Indien hy 'n gewoontelike verblyfplek in beide State het of in nie een van hulle het nie, word hy geag 'n inwoner te wees van die Staat waarvan hy 'n burger is.

(d) Indien hy 'n burger is van beide State of van nie een van hulle nie, maak die bevoegde owerhede van die State die saak uit deur onderlinge ooreenkoms.

4. Waar uit hoofde van die bepalinge van paragraaf 1 'n ander persoon as 'n individu, 'n inwoner van beide State is, word hy geag 'n inwoner te wees van die Staat waarin sy plek van effektiewe bestuur geleë is.

ARTIKEL 4

PERMANENTE SAAK

1. Vir die toepassing van hierdie Ooreenkoms beteken die uitdrukking "permanente saak" 'n vaste besigheidsplek waarin die besigheid van die onderneming uitsluitlik of gedeeltelik gedryf word.

2. Die uitdrukking "permanente saak" sluit veral in—

- (a) 'n plek van bestuur;
- (b) 'n tak;

(c) an office;

(d) a factory;

(e) a workshop;

(f) a mine, quarry or other place of extraction of natural resources or any portion of such mine, quarry or place of extraction of natural resources;

(g) a building site or construction or assembly project.

3. The term "permanent establishment" shall not be deemed to include—

(a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise which is the property of the enterprise;

(b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

(c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

(d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;

(e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

4. A person acting in one of the States on behalf of an enterprise of the other State (other than an agent of an independent status to whom paragraph 5 applies) shall be deemed to be a permanent establishment in the first-mentioned State if he has, and habitually exercises in that State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise.

5. An enterprise of one of the States shall not be deemed to have a permanent establishment in the other State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

6. The fact that a company which is a resident of one of the States controls or is controlled by a company which is a resident of the other State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

7. In applying this Article, any place (not necessarily at or near a mine) where any building, construction, plant or machinery is used or intended to be used by the enterprise which operates the mine, quarry or place of extraction of natural resources for any of the following purposes, or for any purpose necessary or incidental thereto, shall be deemed to form part of such mine, quarry or place of extraction of natural resources:

(a) Crushing, reducing, dressing, concentrating, smelting or refining a mineral; or

(b) extracting, concentrating or refining any constituent of a mineral.

(c) 'n kantoor;

(d) 'n fabriek;

(e) 'n werkwinkel;

(f) 'n myn, steengroef of ander plek van ontginning van natuurlike hulpbronne of enige gedeelte van sodanige myn, steengroef of plek van ontginning van natuurlike hulpbronne;

(g) 'n bousterrein of konstruksie- of monteerprojek.

3. Die uitdrukking "permanente saak" word nie geag die volgende in te sluit nie:

(a) Die gebruik van fasiliteite alleenlik om goedere of handelsware wat aan die onderneming behoort, op te berg, te vertoon of af te lewer;

(b) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort, alleenlik met die doel om dit op te berg, te vertoon of af te lewer;

(c) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort, alleenlik met die oog op die verwerking daarvan deur 'n ander onderneming;

(d) die instandhouding van 'n vaste besigheidsplek alleenlik met die doel om vir die onderneming goedere of handelsware aan te koop of inligting in te win;

(e) die instandhouding van 'n vaste besigheidsplek alleenlik met die doel om vir die onderneming te adverteer, inligting te verskaf, wetenskaplike navorsing te doen of dergelike werk van 'n voorlopige of bykomstige aard te verrig.

4. 'n Persoon wat in een van die State namens 'n onderneming van die ander Staat optree (uitgesonderd 'n agent met onafhanklike status op wie paragraaf 5 van toepassing is) word geag 'n permanente saak in die eersgenoemde Staat te wees, indien hy magtiging besit en dit gewoonlik in daardie Staat uitoefen, om kontrakte in die naam van die onderneming te sluit, tensy sy bedrywighede tot die aankoop van goedere of handelsware vir die onderneming beperk is.

5. 'n Onderneming van een van die State word nie geag 'n permanente saak in die ander Staat te he nie enkel omdat hy in daardie ander Staat sake doen deur bemiddeling van 'n makelaar, algemene kommissie-agent of ander agent met onafhanklike status, waar sodanige persone in die gewone loop van hul besigheid optree.

6. Die feit dat 'n maatskappy wat 'n inwoner van een van die State is, beheer het oor of beheer word deur 'n maatskappy wat 'n inwoner van die ander Staat is of wat in daardie ander Staat sake doen, het sy deur bemiddeling van 'n permanente saak of andersins, beteken nie op sigself dat een van die maatskappye 'n permanente saak van die ander is nie.

7. By die toepassing van hierdie Artikel word enige plek (nie noodwendig by of naby 'n myn nie) waar enige gebou, konstruksie, uitrusting of masjinerie gebruik word of na voorneme gebruik sal word deur die onderneming wat die myn, steengroef of plek van ontginning van natuurlike hulpbronne vir enige van die volgende doeleindes of vir enige doel nodig of bykomende daarvoor gebruik word, as deel van sodanige myn, steengroef of plek van ontginning van natuurlike hulpbronne:

(a) Vergruising, reduksie, bereiding, konsentring, smelting of raffinerings van minerale;

(b) ontginning, konsentring of raffinerings van enige bestanddele van 'n delstaaf.

ARTICLE 5

INCOME FROM IMMOVABLE PROPERTY

1. Income from immovable property may be taxed in the State in which such property is situated.

2. The term "immovable property" shall be defined in accordance with the law of the State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable and fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

ARTICLE 6

BUSINESS PROFITS

1. The industrial or commercial profits of a Venda enterprise shall not be subject to South African tax unless the enterprise carries on a trade or business in South Africa through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by South Africa, but only on so much of them as is attributable to that permanent establishment.

2. The industrial or commercial profits of a South African enterprise shall not be subject to Venda tax unless the enterprise carries on a trade or business in Venda through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by Venda, but only on so much of them as is attributable to that permanent establishment.

3. Except in the circumstances contemplated in paragraph 4 of this Article, where an enterprise of one of the States carries on business in the other State through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other State if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

4. Where an enterprise of one of the States carries on a business of the type contemplated in Article 4 (2) (f) and that business consists of permanent establishments situated in both States which in terms of Article 4 (7) are deemed to form one mine, quarry or place of extraction of natural resources, the industrial or commercial profits of each such permanent establishment shall be a sum which bears to the total industrial or commercial profits of that mine, quarry or

ARTIKEL 5

INKOMSTE UIT ONROERENDE EIENDOM

1. Inkomste uit onroerende eiendom kan belas word in die Staat waarin sodanige eiendom geleë is.

2. Die uitdrukking "onroerende eiendom" word omskryf ooreenkomstig die wette van die Staat waarin die betrokke eiendom geleë is. Die uitdrukking sluit in elk geval die volgende in: Eiendom wat bykomend by onroerende eiendom is, lewende hawe en uitrusting gebruik in landbou en bosbou, regte waarop die bepalings van die algemene reg betreffende vaste eiendom van toepassing is, vruggebruik van onroerende eiendom en regte op wisselende of vaste betalings as vergoeding vir die ontginning, of reg op ontginning van minerale afsettings, bronne en ander natuurlike hulpbronne; skepe, hote en lugvaartuie word nie geag onroerende eiendom te wees nie.

3. Die bepalings van paragraaf 1 is van toepassing op inkomste verkry uit die regstreekse gebruik, verhuur of gebruik in enige ander vorm van onroerende eiendom.

4. Die bepalings van paragrawe 1 en 3 is ook van toepassing op die inkomste uit onroerende eiendom van 'n onderneming en op inkomste uit onroerende eiendom wat by die verrigting van professionele dienste gebruik word.

ARTIKEL 6

BEDRYFSWINSTE

1. Die nywerheids- of handelswinste van 'n Venda-onderneming is nie aan Suid-Afrikaanse belasting onderhewig nie, tensy sodanige onderneming handel of besigheid dryf in Suid-Afrika deur bemiddeling van 'n permanente saak wat daarin geleë is. Indien die onderneming handel of besigheid dryf soos voormeld, kan belasting deur Suid-Afrika op die winste van die onderneming gehef word, maar slegs op soveel daarvan as wat aan hierdie permanente saak toegeskryf kan word.

2. Die nywerheids- of handelswinste van 'n Suid-Afrikaanse onderneming is nie aan Venda-belasting onderhewig nie tensy sodanige onderneming handel of besigheid dryf in Venda deur bemiddeling van 'n permanente saak wat daarin geleë is. Indien die onderneming handel of besigheid dryf soos voormeld, kan belasting deur Venda op die winste van die onderneming gehef word, maar slegs op soveel daarvan as wat aan daardie permanente saak toegeskryf kan word.

3. Wanneer 'n onderneming van een van die State, behalwe in die omstandighede in paragraaf 4 van hierdie Artikel beoog, besigheid in die ander Staat dryf deur bemiddeling van 'n permanente saak wat daarin geleë is, word daar aan sodanige permanente saak die nywerheids- of handelswinst toegeskryf wat hy na verwagting kan verkry in daardie ander Staat as hy 'n onafhanklike onderneming is wat hom met dieselfde of soortgelyke bedrywighede op dieselfde of soortgelyke voorwaardes besig hou en op 'n afstand sake doen met die onderneming waarvan hy 'n permanente saak is.

4. Waar 'n onderneming van een van die State 'n besigheid dryf van die soort in Artikel 4 (2) (f) beoog en die besigheid bestaan uit permanente sake in albei State geleë wat ingevolge Artikel 4 (7) geag word een myn, steengroef of plek van ontginning van natuurlike hulpbronne te vorm, is die nywerheids- of handelswinste van elk sodanige permanente saak 'n som wat in dieselfde verhouding staan tot die totale nywerheids- of handelswinste van daardie myn, steengroef

place of extraction of natural resources the same ratio as the value of the assets employed in the permanent establishment during the relevant year or period of assessment bears to the total value of the assets employed by the aforesaid mine, quarry or place of extraction of natural resources during that year or period of assessment.

If however the competent authorities of one or both of the States are of the opinion that the aforementioned basis of determining the industrial or commercial profits of one or more of the permanent establishments forming that mine, quarry or place of extraction of natural resources does not give a satisfactory result they may consult together for the purpose of formulating some other mutually acceptable basis on which to determine those profits.

5. In the determination of the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions expenses of the enterprise (other than expenses which would not be deductible if the permanent establishment were a separate enterprise) which are incurred for the purposes of the permanent establishment including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

This paragraph shall not apply where the profits attributable to a permanent establishment are determined on the basis provided for in paragraph 4 of this Article.

6. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

7. The term "industrial or commercial profits" means income derived by an enterprise from the conduct of a trade or business, including income derived by an enterprise from the furnishing of services of employees or other personnel, but it does not include dividends, interest, royalties (as defined in Articles 9, 10 and 11) or rents other than dividends, interest, royalties or rents effectively connected with a trade or business carried on through a permanent establishment which an enterprise of one of the States has in the other State; nor does the term include remuneration for personal (including professional) services.

ARTICLE 7

TRANSPORT SERVICES

1. Where—

(a) the Government of one of the States derives profits from operating transport services; or

(b) a resident of one of the States derives profits from operating an international transport service (including traffic between places in any country in the course of a flight, voyage or journey which extends over more than one country) and he is subject to tax in respect thereof in such State;

such profits shall be exempt from tax in the other State.

2. Notwithstanding the provisions of item (b) of paragraph 1, where a resident of one of the States derives profits from operating transport services solely in the other State, or between the other State and a third country (not including the first-mentioned State), and he is subject to tax in respect thereof in that other State, such profits shall be exempt from tax in the first-mentioned State.

of plek van ontginning van natuurlike hulpbronne as waarin die waarde van die bates gebruik in die permanente onderneming gedurende die betrokke jaar of tydperk van aanslag staan tot die totale waarde van die bates gebruik deur voorgoemde myn, steengroef of plek van ontginning van natuurlike hulpbronne gedurende daardie jaar of tydperk van aanslag.

Indien die bevoegde owerhede van een van of albei die State egter van mening is dat voorgoemde basis vir die vaststelling van die nywerheids- of handelswinste van een of meer van die permanente sake wat daardie myn, steengroef of plek van ontginning van natuurlike hulpbronne uitmaak nie 'n bevredigende resultaat oplever nie kan hulle gesamentlik beraadslaag met die doel om 'n ander onderling aanvaarbare basis te formuleer vir die vaststelling van daardie winste.

5. By die vaststelling van die nywerheids- of handelswinste van 'n permanente saak, word as aftrekkings toegelaat uitgawes van die onderneming (met uitsondering van uitgawes wat nie aftrekbaar sou gewees het indien die permanente saak 'n onafhanklike onderneming was nie) wat vir die doeleindes van die permanente saak aangegaan is, met inbegrip van bestuurs- en algemene administrasiekoste aldus aangegaan, hetsy in die Staat waarin die permanente saak geleë is, of elders.

Hierdie paragraaf geld nie waar die winste wat aan 'n permanente saak toegeskryf kan word, vasgestel word op die basis waarvoor paragraaf 4 van hierdie Artikel voorsiening maak nie.

6. Geen winste word aan 'n permanente saak toegeskryf uit hoofde van bloot die aankoop deur daardie permanente saak van goedere of handelsware vir die onderneming nie.

7. Die uitdrukking "nywerheids- of handelswinste" beteken inkomste deur 'n onderneming verkry uit die dryf van handel of besigheid, insluitende inkomste verkry deur 'n onderneming uit die lewering van dienste van werknemers of ander personeel, met uitsluiting van dividende, rente en tantièmes (soos omskryf in Artikels 9, 10 en 11) of huurpsele, uitgesonderd dividende, rente, tantièmes of huurpsele wat effektief verbode is aan handel of besigheid wat verkry word deur 'n onderneming van een van die State deur bemiddeling van 'n permanente saak wat dit in die ander Staat het; die uitdrukking sluit ook nie besoldiging ten opsigte van persoonlike (individuele of professionele) dienste in nie.

ARTIKEL 7

VERVOERDIENSTE

1. Wanneer—

(a) die Regering van een van die State winste uit die eksploitasie van vervoerdienste verkry; of

(b) 'n inwoner van een van die State winste verkry uit die eksploitasie van internasionale vervoerdienste (met inbegrip van verkeer tussen plekke in enige land in die loop van 'n vlug of reis wat oor meer as een land strek) en hy ten opsigte daarvan aan belasting in sodanige Staat onderhewig is;

word sodanige winste van belasting in die ander Staat vrygestel.

2. Ondanks die handelings van item (b) van paragraaf 1, word winste wat verkry word deur 'n inwoner van een van die State uit die eksploitasie van vervoerdienste alleenlik in die ander Staat of tussen die ander Staat en 'n derde land (insluitende die eersgenoemde Staat) en wat ten opsigte daarvan aan belasting onderhewig is in daardie ander Staat van belasting vrygestel in die eersgenoemde Staat.

ARTICLE 8

ASSOCIATED ENTERPRISES

Where—

(a) an enterprise of one of the States participates directly or indirectly in the management, control or capital of an enterprise of the other State; or

(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the States and an enterprise of the other State;

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE 9

DIVIDENDS

1. Dividends paid by a company which is a resident of one of the States to a resident of the other State may be taxed in that other State.

2. However, such dividends may be taxed in the State of which the company paying the dividends is a resident, and according to the law of that State, but the tax so charged shall not exceed 15 per cent of the gross amount of the dividends.

3. The provisions of paragraph 2 shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

4. The term "dividend" as used in this Article means income from shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights assimilated to income from shares by the taxation law of the State of which the company making the distribution is a resident and also includes any other amount (other than royalties referred to in Article 11 of this Agreement) which, under the law of the State of which the company paying the dividends is a resident, is treated as a dividend or distribution of a company.

5. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the dividends, being a resident of one of the States, has in the other State, of which the company paying the dividends is a resident, a permanent establishment effectively connected with the holding by virtue of which the dividends are paid. In such a case, the provisions of Article 6 shall apply.

ARTICLE 10

INTEREST

1. Interest which is taxable according to the law of both States, and is paid or payable to a resident of one of the States, may be taxed in that State.

2. Such interest may also be taxed in the other State, but the tax charged by that State shall not exceed 15 per cent of the gross amount of the interest.

ARTIKEL 8

VERWANTE ONDERNEMINGS

Wanneer—

(a) 'n onderneming van een van die State regstreeks of onregstreeks in die bestuur van, beheer oor of kapitaal van 'n onderneming van die ander Staat deel het; of

(b) dieselfde persone regstreeks of onregstreeks in die bestuur van, beheer oor of kapitaal van 'n onderneming van een van die State en 'n onderneming van die ander Staat deel het;

en in elkeen van die gevalle voorwaardes tussen die twee ondernemings met betrekking tot hul handels- of finansiële verhoudings gestel of opgelê word wat verskil van dié wat tussen onafhanklike ondernemings gestel sou word, kan winste wat by onstentenis van daardie voorwaardes aan een van die ondernemings sou toegeval het, maar as gevolg van daardie voorwaardes nie aldus toegeval het nie, by dié winste van daardie onderneming ingesluit en dienoreenkomsig belas word.

ARTIKEL 9

DIVIDENDE

1. Dividende betaal aan 'n inwoner van die ander Staat deur 'n maatskappy wat 'n inwoner van een van die State is, kan in daardie ander Staat belas word.

2. Die Staat waarvan die maatskappy wat die dividende betaal, 'n inwoner is, het egter die reg om sodanige dividende ooreenkomsig sy die wette te belas, maar die belasting wat aldus opgelê word, mag nie 15 per sent van die bruto bedrag van die dividende te bowe gaan nie.

3. Die bepalings van paragraaf 2 raak nie die belasting van die maatskappy ten opsigte van die winste waaruit die dividende betaal word nie.

4. Die uitdrukking "dividend" soos in hierdie Artikel gebesig, beteken inkomste uit aandele of ander winsdelende regte, wat nie skuldeise is nie, asook inkomste uit ander regeringsregte wat deur die belastingwetgewing van die Staat waarvan die maatskappy wat die uitkering doen, 'n inwoner is, met inkomste uit aandele gelykgestel word, en sluit ook in enige ander bedrag (uitgesonderd tantiemes bedoel in Artikel 11 van hierdie Ooreenkoms) wat ingevolge die wette van die Staat waarvan die dividenduikerende maatskappy 'n inwoner is, as 'n dividend of 'n uitkering van 'n maatskappy behandel word.

5. Die bepalings van paragrawe 1 en 2 is nie van toepassing nie indien die ontvanger van die dividende 'n inwoner van een van die State is en in die ander Staat, waarvan die maatskappy wat die dividende betaal, 'n inwoner is, 'n permanente seak het wat effektief verbonde is aan die aandelebesit uit hoofde waarvan die dividende betaal word. In so 'n geval is die bepalings van Artikel 6 van toepassing.

ARTIKEL 10

RENTE

1. Rente wat belasbaar is ooreenkomsig die wette van albei State en wat betaal of betaalbaar is aan 'n inwoner van een van die State, kan in daardie Staat belas word.

2. Sodanige rente kan ook in die ander Staat belas word, maar die belasting wat deur daardie Staat opgelê word, mag nie 15 per sent van die bruto bedrag van die rente te bowe gaan nie. Die ooreenkomsig

The first-mentioned State shall allow credit for so much of the tax of the other State as does not exceed the amount of its own tax.

3. The term "interest" as used in this Article means income from money lent and shall include income deemed by the taxation law of the States to be income from money lent.

4. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the interest, being a resident of one of the States, has in the other State a permanent establishment, and the indebtedness on which the interest is paid or payable is effectively connected with a business carried on through that permanent establishment. In such a case, the provisions of Article 6 shall apply.

5. Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the interest paid or payable, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient of the interest in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each State, due regard being had to the other provisions of this Agreement.

6. The provisions of this Article shall not apply if the indebtedness in respect of which the interest is paid or payable was created or assigned mainly for the purpose of taking advantage of this Article and not for bona fide commercial reasons.

ARTICLE 11

ROYALTIES

1. Royalties which are taxable according to the law of one State, but which have their source in the other State, may be taxed in that other State.

2. Such royalties may also be taxed in the first-mentioned State, but the tax charged by that State shall not exceed 15 per cent of the gross amount of such royalties. The State in which the royalties have their source shall allow credit for so much of the tax of the other State as does not exceed the amount of its own tax.

3. The term "royalties" as used in this Article—

(a) means payment of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work (including cinematograph films and films or tapes for radio or television broadcasting), any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience; but

(b) does not include any amount paid in respect of the operation of a mine, oil well or quarry or of any other extraction of natural resources.

4. The provisions of paragraph 1 shall not apply if the recipient of the royalties, being a resident of one of the States, has in the other State in which the royalties arise a permanent establishment with which

Staat verleen kredit vir soveel van die belasting van die ander Staat as wat nie die bedrag van sy eie belasting te bowe gaan nie.

3. Die uitdrukking "rente" soos in hierdie Artikel gebesig, beteken inkomste uit geld uitgeleen en sluit ook inkomste in wat deur die belastingwette van die State geag word inkomste te wees uit geld uitgeleen.

4. Die bepalinge van paragrawe 1 en 2 is nie van toepassing nie indien die ontvanger van die rente 'n inwoner van een van die State is en hy 'n permanente saak in die ander Staat het en die verpligting ten opsigte waarvan die rente betaal word of betaalbaar is effektief verbonde is aan 'n besigheid wat deur bemiddeling van daardie permanente saak gedryf word. In so 'n geval is die bepalinge van Artikel 6 van toepassing.

5. Waar as gevolg van 'n besondere verband tussen die betaler en die ontvanger of tussen albei van hulle en 'n ander persoon die bedrag van die rente betaal of betaalbaar, met inagneming van die skuldens ten opsigte waarvan dit betaal word, die bedrag te bowe gaan waarvoor die betaler en die ontvanger van die rente by ontstentenis van sodanige verband sou ooreengekom het, is die bepalinge van hierdie Artikel slegs op laasgenoemde bedrag van toepassing. In die geval bly die deel van die betalings wat die bedrag te bowe gaan, ooreenkomsdig die wette van elke Staat belasbaar, maar met behoorlike inagneming van die ander bepalinge van hierdie Ooreenkoms.

6. Die bepalinge van hierdie Artikel is nie van toepassing nie indien die verpligting ten opsigte waarvan die rente betaal of betaalbaar is, ontstaan het of ooreengemaak is hoofsaaklik met die doel om voordeel uit hierdie Artikel te trek en nie om bona fide-handelredes nie.

ARTIKEL 11

TANTIËMES

1. Tantiëmes wat belasbaar is ooreenkomsdig die wette van een Staat, maar wat hul bron in die ander Staat het, kan in die ander Staat belas word.

2. Sodanige tantiëmes kan ook in die eersgenoemde Staat belas word, maar die belasting deur daardie Staat gehof, mag nie 15 persent van die bruto bedrag van sodanige tantiëmes te bowe gaan nie. Die Staat waarin die tantiëmes hul bron het, verleen kredit vir soveel van die belasting van die ander Staat as wat die bedrag van sy eie belasting nie te bowe gaan nie.

3. Die uitdrukking "tantiëmes" soos in hierdie Artikel gebesig—

(a) beteken betalings van enige aard ontvang as vergoeding vir die gebruik van, of reg op die gebruik van, enige kopiereg van 'n letterkundige, kuns- of wetenskaplike werk (met inbegrip van kinematograaf-films en films of bande vir radio- of televisie-uitsendings), enige patent, handelsmerk, ontwerp of model, plan, geheime formule of proses, of vir die gebruik van, of die reg op die gebruik van nywerheids-, handels- of wetenskaplike uitrusting, of vir inligting aangaande nywerheids-, handels- of wetenskaplike ondervinding; maar

(b) sluit nie enige bedrag in wat ten opsigte van die eksplorasie van 'n myn, oliebron of steengroef of enige ander ontginning van natuurlike hulpbronne betaal is nie.

4. Die bepalinge van paragraaf 1 is nie van toepassing nie indien die ontvanger van die tantiëmes 'n inwoner van een van die State is en in die ander Staat waarin die tantiëmes ontstaan 'n permanente saak het

the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article 6 shall apply.

5. Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each State, due regard being had to the other provisions of this Agreement.

ARTICLE 12

LIMITATION OF ARTICLES 9, 10 AND 11

International organisations, organs and officials thereof and members of a diplomatic or consular mission of a third State, being present in one of the States, are not entitled, in the other State, to the reductions of or exemptions from tax provided for in Articles 9, 10 and 11 in respect of dividends, interest and royalties arising in that other State, if the said items of income are not liable to a tax on income in the first-mentioned State.

ARTICLE 13

INDEPENDENT PERSONAL SERVICES

1. Income derived by a resident of one of the States in respect of professional services or other independent activities of a similar character performed by him in the other State may be subjected to tax in that other State.

2. The term "professional services" includes independent, scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE 14

DEPENDENT PERSONAL SERVICES

1. Subject to the provisions of Articles 15, 17, 18 and 19, salaries, wages and other similar remuneration derived by a resident of one of the States in respect of an employment shall be taxable only in that State unless the employment is exercised in the other State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1 of this Article, remuneration derived by a resident of one of the States in respect of an employment exercised aboard a ship or aircraft in international traffic shall be taxable only in that State.

ARTICLE 15

DIRECTORS' FEES

Directors' fees and similar payments derived by a resident of one State in his capacity as a member of the board of directors of a company which is a resident of the other State may be taxed in that other State.

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waaraan die reg of eiendom wat aanleiding gee tot die tantièmes, effektief verbonde is. In so 'n geval is die bepaling van Artikel 6 van toepassing.

5. Waar, as gevolg van 'n besondere verband tussen die betaler en ontvanger of tussen albei van hulle en 'n ander persoon die bedrag van die tantièmes betaal, met inagneming van die gebruik, reg of inligting ten opsigte waarvan dit betaal word, die bedrag te bowe gaan waarvoor die betaler en die ontvanger by ontstaan-tenis van sodanige verband tot ooreenkomstig het, is die bepaling van hierdie Artikel slegs op laasgenoemde bedrag van toepassing. In dié geval bly die deel van die betalings wat die bedrag te bowe gaan, ooreenkomstig die wette van elke Staat belikbaar, maar met behoorlike inagneming van die ander bepalinge van hierdie Ooreenkoms.

ARTIKEL 12

BEPERKING VAN ARTIKELS 9, 10 EN 11

Internasionale organisasies, liggame en beamptes daarvan en lede van 'n diplomatieke of konsulêre sending van 'n derde Staat wat in een van die State aanwezig is, is nie in die ander Staat geregtig op die verminderinge of vrystellings van belasting waarvoor daar in Artikels 9, 10 en 11 voorsiening gemaak word nie ten opsigte van dividende, rente en tantièmes wat in daardie ander Staat ontstaan indien genoemde inkomste-items nie in genoemde Staat aan belasting op inkomste onderhevig is nie.

ARTIKEL 13

ONAFHANKLIKE PERSOONLIKE DIENSTE

1. Inkomste verkry deur 'n inwoner van een van die State ten opsigte van professionele dienste of ander onafhanklike bedrywighede van 'n soortgelyke aard deur hom in die ander Staat verrig, kan in daardie ander Staat belas word.

2. Die uitdrukking "professionele dienste" behels onafhanklike, wetenskaplike, leierkundige, kuns-opvoedkundige of onderwysbedrywighede, asook die onafhanklike bedrywighede van geneeskers, regspraktisyne, ingenieurs, argitekte, tandartse en rekenmeesters.

ARTIKEL 14

AFHANKLIKE PERSOONLIKE DIENSTE

1. Behoudens die bepalinge van Artikels 15, 17, 18 en 19, is salarisse, loere en ander soortgelyke besoldiging wat deur 'n inwoner van een van die State ten opsigte van 'n diensbetrekking verkry word, slegs in daardie Staat belikbaar, tensy die diensbetrekking in die ander Staat verrig word. Indien die diensbetrekking aldus verrig word, kan dié besoldiging wat daaruit verkry word, in daardie ander Staat belas word.

2. Ondanks die bepalinge van paragraaf 1 van hierdie Artikel, is besoldiging verkry deur 'n inwoner van een van die State ten opsigte van 'n diensbetrekking wat aan boord van 'n skip of lugvaartuig in internasionale verkeer verrig word, slegs in daardie Staat belikbaar.

ARTIKEL 15

DIREKTEURSGELDE

Direkteursgelde en soortgelyke gelde wat verkry word deur 'n inwoner van een van die State as lid van die direkteorie van 'n maatskappy wat 'n inwoner van die ander Staat is, kan in daardie ander Staat belas word.

ARTICLE 16

ARTISTES AND ATHLETES

Notwithstanding the provisions of Articles 14 and 15, income derived by public entertainers, such as theatre, motion picture, radio, or television artists, and musicians and by athletes, from their respective activities as such, may be taxed in the State in which these activities are exercised.

ARTICLE 17

PENSIONS

1. Any pension (other than a pension of the kind referred to in paragraph 2 of Article 18) and any annuity, derived from sources within South Africa by an individual who is a resident of Venda and subject to Venda tax on the whole or a portion thereof, shall be exempt from South African tax to the extent that it is included in income for South African tax purposes.

2. Any pension (other than a pension of the kind referred to in paragraph 2 of Article 18) and any annuity, derived from sources within Venda by an individual who is a resident of South Africa and subject to South African tax on the whole or a portion thereof, shall be exempt from Venda tax to the extent that it is included in income for South African tax purposes.

3. The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE 18

GOVERNMENTAL FUNCTIONS

1. Remuneration (other than pensions) paid by one of the States to any individual for services rendered to that State in the discharge of governmental functions shall be exempt from tax in the other State if the individual is not ordinarily resident in that State or is ordinarily resident in that State solely for the purpose of rendering those services.

2. Any pension paid by one of the States to any individual for services rendered to that State in the discharge of governmental functions shall be exempt from tax in the other State, in so far as the remuneration for those services was exempt from tax in that State under paragraph 1 of this Article or would have been so exempt if this Agreement had been in force at the time when the remuneration was paid.

3. The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the States for purposes of profit.

4. For the purposes of this Article, the term "State", in the case of South Africa, includes the Administrations of the Provinces of South Africa, the South African Railways and the Department of Posts and Telecommunications.

ARTICLE 19

STUDENTS

Payments which a student or business apprentice from one of the States who is present in the other State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that other State, provided that such payments are made to him from sources outside that other State.

ARTIKEL 16

ARTISTES EN ATLETTE

Ondanks die handelings van Artikels 14 en 15 kan inkomste wat verkry word deur openbare vertoekunstenaars, soos teaters, bioskops, radio- of televisie-artieste en musiciante en deur atlete van hul persoonlike bedrywighede as soosdanig, belê word in die Staat waarin hierdie bedrywighede uitgeoefen word.

ARTIKEL 17

PENSIOENE

1. Enige pensioen (uitgesonderd 'n pensioen van die soort in paragraaf 2 van Artikel 18) en enige jaargeld verkry uit bronne in Suid-Afrika deur 'n individu wat 'n inwoner van Venda is en onderworpe is aan Venda-belasting op die hele bedrag of 'n gedeelte daarvan, is vrygestel van Suid-Afrikaanse belasting in die mate waarin dit ingesluit word by inkomste vir Venda-belastingdoelwitte.

2. Enige pensioen (uitgesonderd 'n pensioen van die soort in paragraaf 2 van Artikel 18) en enige jaargeld verkry uit bronne in Venda deur 'n individu wat 'n inwoner van Suid-Afrika is en onderworpe is aan Suid-Afrikaanse belasting op die hele bedrag of 'n gedeelte daarvan, is vrygestel van Venda-belasting in die mate waarin die insluit word by inkomste vir Suid-Afrikaanse belastingdoelwitte.

3. Die uitdrukking "jaargeld" beteken 'n vermeldde som wat periodiek op vermeldde tye, gedurende lewe of gedurende 'n vermeldde of vastelbare tydperk, betaalbaar is ingevolge 'n verpligting om die betalings te doen as verpligting vir geld wat betaal is.

ARTIKEL 18

REGERINGSFUNKSIES

1. Besoldiging (uitgesonderd pensioene) betaal deur een van die State aan 'n individu vir dienste gelewer aan daardie Staat by die uitoefening van regeringsfunksies word in die ander State belasting vrygestel indien die individu nie gewoonlik in daardie Staat woonagtig is nie, of gewoonlik in daardie Staat woonagtig is slegs met die doel om te dienste te lewer.

2. Enige pensioen betaal deur een van die State aan 'n individu vir dienste gelewer aan daardie Staat by die uitoefening van regeringsfunksies word in die ander State van belasting vrygestel in dieselfde mate waarin die besoldiging vir ooreenkeurige dienste van belasting vrygestel was in daardie Staat ingevolge paragraaf 1 van hierdie Artikel of dit sou vrygestel sou gewees het indien hierdie Ooreenkomers van hier was ten tyde van betaling van die besoldiging.

3. Die toepassing van hierdie Artikel is nie van toepassing op betaling, ten opsigte van dienste gelewer in verband met enige handel of besigheid wat deur een van die State gedryf word met die doel om wins te maak nie.

4. Vir die toepassing van hierdie Artikel sluit die uitdrukking "Staat", in die geval van Suid-Afrika, die Administrasies van die Provinsies van Suid-Afrika, die Suid-Afrikaanse Spoorweë en die Departement van Pos- en Telekommunikasiewese in.

ARTIKEL 19

STUDENTE

As 'n student of besigheidsvakleerling van een van die State, wat slegs vir sy opvoeding of opleiding in die ander Staat aanwesig is, geld ontvang vir sy onderhoud, opvoeding of opleiding, word die geld nie in daardie ander Staat belê nie, mits dit uit bronne buite daardie ander Staat aan hom betaal word.

ARTICLE 20

INCOME NOT EXPRESSLY MENTIONED

Items of income not dealt with in the foregoing provisions of this Agreement derived by a resident of one of the States who is subject to tax in that State in respect thereof shall be subjected to tax only in that State.

ARTICLE 21

METHODS FOR ELIMINATION OF DOUBLE TAXATION

1. Where South African tax is payable under the law of South Africa and in accordance with this Agreement, whether directly or by deduction, on income derived from sources in South Africa by a resident of Venda and that tax is borne by him, Venda shall either impose no tax on that income or shall, subject to such provisions (which shall not affect the general principle hereof) as may be enacted in Venda, allow as credit against any Venda tax payable in respect of that income so much of the South African tax as does not exceed the Venda tax.

2. Where Venda tax is payable under the law of Venda and in accordance with this Agreement, whether directly or by deduction, on income derived from sources within Venda by a resident of South Africa, and that tax is borne by him, South Africa shall either impose no tax on that income or shall, subject to such provisions (which shall not affect the general principle hereof) as may be enacted in South Africa, allow as a credit against any South African tax payable in respect of that income so much of the Venda tax as does not exceed the South African tax.

ARTICLE 22

NON-DISCRIMINATION

1. The nationals of one of the States, whether they are residents of that State or not, shall not be subjected in the other State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that State in the same circumstances are or may be subjected.

2. The term "nationals" means—

(a) all individuals possessing the nationality of one of the States;

(b) all legal persons, partnerships and associations deriving their status as such from the laws in force in one of the States.

3. The taxation on a permanent establishment which an enterprise of one of the States has in the other State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

This provision shall not be construed as obliging one of the States to grant to residents of the other State any personal allowances, relief and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

ARTIKEL 20

INKOMSTE NIE UITDRUKLIK GENOEM NIE

Inkomste wat nie in die voorafgaande bepalings van hierdie Ooreenkoms behandel is nie en wat deur 'n inwoner van een van die State verkry word en waarop hy in daardie Staat belasbaar is, is slegs in daardie Staat belasbaar.

ARTIKEL 21

METODES TER VERMYDING VAN DUBBELE BELASTING

1. Wanneer Suid-Afrikaanse belasting kragtens die wette van Suid-Afrika en in ooreenstemming met hierdie Ooreenkoms, hetsy regstreeks of deur aftrekking, betaalbaar is op inkomste verkry uit bronne in Suid-Afrika deur 'n inwoner van Venda en die belasting deur hom gedra word, hef Venda of geen belasting op daardie inkomste nie of laat hy, behoudens sodanige bepalings (wat nie die algemene beginsel hiervan mag raak nie) as wat in Venda uitgevaardig kan word, as 'n krediet teen enige Venda-belasting wat ten opsigte van dié inkomste betaalbaar is, soveel van die Suid-Afrikaanse belasting toe as wat nie die Venda-belasting te bowe gaan nie.

2. Wanneer Venda-belasting kragtens die wette van Venda en in ooreenstemming met hierdie Ooreenkoms, hetsy regstreeks of deur aftrekking, betaalbaar is op inkomste verkry uit bronne in Venda deur 'n inwoner van Suid-Afrika en dié belasting deur hom gedra word, hef Suid-Afrika of geen belasting op daardie inkomste nie of laat hy, behoudens sodanige bepalings (wat nie die algemene beginsel hiervan mag raak nie) as wat in Suid-Afrika uitgevaardig kan word, as 'n krediet teen enige Suid-Afrikaanse belasting wat ten opsigte van dié inkomste betaalbaar is, soveel van die Venda-belasting toe as wat nie die Suid-Afrikaanse belasting te bowe gaan nie.

ARTIKEL 22

NIE-DISKRIMINASIE

1. Die burgers van een van die State, hetsy hulle inwoners van daardie Staat is of nie, mag nie in die ander Staat onderwerp word aan enige belasting of enige vereiste in verband daarmee wat anders is of swaarder druk as die belasting en dié daaraan verbonde vereistes waaraan die burgers van daardie Staat onder dieselfde omstandighede onderworpe is of onderwerp kan word nie.

2. Die uitdrukking "burgers" beteken—

(a) alle individue wat die burgerskap van een van die State besit;

(b) alle regspersone, vennootskappe en verenigings wat hulle status as sodanig ontleen aan die wette wat in een van die State van krag is.

3. Die belasting op 'n permanente saak wat 'n onderneming van een van die State in die ander Staat het, mag nie in daardie ander Staat op 'n minder gunstige wyse gehef word nie as die belasting wat gehef word op ondernemings van daardie ander Staat wat dieselfde bedrywighede beoefen.

Hierdie bepaling word nie uitgelê as son die een van die State verplig om, vir belastingdoeleindes, aan inwoners van die ander Staat uit hoofde van burgerlike status of gesinsverantwoordelikhede persoonlike toelatings, verligtings en verminderings toe te staan wat hy aan sy eie inwoners toestaan nie.

4. Enterprises of one of the States, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of that first-mentioned State are or may be subjected.

ARTICLE 23

MUTUAL AGREEMENT PROCEDURE

1. Where a resident of one of the States considers that the actions of one or both of the States result or will result for him in taxation not in accordance with this Agreement, he may, notwithstanding the remedies provided by the national laws of those States, present his case to the competent authority of the State of which he is a resident.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at an appropriate solution, to resolve the case by mutual agreement with the competent authority of the other State, with a view to the avoidance of taxation not in accordance with this Agreement.

3. The competent authorities of the States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement. They may also consult together for the elimination of double taxation in cases not provided for in this Agreement.

4. The competent authorities of the States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of the competent authorities of each of the States.

ARTICLE 24

EXCHANGE OF INFORMATION

The competent authorities of the States shall exchange such information (being information which is at their disposal under their respective taxation laws or which they are in a position to obtain under their own law) as is necessary for carrying out the provisions of this Agreement, in particular for the prevention of fraud, or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated as secret but may be disclosed to persons (including a court or administrative body) concerned with assessment, collection, enforcement or prosecution in respect of taxes which are the subject of this Agreement. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

4. Ondernemings van een van die State, waarvan die kapitaal uitsluitlik of gedeeltelik reeds direk of indirek, deur een of meer inwoners van die ander State, mag nie in die eersgenoemde State onderwerp word aan belasting of enige vereiste in verband daarmee wat anders is of swaarder druk as die belasting en die daaraan verbonde vereistes waaraan ander soortgelyke ondernemings van daardie eersgenoemde State onderworpe is of onderwerp kan word nie.

ARTIKEL 23

PROSEDURE VIR ONDERLINGE OOREENKOMS

1. Wanneer 'n inwoner van een van die State van mening is dat die optrede van een van of albei die State tot gevolg het of sal hê dat hy nie ooreenkomstig hierdie Ooreenkoms belas word nie, kan hy, ondanks die regsprosedure waarvoor voorsiening gemaak word by die landswette van daardie State, sy saak stel aan die bevoegde owerheid van die State waarvan hy 'n inwoner is.

2. Die bevoegde owerheid moet, indien die beswaar vir hom geregtig voorkom en hy nie self 'n geskikte oplossing kan vind nie, probeer om die saak deur onderlinge ooreenkoms met die bevoegde owerheid van die ander State uit te maak ten einde belasting te vermy wat nie in ooreenstemming met hierdie Ooreenkoms is nie.

3. Die bevoegde owerhede van die State moet probeer om enige moeilikheid of twyfel wat in verband met die toepassing of interpretasie van hierdie Ooreenkoms ontstaan, deur onderlinge ooreenkoms uit die weg te ruim. Hulle kan mekaar ook raadpleeg met die oog op die vermyding van dubbele belasting in gevalle waarvoor daar nie in hierdie Ooreenkoms voorsiening gemaak word nie.

4. Die bevoegde owerhede van die State kan regstreeks met mekaar in verbinding tree ten einde tot 'n ooreenkoms te kom soos in die voorafgaande paragraaf beoog. Wanneer dit blyk dat die mondelinge wisseling van menings raadsaam is ten einde tot 'n ooreenkoms te kom, kan sodanige meningswisseling plaasvind deur 'n kommissie bestaande uit die bevoegde owerhede van albei State.

ARTIKEL 24

UITRUIL VAN INLIGTING

Die bevoegde owerhede van die State ruil sodanige inligting uit (dit wil sê inligting wat ingevolge hul onderskeie belastingwette tot hul beskikking is of wat hulle ingevolge hul eie wette kan inwin) as wat nodig is vir die uitvoering van die bepalinge van hierdie Ooreenkoms, veral ter voorkoming van bedrog, of vir die toepassing van wetsbepalinge teen wetlike ontduiking in verband met die belastinge waarvoor hierdie Ooreenkoms handel. Aldus uitgeruilde inligting moet as geheim behandel word maar kan openbaar gemaak word aan persone (waaronder 'n hof of administratiewe liggaam) betrokke by die aansoek, invordering of afdwing van of vervolging met betrekking tot belastinge waarvoor hierdie Ooreenkoms handel. Geen inligting mag uitgeruil word wat enige handels-, nywerheids- of professionele geheim of enige handelsproses aan die lig sou bring nie.

ARTICLE 25

DIPLOMATIC AND CONSULAR OFFICIALS

Nothing in this Agreement shall affect the fiscal privileges of diplomatic or consular officials under the general rules of international law or under the provisions of special agreements.

ARTICLE 26

ENTRY INTO FORCE

This Agreement shall enter into force on the date on which both States shall have completed such procedures as are necessary to give this Agreement the force of law in each State and shall thereupon have effect—

(a) in Venda—

- (i) as respects taxes on income, for any year of assessment beginning on or after 1 March 1979;
- (ii) as respects non-resident shareholders' tax on dividends payable on or after 13 September 1979;
- (iii) as respects non-residents tax on interest, on interest payable on or after 13 September 1979;

(b) in South Africa—

- (i) as respects taxes on income, for any year of assessment beginning on or after 1 March 1979;
- (ii) as respects non-resident shareholders' tax, on dividends payable on or after 13 September 1979;
- (iii) as respects non-residents tax on interest, on interest payable on or after 13 September 1979.

ARTICLE 27

TERMINATION

This Agreement shall remain in force until denounced by one of the States. Either State may denounce the Agreement, through the diplomatic channel, by giving notice of termination at least six months before the end of any calendar year after the year 1984. In such event the Agreement shall cease to be effective—

(a) in Venda—

- (i) as respects taxes on income, for any year of assessment beginning on or after 1 March in the calendar year next following that in which the notice is given;
- (ii) as respects non-resident shareholders' tax, on dividends payable on or after 1 March in the calendar year next following that in which the notice is given; and
- (iii) as respects non-residents tax on interest, on interest payable on or after 1 March in the calendar year next following that in which the notice is given;

(b) in South Africa—

- (i) as respects taxes on income, for any year of assessment beginning on or after 1 March in the calendar year next following that in which the notice is given;
- (ii) as respects non-resident shareholders' tax, on dividends payable on or after 1 March in the calendar year next following that in which the notice is given; and
- (iii) as respects non-residents tax on interest, on interest payable on or after 1 March in the calendar year next following that in which the notice is given.

ARTIKEL 25

DIPLOMATIEKE EN KONSULERE BEAMPTES

Niks in hierdie Ooreenkoms raak die fiskale voorregte van diplomatieke of konsulêre beamptes ingevolge die algemene reëls van die volkerereg of ingevolge die bepalinge van spesiale ooreenkomste.

ARTIKEL 26

INWERKINGTREDING

Hierdie Ooreenkoms tree in werking op die datum waarop albei State daardie prosedures wat noodsaaklik is om hierdie Ooreenkoms regsgeeldigheid in elke Staat te gee, voltooi het, en word dan van krag—

(a) in Venda—

- (i) met betrekking tot belasting op inkomste vir enige aanslagjaar wat begin op of na 1 Maart 1979;
- (ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 13 September 1979;
- (iii) met betrekking tot rentebelasting op buitelanders, op rente betaalbaar op of na 13 September 1979;

(b) in Suid-Afrika—

- (i) met betrekking tot belastinge op inkomste, vir enige aanslagjaar wat begin op of na 1 Maart 1979;
- (ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 13 September 1979;
- (iii) met betrekking tot rentebelasting op buitelanders, op rente betaalbaar op of na 13 September 1979.

ARTIKEL 27

OPSEGGING

Hierdie Ooreenkoms bly van krag totdat dit deur een van die State opgesê word. Enigeen van die State kan die Ooreenkoms langs diplomatieke kanale opse deur minstens ses maande voor die einde van die kalenderjaar na die jaar 1984 kennis van beëindiging te gee. In so 'n geval hou die Ooreenkoms op om van krag te wees—

(a) in Venda—

- (i) met betrekking tot belastinge op inkomste, vir enige aanslagjaar wat begin op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word;
- (ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word; en
- (iii) met betrekking tot rentebelasting op buitelanders, op rente wat betaalbaar is op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word;

(b) in Suid-Afrika—

- (i) met betrekking tot belastinge op inkomste, vir enige aanslagjaar wat begin op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word;
- (ii) met betrekking tot belasting op buitelandse aandeelhouders, op dividende betaalbaar op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word; en
- (iii) met betrekking tot rentebelasting op buitelanders, op rente wat betaalbaar is op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word.

ARTICLE 28

AMENDMENT

Any amendment of this Agreement mutually agreed upon by both Parties shall be effected by the exchange of Diplomatic Notes between them.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

Done at Pretoria, in duplicate, on the 13th day of August 1979.

O. P. F. HORWOOD, Minister of Finance.

For the Government of the Republic of South Africa.

P. R. MPHEPHU, Chief Minister.

For the Government of Venda.

ARTIKEL 28

WYSIGING

Enige wysiging van hierdie Ooreenkoms waaraan albei partye onderling ooreengekom het, word aangebring deur Diplomatieke Notawisseling tussen hulle.

Ten bewyse waarvan die ondergetel en/of behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms onderteken en geseel het.

Gedoen te Pretoria, in tweevoud, op die 13de dag van Augustus 1979.

O. P. F. HORWOOD, Minister van Finansies.

Namens die Regering van die Republiek van Suid-Afrika.

P. R. MPHEPHU, Hoofminister.

Namens die Regering van Venda.

processes is essential; and the division will have to be more fine the more discriminating public decisions can be.

The

the be of

Venda's White trek

WHITE South African civil servants seconded to newly-independent Venda who prefer to live outside the homeland drive up to 140km to and from work every day — at South African taxpayers' expense.

And an exodus by civil servants from Venda at independence has created a property boom in the Northern Transvaal town of Louis Trichardt, with local townspeople selling their houses to the South African Government at high prices and themselves moving into caravans and hotels.

The Sunday Express was told this week that in addition to those who moved out of Sibasa because they feared for the safety of their families, scores of newly-seconded officials are also living in Louis Trichardt.

Up to now, 45 houses in Louis Trichardt have been bought for more than R1-million by the Government for officials seconded to Venda, and there are plans to buy at least 30 more.

Only a handful of White officials still live in Sibasa. All their houses are still surrounded by the high security fences erected after the 1976 Soweto riots.

Mr C J van Rooyen, town clerk of Louis Trichardt, said this week that houses in the town were at a premium. "The Government offered up to R35 000 a house — very good prices for Louis Trichardt," he said.

"The prices were so good that some families sold out and are now living in caravans or sharing houses while a private contractor is building other houses for

them — which they will buy and still have a few thousand left over."

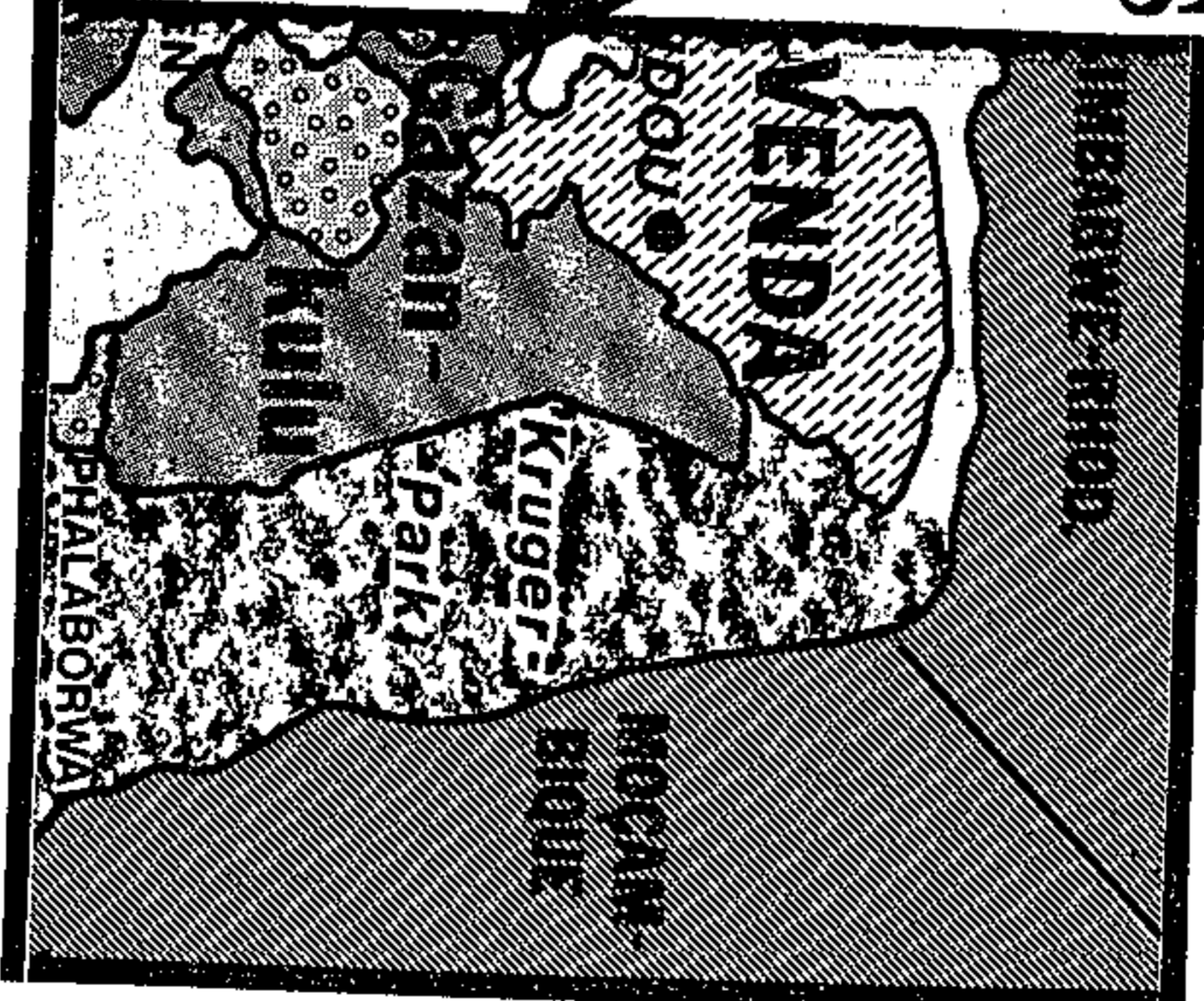
Mr Attie Cronje, a Louis Trichardt estate agent, said the Department of Community Development was looking for at least 30 more houses in the town — all for White officials seconded to Venda.

The Department started buying houses about three

BY JEAN LE MAY



SA PAYS BILLS FROM HERE TO HERE FOR MONTHLY COMMUTING



months ago and paid very good prices for them, he said. Up to then, the property market in Louis Trichardt had been "very slow".

The Sunday Express was told that the Venda Government ran a daily mini-bus service between Louis Trichardt and Sibasa, but that this was used by women secretaries and "people like that". Most seconded officials, we were told, drove daily to and from work — covering up to 280km each month.

And the monthly cost at AA rates for each long-distance commuter? R348 if he is driving a medium sized car.

That could add up to close on R250 000 a year if most officials at present in Louis Trichardt drove daily to the Venda capital. Since their travelling allowances are paid by the South African Government, this is part of the cost to South African taxpayers of Venda's independence.

In 1975, there were 166 White officials and teachers seconded to the Venda Government. The number is said have risen since independence.

Ly uncertain, because of particular type of spend-

Common cold *	++++	+	+++	++
Yaws *	-	++	+++	++

* Added to test scoring method

This is partly due to a deficiency in information on the results of the programmes which can be resolved by recourse to appropriate data. Nevertheless, there will also be differences of judgement which cannot

113 SUNDAY EXPRESS October 21, 1979

Venda aims at free education

(113) 1/11/79 Post

THE New Republic Party of Venda has pledged itself to establish a sound educational system which would include free and compulsory education in both primary and post-primary schools, the Minister of Education and Culture, Mr E R B Nesengani, said yesterday.

Addressing the Muila community in the Vuwani District, he said priority was being given to improving the quality of education by providing better physical facilities at schools. More buildings were being erected and furniture, books and audio-visual aids were being supplied.

His department was also aiming to build a Technical High School and develop the Venda College into a University. — Sapa.

PS/gc
2 May 1979

Lectures: (1) The 1914-18 war (2) The Russian revolution (3) Reparations (4) The gold standard (5) The depression of the 30's (6) War, recovery, and the E.E.C. (7) The third world (8) Some current problems.

The 1914-18 war ended an era of generally confident progress in the West, and began an era of upheaval: the Russian socialist challenge to capitalism; the question of reparations; the financial troubles of the twenties; the "great depression" of the thirties. At this time, it seemed that unemployment was the great economic problem. J.M. Keynes suggested a solution to this problem. The solution was widely applied after 1945, with considerable success. Meanwhile, new "problems" were appearing, so that to-day economists are expected to help find "solutions" to the "problems" of pollution, destruction of the environment, and world-wide economic "inequality".

SECTION V : The 20th Century: Capitalism on the Defensive? (September 4 - September 27)

Changes in methods of production involved changes not only in economic institutions, but also in political and legal ones. New financial techniques had to be devised to deal with the greatly increased volume of trade. Classes struggled for larger shares of the increased wealth. Lectures: (1) Changes in methods of agriculture (2) Legal and political changes resulting from these agricultural changes (3) Developments in money and banking (4) The growth of trade unions.

SECTION IV : Aspects of Developing Capitalism. (August 22 - August 30)

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

A. L. SCHLEBUSCH.

No. R. 310, 1979

DESIGNATION OF THE REPUBLIC OF VENDA AS A COUNTRY TO WHICH THE RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT, 1963, SHALL APPLY

By virtue of the powers vested in me by section 2 (1) of the Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act 80 of 1963), I hereby designate the Republic of Venda as a country in respect of which that Act shall apply.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

A. L. SCHLEBUSCH.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agt-en-twintigste dag van September Eenduisend Negehonderd Nege-en-seventig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

A. L. SCHLEBUSCH.

No: R. 310, 1979

A.ANWYSING VAN DIE REPUBLIEK VAN VENDA AS 'N LAND WAAROP DIE WET OP WEDERKERIGE AFDWINGING VAN ONDERHOUDSBEVELE, 1963, VAN TOEPASSING IS

Kragtens die bevoegdheid my verleen by artikel 2 (1) van die Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963 (Wet 80 van 1963), wys ek die Republiek van Venda aan as 'n land waarop voormelde Wet van toepassing is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agt-en-twintigste dag van September Eenduisend Negehonderd Nege-en-seventig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

A. L. SCHLEBUSCH.

113

SA *P. J. J. 30/12/79*
Govt
'kills'
R100m
Venda
deal *113*

By FLEUR DE VILLIERS
and MARTIN WELZ

THE Government has killed a R100-million Venda "development deal" with a mysterious Middle East broker, Mr Salim El Hajj, who is believed to be R8-million richer after a similar deal with bankrupt Transkei.

Venda has also been cautioned to steer clear of the shadowy Lebanese financier.

Mr El Hajj announced last year he had sold Transkei an extravagant R450-million loan scheme for "the development of an oil refinery, harbour and international airport".

But later he said his plans were delayed because the bankrupt former homeland could not make the R16-million downpayment.

Struggling

In Pretoria, informed sources said this week that Mr El Hajj had received R8-million from struggling Transkei before it was decided to "postpone" the deal — a charge that he persistently denies.

He has since turned his attentions to the newly independent micro-republic of Venda.

The South African Government moved in quickly when it was reported in the Sunday Times that the President of Venda, Mr Patrick Mphahlele, and two of his Cabinet Ministers had flown to the Lebanon on a secret mission to conclude a R100-million development deal with Mr Hajj.

It advised the Venda government to put some distance between itself and Mr El Hajj.

No payment had been, or would be, made to Mr El Hajj, Pretoria sources said. Certain South African of-

2 SUNDAY TIMES, Decen

Govt sinks Venda deal

• From Page 1

• R45-million for an international airport.

• R20-million for roads.

• R20-million for irrigation works.

• R15-million for a hotel-casino.

Mrs Liebenberg has acted as an intermediary in other large financial negotiations.

In 1977 she arranged a meeting between Dr Robert Smit, the murdered economist and politician, and a mysterious Canadian, Mark Benza, who was then seeking financial backing for a solar-heating project.

Official sources in Pretoria say that the cancelled Venda project could have suffered the same inflation as the ill-fated Transkei deal.

Originally billed at between R185-million and R245-million, it is now believed to carry a price tag of R450-million.

The final Venda contract price could, sources believe, have run to about R225-million with interest repayments if Pretoria had not stepped in.

But Mr El Hajj, who is president of the Middle East Commercial and Investment Services and a majority shareholder of a newly registered bank in the Lebanon, the Foreign Trade Bank, hasn't given up.

Speaking from Beirut the Lebanese banker said:

No rights

"They have no right to cancel any deal. It was signed by the President of Venda and two of his Ministers."

But Venda had "no commitment whatsoever to Mr El Hajj", the Sunday Times was told.

The South African Government had advised the Venda authorities that it was not enforceable under international law.

Pretoria has hotly denied claims that the financier was recently "summoned" for talks with Foreign Minister Mr P. W. Botha and Senator Owen Horwood, and that he had also seen the Prime Minister, Mr P. W. Botha and that the Government had approved the deal.

According to informed sources the only Cabinet Minister he met was Mr P. W. Botha — and that was accidentally. Unknown to Mr Botha, he accompanied a Middle East politician to a meeting with the

officials seconded to the Venda Development Corporation are believed to have been impressed by Mr El Hajj, who is Iscor's Middle East agent.

They were instrumental in initially persuading the Venda Government to accept the deal — much to South Africa's annoyance.

The Lebanese banker, who is represented in South Africa by Mrs Emmarentia Liebenberg, had promised to find R100-million for four "turnkey" projects including:

• To Page 3

Projects

It is believed that Mr Botha, who did not know that Mr El Hajj would be present, told him bluntly that he "wanted nothing to do with him or his projects" and cut the discussion short.

The South African Government is known to be intensely irritated by international "pie-in-the-sky" development projects for independent homelands.

This irritation has played a major role in the recent Pretoria decision to renegotiate its R100-million annual financial aid to the Transkei on a largely project-linked basis — a measure which would give Pretoria a veto-right over unrealistic development deals which have cost Umtata dear.

A recent secret memorandum drawn up by the Transkei Secretary for Finance, Mr J. Mqubela, after investigations by South African Treasury officials and the Transkei Technical Planning Committee, revealed that the independent homeland had less than R6-million in its coffers, a current deficit of R37-million and was in desperate need of funds to pay the salaries of its 30 000 public servants.

IV DISEASES OF BLOOD AND BLOOD-FORMING ORGANS

	W		A		C		B	
	M	F	M	F	M	F	M	F
0-1	0,51	0,33	1,10	0,21	1,80	1,59	0,13	0,10
1-4	0,05	0,06	0,02	0,10	0,15	0,17	0,02	0,04
5-24	0,07	0,06	0,09	0,10	0,14	0,17	0,11	0,13
25-44	1,09	0,44	1,31	0,70	1,54	1,27	0,73	0,78
45-64	9,75	4,44	14,76	10,70	10,33	8,25	4,61	5,01
65+	42,19	32,93	55,30	47,72	43,12	40,90	13,55	14,21
ALL	4,70	3,81	3,22	2,25	2,74	2,69	1,14	1,20
NO.	9752	7926	1135	804	3114	3140	2390	1921

	W		A		C		B	
	M	F	M	F	M	F	M	F
0-1	0,52	0,18	0,52	0,18	0,52	0,18	0,52	0,18
1-4	0,05	0,05	0,05	0,05	0,05	0,05	0,05	0,05
5-24	0,03	0,01	0,03	0,01	0,03	0,01	0,03	0,01
25-44	0,03	0,01	0,03	0,01	0,03	0,01	0,03	0,01
45-64	0,07	0,07	0,07	0,07	0,07	0,07	0,07	0,07
65+	0,18	0,13	0,18	0,13	0,18	0,13	0,18	0,13
ALL	0,06	0,04	0,06	0,04	0,06	0,04	0,06	0,04
NO.	128	85	128	85	128	85	128	85

Hajj: Venda warned

EAST LONDON -- The South African Government has stepped in to prevent a Middle East broker, who is involved in massive projects in Transkei, from undertaking similar ventures in Venda, according to a report in yesterday's Sunday Times.

The report says Venda has been warned to steer clear of "the shadowy Lebanese financier", Mr Salim El Hajj.

It says Mr El Hajj is believed to be R8 million richer following his agreement to have his company, Middle East Commercial and Investment Services, finance projects totalling about R200 million in Transkei.

Both he and the Transkei Government have repeatedly denied he has received advance money for the project, which Mr El Hajj says, has

been because of Transkei's inability to pay the R16 million downpayment.

The Sunday Times report says the South African Government has advised the Venda Government to cancel the agreement which it negotiated with Mr El Hajj for R100 million development projects, including an international airport, roads, irrigation works and a casino.

Mr El Hajj also undertook to finance an international airport in Transkei, as well as a harbour and oil refinery at Mazeppa Bay. Total repayments on the projects over 16 years were expected to total R450 million.

The Sunday Times report said the South African Government was known to be intensely irritated by international "pie in the sky" develop-

ment projects for independent homelands. It said this irritation had played a major role in Pretoria's decision to renegotiate its R100 million annual financial aid to Transkei on a project linked basis, a measure which would give Pretoria a right to veto unrealistic development deals which have cost Um-tata dear.

Attempts to contact the Transkei Prime Minister, Chief George Matanzima, or his Minister of Foreign Affairs, Mr Digby Koyana, for comment on the report were unsuccessful yesterday. Both were believed to be on holiday on the Transkei coast. -- DDR.

VII DISEASES OF THE CIRCULATORY SYSTEM

	W		A		C		B	
	M	F	M	F	M	F	M	F
0-1	0,51	0,33	1,10	0,21	1,80	1,59	0,13	0,10
1-4	0,05	0,06	0,02	0,10	0,15	0,17	0,02	0,04
5-24	0,07	0,06	0,09	0,10	0,14	0,17	0,11	0,13
25-44	1,09	0,44	1,31	0,70	1,54	1,27	0,73	0,78
45-64	9,75	4,44	14,76	10,70	10,33	8,25	4,61	5,01
65+	42,19	32,93	55,30	47,72	43,12	40,90	13,55	14,21
ALL	4,70	3,81	3,22	2,25	2,74	2,69	1,14	1,20
NO.	9752	7926	1135	804	3114	3140	2390	1921

VIII DISEASES OF THE RESPIRATORY SYSTEM

	W		A		C		B	
	M	F	M	F	M	F	M	F
0-1	2,90	2,22	7,81	4,85	32,20	28,78	13,54	14,15
1-4	0,22	0,28	0,90	0,69	5,32	5,45	2,46	2,13
5-24	0,05	0,06	0,17	0,11	0,21	0,23	0,18	0,16
25-44	0,20	0,12	0,37	0,33	0,94	0,72	0,66	0,52
45-64	1,46	0,92	3,33	1,85	4,88	2,14	2,75	1,72
65+	11,52	7,89	16,51	13,42	20,07	10,49	9,32	6,19
ALL	1,12	0,97	1,22	0,79	2,87	2,22	1,37	1,24
NO.	2336	20,9	430	282	3270	2588	2858	1951

113

H' LANDS - Venda - General

1-1-80 - 31-12-80

WILL BROCK

S. Jones
6/1/80

Now Iscor fires the man from Beirut

260
113

MR SALIM EL HAJJ, the controversial Lebanese businessman who is still battling to save his R100-million development deal with Venda in the face of strong opposition from the South African Government, has now been fired by Iscor as its agent in the Middle East.

Mr El Hajj has for several years held the multimillion rand agency in the Middle East for South African steel and timber.

Informed sources told the Sunday Times this week that he was appointed Iscor's agent in the Middle East in the belief that he had the recommendation of the South African Government.

Following disclosure of his Venda deal, Iscor had rechecked Mr El Hajj's credentials and decided to cancel its agency contract with him.

Advice

Iscor's new general manager, Mr R K Rumelin, confirmed that he had cancelled Mr El Hajj's agency on December 18 — within days of the South African Government having advised the Venda Government to pull out of its deal with Mr El Hajj.

Mr El Hajj had the sole agency for Iscor steel in all Middle Eastern countries except Iran and Egypt.

Mr Rumelin also confirmed that he had called for an investigation of Mr El Hajj's credentials.

In Umtata this week, Transkei's Prime Minister, Mr George Matanzima, is reported to have confirmed that Transkei is to continue with its R450-million deal with Mr El Hajj.

By MARTIN WELZ

Venda is believed to be pulling out of its R100-million deal with the Middle East businessman because of advice from the South African Government that, while the deal was signed by the President, Mr Patrick Mphahlele, and two of his ministers, the necessary constitutional procedures to make the contract binding on the Venda Government had not been complied with.

Mrs Emmerentia Liebenberg, who was involved in some of the negotiations between Mr El Hajj and the Venda Government, said this week she was not his representative in South Africa, as the Sunday Times reported last week.

She was representing an American construction management company that hoped to obtain the contract for supervising construction of the projects on behalf of the Venda Government.

Mr El Hajj's company, Middle East Commercial and Investment Services, has an office in Johannesburg managed by Mr Gert Botha, formerly project manager of Iscor's Saldanha Bay project.

Schools prefer

Post 23/1/90

113

HUNDREDS IN VENDA CRISIS

HUNDREDS of students in the Venda homeland are roaming the streets seeking admission in already overcrowded schools — seven days after schools reopened.

While all secondary schools headed by blacks are full to the brim with 60 to 70 students huddled in a class, similar situations do not exist in the growing number of schools under white principals.

In some outlying areas, whole schools attend classes under trees or thatched-roof mud buildings.

The growing number of pupils has led to the creation of many schools, primary and secondary but they have no classrooms.

It is common for primary children to evaluate their schools for nearby tree shade while secondary schools take over the buildings.

In an on-the-spot investigation, POST found that in the Sibasa Tshakuma area alone, a distance of less than 20 km.

By MATIATHA TSEDU

there were seven schools under white principals and staffed mostly by whites.

Except for Mphahuli High in Sibasa, where the white principal only took over last week, the others were not crowded.

Except for three, the white-headed schools have white soldiers teaching.

Students said they were constantly supplied with The Warrior, an SADF propaganda magazine.



At Tshisimani Training College at Tshakuma, the only training centre for primary teachers in the whole republic, 3 281 applications were turned down and only 219 accepted by Thursday last week.

A waiting list at Lwamondo High, which topped the other schools in Venda in matric last year, stood at 200 last week.

At Dimani High, where the principal is white, students said the white teachers "never bother to do experiments".

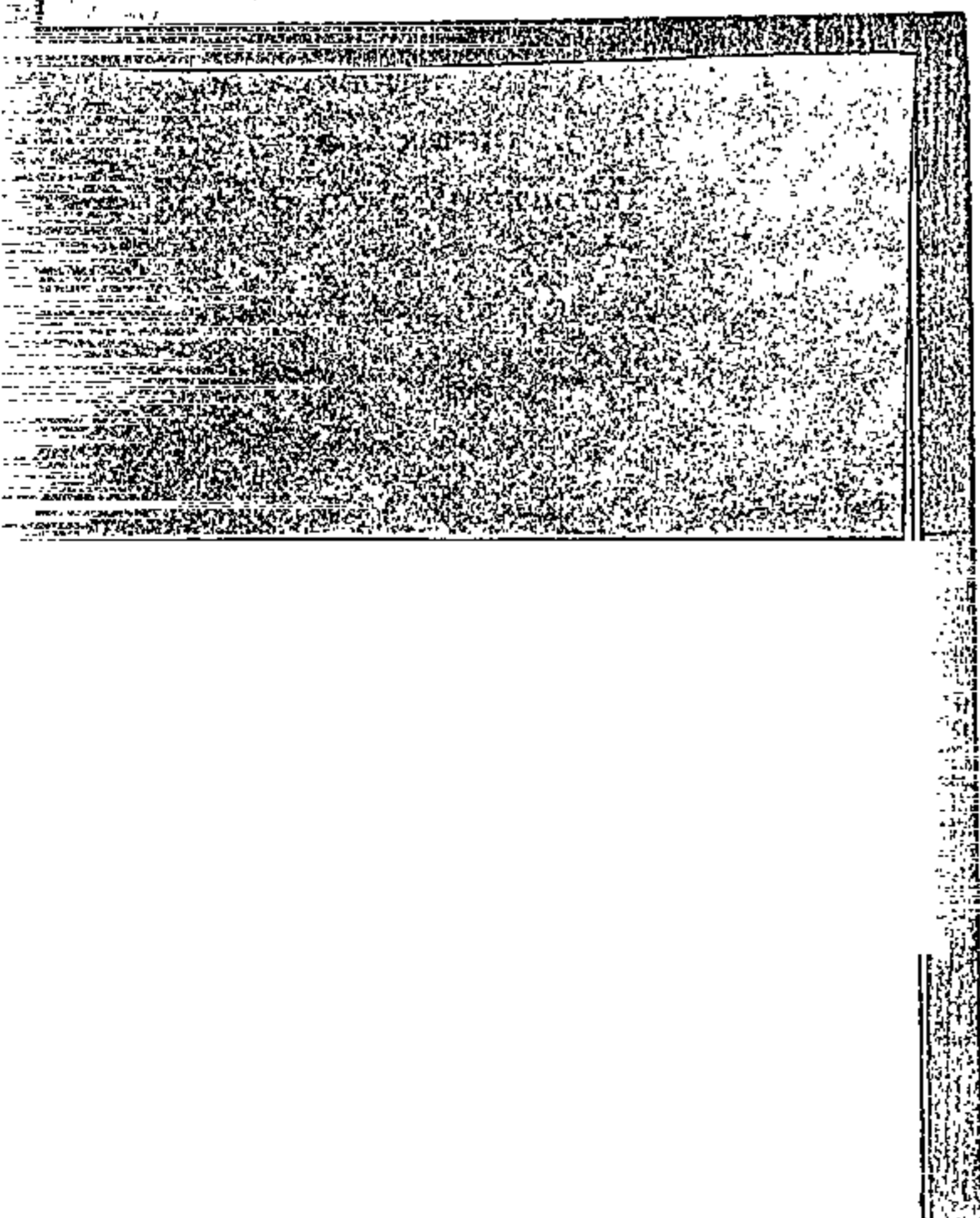
There are only three black teachers. The rest

are white, including soldiers.

Posters of "the South African soldier is your friend" adorn all classrooms and notice boards in white-controlled schools.

It is common to find a "fresh" primary teacher with no experience teaching at a secondary school.

The situation is aggravated by the government's refusal to build schools for the rural communities. The possibility is laid on the communities who are mostly struggling to keep the home fires burning.



The tuberculosis incidence has diminished much in some areas, e.g. the members of the 1912-14 Tuberculosis Commission found that there was a case incidence of 5.38 per thousand and a death rate of 2,15 per thousand per annum on De Beers mines, ¹⁶ while the annual wastage rate of indentured Indians (who did most of the heavier work) on coal mines was 23,15 per thousand male employees, the mortality figure being 7,36 and repatriation rate 15,79. ¹⁷ The incidence on other mines, in urban locations and on mission stations was also high.

These figures are not comparable to the annual infection rates or notification rates. An idea of the present situation can be gained from surveys undertaken by the Medical Research Council. 'The annual infection risk has come to be accepted as the best criterion by which the TB situation can be assessed'. ¹⁸

TABLE 3: ANNUAL INFECTION RATES FOR TUBERCULOSIS IN RECENT S.A.M.R.C. SURVEYS

Area	Estimated annual infection rate - % of uninfected population	Estimated prevalence (radio-logical evidence)
Transkei 1972	7,55%	19,00%
Transkei 1977	4,30%	
East London	7,60%	
Ciskei	4,20%	
Port Elizabeth	4,30%	
Germiston	2,30%	
Bophuthatswana	2,20%	
Kimberley	2,00%	
Kimberley 'Coloured'	0,89%	
Kimberley White	0,12%	
Johannesburg	1,90%	
Gazankulu/Venda	1,30%	
KwaZulu	1,30%	
Lebowa	1,10%	

Figures are for Africans, unless otherwise specified.

Sources: Annual Reports of the Tuberculosis Research Institute, Medical Research Council of South Africa, and P. Burney (*56, Vol.2).

The table shows changes that...

Big shake-up in Venda after Arab deal

By MARTIN WELZ and KEVIN STOCKS

MAJOR changes in top management of the Venda Development Corporation followed the Sunday Times' revelation in December of a secret R100-million deal between the independent homeland and a Middle-Eastern businessman, Mr Salim el Hajj. Official sources confirmed some of the changes resulted from the deal. Among them is the transfer of the development officer of the corporation, Mr Jaap Diedericks, who, it was said, was being "sent back" to the Economic Development Corporation in Pretoria from where he was originally seconded to Venda. "We feel he might have exceeded his authority," an official source said. Mr Diedericks refused to

comment when contacted, but sources close to him said his move was a normal transfer.

They also denied that the corporation had anything to do with the secret deal, which includes a R45-million international airport and a R15-million hotel and casino complex, and said it was purely a matter between the Venda Government and Mr El Hajj.

Official sources confirmed Mr Diedericks accompanied the President of Venda, Mr Patrick Mphehu, and two of his Cabinet Ministers when they flew to Beirut to negotiate with Mr El Hajj.

"But Mr Diedericks was

only involved by coincidence," his friends claimed.

Neither official sources, nor those close to Mr Diedericks would comment on the resignation of the chairman of the development corporation, Mr J Niewoudt, shortly after it was revealed that President Mphehu had flown overseas to see Mr El Hajj.

The chief executive officer of the corporation, Mr Jan Viljoen, is in hospital recuperating from a heart attack and could not be reached for comment.

It is still not certain whether the deal will go ahead. A spokesman for the Venda Government refused to comment.

Outpatient treatment (5 months) 4-Drug Regime	500,0	238	738,0
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Notes:

Figures used in calculations: hospital costs at R5,50 per inpatient day, excluding rifampicin. Rifampicin for 4-dmg regime, total: R66,60. Average national earning reflects productivity loss: R124 per month. Average disability award: R114 per month.

S. T. 3/2/80
113

Venda starts training of 120 recruits

By MATHATA TSEDU

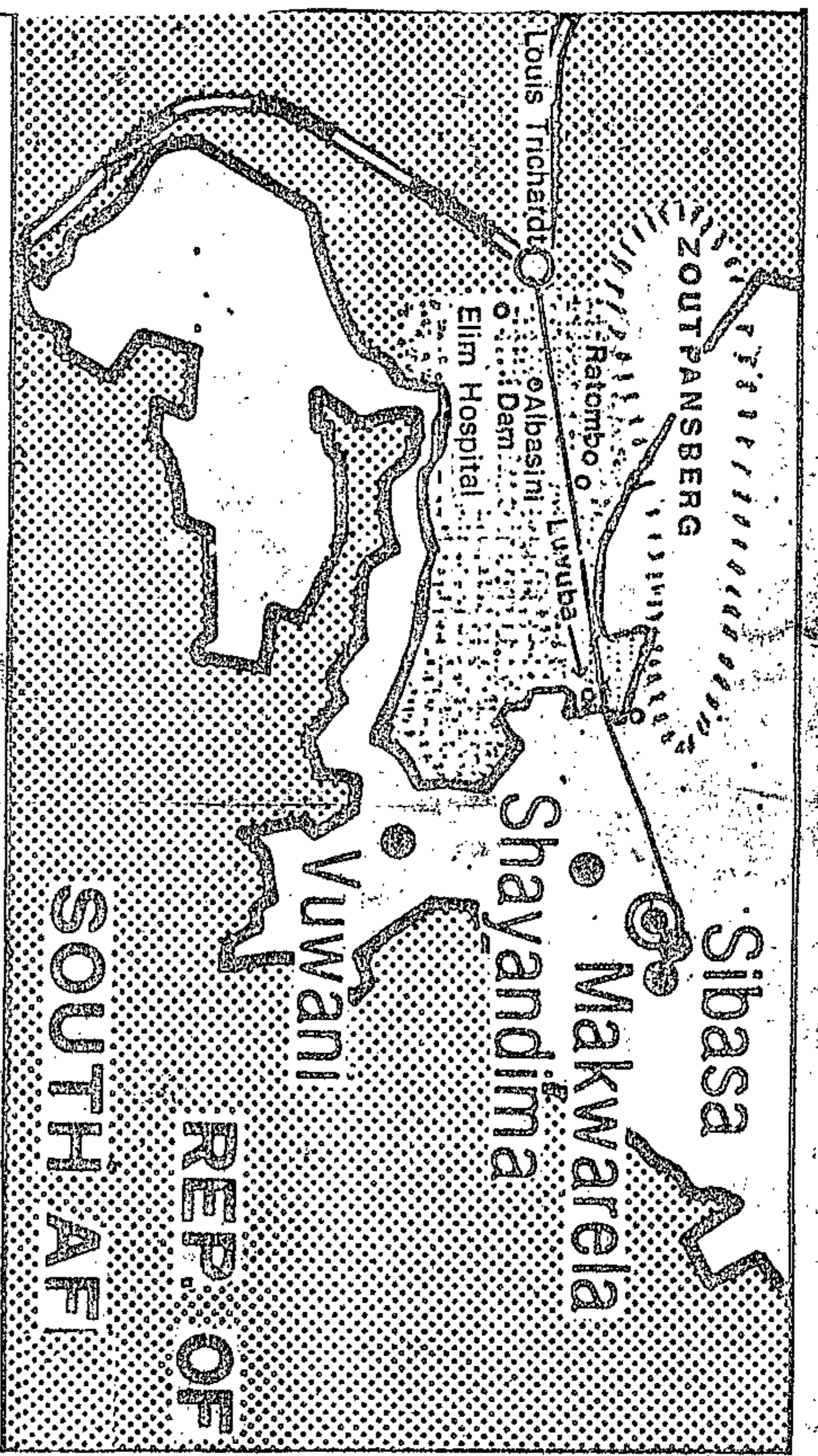
A NEW batch of 120 recruits for the Venda National Force (VNF) started basic training in Sibasa yesterday.

This is the first group of trainees since the homeland was granted "independence" last year.

Their training period will be officially opened this afternoon by the Paramount Chief Patrick Mphephu, who is commander-in-chief, according to the VNF's Brigadier T R Mulaudzi.

The 450-strong force is responsible for combating crime, preservation of internal security, traffic control, prisons and defence.

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The map above illustrates the boundary problem faced by farmers in the Levubu district.

Levubu's Garden of Eden faces a triple threat

Levubu, among the eastern foothills of the Zoutpansberg Range, could well have been the site of the Garden of Eden. Green hills, with luxurious bushveld vegetation, are everywhere. Giant wild fig trees almost rival the famous Wonderboom. Abundant rain. Fertile, well drained soil to build dreams upon.

Here, in the '30s, the State started an irrigation scheme supplied with winter water by a dam named after the Portuguese pioneer Jaco Albassini.

After the war, 167 farmers, many of them returning soldiers, were settled on the prepared plots of about 20 ha each.

Including about 80 farms not listed under the Albassini Dam, the area totals 33 000 ha of which 3 900 are irrigated. Half of these are irrigated by rivers, farm dams and boreholes.

Conditions at Levubu were ideal. Once at Louis Trichardt cheap fallage brought the Johannesburg market at its doorstep. Water rates were low. Venda labour plentiful.

Bananas became the main crop, as large and healthy as Natal and Moromby could produce them.

Co-op Production diversified citrus, avocado, litchis, guavas, maracoe, pineapples, macadamia nuts, potatoes, tomatoes — you name it. Levubu grows it. And now they are adding tea and coffee to be produced on large estates.

The total production of the area is now estimated to be in excess of R7 million. In 1956, Levubu established its own co-op, now a most efficient organisation. It handles 500 000 out of South Africa's 3,8-million cases of bananas. Most of the area's pineapples, guavas, litchis and mangoes. Export avocados, flown to Europe by air, have become big business.

Unfortunately, however, Levubu's problems have grown as well. The infrastructure has become expensive, foremost tallage and electricity. In 1979, one prominent farmer had to pay 45c per unit for bulk electricity, which is even lower for the area.

Farmers are now trying to save electricity, some by mini-irrigation systems, some by switching away to less power-consuming crops, such as pineapples.

Salient Labour costs increase as well. To increase its income, Venda now charges wages which tend to price its labour out of the market. Farmers are virtually compelled to use all types of labour-saving equipment and chemicals. This increases production costs and capital outlay.

To this, homeland troubles must be added. Globally, relations with Venda are excellent. But the way South Africa has drawn the boundaries, has created practical problems. Goederewachting Farm, which belonged to the Lutheran Mis-

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Be fearless Venda leader tells Ciskei

DP 113

EAST LONDON — The Ciskei Government was yesterday told by Chief Patrick Mphahlele, President of Venda, to state its case fearlessly and do what it believed was right.

Chief Mphahlele was met by members of the Ciskei Cabinet and other dignitaries at the airport here. He is one of those who are attending tonight's banquet at the Lennox Sebe Training College, where the Quall Commission will submit its report to the Ciskei Government.

Chief Mphahlele, whose country became the third independent South African homeland, is accompanied on his Ciskeian visit by his Minister of Education, Mr Nene, and Mrs Mphahlele.

"Move forward with those who are willing to move along with you and those who are reluctant will always catch up at a later stage," Chief Mphahlele told the Ciskei Government. This way, you will all contribute in making a better Ciskei," Chief Mphahlele said.

He said Venda would always be one of those states that would have friendly ties with the Ciskei.

"We are brothers, and what you do in the Ciskei we will also do in Venda," he said.

"State your case fearlessly and do what you believe is right," Chief Mphahlele said.

Chief Sebe, meanwhile, has denied acceptance of independence by the Ciskei is a foregone conclusion.

"Those who think so are obviously under a gross misconception," he said yesterday.

"When we receive the Quall Commission report tomorrow night, it is going to be given to the Cabinet Ministers to study for three days and then we will plan our strategy for the referendum.

"When we receive the people's mandate to go ahead with independence, we will go to Pretoria and tell the Central Government what the people want, but use the recommendations of the commission to say they will consider forging ahead with the matter provided certain recommendations are fulfilled," Chief Sebe said.

When asked when the referendum would be held, Chief Sebe said: "Where people have set

dates for their goals, they have weakened their bases for negotiation, as was proved elsewhere.

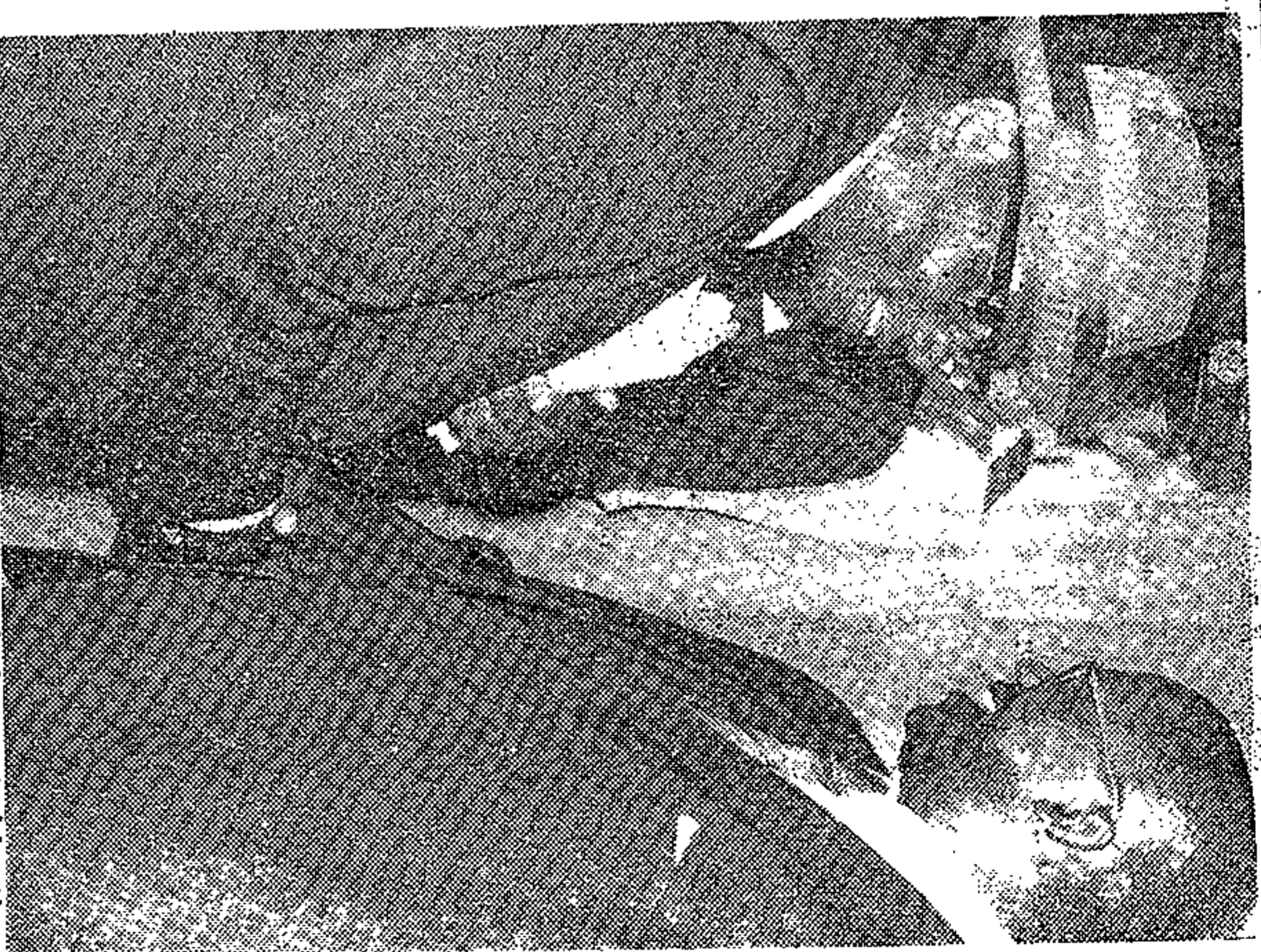
"When you say something is going to happen by a certain time and when the time comes for the realisation of such, one tends to accept anything, even if it is inferior, because it would be embarrassing to admit it did not happen at the scheduled time.

"There is no time limit to what we are doing, but there is purpose behind our actions," he said.

The three foreign members of the commission, Prof Robert Rotberg and Prof Peter Kilby, both of America, and Sir Arthur Shelling, will not attend tonight's function. Dr Martin van der Berg, one of the South African commissioners, will also not attend.

Prof George Quall, chairman of the commission, and Mr Proctor-Simms, secretary of the commission, will arrive at East London airport at midday, and proceed to King William's Town, where they will address a press conference at 4 pm.

They will meet Prof Ernst Marais and Mr Cox Lalendle in King William's Town. — DDR



President Patrick Mphahlele of Venda is greeted by the Chief Minister of the Ciskei, Chief L. L. Sebe, at East London airport yesterday.

REFERENCES
Acheson, R. Seminars in Planning and White, K.L. Epidemiology Services Planning and University

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Black states

appoint SMB

By HAROLD FRIDJHON

SOUTH AFRICAN merchant banks are increasingly becoming involved in assisting the independent black states of Southern Africa project their image on the local capital market.

Standard Merchant Bank did a first class job in presenting the BophuthaTswana Government by supporting the floating of a R15-million long-term loan with a brochure which analysed the economic development of the country and its mineral resources and by introducing BophuthaTswana personalities to representatives of institutions in Johannesburg and Durban.

I learned yesterday that SMB is making further progress in this specialised market. As lead bank, Standard Merchant, together with Senbank, have been appointed to service the Transkei Government for a period of five years. And SMB alone has a similar appointment to the Government of Venda.

Neither of these two governments feature on the current public sector loans programme for the current year. Transkei was supposed to come to the market last year but it was deemed unwise to float a loan until the finances were satisfactory.

It is understood that SMB will undertake a close investigation of the economies of the two countries before approaching the market.

163 x 23/3/80

Venda held up on budget

VENDA will not table its annual budget during the present session because South Africa, the major contributor, has not yet indicated how much it will contribute.

STUD NO	SURNAME	FIRST NAMES	COURSE	DESCRIPTION	SYMBOL
140980P	BURRING-UHLE	URSEL	118101	CULTURAL HISTORY OF W.E.	I UP (-50)
159075H	ELEERS	CHARLES PETER	118101	CULTURAL HISTORY OF W.E.	I UP (50)
* TOTAL NUMBER OF STUDENTS					2
DEAN					
REGISTRAR (ACADEM)					

AS AT 29 02 80

EXAMINATION RESULTS IN FACULTY ARTS
LOWER DIPLOMA IN LIBRARIANSHIP
YEAR : 1

28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58 60 62 64 66

UCT

1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 31 33 35 37 39 41 43 45 47 49 51 53 55 57 59 61 63 65

Water dries

up in

Venda township

By Mathatha Tsedu

WATER taps have run dry for the past five days in the Venda township of Makhado, residents have been drinking unpurified water drawn from a river and contained in a tanker.

The shortage, the second in less than three months, is likely to last for several weeks as the pumping engine has been dismantled and sent to Pietersburg, nearly 150 kilometres away, for repairs.

TOILETS

Residents of the township said while they deplored the shortage, they felt they were better off than awaiting trial prisoners at the local police station where the toilets are flushing ones. The township has pit toilets.

The residents said the water supply was "very bad" and criticised the authorities for "collecting our money while we do not get any services". Water charges are included in the rents.

ENGINE

Post 25/12/80 (113)

STUD NO	SURNAME	FIRST NAMES	COURSE	DESCRIPTION	SYMBOL	PAGE
15016	B.A./LL.B.		YEAR : 1			15016
STU13-9		EXAMINATION RESULTS IN FACULTY ARTS		AS AT 29 02 80		PAGE 1
154230R	AND	HANS-EMIL	105105	LATIN ELEMENTARY	UP (59)	154230R
157795R	HARKETT	MICHAEL COLRAN	117101	POLITICAL SCIENCE I	UP (59)	157795R
153562Q	MUCHINSKY	GLENN MARCE	102101	AFRIKAANS	UP (50)	153562Q
156581X	COHEN	PETER DAVID	117101	POLITICAL SCIENCE I	UP (57)	156581X
155002E	COOPER	INOKAN	105105	LATIN ELEMENTARY	UP (56)	155002E
157855G	DE KOCK	RODNEY JAMES	105105	LATIN ELEMENTARY	UP (56)	157855G
154395W	BRAYEN	NADJAF	117101	POLITICAL SCIENCE I	UP (59)	154395W
155823Y	FISHER	MICHAEL ALEX	102101	AFRIKAANS	F (59)	155823Y
150196G	GHALLA	DEBEKA	117101	POLITICAL SCIENCE I	UP (56)	150196G
155314F	GORDON	STEPHEN MICHAEL	105104		(51)	155314F
158503L	HANCASTLES	JUSTIN FRANK	105105		(56)	158503L
056176W	HARKLES	ROGER EZKA PAUL	107101		(56)	056176W
154499U	HEMPELICKS	ROBIN ARTHUR JUSTIN	105105		(54)	154499U
159727R	KANE-BERMAN	DIANA LOUISE STUART	117101		(59)	159727R
162529U	KEAY	EDWARD WALLACE	117101		(59)	162529U
161080M	LEWIN	MERVYN BERNARD CHARLES	105105		(50)	161080M
157638W	MAHALEY	MAZEK	105105		(50)	157638W
155155X	MCGUIEN	STEPHEN	105105		(50)	155155X
156583Z	MEIRING	WAYNE BRADLEY	102101	AFRIKAANS	UP (50)	156583Z
153752X	MORRIS	WAYNE MILES LUTHER	102101	AFRIKAANS	UP (50)	153752X
158337E	NIEMAN	ILSE	105202	ROMAN LAW & JURISPRUDENCE I	(49)	158337E
154745R	POTTS	MOHAMED FAIQ	105104	LATIN I	F (34)	154745R
156056H	RUSIA	JONATHAN GRANT	102101	AFRIKAANS	UP (50)	156056H
154272M	SHALALA	EDWARD RAOOR PETER	105104	LATIN I	UP (50)	154272M

inhabited mainly by Venda Government clerks and policemen, has 51 houses.

There was no water last Christmas and the shortage lasted for over two weeks.

Senior officers at the Department of Works told POST yesterday that it was difficult to say when the water shortage would end. The engine, they said, "had knocked" and had been sent to Pietersburg for overhauling.

Venda opposition wants to merge

By Manthatha Tsedu

THE leader of the Venda opposition, Mr B M Mudau, yesterday called for a merger of his party with the ruling Mphephu led Venda National Party and said their differences were "artificial" and "luxury" that Venda cannot afford.

Opening the no confidence debate in the National Assembly, Mr Mudau said a multi-party system created division, faction fights and political banditry in the country and added that there would be mistrust

and hatred in the "independent homeland."

Mr Mudau said his "paramount objective" in suggesting a merger was to save Venda. He said the Mphephu Government had sown seeds of discontent and trampled on the confidence of the people.

He lashed the Venda Government for nepotic appointments in the civil service and said "wherever you look it is the wrong man for the wrong job". He said the government was ruling by fear and added "fear breeds failure".

Mr Mudau said Venda

was placed in a strategic position through which infiltrators from outside are going to pass. "If we are not united, if we are as divided as we are, if the people have no confidence in us, then how are we going to fight the onslaught?" he asked.

He said the multi-party system was suitable for countries with a large population and intellectually well balanced representation in parliament. He said the VNP was composed of chiefs whilst his party had intellectuals who could help improve Venda.

He called on Chief Mphephu to dismiss the entire cabinet for what he said was their "clumsy and weak manner of bargaining the citizenship issue".

Mr Mudau's new stand was seen by Venda MPs as aspirations for cabinet



Venda opposition leader, Mr B M Mudau

posts. In his speech, Mr M D Netshivhale, formerly of the VIP, said the VNT accepted the hand of friendship but said the VIP should not pre-con-

dition this with the dismissal of the cabinet. The VIP has 29 of the 42 elected seats in the 87-seat National Assembly.

DESCR	COURSE
602101	PUBLIC
602101	PUBLIC
605201	PUBLIC
605202	ROMAN
605202	ROMAN
605202	ROMAN

11/5/80
12/5/80
13/5/80

Venda in a tense mood

DM 25/3/80

123

opposition

THOHOYANDOU. — Venda was in "a tense mood" because of the Government's failure to consult with the people, the leader of the opposition Venda Independence Party, Mr Baldwin Mudau, said in Thohoyandou yesterday.

In his No Confidence address in the National Assembly, he said ruling Venda National Party members were "too proud of themselves because they were chiefs" and this resulted in those members not consulting the ordinary citizens.

The lack of communication between the ruler and the ruled created tension, mistrust and fear among the people.

The policies of the ruling party were "verkramp" and inhibited free discussions in the country, he said. His party was more exposed to the ordinary citizens and made it its duty to establish points of dissatisfaction among the people.

"The Government has made many promises which it has not kept. It will be to the interest of Venda to rid the country of the present Cabinet."

He said that because of the strategic position of Venda it was desirable to have a united nation. "Communism flourishes in an unstable society."

He said foreign forces would want to manipulate the division that existed in the country for their own ends, so it was desirable to have a one-party state.

"Only countries with large populations can afford a two-party state. Venda has too small a population for that luxury," he said.

Earlier, the VIP refused to take part in the election of committees and asked the ruling party to nominate its own members. — Sapa.

STUD NO	SURNAME	EXAMINATION	UP	3NX
152163V	VAN NIEKERK	FRENCH INTENSIVE	UP	3NX
159757Z	VAN WAGENINGEN	ENGLISH I (PRE-1980)	UP	3NX
155815P	VISSER	GEOMETRY IA (HALF COURSE)	UP	3NX
153767N	WACHER	ENGLISH I (PRE-1980)	UP	3NX
160780L	WESSELS	FRENCH I	UP	3NX
158400Z	WHITAKER	PSYCHOLOGY I	UP	3NX
115228Y	WHITING	SOCIAL ANTHROPOLOGY I (PRE-1980)	UP	3NX
157399L	WILLSHER	ENGLISH I (PRE-1980)	UP	3NX
154408K	WOLFE	ENGLISH I (PRE-1980)	UP	3NX
159697J	WOOD	SOCIAL ANTHROPOLOGY I (PRE-1980)	UP	3NX
155858L	WYNGAARD	CULTURAL HISTORY OF N.E. I (PRE-1980)	UP	3NX
* TOTAL NUMBER OF STUDENTS 137				
DEAN				
REGISTRAR (ACADEMIC)				

UJCT

Minister raps Mudau

By MATHATHA TSEDU

VENDA Minister of Education, Mr E R B Nesengani, yesterday launched a bitter attack on Opposition leader Mr Ba'dwin Mudau.

He called the Venda Independence Party boss a man "without conviction and consistent political stand."

Replying to criticisms of his department during the no confidence debate, Mr Nesengani said Mudau and his party applied double standards because when they are in Soweto they speak against Venda but change their tone when they come back.

"In 1977 Mr Mudau said if Venda opted for independence 'I will pack my bags and go'. But here he is today enjoying the fruits of this independence.

"He is a man with double faces, he has no

principles and his leadership is waning. It is gradually grinding to a standstill. Perhaps that is why he is now saying he wants to merge," he said.

Amidst demands by Mr Mudau that he withdraw the remarks, Nesengani refused and said Mudau used revolutionary tactics when in Soweto and aligned himself with "Black Power" organisation but talked like a patriot when in Venda.

"They delight in making hollow promises, and even before they came here, they promised their supporters that they will merge with us and take over the government. It won't happen," Mr Nesengani continued.

The attack indicates an apparent rejection by the Venda National Party of efforts by the Opposition to merge with Chief Patrick Mphphu. Chief Mphphu will answer back today.

Refused
26/3/80
REFUSED
113

EXAMINATION RESULTS IN FACULTY ARTS
BACHELOR OF ARTS
YEAR : 1

STUD NO	SURNAME	FIRST NAMES	COU
164942M	FOLLETT	MARGARET JANE	1032
157568V	FRIEDLANDER	RAE DEVORA	1071
1502460	GARISCH	SANYA IRENE	1151
158290E	GARNETT	DIANNE SYBELLE	9051 9111
154026V	GEFFEN	BENITA	1091
154362K	GIANNAKAKIS	ASPASIA	1151
153981W	GILL	CHRISTEL KAROLA	1171
155173R	GILL	JUDITH MARY	1071
1591860	GUSS	JOANNE ATHERSTONE	1151
158211U	GREEN	JANET FAY	0041
153855J	GRUSSE	KIRSTIN CHARLOTTE GERDA	1061
162285X	HALLIER	SUZANNE COLLINGS	1061
161662V	HANCOCK	EDWINA ANNE	1071
162109F	HARRIS	GWYNETH JULIA MARY	1141 1151
155641A	HART	TIMOTHY JAMES GRAHAM	0041 1071
115954M	HARVEY	MARGARET JUANNE	9111
159604H	HEESE	SUSAN MARGARET	1021 1141
161491J	HENECK	TREVOR RONALD	1171
152126E	HEWSON	RONALD ALAN	1151
155720L	HOPPEN	UTE	1151
152889J	HUDSON	SALLY	1171
155148P	JERVIS	JOSEPHINE ALEXANDRA	0041 1071 1151

STUD NO	SURNAME	FIRST NAMES	COU
161662V	HANCOCK	EDWINA ANNE	1071
162109F	HARRIS	GWYNETH JULIA MARY	1141 1151
155641A	HART	TIMOTHY JAMES GRAHAM	0041 1071
115954M	HARVEY	MARGARET JUANNE	9111
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161491J	HENECK	TREVOR RONALD	1171
152126E	HEWSON	RONALD ALAN	1151
155720L	HOPPEN	UTE	1151
152889J	HUDSON	SALLY	1171
155148P	JERVIS	JOSEPHINE ALEXANDRA	0041 1071 1151

UJET

1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 31 33 35 37 39 41 43 45 47 49 51 53 55 57 59 61 63 65

Minister raps Mudau

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The attack indicates an apparent rejection by the Venda National Party of efforts by the Opposition to merge with Chief Patrick Mphephu. Chief Mphephu will answer back today.

20/3/80
REFUSED
113

EXAMINATION RESULTS IN FACULTY ARTS		YEAR : 1	C
STU13-9	BACHELOR OF ARTS	FIRST NAMES	
STUD NO	SURNAME		
160942K	FOLLETT	MARGARET JANE	10
157568V	FRIEDLANDER	RAE DEVORA	10
1502960	GARISCH	SONYA IRENE	11
158290E	GARNETT	DIANNE SYBELLE	90
			91
154026V	GEFFEN	BENITA	10
154362K	GIANNAKAKIS	ASPASIA	11
153961W	GILL	CHRISTEL KAROLA	11
155173R	GILL	JUDITH MARY	10
1591860	GUSS	JOANNE ATHERSTONE	11
158211U	GREEN	JANET FAY	00
153855J	GRUSSE	KIRSTIN CHARLOTTE GERDA	10
162285X	HALLIER	SUZANNE COLLINGS	10
161662V	HANCOCK	EDWINA ANNE	10
162109F	HARRIS	GWYNETH JULIA MARY	11
			11
155641A	HART	TIMOTHY JAMES GRAHAM	004101
			107101
115954M	HARVEY	MARGARET JUANNE	911101
159604H	HEESE	SUSAN MARGARET	102101
			114101
161491J	HEWECK	TREVOR RONALD	117101
152126E	HEWSON	RONALD ALAN	115101
155720L	HOPPEN	UTE	115101
152889J	HUBSON	SALLY	116120
155148P	JERVIS	JOSEPHINE ALEXANDRA	004101
			107101
			115101

44	155641A	1	155641A
46			
48	115954M	1	115954M
50	159604H	1	159604H
52	161491J	1	161491J
54	152126E	7	152126E
56	155720L	1	155720L
58	152889J	7	152889J
60	155148P	1	155148P
62			
64			
66			
68			

UCT

113

3297 113 Post 26/3/80

Detention law to remain in Venda

By Mathatha Tsedu
VENDA'S Proclamation R276, a law that provides for detention without trial for a maximum of 90 days, will never be repealed, the homeland's Minister of Justice, Chief J Rambuda, said yesterday.

Replying to a suggestion by an opposition MP, Mr J Kgabo, who was a victim of the law in 1978, who had asked that R276 be repealed, Chief Rambuda said the Proclamation would never be repealed because the situation in the "Independent" homeland was not settled.

"It is like a man in his house, you need laws. If there is peace then we can consider repealing it. But I do not believe it will ever be repealed because there are still threats. Why is the honourable member afraid of his law? We do not just detain people who are not at fault. On repealing that law I am afraid we shall never agree," he said amid laughter from the opposition benches.

The law was proclaimed in 1977 during wide-

spread unrest throughout South Africa. It stipulates, among other things, that no political meetings, be they indoor or outdoor, shall be held without written permission from the local magistrate.

Twelve members plus 40 other people were detained for 90 days without trial in 1978 while over 60 black consciousness followers were also detained for the same period on October 19, 1977.

Answering another question, the Minister of Economic Affairs, Mr A A Tshivhase, said his department could not lay down minimum salaries for labourers employed at local tea plantations because "then we would be expelling these companies."

He said the company decided independently what amount they would pay to their labourers. An investigation by POST recently revealed that workers at one plantation were paid R1 per day for digging 108 1 metre deep pits.

Venda's Justice Minister Chief M. B. Rambuda.



ACULTY AR	YEAR :	2	AMES	SS
603202	ROMAN LAW & JG			
604201	ROMAN DUTCH LA			
105104	LATIN I			
105104	LATIN I			
105105	LATIN ELEMENTA			
105104	LATIN I			

28

(113)
Post
11/4/60

Venda traders warned

THOHOYANDOU —
Up to 90 percent of
Venda businessmen
had failed to pay Sales
Tax to date, the Ven-
da Minister of Econo-
mic Affairs, Mr A A
Tshivhase, said here
yesterday.

Speaking in the Na-
tional Assembly, he warn-
ed that his department
had the means to deter-
mine with "a great mea-
sure of accuracy" the ac-
tual sales of any busi-
ness organisation.

He also warned those
who were in arrears with
such payments that "puni-
tive steps" would be tak-
en against them and their
businesses. It was "wise
for them to pay soon,"
he said. — Sapa.

**DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS**

No. R. 733

11 April 1980

COMPANIES ACT, 1973

DESIGNATION OF CERTAIN STATES

I, Schalk Willem van der Merwe, Minister of Industries and of Commerce and Consumer Affairs, do hereby designate under and by virtue of section 73A of the Companies Act, 1973 (Act 61 of 1973), the States specified in the Schedule hereto as States between the Governments of which and the Government of the

**DEPARTEMENT VAN HANDEL EN
VERBRUIKERSAKE**

No. R. 733

11 April 1980

MAATSKAPPYWET, 1973

AANWYSING VAN SEKERE STATE

Ek, Schalk Willem van der Merwe, Minister van Nywerheidswese en van Handel en Verbruikersake, wys hierby kragtens artikel 73A van die Maatskappywet, 1973 (Wet 61 van 1973), die State vermeld in die Bylae hiervan aan as State tussen die Regerings waarvan en die Regering van die Republiek ooreenkomste bestaan

GG 6941

~~109~~

113

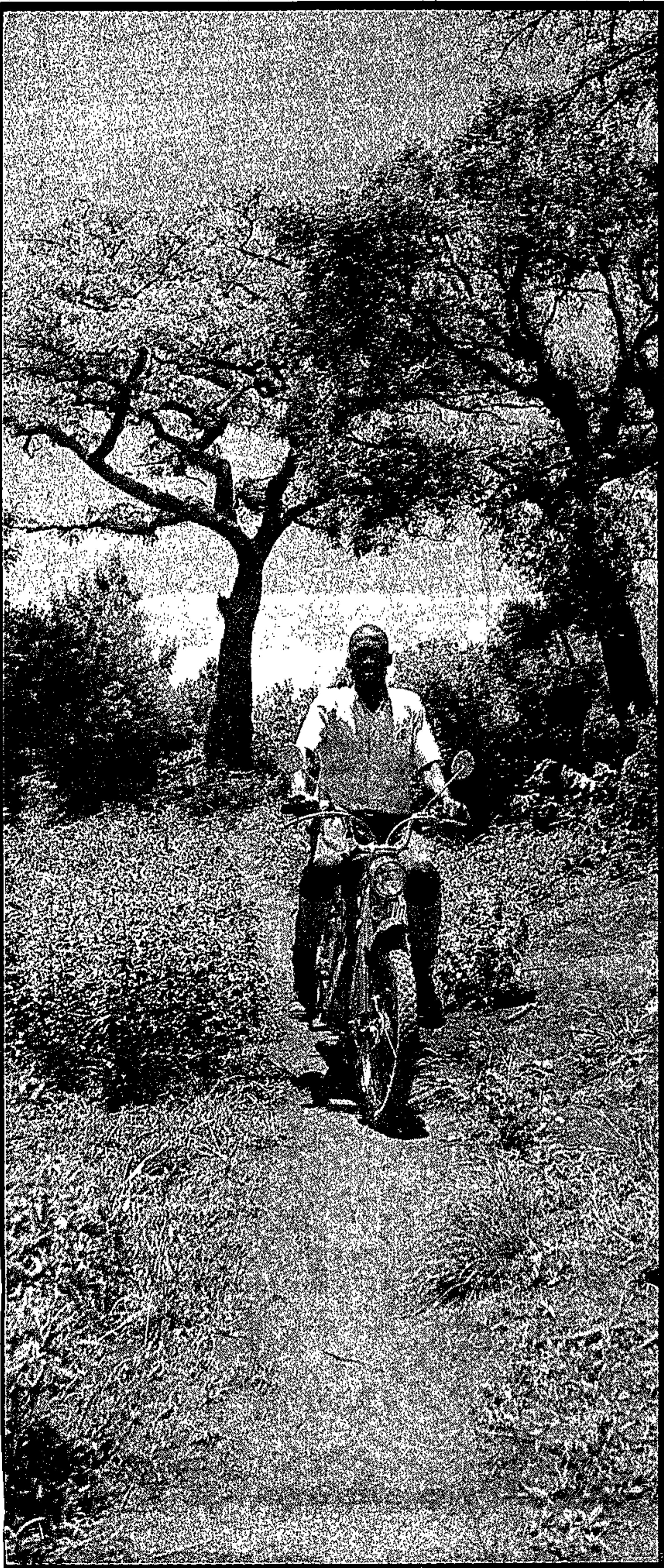
The Star

Wednesday April 16 1980

CLASSIFIED ADVERTISEMENTS INSIDE ***

Tea from the holy groves of Venda

STAR 16/4/80
113



Reginald Nemukovhani, plantation inspector, tours the plantation on motorcycle. He has taken a short cut through one of the holy bushes.

When Reginald Nemukovhani is on an inspection tour through his section of the Tshivhase tea plantation, he carefully avoids the short cuts through the indigenous bushes.

When the rain forest was chopped down to make room for 5-million tea bushes, some patches of wood had been left standing, because the Venda insisted on it. They believe, that the spirits of their ancestors are at home in these bushes. They must be let alone. Nobody collects firewood here. It happened once that a dry branch broken from a tall tree turned into a poisonous snake and attacked the daring wood collector.

Although there are many paths across the holy places, nobody walks them. They are just kept open for the spirits, who must be able to find their way down to the waters of the Mutshundudi River.

Otherwise Reginald Nemukovhani is quite an enlightened fellow. He is getting married soon. "Only once," he says. That means he will not follow the still widespread Venda custom of having more than one wife.

His new house, which has been built for him at his section of the estate, which he supervises as a field assistant, is very close to one of these holy groves. But he does not mind that, as long as he does not have to go into the bushes.

With pride and joy he mounts the new motorbike which was allocated to him recently, to help him carry out his various duties on the tea estate, the first in Venda.

He supervises the planting of new bushes and the plucking of the laves, which is done by about 700 women right throughout the year.

"We are plucking the bushes which are now three years old, but, of course, we do not yet get full crops, but just wait another few years and

we will be in full swing," he says and sets off with a roar to redirect the pluckers to another part of his section.

At midday, the tractors pull full loads of freshly plucked leaves to the tea processing factory. The factory is situated right in the middle of the estate. The first production year has been just successfully finished.

Marcus Mphaphuli, senior factory supervisor is awaiting the leaves. He knows quite a lot about tea from the inside.

"The process of making tea from the moment the green leaves arrive at the factory to the finished product takes about a full day. From 5 kilo green leaves we make one kilo of tea," he says.

Marcus Mphaphuli is convinced that the tea from the red, rich acid soils from Venda is the best tea in the world. "Look at this letter," he says, "at the last international auction in London our tea was rated the best!"

Proudly he shows some letters from international tea agents and brokers.

They wrote: "Remarkable flavour and quality. Probably the most flavourful teas ever produced in South Africa. The quality standard is quite exceptional and these teas rate with the finest to be found anywhere. The teas from Tshivhase are of a very high standard."

Some Venda already believe that their tea — especially from certain parts of the estate adjacent to the holy groves — is exceptionally tasty, good for your health and the strength of your body.

"Our tea," says Marcus Mphaphuli, while he checks a new batch for style, grain, briskness and pungency, "is sold to all leading tea packers and distributors in South Africa."

If you should feel extremely well after your next cup of tea, it may well be that Venda tea was in the brew.

Legal aid (113)
for Venda 22/4/80

THE ASSEMBLY. — A Bill enabling the office of the State Attorney of SA to provide its services to other states was taken through all its stages in the Assembly yesterday.

The Bill is aimed specifically at providing these services to the government of Venda.

In his second reading speech, the Minister of Justice, Mr Alwyn Schlabusch, said the government of Venda had asked that these services be continued until such services could be provided by its own state attorney's office. — Sapa.

to work there as adults. fathers in order that, by children living there. The most disturbing feature of the swept area with hardly a blade of grass and not a flower between all the buildings. 'feel' to the Dube hostel in Soweto (see p.) . But it is a bleak, wind- are nearly 16000 men in the zones which are very similar in construction and Not all the housing in Langsa is as bad as that described above. There from the standard of gold mine compounds built before the first world war. the men could do their cooking - but the overall picture was not very different brick side walls, tiling the concrete floors, and adding small rooms in which (or were in the process of improving) their dormitories - mainly by building the area, conditions were still shocking. Two or three firms had improved to improve the living conditions. By the end of February 1972, when I visited ment would be permanent and so the private firms have been under some pressure However early in 1970 official recognition was given to the fact that the arrange- Labour force by 5% per annum, hence it was all done on a temporary basis. was built after the announcement of government policy to reduce the black All this accommodation, together with the 56 G.P.O. huts in the same area,

Firm	Number of Dormitories	No. of Beds/Dormitory	Total No. of Beds
Dermons Gene Rentals	1	1 x 50	50
Cape Concrete Walls	1	1 x 50	50
Hud Construction	1	1 x 50	50
Western Steel Products	5	5 x 40	200
Steeldale Reinforcing Trading	4	2 x 50; 2 x 40	180
Joseph Rubbi	2	1 x 46; 1 x 36	82
Total	73	43 (Average)	3168

Table 17 continued:

sapa

CT 22/4/80 248

113

Service to other states

HOUSE OF ASSEMBLY. — A bill in terms of which the office of the State Attorney of South Africa can provide its services to other states was taken through all its stages here yesterday.

The bill is aimed specifically at the provision of the services of the State Attorney to the Government of Venda.

In his second reading speech the Minister of Justice, Mr Alwyn Schlabusch, said the Government of Venda had asked that the services be continued after it had gained independence in September last year till such services could be provided by its own State Attorney's office.

The bill makes it possible to provide such services to the governments of independent states.

The measure was supported by all parties in the House. — Sapa

Rings ruling: No comment

By MATHATHA TSEDU

THE Venda Department of Education has declined to comment on the ruling at a local training college that married students should not wear their marriage rings.

POST was met with "no comments" from the assistant Secretary for Education, Mr E B T Ravhele, when asked what the departmental attitude was on the issue.

POST reported this week that married students at Tshisimani Training College, Tshakhuma, had been ordered to take off their bridal rings while at school.

The Secretary for Education and the minister were both said to be out of their offices and POST was referred to Mr Ravhele.

The interview went this way:

● We are trying to find out what the department's position is, regarding the wearing of rings by married students at schools in your area.

Answer: Where?

● Not at any particular school. Just the departmental position on the matter.

Answer: No comment.

● What do you mean by "no comment?"

Answer: I am not commenting.

● We are not asking for your comment, Mr Ravhele we only want to know what the department's rules are regarding rings.

Answer: I said, no comment.

Mr Ravhele then slammed down the phone.

The decision has been widely criticised by husbands, who said it degraded the dignity of their wives.

The acting principal of the college, Mr L J Bower, said the college was not for married people.

Ntswanisi denies report

THE Chief Minister of Gazankulu, Professor Hudson Ntswanisi, yesterday refuted a report in POST of Wednesday, May 7, that he was in a police convoy in Nkawkawa Township on Monday afternoon.

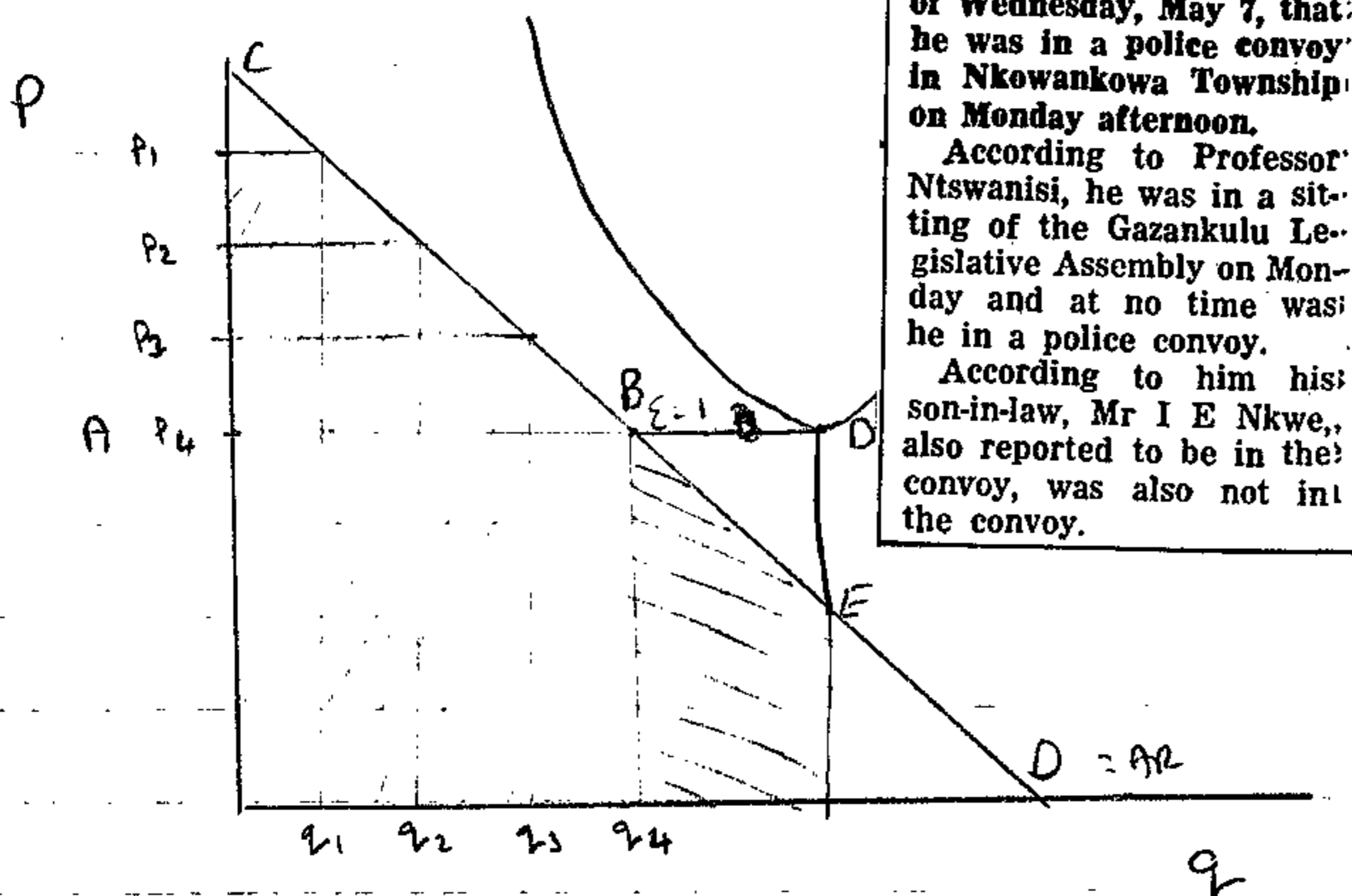
According to Professor Ntswanisi, he was in a sitting of the Gazankulu Legislative Assembly on Monday and at no time was he in a police convoy.

According to him his son-in-law, Mr I E Nkwe, also reported to be in the convoy, was also not in the convoy.

115
Post 7/5/80

Price discrimination means a producer (or seller) will sell his goods to different prices.

producer (or seller) will sell different prices.



Supposing that this demand curve represents the demand curve for a particular producer. We know that at some point on the curve, the elasticity is equal to one and is no longer worth his while to drop his price to gain more revenue. Thus the point P_4 and q_4 represents his equilibrium position.

Notice however that at price P_1 , there are q_1 people prepared to buy his commodity, at P_2 , q_2 people etc. Thus there is a potential for him to make a revenue of an amount greater than $P_4 \times q_4$, and this potential extra revenue is the area of the triangle ABC which is known as the consumer surplus. If he were to sell every article at a different price he would achieve what is known as perfect discrimination and he would receive the entire ABC in extra revenue.

There are certain conditions for this discrimination, however. Firstly this producer must have a control over the supply of the commodity and secondly he must prevent the resale of these articles.

To justify price discrimination, a producer might find himself in a position where his average costs exceed his average revenue at any level of price and quantity. To pay for these costs therefore, he has to

No. 86, 1980

113

TRANSFER OF MOVABLE PROPERTY TO THE GOVERNMENT OF THE REPUBLIC OF VENDA

1. Under and by virtue of the powers vested in me by section 4bis of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby direct that ownership of all movable property in the Republic of Venda, the ownership of which vested in the South African Development Trust on 13 September 1979, shall be deemed to have vested in the Government of the Republic of Venda, without payment of any fee or charge, on such date.

2. A certificate signed by the Minister of Co-operation and Development, to the effect that the ownership of the movable property described in such certificate vests in the Government of the Republic of Venda in terms of this Proclamation, shall be conclusive proof that it so vests.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-fourth day of April, One thousand Nine hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

GG 7023

No. 86, 1980

OORDRAG VAN ROERENDE GOED AAN DIE REGERING VAN DIE REPUBLIEK VAN VENDA

1. Kragsiens die bevoegdheid my verleen by artikel 4bis van die Ontwikkelingswett en Grond Wet, 1936 (Wet 18 van 1936), gelas ek hierby dat die eiendomsreg van alle roerende goed in die Republiek van Venda waarvan die eiendomsreg op 13 September 1979 by die Suid-Afrikaanse Ontwikkelingswett berus het, op sodanige datum, sonder betaling van enige gelde of koste, aan die Regering van die Republiek van Venda geag word oor te gegaan het.

2. 'n Sertifikaat onderteken deur die Minister van Samewerking en Ontwikkeling ten effekte dat die eiendomsreg van die roerende goed in sodanige sertifikaat beskryf, ingevolge hierdie Proklamasie by die Regering van die Republiek van Venda berus, is afdoende bewys daarvan dat dit aldus berus.

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die Vier-en-twintigste dag van April Eenduisend Negehonderd-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

254 107 114 115 NDM 27/5/80

Regional, not ethnic units, says SADF

By PATRICK LAURENCE
and CHRIS MARAIS

THE four newly-formed black battalions were "regional units" and not ethnic units, a spokesman for the Defence Force said yesterday.

But he conceded that recruits in each unit were drawn predominantly from members of a single ethnic group because they were located in regions where that ethnic group was numerically dominant.

Thus 121 Battalion, with its headquarters at Jozini in Northern Natal, was predominantly Zulu because it operated in an area of Zulu ascendancy.

It has been referred to in the Press as the Zulu Battalion.

The three remaining new black battalions operated from bases situated in the areas where the Swazi, Shangaan and Venda were the dominant ethnic group. They therefore consisted largely of recruits from these ethnic groups.

But, the spokesman said, there was no policy of specifically restricting recruits to one ethnic group in any of these battalions.

A Xhosa or Basotho who happened to live in the recruiting area of, say, Battalion 121 and who wished to be trained as a soldier in Battalion 121 would be free to do so, he added.

The four new battalions have their training headquarters near South Africa's borders with Mozambique, Swaziland and Zimbabwe and to "black homelands" within South Africa situated near these borders.

In the statement announcing the existence of these new battalions, the Prime Minister and Minister of Defence, Mr P W Botha, spoke of the need of everyone living within South Africa's borders to contribute to defence of the

country.

In a speech in the Senate in March last year, the Deputy Minister of Defence and National, H J Coetsee, anticipated a rise of insurgent activities in rural areas.

"We shall find their depredations increasing in our border areas... Their aim is to influence people and to try to win their hearts, their minds and their consciences, whether by intimidation, whether by a display of force or by kidnappings..."

"We must therefore expect that this will spread in the rural areas. The black people of these regions will also become a target."

Mr Coetsee then referred to the "critical situation" of unoccupied farms and the exodus of whites from border rural areas.

He added: "The black people also have to look after themselves. They have to help us to spread a geographic presence and to maintain it. In this connection we are developing a concept of regional companies for black soldiers in the South African Defence Force. (They) also fulfil the role of a military presence, the showing of the flag, in a specific region."

The four new black battalions are all concentrated in the north-east corner of South Africa, although the north-west corner is also denuded of white farmers and exposed to infiltration by insurgents operating from Botswana.

The absence of black battalions in the north-western regions may be explained by the presence in that region of the South African-trained BophuthaTswana Defence Force, which has already assisted in the interception of insurgents.

It may, however, also mean that the Defence Force rates infiltration into the south-east as a greater long-term danger.

113

No. 1111

30 May 1980

ESTABLISHMENT OF A CONSULATE-GENERAL OF THE REPUBLIC OF VENDA AND THE APPOINTMENT OF A CONSUL-GENERAL

It is hereby notified that, with effect from 1 October 1979, a Consulate-General of the Republic of Venda has been established in Johannesburg and recognition has been granted to Mr Alfred Wilfred Khangale as Consul-General, with the Republic of South Africa as his area of jurisdiction, in anticipation of the receipt of his Commission of Appointment.

[72/237/1 (32)]

No. 1111

GE 7041

30 Mei 1980

STIGTING VAN 'N KONSULAAT-GENERAAL VAN DIE REPUBLIEK VAN VENDA EN DIE AANSTELLING VAN 'N KONSUL-GENERAAL

Hierby word bekendgemaak dat 'n Konsulaat-generaal van die Republiek van Venda met ingang van 1 Oktober 1979 in Johannesburg gestig is en dat aan mnr. Alfred Wilfred Khangale erkenning verleen is as Konsul-generaal met die Republiek van Suid-Afrika as sy regsgebied, in afwagting van die ontvangs van sy Benoemingsbrief.

[72/237/1 (32)]

113



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
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Vol. 180]

PRETORIA, 6 JUNE 1980
JUNIE

[No. 7053

PROCLAMATION

*by the State President of the Republic of
South Africa*

No. 97, 1980

PROCLAMATION OF "CONVENTION COUNTRY"

Whereas an agreement was entered into on the 13th day of August 1979, between the Government of the Republic of South Africa and the Government of Venda, in terms of which the necessity was expressed for the uninterrupted continuation of rights in matters pertaining to patents, trade marks and designs after the date of independence of the Republic of Venda;

And whereas the Republic of South Africa undertook, for purposes of the Patents Act, 1978 (Act 57 of 1978), the Trade Marks Act, 1963 (Act 62 of 1963), and the Designs Act, 1967 (Act 57 of 1967), to declare the Republic of Venda as a "Convention Country" as from 12 September 1979;

Now, therefore, under and by virtue of the powers vested in me in terms of section 2 of the Patents Act, 1978 (Act 57 of 1978), section 2 of the Trade Marks Act, 1963 (Act 62 of 1963), and section 17 of the Designs Act, 1967 (Act 57 of 1967), I hereby declare the Republic of Venda to be a "Convention Country" for the purpose of the said Acts.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of October, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

S. W. VAN DER MERWE.

PROKLAMASIE

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. 97, 1980

PROKLAMASIE VAN "KONVENSIFLAND"

Nademaal die Regering van die Republiek van Suid-Afrika en die Regering van Venda op die 13de dag van Augustus 1979 'n ooreenkoms aangegaan het, waarin die noodsaaklikheid van die ononderbroke voortsetting van regte in aangeleenthede rakende patente, handelsmerke en modelle na die datum van onafhanklikwording van die Republiek van Venda uitgespreek is;

En nademaal die Regering van die Republiek van Suid-Afrika onderneem het om vanaf 12 September 1979 die Republiek van Venda vir doeleindes van die Wet op Patente, 1978 (Wet 57 van 1978), die Wet op Handelsmerke, 1963 (Wet 62 van 1963), en die Wet op Modelle, 1967 (Wet 57 van 1967), 'n "Konvensieland" te verklaar;

So is dit dat ek, kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Patente, 1978 (Wet 57 van 1978), en artikel 2 van die Wet op Handelsmerke, 1963 (Wet 62 van 1963), en artikel 17 van die Wet op Modelle, 1967 (Wet 57 van 1967), hierby vir doeleindes van genoemde Wette die Republiek van Venda 'n "Konvensieland" verklaar.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twee-entwintigste dag van Oktober Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

S. W. VAN DER MERWE.

take home.

Tears filled her eyes when I gave her a 50c piece.

Black states likely to snub chief

By CHRIS FREIMOND
'Mail' Africa Bureau

THE appeal yesterday by the Venda President, Paramount Chief Patrick Mpephu, for co-operation from his northern neighbours is likely to be rejected in Salisbury and Maputo.

Speaking in the National Assembly at Thohoyandou, near Louis Trichardt, Chief Mpephu urged the leaders of Zimbabwe and Mozambique to "join us in our struggle against poverty and illiteracy".

Both the Zimbabwe Prime Minister, Mr Robert Mugabe, and President Samora Machel of Mozambique have repeatedly denounced South Africa's "homeland" policy and refused to recognise "independent" black states created under it.

Chief Mpephu yesterday called on the two leaders to disregard political differences.

"Political stability and economic growth go hand in hand and we can only achieve the best for our people if we, as leaders, are united.

"Can we afford the luxury of dividing the nation just for political purposes?"

The social, political and religious systems of the three countries were "so closely interrelated that any artificial division of our people, for whatever reasons, may have an adverse effect on the nation as a whole and may have detrimental effects on the maintenance of law and order, and on the upbringing of our children as law-abiding citizens," Chief Mpephu said.

The only glimmer of recognition Venda has received from north of the border was an official delegation from Bishop Abel Muzorewa's ill-fated Zimbabwe-Rhodesian government at the Venda independence celebrations in September last year.

Heroes' D

'Mail' Africa Bureau

SATURDAY

New Venda unit helps protect South Africa

By CHRIS FREIMOND
'Mail' Africa Bureau

THE addition of an anti-insurgency unit to the Venda National Force (VNF) has added a fifth regional military unit to the defence of South Africa's vulnerable north-eastern border.

The VNF is separate from the Venda battalion under training by South African Defence Force officers at Madimbo in the newly "independent" state.

Earlier this year, the Prime Minister, Mr P W Botha, announced the formation of "ethnic" military units for Venda, KwaZulu, Gazankulu (Shangaan) and KaNgwane (Swazi).

They were established to assist in the defence of the borders, mainly in their homeland areas.

The VNF, which is responsible for all law and order in Venda, including prisons, police duties and traffic control, has begun "anti-terrorist activities and border duties", according to a report by the force's commander, Brigadier T R Mulaudzi. The report was tabled in the Venda Parliament at Thohoyandou.

In an interview, the brigadier, a former South African security policeman, said he was confident that the VNF, in conjunction with the SADF, could counter any possible guerrilla incursions from Zimbabwe or Mozambique.

The authorised strength of the force has been increased by 23% to 537 since its formation in September last year, and the budget of R3 400 000 for the coming year is up 88% on the previous budget.

There is a South African "buffer zone" of about 5km between Venda and Zimbabwe, and a corridor of between 20km and 50km separating the region from Mozambique. The areas are remote and undeveloped, providing ideal guerrilla infiltration routes.

Transkei and Bophuthatswana also have SADF-trained "ethnic" armies.

At least two black leaders have so far rejected the concept of regional military forces which have been described by military strategy experts as a logical extension of the "homelands" policy.

The Chief Minister of KwaZulu, Chief Gatsha Buthelezi, has refused to be associated with the "Zulu Battalion".

The Chief Executive Councillor of KaNgwane, Mr M J Mabuza, has also opposed what he sees as ethnic armies.

WATCH



Blinds busy at Itereleng . . . they are often the victims of salesmen.

Students object to being just 'Oupas'

113

Post 23/6/80

By MATHATHA
TSEDU

STUDENTS at the Venda College of Education at Thoho-ya-Ndou are up in arms over a white lady teacher's insistence on

calling all male students oupa.

The students claim that Mis Helda Giesekke, who is senior science teacher at the college, refuses to call them by names because "she says she has many things to know and do, instead of remembering our names".

Ms Giesekke, daughter of the retired Lutheran Bishop, D W Giesekke confirmed to POST that she called all her male students oupa. "I have done that since 1966 and no one has complained," she said.

One first year student however, told POST that he had objected to being called oupa. "I told her that I am Edward and not oupa. But she told me we were so many and she had so many things to do and cannot remember our names. What surprises me is that the second year students, whom she is supposed to

know are also called Oupas," he said.

When pressed further on his objections, the student said there were many reasons. "To start with I am not Oupa and secondly it sickens me to be called what I am not. Thirdly there are rumours that this teacher has a baboon at home called Oupa," he said.

Ms Giesekke vehemently denied owning a baboon or even a monkey named Oupa, but refused to say why she prefers to call students Oupa. "I find it surprising that you should come to me and ask me all this petty rubbish. I have taught hundreds of students since 1966 and no one has complained. You can ask any Venda about my feelings about black people and they will tell you. They always come to me with their complaints and I am always willing to help. I have never possessed a baboon in my life. You can come and look at my yard," she added.

113 RDM
Venda to
get casino
11/7/80
and dog
track

By CHRIS FREIMOND
Southern Africa Bureau

ONE of South Africa's best-known boxing promoters, Mr Jaap de Villiers, is to establish a casino and greyhound racing track 70km east of Louis Trichardt in Venda. He hopes to attract big-time gamblers from all over the world.

Mr De Villiers has been granted exclusive rights by the Chief Patrick Mphahlele's Venda Government to operate gambling for 40 years in the newly-independent homeland.

The casino and a 240-bed luxury hotel will be built at a cost of probably about R15-million near the Venda capital, Thohoyandou.

Mr De Villiers also plans to build an airport nearby to fly in gamblers.

"This won't just be a mini-Sun City. We will cater for the tourist, but also for the big-timers from overseas."

The greyhound track at Independence Stadium in Thohoyandou would be the much-needed competition venue for the more than 2 000 greyhounds in South Africa, where racing is prohibited, he said.

The Venda Minister of Economic Affairs, Mr Alfred Sibase, said yesterday that his Government hoped to make tourism one of its major money earners.

He expects the casino to be open before the end of the year.

Mr De Villiers said he was also negotiating with the Venda Development Corporation (VDC) to buy the corporation's Thohoyandou Hotel, where he would possibly establish a small casino while the gambling centre was being built.

However, it is understood that some VDC board members are strongly opposed to Mr De Villiers being granted exclusive gambling rights.

The chairman, Mr S L Hartman, would give not details this week when asked about the establishment of the casino.

Mr Sibase said the VDC had approached the Venda Government for a gambling licence, but this was refused because Mr De Villiers had already been granted exclusive rights.

● See Page 9

No. R. 1596

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1 Augustus 1980

INKOMSTEBELASTINGWET, 1962

OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN VENDA TER VERMYDING VAN DUBBELE BELASTING EN DIE VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTING OP INKOMSTE

Hierby word bekendgemaak dat bogenoemde ooreenkoms gepubliseer by Proklamasie R. 252 in *Staatskoerant* 6706 van 19 Oktober 1979 op 30 Mei 1980 in werking getree het.

W. J. H. VAN DER WALT, Kommissaris van Binnelandse Inkomste.

No. R. 1596

667159

1 August 1980

INCOME TAX ACT, 1962

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF VENDA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

It is hereby notified that the above-mentioned agreement, published under Proclamation R. 252 in *Gazette* 6706, dated 19 October 1979, came into force on 30 May 1980.

W. J. H. VAN DER WALT, Commissioner for Inland Revenue.

It's political bribery, says Ntsanwisi

By PATRICK LAURENCE
Southern Africa Editor

PROFESSOR Hudson Ntsanwisi, the Chief Minister of Gazankulu, yesterday accused Pretoria of pursuing a policy of "political bribery" towards its black homelands.

Prof Ntsanwisi, who was largely responsible for last Friday's meeting between homeland leaders and the Prime Minister, Mr P W Botha, was commenting on views expressed by the Minister of Foreign Affairs, Mr Pik Botha, in an interview with an Afrikaans newspaper.

In a front-page interview in Beeld yesterday, Mr Botha was quoted as saying that the Government was devoting urgent attention to giving independent homelands greater advantages, in order to make independence more attractive to homelands still opposed to it.

Two key points made by the Minister of Foreign Affairs in the interview were:

• Removal of discriminatory regulations for citizens of inde-

pendent homelands, because these territories had shown by their acceptance of independence that they did not want to share power with whites, but to wanted to govern themselves;

• Stronger financial backing for independent homelands than for homelands opposing independence.

Mr Botha was quoted as saying that it was too often forgotten that the three independent homelands, Transkei, Bophuthatswana and Venda, represented 10-million people — "about half of South Africa's population."

Prof Ntsanwisi commented: "It smacks of political bribery. It smacks of political blackmail. It is an attempt to persuade non-independent states to sell their birthright as South Africans for a bowl of soup."

He doubted whether it would be practical politics to remove discrimination affecting citizens of independent homelands while retaining it for those of dependent territories.

"A black man is a black man wherever he is," he said.

Referring to a speech in Parliament by the former Minister of Bantu Administration, Mr M. C. Botha, at the time of Transkei independence in 1976, in which he said Transkei citizens would get preferential treatment, Prof Ntsanwisi said of the Beeld interview: "It looks like a reversion to M C Bothaism."

Prof Ntsanwisi recently made representations to the Minister of Co-operation and Development, Dr Piet Koornhof, over what he saw as discrimination in favour of independent Venda against non-independent Gazankulu.

Venda, with a smaller population and a smaller land area than Gazankulu, had a budget this year of R104-million, against Gazankulu's R49-million budget, Prof Ntsanwisi said.

According to official figures, Venda has a marginally bigger actual population (357 600 against 353 800) but a much smaller "official" population (473 200 against 858 900).

SA officials are 'immune'

(113) POST
2/18/80

AUTHORITIES in "independent" Venda cannot prosecute seconded South African officials without the consent of the South African Government.

This is in terms of an agreement between the two countries when Venda became independent.

By MATHATHA TSEDU

The agreement also indemnifies white officials from any civil liability for statements made or written in the performance of their official duties — unless South Africa waives the indemnity.

Homeland authorities are also barred from instituting disciplinary action against the white officials, and can only report the official concerned to the Republican Government which may then act at its discretion.

These agreements came to light last week when charges against a white stores foreman in the homeland's Department of Transport and Works, Mr Edward de la Rey Nortje, were withdrawn. He was charged with the theft of three tyres and three tubes.

Mr Nortje's docket has been referred to Venda's Attorney-General for a final decision on the charges. If the Attorney-General decides to prosecute the case will have to be referred to the South African Government, which will then decide whether Mr Nortje should stand trial.

• To Page 2

SA officials are immune

From Page 1

Professor John Dugard, director of the Centre for Applied Legal Studies at the Witwatersrand University, last described the agreement as unusual. "It is unusual for seconded officials to be granted immunity. Normally this is reserved for diplomatic representatives", he said.

An official at the British Consulate said yesterday she was not aware of any similar arrangement in the British Commonwealth. Their status of seconded officials varied from country to country. But she did not know of any country where all seconded officials enjoyed diplomatic immunity.

The agreement is Pro-

clamation R210 of 1979 which was signed by Venda Chief Minister P R Mphahlele and South African Government officials.

Article 5 G of the proclamation, under heading Foreign Ministry, stipulates that Venda shall "grant them (seconded officials) immunity from criminal prosecution and indemnity against civil liability in respect of words spoken or written and all acts performed by them in the course of their official duties. Provided that the Government of the Republic of South Africa may waive such immunity or indemnity in an appropriate case."

Article 3 (B) of the same proclamation reads: "The Government of Venda shall not institute disciplinary action against

any seconded official, but shall report any action or conduct on the part of such an official which calls for disciplinary action to the Government of the Republic of South Africa, who shall cause such action to be instituted as it may deem appropriate."

J SMOJAPELO

A SIBASA bottle-store owner was indifferent and later laughed it off when I told him that his country, Venda, will be celebrating its first independence on September 13.

"By the way we are independent. I have honestly forgotten that we are independent. For me it will be another holiday and nothing more on that day," he said.

He said there were few and insignificant changes in the country since opting for independence last year. He was born in Venda, but grew up in the urban areas. He still maintains that he is a South African despite his return to Venda before independence.

His main concern, as a former school teacher, was the development of education development in Venda.

"Unwittingly the government is crippling the education system in Venda by recruiting qualified teachers from the school to be better paid clerks in the government services leaving the classes without qualified teachers," continued the bottle-store owner.

Many of the government officials I spoke to during my two-day stay in Sibasa solicited for my "frank comments" on their country. They kept on asking me whether I had seen any "changes" in their country. Because, they added, there have been changes in Venda.

Frankly I could not see any significant change. I suppose the more something changes the more it remains the same. Because the country and the life do not look different from when I last visited in 1975.

I drove in the nearby Sibasa villages. The grass-thatched houses dot the countryside and cling precariously on the hillside. Police recruits in shaven heads were jogging in the main road during the hot summer day. Adults and school children were standing thumbing for lifts on the roadside. The market place and the bus rank were busy, and the life went on like the pre-independent Venda I knew.

The national stadium, Thohoyandou, the government houses, the posh hotel and the houses of the Cabinet Ministers, with the dominating presidential palace, stick out and are imposing in Sibasa.

In the night, it is pitch dark. There are no street lights. The houses of the Cabinet Ministers and the government offices are aglow and armed police guards stand at the entrance of the

Vendas celebrate with pomp — and little enthusiasm



Two women bask in the sun in a typical Tsonga village in Ga-zankulu homeland in the Northern Transvaal.

presidential palace. The centre of entertainment is the bar lounge at Thohoyandou Hotel.

As expected, the only official dignitary to attend the independence celebrations will come from South Africa.

Venda, in the northern Transvaal, became the third independent homeland in South Africa last year. It followed in the footsteps of Transkei and Bophuthatswana.

Venda's director for Information and Broadcasting, Mr S E Moeti, explained that the main independence celebrations are to be held at Thohoyandou Stadium. But the nation will start to celebrate at the homeland's four districts — Sibasa, Dzanani, Vuwani and Mutali — on September 5.

"We shall also have a national show at the national stadium on September 9. The main celebrations are on Sep-

tember 13," Mr Moeti said.

Sporting activities are to be held on September 11 and 12. According to Mr Moeti the highlight of the celebrations is on September 13 when the President of Venda, Paramount Chief Patrick Ramano Mphahlele, addresses the nation.

Despite these elaborate arrangements, I found out during my two day stay in the homeland that very few citizens of Venda knew anything about the anniversary. Those who were aware of the celebrations were indifferent.

Three women school teachers I spoke to in Sibasa about the celebrations also showed lack of enthusiasm over the coming event. They are going to take part in the celebrations because they are "civil servants".

Do they feel they live in an

independent country and are "free"? They laughed off the question and did not elaborate.

Before coming to independent Venda, I spent three days in the neighbouring homeland of Ga-zankulu under Professor Hudson Ntsanwisi. One has to drive through dusty and bumpy roads for about an hour from Giyani in Ga-zankulu to Sibasa.

Prof Ntsanwisi, formerly of the University of the North, has on several occasions rejected the South African-type of independence for his homeland.

A former school teacher who turned businessman in Giyani dismissed this stance as laughable.

"By accepting the concept of homelands, the way is one way. The man has embarked on a one-way road and there is no return. It is for us now to guide him for our benefit," the businessman said.

I was last in Giyani in 1975. The scene of the entrance to the "capital" of Ga-zankulu has changed. There is a "multiracial" hotel — where I was displaced from my room to make way for a white guest — there is a garage, shopping centre, improved local general hospital, government offices costing millions of rands have been constructed and Cabinet Ministers' houses coming up.

The rest is the same old Giyani.

A government clerk said the only form of entertainment is drinking at the hotel on weekends and dancing to disco music. I was at the hotel when a fight broke between off-duty white national servicemen and patrons at the hotel lobby after downing some litres liquor.

Commented the black manager of the hotel: "This hotel is now turning into a shebeen."

During week days, life is normal in Giyani. The streets are empty, women labourers are seen going on with their manly chores, there are long queues of men looking for work at the magistrates offices.

And life goes on in the homeland.

113
5/9/80

Call to incorporate white towns

113
15/9/80

Political Reporter

Venda President, Paramount Chief Patrick Mphephu, has called for the incorporation of the white towns of Louis Trichardt, Tshipise, Messina, Soekmekaar and Levubu into Venda.

Speaking at celebrations at the weekend to mark the first anniversary of Venda independence, he said: "On this important

issue of land, mere talk is now not enough. It is time for action."

He said the white towns which should be included in the homeland would act as springboards for economic development.

"This request from Venda may appear radical to some people. We however believe that South Africa has to be restructured in such a way that the

aspirations of the blacks are satisfied."

Chief Mphephu said his Government wished to emphasise that whites and other racial group should not fear being incorporated into Venda. "The whites who wish to keep their land and property and fall under Venda may and should do so."

He said his Government never regretted

its decision to ask for independence.

"Adverse Press comments prophesied division and disagreement, but I am happy to note that it has indeed achieved the opposite and has helped to join us together as never before."

"I challenge those who still have doubts and misgivings to visit Venda and to be convinced by themselves," he said.



Venda President Paramount Chief Patrick Mphephu during the inspection of the Venda National Force at celebrations over the weekend to mark the first anniversary of Venda independence.

Tom Duff, Political Reporter

Thousands of Venda citizens have celebrated the first anniversary of their South African-style independence with greater enthusiasm than they displayed when accepting it last year.

A feature of last year's independence celebrations was the lack of enthusiasm shown by the crowd seated in a newly built stadium in the Venda capital of Thohoyandou.

However, when the Venda President, Paramount Chief Patrick Mphephu, entered the stadium at the weekend to preside over the first anniversary celebrations, he was greeted by thousands of cheering and ululating people.

When the national

STAR 15/9/80

Vendas show new pride in independence

salute was sounded, many sang along, with the military band even though they were not called on — or expected to do so. Members of the Venda National Force who performed an impressive display of drill were loudly applauded.

Although Chief Mphephu was able to point to several important achievements over the past year, his nation remains a troubled one.

In the last election his party was soundly

beaten by the Opposition, which captured 31 of the 42 popularly elected seats.

He has remained in power through the support of nominated chiefs and headmen who have seats in the Venda Parliament and by using wide-ranging security measures against opposition members.

At one stage at least 11 successful opposition candidates and dozens of their followers were detained without trial.

Some Venda citizens who were approached by journalists at Saturday's festivities at the capital of Thohoyandou made it clear they felt that little had been achieved by independence.

Most of the money for Venda's budget is supplied by South Africa, while three out of every 10 Venda live in South Africa.

Thousands of men still have to leave Venda to seek jobs in the urban areas of South Africa. The territory also suffers from a critical shortage of trained manpower and so far lacks the infrastructure to attract industries on a large scale.

Chief Mphephu was, however, able to list several notable recent achievements.

Venda wants 'white' Transvaal towns

113
Rom
15 4-80

THOHOYANDOU. — Venda would not be satisfied until it had acquired from South Africa the additional land it had asked for, the Venda President, Paramount Chief Patrick Mphephu, said at the weekend.

Addressing nearly 250 000 people on Saturday at Thohoyandou Independence Stadium on the first anniversary of Venda independence, he said: "We have asked the South African Government to incorporate the northern Transvaal towns of Louis Trichardt, Tshipise, Messina, Soekmekaar and Levubu into Venda.

"These growth points will be a springboard for Venda's economic development.

"Though the request may appear radical to some people, we believe South Africa has to be restructured in such a way that the aspirations of the blacks are satisfied.

"Whites and other racial

groups in the areas should not fear being incorporated. Those who wish to retain their properties and land can do so."

Chief Mphephu called on all the leaders of Southern African states to maintain peace and stability in the area by keeping close and friendly relationships with each another.

"The existing economic links could be used to promote the friendship.

"I call on all leaders to rise to the world's expectations of tolerance and understanding, and to do nothing to precipitate inter-racial wars in Southern Africa."

He said that when Venda opted for independence, many critics thought it a heinous crime.

"We have nothing to regret. Today we are enjoying the fruits of our independence. Adverse Press comments prophesied division and disagreement. I am happy our

achievements have proved the opposite.

"I challenge those who still have misgivings and doubts about Venda to come and see for themselves what we have achieved within a year of independence.

"Venda took the decision knowing that independence meant the complete acceptance of responsibility in all spheres of life. We have reached a point of no return and are prepared to face the consequences."

Chief Mphephu said compulsory education was one of Venda's objectives, and parents should pledge to keep their children at school.

A university was planned, and building would begin in January.

Venda had begun issuing its own passports and travel documents, and had speeded up the registration of births and deaths. — Sapa and Staff Reporter.

single elastic collision with a proton. The maximum nuclear recoil energy E_{max} resulting from elastic scattering of neutrons (of mass m_n and energy E) on a nucleus of mass m_N is given by

$$E_{max} = 4m_n m_N E / (m_n + m_N)^2 \quad (34)$$

Thus E_{max}/E is much smaller for heavy nuclei than for hydrogen.

(c) Gamma rays

The three most important effects in the interaction of gamma rays with matter are the photoelectric effect (described in section 2.1), the Compton effect (section 2.1,p.5) and pair production (section 2.3,p.8). Energy is transferred from the incident gamma photon to a photoelectron, a Compton electron or an electron-positron pair respectively. These charged secondary particles then interact with the medium as described in (a). As in the case of neutrons, the interaction of gammas with matter is a statistical process and is governed by an exponential absorption law of the form given by eq.(33) but with α representing the gamma ray absorption coefficient. This coefficient can, in turn be considered as the sum of components α_{pr} , α_c and α_{pp} corresponding to photoelectric, Compton and pair production respectively.

30/9/82
SB detain student
 post
 113
 1324

THOHOYANDOU — The son of a well known Venda businessman, Mr Wilson Tshivhase, was detained at the weekend by the security branch under the General Law Amendment Act.

He is Mr Shonisani Tshivhase (22), of Tshisahulu location in the Sibasa district. Mr Tshivhase is a student completing a junior secondary teacher's course at the Venda College of Education.

A spokesman for the Venda security branch said yesterday he had been detained for interrogation under the General Law Amendment Act as South African Law is still applicable in Venda.

— Sapa.

Thus $N/N_0 = \frac{1}{2} = \exp(-\alpha x)$

Some values of $x_{1/2}$ are given below (in mm)

Energy	Lead	Concrete
1 Mev	9.0	47.0
5 Mev	14.5	100.0

increases, as the particle penetrates deeper into the medium. The density of energy deposited ($-dE/dx$) is therefore highest at the end of the range (fig. 25).

Relatively heavy particles such as the p or α are not significantly deflected in their collisions with the much lighter electrons in matter and the maximum energy lost per collision is only a tiny fraction of the p or α energy. These heavy particles therefore retain their original directions throughout the slowing down process and their ranges are well defined - do not vary much from one particle to another of the same energy (fig. 24(a)). Incident electrons, however, can scatter through large angles in their collisions with atomic electrons (of similar mass) and can lose a large fraction of their energy in a single collision, therefore their detailed trajectories vary a great deal from one electron to another and their ranges are not well defined (fig. 24 (b)).

Some range data are listed below:

Ranges in aluminium (in mm)		Ranges of 1 MeV protons in different media (in mm)				
Energy	α	p	e			
1 MeV	0.00356	0.0126	1.56	Air	Aluminium	Lead
10 MeV	0.0600	0.611	19.6	20.0	0.0126	0.0106

(b) Neutrons interact only with the nuclei in atoms and their interaction is a statistical process. If we place a slab of matter of thickness x at right angles to beam of N_0 neutrons per second (as in fig.26) a fraction N/N_0 of the beam is transmitted without interaction and a fraction $(1-N/N_0)$ interacts with nuclei in the slab. The number N of neutrons emerging per second is given by

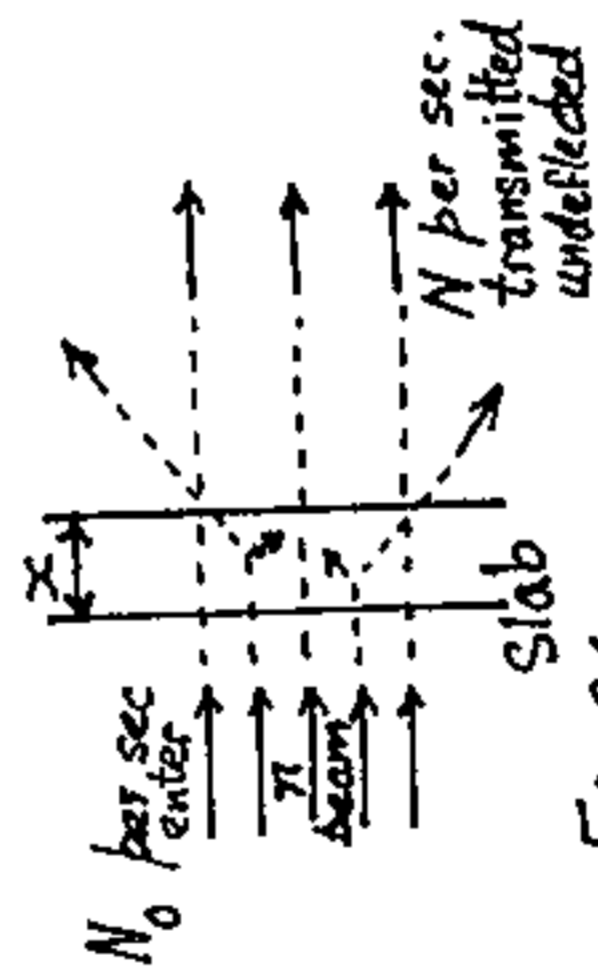


Fig. 26

$$N = N_0 \exp(-\alpha x) \dots \dots \dots (33)$$

where α is the neutron interaction coefficient of the slab and depends on neutron energy and on the species and density of nuclei in the slab.

The neutron-nucleus interaction is either a nuclear scattering process, in which the neutron transfers some of its energy to the resulting (charged) recoil nucleus, or a nuclear reaction which usually leads to the emission of charged particles or gamma rays. Thus the secondary particles resulting from neutron interactions in matter are often charged particles and these particles then interact with the matter as described in (a). Hydrogenous media such as wax, water or plastic are of particular interest because a neutron can lose any fraction (0-100%) of its kinetic energy in a

Venda commission of inquiry

mem (13)
5/12/80

THE Government of the Republic of Venda is to appoint a commission of inquiry into land tenure and ownership.

According to a draft of a proclamation and Government notice released by the Venda Embassy in Pretoria yesterday and to be published in the Venda Government Gazette tomorrow, the commission will be chaired by Venda's Chief

Justice, Mr Justice G P van Rhyn.

Other members of the commission are: Mr N D Nethononda, Secretary for Urban Affairs and Land Tenure; Mr M P Nthabalala, Secretary for Justice; Mr J D Visser, Attorney-General; Mr A G Lucke, state-attorney and Mr J A Coetzee, a lecturer of the Rand Afrikaans University.

The Commission of Inquiry

into Land Tenure and Ownership in the Republic of Venda, 1980, will investigate and advise on:

- The traditional system of land tenure and ownership.
- Ownership with reference to tribal or communal holding of land, land held in trust, and any other form of tenure or ownership of land by individuals or companies or other institutions.
- Ownership and tenure of

land or erven in cities, towns and townships, including the proclamation areas.

- The ownership of land including private ownership of land by individuals or companies; and

- Appropriate legislation for the implementation of the recommendations by the commission if necessary. — Sapa.

Venda's work problem is emphasised

113
STAR
9/12/80

Own Correspondent

A poor industrial sector and insufficient jobs are causing serious problems for the economic development of recently-independent Venda.

"The industrial sector of Venda is almost non-existent," said Mr F N Ravele, Venda's Minister of Economic Affairs at a luncheon in Pretoria.

"It is difficult to satisfy our desire to create a stage of full employment as we still have to cope with an unemployment rate of about 6 percent plus an additional 5 000 people leaving school every year," he added.

UNEMPLOYMENT

Mr Ravele said Venda had a problem of "surplus labour in the agricultural sector."

The number of unemployed people in this sector would increase as improved skills and methods of production were introduced, he warned.

The problem would be compounded by about 100 000 Vendas living and

working in South Africa who were "anxious to return home," said Mr Ravele.

"Our economic future depends on our ability to develop the agricultural, mining and industrial sectors, and to achieve our goals we will need money, the know-how and suitable training facilities."

Mr Ravele said except for coking-coal deposits and two manganese mines in the small new country, "we have nothing else with a possibility to stimulate our mining potential."

The only hope to stimulate employment in the country was to concentrate on the development of small businesses, both in the retail and manufacturing fields, said Mr Ravele.

He praised Mr P W Botha, Prime Minister of South Africa, for his idea of a constellation of southern African states and for initiating "co-operative development between the two states."

ST 5102
3/12/80
Recognition
for Venda 113

Venda had been promised economic recognition by Israel in the near future, the Venda President, Paramount Chief Patrick Mphahlele, said at Jan Smuts Airport yesterday.

The President and his party had just returned after an eight-day visit to Israel.

Paramount Chief Mphahlele said his party had discovered possibilities of Venda's exporting wood, furniture and red meat to Israel.

He had been impressed by the computerised, controlled systems of irrigation used in Israel's farming development schemes. He felt these could benefit his country. — Sapa.

HOMELANDS - VENDA -

GENERAL

3 | 1 | 81 - 31 | 12 | 81

RDM 29/1/81
Venda
chief on
State ¹⁰⁵
visit to ¹¹³
Transkei

UMTATA. — The President of Venda, Chief Patrick Mphephu, arrived at the K. D. Matanzima airport yesterday on a two-day visit to Transkei for informal talks with Transkei's President, Paramount Chief Kaiser Matanzima.

Chief Mphephu, who was accompanied by the Venda Ministers of Education and Foreign Affairs, was met at the airport by Rev G T Vika, the Transkei Minister of Foreign Affairs.

As the Venda President stepped from a Transkei Airways plane he was greeted by a 21-gun salute. The national anthems of Venda and Transkei were played by the Transkei army band before Chief Mphephu inspected a guard of honour formed by members of the First Transkei Battalion.

The national flags of the two countries flew side by side at the airport during the welcoming ceremony.

Chief Mphephu was driven in a motorcade from the airport for tea and talks with President Matanzima at his official residence.

Welcoming Chief Mphephu, Chief Matanzima said independent states should build up an association in the economic field and also consider establishing diplomatic ties by appointing ambassadors for their respective countries.

He said Chief Mphephu's visit was unique and appropriate as it took place at a time when there was an ardent desire in the air for international co-operation and peaceful co-existence.

He said the visit would afford his Ministers the opportunity to meet and discuss with the Venda Ministers on matters of mutual concern.

"It is incumbent on us as free people to courageously defend the principles on which our governments have been created. Having emerged from subjugation it is inconceivable that we can, under any circumstances, allow an erosion of our freedom.

"We have to guard jealously against any attempts to destroy what we have so strenuously acquired," Chief Matanzima said.

In his reply Chief Mphephu pledged to join Chief Matanzima in the struggle against the common enemies of their two countries.

The Venda leader said he would build his country in the shape of Transkei's progress because had it not been for Transkei "we would not have

He told the members of his delegation to learn and copy down everything they came across in the course of the two-day visit to Transkei.

Chief Mphephu said all independent black states including BophuthaTswana took after Transkei. He was pleased to see the new country "totally different from what it was when I last came here", when Chief Kaiser Matanzima was still Chief Minister.

Today President Mphephu will visit the industrial complex of Butterworth and he will depart for Venda in the evening.

— Sapa.



President Patrick Mphphu tries out a hand machinegun to be manufactured in Venda. With him, from left, are Mr Dric van der Merwe and Mr Jaap de Villiers of the manufacturing company, and weapons demonstrator Mr A Kruger.

Picture: TREVOR STANLEY

RDM 16/2/81

Venda to take up 113 firearms production 191

By CHRIS MARAIS

VENDA, in the north-eastern Transvaal, will be the first black homeland government in southern Africa to begin manufacturing and exporting firearms.

Three Johannesburg businessmen have begun a multi-million rand venture in Venda, which includes the establishment of a 9mm firearm factory, a greyhound race track and a casino.

Last Friday, President Patrick Mphphu of Venda opened the Paramax International gun factory, which has cost R500 000 to build and equip with machines.

The firearms produced are 9mm hand pistols and 9mm hand machineguns. The weapons, at present being made in Parys in the Free State, have already been sold to neighbouring states like Swaziland and Lesotho for use by their para-military forces.

The company producing the weapons in

Parys, Maxim Parabellum, is the major independent arms manufacturer in South Africa. The SA Defence Force use weapons similar to the one to be exported from Venda — the Uzzi-modeled light machinegun.

One of the directors, Mr Jaap de Villiers (of fight promoting fame), told the Rand Daily Mail the arms factory in Venda would expand at least four-fold in years to come if the venture was successful.

Another director, Mr Dries van der Merwe, said he hoped to sell the weapons to other homelands and to border farmers who faced insurgency in the future.

One of the technical experts involved in the company, Mr Tony Blackshaw, said the light machinegun was in demand internationally.

"It is one of the most ideal weapons to use in combating urban terrorism," said Mr Blackshaw, a former British Army soldier.

Venda plan to export firearms

Own Correspondent

JOHANNESBURG. — Venda near the north-eastern Transvaal will be the first black homeland in Southern Africa to begin manufacturing and exporting firearms.

Three Johannesburg businessmen have begun a multi-million rand venture in Venda, which includes the establishment of a 9 mm firearm factory, a greyhound race track and a casino.

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The firearms produced are the 9 mm hand pistol and the 9 mm hand machine-gun. The weapons, at present being made in Parys, Free State, have already been sold to neighbouring States like Swaziland and Lesotho for use by the para-military forces of those territories.

The company producing the weapons in Parys, Maxim Parabellum, is the major independent arms manufacturer in South Africa. The Defence Force uses a weapon similar to the one to be exported from Venda — the Uzzi-modelled light machine-gun.

One of the directors, Mr Jaap de Villiers, a well-known boxing promoter, said the arms factory in Venda would expand at least fourfold in years to come if the venture was successful.

Another director, Mr Dries van der Merwe, said he hoped to sell the weapons to other homelands and to border farmers who faced insurgency in the future.

113

SOALETAN 27/11/81

SAW

113

Venda law stops interdict against police

By WILLIE BOKALA

ATTORNEYS seeking an interdict to restrain the Venda security police from assaulting detainees are now facing a new problem — the Venda Government has refused them permission to act in the homeland because they are not on the "country's" attorneys' roll.

This surfaced this week when lawyers instructed to

act for families of detainees in a bid to stop security police assaults on detainees, were told by the registrar of the Venda Supreme Court that they had to be on the Venda roll before being allowed to practice there.

And the registrar, Mr W van Wyk, yesterday confirmed to The SOWETAN that attorneys had to register first and be on the "country's" roll before they could practice in Venda. This was brought about

by the Supreme Court Act of 1979 which stated that all attorney's — whether they be from South Africa, Botswana or America — who started their practice before or in 1979 would have to be registered with the Supreme Court if they wanted to practice in Venda.

Mr Don Nkadimeng, an attorney in Pietersburg who was instructed by a church organisation, to collect affidavits from members of

the families of detainees with a view to bringing a court interdict against the police, was the first victim of this Venda regulation.

A spokesman for his firm said Mr Nkadimeng was also refused permission to enter Venda because he did not have a permit.

And the Azanian People's Organisation (Azapo) claimed this week that several of its members and other people who had tried to enter Venda had

been refused entry after being told by police manning roadblocks on routes leading into the homeland that they required permits to enter.

The chief of the Venda police, Brigadier Mulaudzi, confirmed yesterday that police were still manning roadblocks in a bid to arrest saboteurs and particularly the men who attacked the Sibasa police station last month killing two policemen.

Casino complex planned for Venda

By CHRIS FREEMOND
Southern African Bureau

A MULTI-MILLION rand sub-tropical playground, complete with casino, cabaret, soft porn cinema and dog racing will open in Venda later this year.

At a Press conference in Johannesburg yesterday, boxing promoter and businessman Jean de Villiers announced that he had clinched a deal with the Venda government to put South Africa's most recently independent homeland on the map.

The "deal" revealed in July last year that Mr De Villiers had been awarded exclusive rights by the Venda government to operate a casino and dog racing.

The "Elephant's Head" casino, which is operated by Mr De Villiers in the Venda Development Corporation-owned 100-room Sandton Hotel at Sibasa, 100 km east of Louis Trichardt.

The deal worth an estimated 11.7 million a year to Venda and will be one of the year's biggest money-spinners. The government's financial share will be calculated on an annual basis and a percentage of the annual casino turnover.

At the same Press conference, Mr Dennis Loots, VDC general manager, announced that the hotel was being expanded to 15 rooms and that a casino for 250 people, complete facilities for 100 dogs, and a luxury restaurant will be built.

The casino, which will be the first in Southern Africa to be operated by a private company and a hotel, is expected to be completed in 1981.

The VDC also plans to exploit the tourist potential of the area and the casino complex and to make the vast area a major tourist attraction.

Mr De Villiers said his casino was not a copy of any existing Southern African gambling centres. He said it would be unique and different.

He had "verbal agreements" with the gambling houses and the want to bring the area to the attention of the world's big money.

It was hoped tourists and gamblers would be attracted to the surrounding towns of Louis Trichardt, Pietersburg and Messina as well as to the Kruger National Park during holiday seasons.

FINE ART & ARCHITECTURE

Cape Provincial Institute of Architects' Prize
For the best student in :-

Sixth Year

P F Dunkley

Helen Gardner Travel Prize
For a student who has satisfactorily completed 1st, 2nd and 3rd major courses.

P A Rappoport

Molly Gohl Memorial Prize
For the best woman student in third year.

Miss C Tredgold

David Haddon Prize
For the best student of Architecture (or Quantity Surveying) in the subject of Professional Practice.

D H Pryce Lewis

General J B M Hertzog Prize
For the best final year student. S A Read

Osborn Prize

For the best work in fourth year.

D H Pryce Lewis

John Perry Prize
For the best work in third year.

R A van Rosenfeld.

DD 29/1/81
Transkei,
Venda (113)
pledge

UMTATA — Transkei and Venda had to strengthen their economic ties and consider diplomatic relations, Transkei's President Kaiser Matanzima said in his welcome address to President Patrick Mphephu of Venda here yesterday.

President Mphephu, who arrived for a two-day visit and informal talks with President Matanzima, was greeted by a 21-gun salute as he stepped from a Transkei Airways plane.

"It is incumbent on us to defend the principles on which our governments have been created. Having emerged from subjugation, it is inconceivable that we allow an erosion of our freedom," President Matanzima said.

Chief Mphephu pledged to join Chief Matanzima in the struggle against common enemies.

The Venda leader said he would build his country in the shape of Transkei's progress because had it not been for Transkei "we would not have attained independence".

He told his delegation to learn and copy down everything they came across in the course of the visit. — SAPA-DDR.

ARCHITECTURE

FINE ART & ARCHITECTURE

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For the best final year student

S A Read

Osbourn Prize

For the best work in fourth

year.

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For the best work in

third year.

R A van Rosenfeld.

KENNISGEWING 25 VAN 1981
DEPARTEMENT VAN FINANSIES
VOORGESKREWE BELEGGINGS.—GOED-
KEURING KRAGTENS DIE BANKWET, 1965, EN
DIE BOUVERENIGINGSWET, 1965

Venda

Kragtens paragrawe (g) en (1) van die woord-
omskrywings van "voorgeskrewe beleggings" in onder-
scheidik artikel 1 (1) van die Bankwet, 1965 (Wet 23
van 1965), en artikel 1 van die Bouverenigingswet,
1965 (Wet 24 van 1965), keur ek, Jacobus Wynand
Louw, Registrateur van Banke en van Bouverenigings,
hierby 'n belegging in die Venda Ontwikkelingskorpora-
rasie se Oorbruggingsfinansiering (Lening No. 1), goed
as 'n voorgeskrewe belegging.

J. W. LOUW, Registrateur van Banke en van
Bouverenigings.
(9 Januarie 1981)

NOTICE 25 OF 1981
DEPARTMENT OF FINANCE

GS 7357

PRESCRIBED INVESTMENTS. — APPROVAL IN
TERMS OF THE BANKS ACT, 1965, AND THE
BUILDING SOCIETIES ACT, 1965

In terms of paragraphs (g) and (1) of the definitions
of "prescribed investments" in section 1 (1) of the
Banks Act, 1965 (Act 23 of 1965), and section 1 of the
Building Societies Act, 1965 (Act 24 of 1965), respec-
tively, I, Jacobus Wynand Louw, Registrar of Banks
and of Building Societies, hereby approve an invest-
ment in the Venda Development Corporation Bridging
Financing (Loan No. 1), as a prescribed investment.

J. W. LOUW, Registrar of Banks and of Building
Societies.
(9 January 1981)

9/1/81

RDM 3/1/8

African peoples 'need new deal'

(113)

THOYANDOU. — What Africa needed today more than anything else was for its people to work out their destiny without outside interference, Venda's president, Paramount Chief Patrick Mphephu, said last night.

In a New Year broadcast to the Venda nation, he said the world was "on the eve of a new political dispensation where the peoples of Africa, and particularly those of Southern Africa, are at the crossroads regarding their future."

He added: "Minute-made solutions will not solve our problems, and as a result of the diversity of our peoples it cannot be expected from us to find solutions on the basis of models which exist elsewhere in the

world."

President Mphephu said a new dispensation for Africa as a whole was essential. In the prevailing political climate, however, it was difficult to bring this about in the near future.

For this reason the Venda Government felt strongly about mutual co-operation among all interested states (in Africa), the president said.

He added that the greatest danger to developing African countries today was the destruction of democracy and private initiative.

Venda had committed itself irrevocably to the free market economy system as an integral part of its overall economic policy. — Sapa.

- to director's interest in contract.
- This will also satisfy the requirements of the law relating
- meeting i.e. an ordinary resolution (S.226(2)(e)).
- vi) Such a loan requires the approval of the company in general
- v) Such a reduction of capital requires a special resolution and confirmation by the court (S.84).

113 Vanda hopes for Taiwanese help

Taiwan could make new inroads with investments in Vanda in the coming year particularly in the agricultural field, following a visit there by the general manager of the Vanda Development Corporation, Mr Wilson Muvhulawa.

What was particularly significant about Mr Muvhulawa's visit was the breakthrough in making the picture clearer about the independence of Vanda.

While the Taiwanese

knew about Vanda they were surprised to learn that the head of the Vanda Development Corporation is a Vanda and not as they expected, a white South African.

Mr Muvhulawa expects visits from Taiwanese business leaders with a view to further investment in Vanda.

"We have much to learn from Taiwanese expertise and management in agricultural production," he says.

113 Sowetan 23/12/81

Venda: Land of suspicion and fear

By **SAM MABE**

It was September 3, 1979, when Chief Patrick Mphphu, the then Chief Minister of Vendaland, did what nobody else in Vendaland seemed to approve of. He opted for the territory's independence.

Those who dared to voice their opposition to independence — and there were many of them — were spared the agony of witnessing the pomp celebrations which marked the loss of their South African citizenship rights. They were all in jail at the time.

Then there were those who took part in the independence celebrations. Not all of them participated because they liked doing so. Some did because of what they were promised. Plenty and free food. And lots of liquor too.

Deal

This was a golden opportunity they could not afford to miss. It was a package deal. The first of its kind in their lifetime. Then there were those who participated because if they did not, they would have — as usual — nothing else to do.

But others were given a choice of either participating or going to jail. And since the building of jails has been the South African government's priority number one for every homeland that is about to gain independence, there was already one in Venda. A new and big jail. So they chose the least painful of the two. They celebrated.

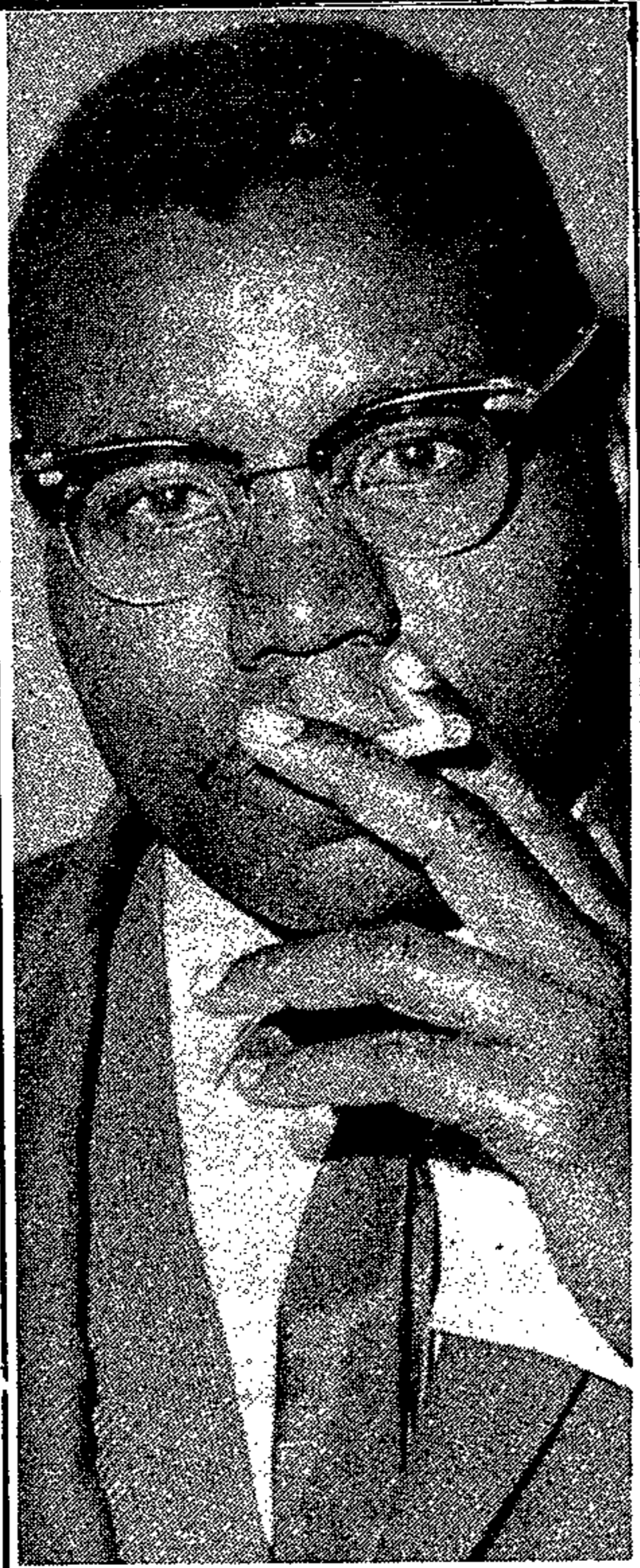
Today, two years later, Chief Mphphu seems not to have succeeded in convincing the people of Venda that it was in their interest that he opted for uhuru.

The Venda, who are by nature a humble, peace-loving, docile and law-abiding people, are making strenuous efforts to contain their resentment of the new administration.

Fear

With the majority of the citizens of the homeland living in South Africa where they work, those who remain are still too many to be comfortably accommodated within the border of the tiny homeland.

Hence there is congestion and very little land is available for agriculture. The only people who own big farms are chiefs and



UNCONVINCING: Chief Mphphu.

cabinet ministers and white-owned companies who run tea plantations.

The only new buildings spotted on a recent visit there, which were not there before uhuru, included a hotel which will serve tourists and white industrialists visiting the homeland to explore possibilities of investments there. And there aren't many industrialists doing that now.

Then there was an oriental shopping centre which like all others elsewhere in this country, offers slave-wage jobs to only a handful of Venda people. The third and largest complex was the army barracks for soldiers who are not so popular in Venda.

Strangers

When you cross the South African "border" into Venda, you are greeted by a signboard with the inscriptions: "Welcome to

the Republic of Venda".

But once you are inside the homeland, you will get abundant evidence of the fact that strangers are not so welcome.

This has been so since the end of October when an unknown man, heavily bandaged and faking a limp, walked into Sibasa Police Station at night under the pretext that he had come to lay a charge.

Nobody knows exactly what happened in the police station while this man was there. But what remained after his seemingly hasty departure, points out that he did what Venda authorities would hate to experience again.

The bandaged man was obviously an activist with an axe to grind with the Venda authorities. He threw a handgrenade at the three policemen who were on duty at the time. Several shots were fired from an AK47 rifle and a rocket attack was launched from elsewhere nearby.

This attack left two of the policemen dead and the third one was seriously injured. A large portion of the police station was demolished by the attack. The bandaged man disappeared without trace.

All what he had left behind him, especially for the Government, the police and the army, was tension, suspicion and fear for any strange person visiting the homeland.

But the fear that has been instilled among the local populace is not so much the fear of another possible attack. It is the fear of the police and the army, who have since the last incident, been arresting several people, sometimes on the strength of flimsy and unsubstantiated suspicion that they could be ill-disposed towards Chief Mphphu's Government.

Detention

One of the victims of the recent spate of detentions, Mr Isaac Muofhe, died after only two days in detention. His wife was informed of the death after her husband had been dead for three days.

Rumours started filtering through all villages that two more detainees, at some stage it was said that all of them, had died. The authorities dismissed the rumours as lies.

But that response was not enough to pacify the families of the detainees — nor the people of Venda. Or the international community.

The only way out for the Venda Government is to charge or release the detainees. Or at least, allow members of their families to see them.

Venda security tightens

By SAM MABE

ALTHOUGH it has not been declared officially, there is a virtual state of emergency in the Venda homeland.

This has been so since about a month ago after a hand-grenade and rocket attack was launched at Sibasa police station, destroying part of the building, killing two policemen and seriously wounding another.

The attacker, heavily bandaged and arriving at the police station at night under the pretext that he came to lay a charge, threw a hand-grenade at the policemen. More fire followed from AK-47 assault rifles and the rocket attack was launched from elsewhere nearby.

This has instilled fear of possible further attacks on the police, the army and members of the Venda Government. Security has since been tightened at the palace of the homeland's leader, President Patrick Mphahlele and at all government buildings.

And with the detention of 14 people, followed by the death of one of the detainees two weeks ago and the rumoured death of two others, the situation has become even more tense among the civilians.

Fear seems to be written on the faces of everybody and the police station attack, the subsequent detentions and intensified police activities are issues many people prefer to talk about in whispers only, or not at all.

The town of Sibasa, which could be the size of any of the townships of Soweto, is small enough for almost everybody to know everybody living there. Strangers, who stick out like a sore thumb, are viewed with suspicion by the police.

14 detained in Vanda in wake of of terror attack

FOURTEEN people have been detained in Vanda since the attack on a Vanda police station late last month, the commanding officer of the Vanda National Force, Brigadier T R Mulaudzi, said yesterday.

One of the 14, Mr Isaac Muofhe, died in detention last week and an inquest into his death would be held if necessary, Brigadier Mulaudzi added.

He dismissed reports that two more detainees had since died.

It was established yesterday that two post mortems had been conducted on Mr Muofhe, the first in Sibasa, Vanda, and the second in Pretoria.

Independent

It is understood that the second post mortem was conducted at the request of the Sibasa doctor responsible for the first because he wanted his findings confirmed independently.

An inquest into Mr Muofhe's death does not appear to be mandatory. The South Africa Inquests Act applies in Vanda and it leaves the decision on whether to hold an inquest to the discretion of the magistrate.

If, after examining the report submitted to him by the police, together with "all relevant statements, documents and information", the magistrate is compelled to institute an inquest into the circumstances and cause of

By PATRICK LAURENCE

the death only if it appears that the death was not due to natural causes.

Two policeman died in the attack on the Vanda police station. Brigadier Mulaudzi declined to give details on the hunt for the insurgents, except to say it was still on.

South African Police assisted in the initial search for the attackers. Referring to the attacks on the Bophuthatswana police station at Mabopane in September and the more recent attack in Sibasa, Brigadier Jan du Preez, deputy chief of Security Police, said: "We are still looking for the terrorists."

Meanwhile it was established yesterday that two of South Africa's senior pathologists, Dr Hillel Shapiro and Dr Jonathan Gluckman, were present during a post mortem on a Lesotho detainee, Mr K S Mathaba, who died while in custody of Lesotho police.

Dr Shapiro is understood to have been present at Monday's inquest at the request of the Lesotho government. Dr Gluckman represented the Mathaba family

RDM 16/11/87
113

Detention death among nine held after ANC attack

By HARRY MASHABELA

AT LEAST nine people, including a woman, are believed to have been detained by Security Police in Venda in the past 14 days after the recent attack on a Sibasa police station, believed to have been the work of the banned African National Congress.

One of the detainees, Mr Tshifhiwa Isaac Muofhe, died in police custody. He was arrested last Tuesday and is said to have died on Thursday.

This was learned from Mr R Marabolo of the Azanian Peoples Organisation (Azapo). He told the Rand Daily Mail nine people had been picked up by the Security Police during the past 14 days.

The other detainees are Mr Simon Nesiswa, Mr Dickson Ralushai, Mr Gabriel Malaka, Mr Cleobus Mulaudzi, Mr Ramano Tshikororo, Mr Shonisani Tshivhase, Mr Humbunani Marema and a Mrs Mukhesi.

Brigadier Mulaudzi, head of the Venda Security Police, was not available for comment yesterday.

The police station commander at Sibasa said he knew nothing about the detentions nor the death of Mr Muofhe.

Both Mr Ralushai and Mr Malaka are former detainees. They were first detained, with many other black leaders, in October 1977 when the Government clamped down on black leaders and banned 18 black organisations.

Two die in attack on Venda police station

MANHUNT FOR COOP KILLERS

Sawelan 28/10/87 ~~8/11/87~~ 113

VENDA police have launched a manhunt for three armed men who attacked the Sibasa police station with AK-47s and RPG-7 rockets, killing two policemen and seriously injuring another.

Venda Police Commissioner, Brigadier P R Mulaudzi, said the attack took place around about 10.50 on Monday night. The three policemen were the only ones present.

He said the attack began when a heavily bandaged man, faking injury and pretending to have come to lay a charge, entered the police station. Suddenly he threw hand-grenades at the policemen. More fire followed from AK-47 assault rifles as the rocket attack was launched.

The rockets are believed to have been fired from two different points nearby. The police station lies a few kilometres from the government buildings of the homeland's capital, Thoyo-ya-Ndou.

"We believe there were more than two men who did

BY LEN KALANE

the work," Brig Mulaudzi said. "We are still busy with investigations." He said he could not estimate the extent of damage.

The Venda National Force identified the two policemen who died as Constable S B Muade, of Nqulumbi in the Sibasa district, and Constable M A Netshitungulu, of Masia in the Vuwani district.

The third man, Constable M A Phadzire, of Ha Kutama in the Dzanani district, was seriously injured and was admitted to Tshilidzini Hospital near Sibasa.

'Independent'

Brigadiers Mulaudzi and Neefling, a senior police official, who was at the scene of the attack throughout the night, are in charge of the manhunt.

In Pretoria, Colonel Leon Mellet of the SAP Directorate of Public Relations, said his department could not give any information in connection with the attack. He said: "Venda is completely independent."

The attack is the second in recent months on a police station in an "independent" state — recognised only by Pretoria.

It follows the killing of three policemen at the Mabopane police station. No arrests are known to have been made in that incident.

Venda attack: police mount search

By CHRIS OLCKERS

VENDA paramilitary units, assisted by South African police, have launched a massive manhunt for the men responsible for Monday night's AK-47 and handgrenade attack on a police station in the heart of the capital, Sibasa.

The search is being hampered by heavy rains and muddy roads. The attack is the fifth since last Wednesday — the first four were in the Eastern Transvaal — and brings to four the number of people who have died in this latest wave of violence.

Two policemen died in the attack — their bodies were incinerated in the blaze which gutted the Sibasa charge office — and a third was critically wounded but managed to escape through a window. He is fighting for his life in the Pietersburg Provincial Hospital.

Smoulder

It is believed that at least four men attacked the three-roomed police station, which was still smouldering late yesterday afternoon.

The police station is across the road from the South African Embassy at Sibasa, and about 1,5km from the home of the President of Venda, Chief Patrick Mphahlele.

The commanding officer of the Venda National Force, Brigadier T R Mulaudzi, said the dead policemen were Constable S R Muade, 24, of Nqulumbi in the Sibasa district, and Constable M A Netshitungulu, 27, of Masia in the Vuwani district.

The third man, Constable M A Phadzire, 20, of Ha Kutama in the Dzanani district, was critically wounded and treated at the Tshilidzini Hospital near Sibasa before being transferred to Pietersburg.

Members of the Venda National Force manned roadblocks throughout Venda yesterday and roadblocks were also being set up throughout the Northern Transvaal.

First

The attack is the first in Venda and Brigadier Mulaudzi said he believed at least four people were involved.

The policemen had just gone on duty when a heavily bandaged man entered the police station shortly before 11pm.

The policemen believed that he had been the victim of an assault and were about to help him when he pulled an AK-47 assault rifle from under his overall and opened fire.

He emptied his magazine, then another man burst in and also sprayed the office with bullets. They then threw at least two handgrenades into the office before rushing out into the street.

As fire raged through the building at least one other man kept firing at the office. Constables Muade and Netshitungulu were trapped inside, but Constable Phadzire jumped through a back window, and was immediately hit by several bullets.

The attackers fled under cover of darkness. Police found a RPG-7 rocket next to a tree outside.

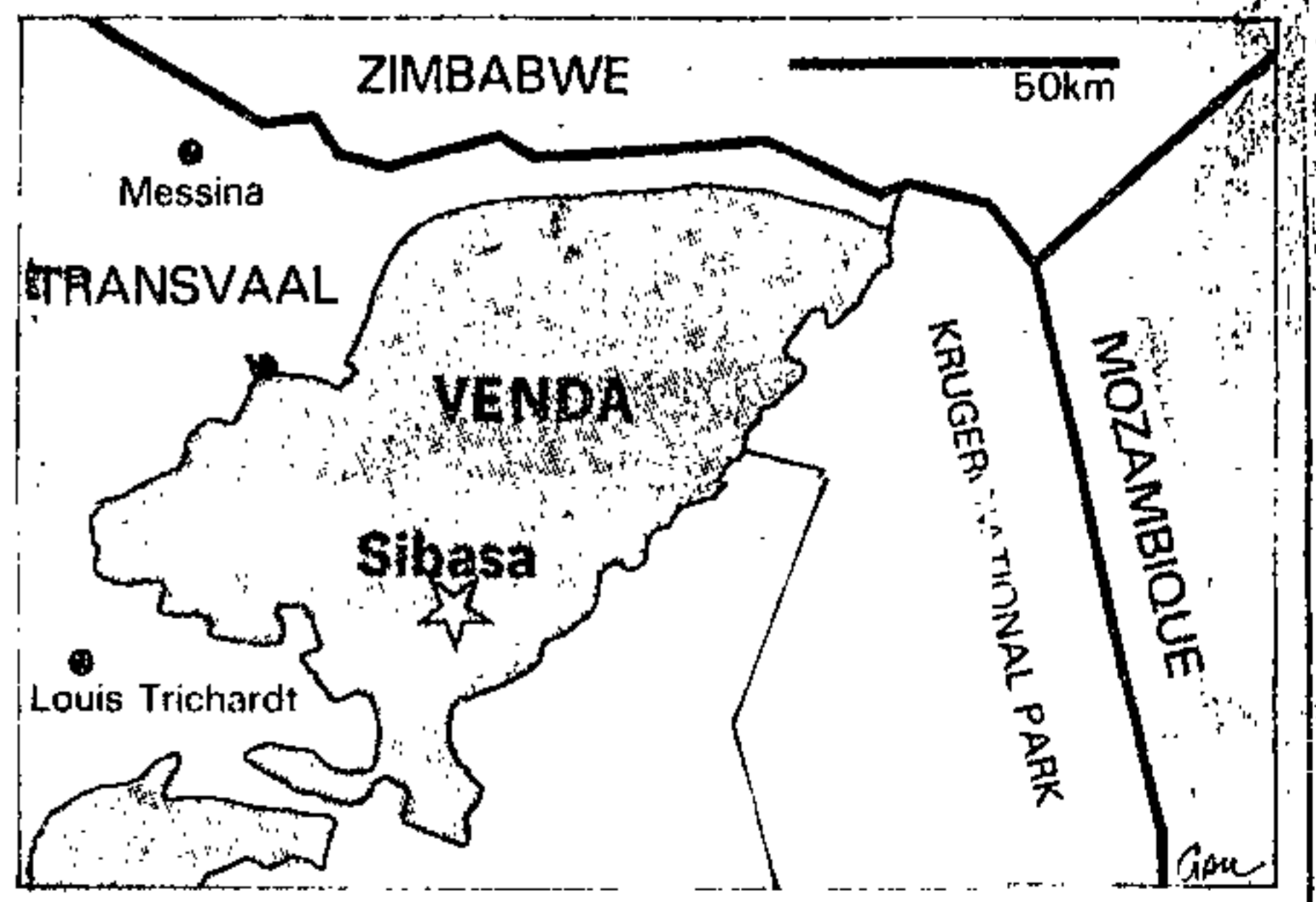


POLICE VICTIMS . . . the bodies of two Venda policemen burnt in the fire which gutted the Sibasa charge office after Monday night's AK-47, handgrenade and rocket attack in the Venda capital.



TAKEN BY SURPRISE . . . Lieutenant T P Molaya with two burnt-out rifles — grim evidence that the attack was a surprise.

Picture: RAYMOND PRESTON



Hours 0 Immigration posts ~~124~~ ~~124~~
 5/10/31 Q.C. 623 113

418. Mr. E. K. MOORCROFT asked the Minister of Internal Affairs:

- (1) How many (a) road and (b) rail exits are there from (i) Transkei, (ii) Bophuthatswana and (iii) Venda;
- (2) (a) how many such exits are controlled by immigration posts and (b) what is the annual cost of manning such posts?

The MINISTER OF INTERNAL AFFAIRS:

		(i)	(ii)	(iii)
(1)	(a)	55	40	64
	(b)	7	13	None
(2)	(a)	2	1	None
	(b)	R308 867.		

available to train as nurses), and to improve and equalise salary scales for nurses to make them economically competitive.

Are factors and nurses our only health professionals?

The definition of health professions is a controversial.

The Oxford English Dictionary defines a profession as a career or profession.

Definitions of a profession are those of a professional

body. The first article in the professional and technical, the

profession of nurses

Ethnic varsities for Venda, QwaQwa

By Craig Charney

New ethnic universities are planned for the Venda and QwaQwa homelands at a total cost of R34-million.

The universities will open as branches of the University of the North (Turfloop), eventually growing into fully fledged universities, according to Turfloop Rector Professor P Mokgokong.

Part-time lectures at the Venda branch are to begin today while the QwaQwa branch will open soon.

Part-time courses in the arts, social sciences and law will be taken by 103 Venda students this year. QwaQwa will open with 300 students.

By 1986, when the two branches will be fully established, each aims to have 1 000 students, according to Turfloop planning documents.

Permanent buildings for the Venda branch will rise in 1984 on a site near Beuster after it outgrows its accommodation at the Venda College of Education at Thohoyandou.

QwaQwa University will open at a technical training facility already built by Anglo American at Leraletsepe. It may inherit the existing theology school at Witsieshoek, as well as Government offices to be vacated in 1982.

Page 29: Educationists slam new ethnic universities.

training that have had.

Various influential people in this coun

that registered nurses should be training

and working. We have from experience

country, including from the Department

experiments, that nurses can be trained

extremely well. But if nurses are going

on a large scale throughout the country then we need about

another 10 000 practising nurses.

There are 62 centres for training general nurses in South Africa. Many of the places in these schools are not filled.

If we wish to train 10 000 nurses for primary health care

work, as well as the additional nurses we undoubtedly need

for hospital work, then the money must be provided to expand

these schools and to fill them with students. Money is

required not only for nurse training but also to improve

secondary education (to increase the number of matriculants

doctors, dentists and nurses and the traditional health

professionals. They have come to accept, however

reluctantly, that pharmacists, physiotherapists, occupational

and speech therapists and social workers are also professional

colleagues, but they say away from hospital assistants and

any further dilution of the concept of the "professional man".

The alternative definition of a professional in the Oxford

English Dictionary is much more all-embracing. By this

they have only half the number of patients per registered nurse.

In practice of course the average number of beds per registered

nurse is much greater than 10 because a great many nurses who

are working are not in hospital wards, both at the hospital

nursing team is carried by nurses in training and by enrolled

and assistant nurses. In the home care, there is a figure

of 6000 nursing assistants in the country but there is no

breakdown of how many are actually in each

training that have had.

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Rumour that two have died in detention

TENSION IN SIBASA

SOWETAN

20/11/81

113



TENSION was building in Sibasa and the Northern Transvaal town of Pietersburg yesterday after rumours that two more people had died in detention.

Police detain dean of Lutheran Church

But the Venda police could only confirm the death in detention of Mr Tshifhiwa Isaac Muofhe, a former member of the now banned Black People's Convention (BPC), who died two days after he and nine others were detained by security police.

Colonel J Nendavu, assistant chief of the Venda police told **The SOWETAN** yesterday that he did not know of any other person dying in police detention but, confirmed that two other political leaders were arrested by police yesterday morning.

The two other men rumoured to have died on Wednesday, are Mr Dickson Ralushia, the

former Northern Transvaal regional organiser of the banned BPC and correspondent of the banned **WEEKEND WORLD**, and Mr Shoni Tshivhase, a former Section Six detainee.

Panic mounted high in Sibasa and Pietersburg following rumours about these two alleged deaths. Memorial services were organised in Seshego and Soweto with the Azanian People's Organisation (Azapo) threatening to take legal action against the Venda Government yesterday.

Mr Muofhe, Mr Ralushia and Mr Tshivhase were detained with six others after a bomb and gun attack on the Sibasa

By WILLE BOKALA

police station which left two policemen dead and another injured early this month. They were all arrested on November 10.

Rumour is also rife in Sibasa and Pietersburg, that the six other people Mr Gabriel Malaka, Mr Humbulani Marema, Mr Cleopus Mulaudzi, Mr Ramaano Tshikororo, Mr Simon Newiswi and Mrs Mukhesi, were in hospital after alleged assaults.

And yesterday morning police detained the Very Rev T S Farisani, the Dean of the Lutheran Church in Sibasa who is also former president of the

BPC, and Mr Hosia Mutshakwa, of Sibasa.

Condemning the death in detention and continued detentions, Azapo said in Johannesburg that it had been their fear that the granting of "so-called" independence to "these reserves" would mean that people were doing the dirty work of the Government.

"This was proved by the endless detentions in the Transkei, and now lately Mphephu is swimming in the same boat. He is on his part so keen to emulate and outshine his masters that the pace of deaths in detention is done twice as fast as South Africa was doing, that in such a short time people have died.

"One shudders to think how fast Sebe in the Ciskei would do it too. Azapo pledges solidarity with the families of the dead and we also give them our unqualified support," Azapo said.

By ELLIOTT

TSHINGWALA

THREE SOWETAN

journalists and a

staffer were held for

four hours by the

Venda police and

later released after

questioning by Secu-

rity Police at the

homeland capital

Sibasa.

The four, Sam Mabe

and Elliot Tshingwala,

both reporters, a photo-

grapher, Len Kumalo,

and staffer Vusi Manyoni,

were detained at a

roadblock on Saturday

morning just outside

Sibasa.

The team was on its way

back to Johannesburg

after attending the

funeral of a well-known

Black Consciousness per-

sonality, Mr Tshifwisa

Muofhe, who died in

detention last week.

The SOWETAN team

was stopped at the

roadblock manned by

soldiers and police just

after 4 am. 23/11/81

The soldiers and

policemen were rude and

vigorous, and demanded

to know how The SOWE-

TAN team came into the

country without travel

documents, although they

had passed the same

roadblock and another

when they entered the

country without any diffi-

culties.

The police and soldiers

removed all the luggage

from the car and searched

the bags, sometimes

spilling clothes on the wet

surface as it was continu-

ally raining.

Armed with automatic

rifles they harassed the

team calling them

names and demanded to

know where the team hid

the "guns and bombs."

After a harrowing

experience with the police

and soldiers a Security

Police officer arrived at

the scene.

The four men were

bundled into two vans and

driven to Sibasa police

station and made to sit

inside until about 8 am

when they were driven to

a secluded building in the

bush.

After taking down

particulars, the security

official went to another

office and spoke to an

obviously senior white

security official. He (the

black) came back to them

and took down more

particulars but this time

with a softer attitude. In

the end he apologised for

his policemen's and

soldiers' rudeness and

told them they were free

to go. He even offered a

police car to escort them

past the roadblock.

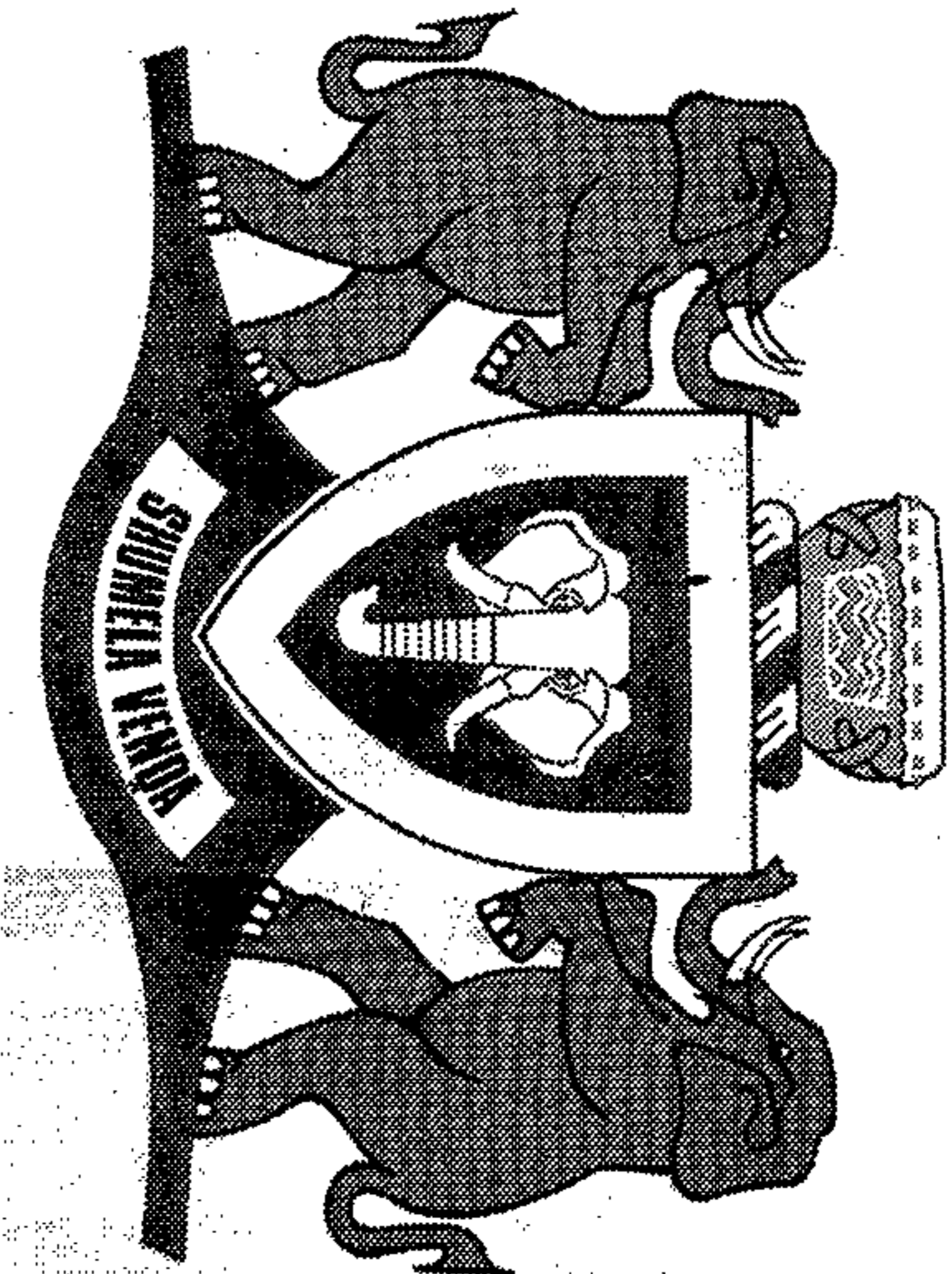
Two years ago 50 elephants roamed the valleys of Venda...

113
 MAM 26/2/81

AND NOW THERE ARE NONE

Venda, in the North-Eastern Transvaal, is an area steeped in history, natural beauty and tradition, but the once abundant stocks of game have been killed off in their thousands. Now the local conservation department wants a 15 000ha section of eastern Venda declared a national wildlife reserve. CHRIS MARAIS reports.

The Venda coat of arms... an ironic symbol in the wake of the rape of the area's wildlife.



VENDA was once the land of the elephant. Rangers talk of the days when you saw herds of grey nobility drifting soft as old ghosts past you in the dense bush of the eastern borders, silent in the morning light. They came from their traditional breeding grounds in the northernmost reaches of the Kruger National Park where the mammoth tusker Malungame still lives, scornfully trampling down the powerful border fences cutting

through the Levubu River. They wandered into Venda in search of the murula fruits, and with them came the herds of buffalo and larger species of antelope. Three Venda conservation officials recently took the "Mali" and a party of VTRs deep into the bush in the east, where there are no roads and the rivers are swollen with the annual rains. It is a country with memories of pre-history, with lush red soil, valleys, myths and

mountains where few folk, even the hardy Venda villagers, have ever been. But there is no game. In the days we spent crisscrossing the northern sector along the border, we saw nothing, not even the odd impala. It was like a set stage with no actors, a gold-plate dinner for thousands with no diners. Venda's eastern region has been raped. Whoever they might be, local Vendas or South African hunting parties,

they have done a magnificent job of cleaning out the area. The rangers tell of hunting safaris and poachers decimating the area. Then, when the big game grew more scarce and more wary of humans, they used helicopters, the ultimate insult, to track them down. In recent years, a large sector of the eastern border has been laid out for mineral development, part of the controversial Kruger Park coalfields. Another intrusion into

what might have been the only remaining monument to pre-colonial Africa. But Venda is not a booming area, so they need the income from the coalfields. No one denies this, not even the conservation-conscious rangers who are dedicating a large chunk of their lives to the country's natural heritage. Steve Mitchell, in his mid-twenties, likes his social life and the company of members of the opposite sex. In Shasa, where he lives, there are few

unattached women and the social life revolves around a local pub.

And yet, when you ask him how he stands it out there, he replies:

"I'll stay on in Venda just to see that eastern area declared a natural reserve — that's my only immediate goal here."

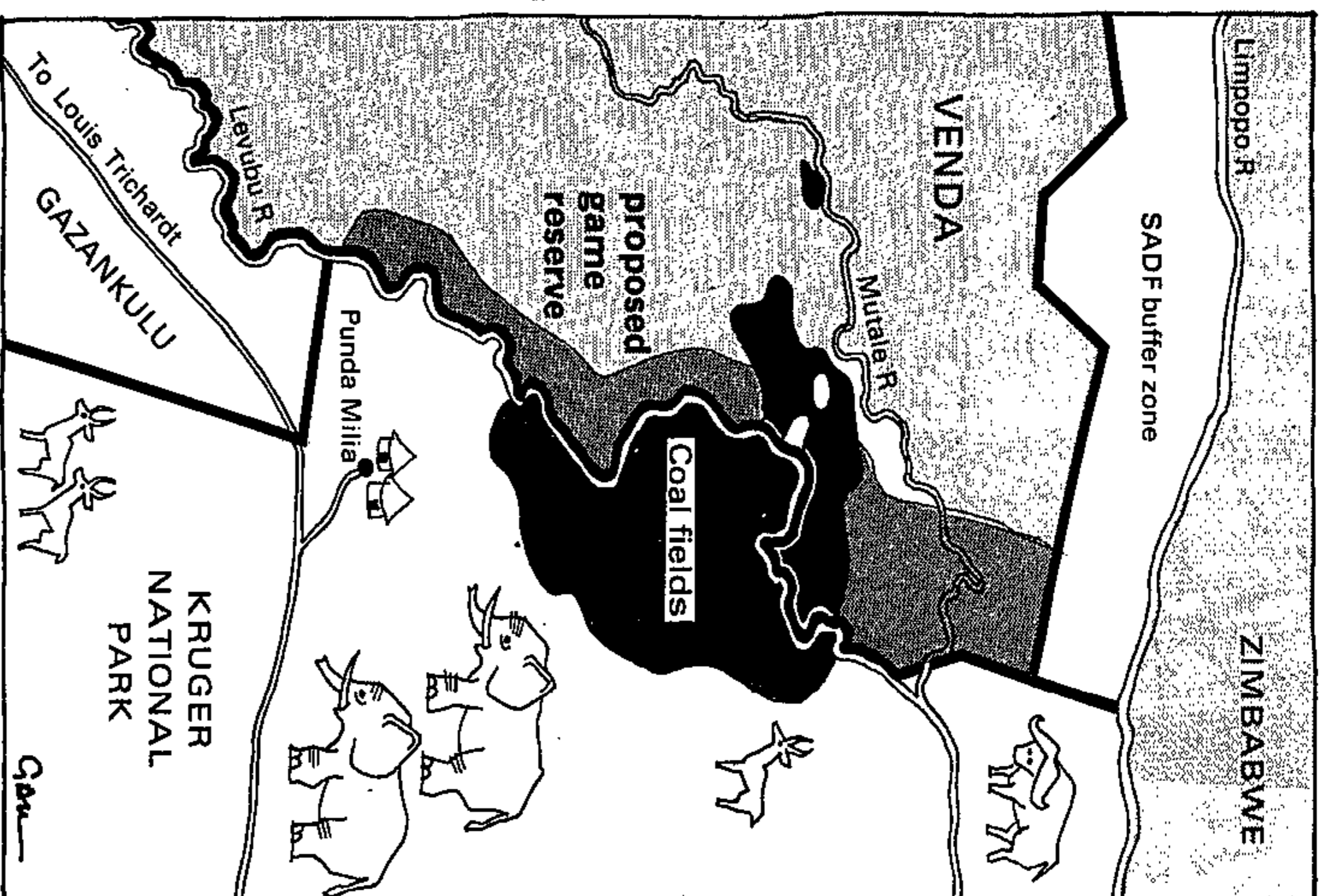
Steve and his colleague Bok van der Walt are the only two while conservation officials in Venda. Bok used to be a big game hunter in years gone by, and has now completed the full circle and is dedicated to preserving the game once more.

"Two years ago, there were at least 50 elephant in Venda. And now, there are none," said Bok.

What could be of immense tourist value for the area is now a lovely expanse of greenery — and hardly anything else.

Both Bok and Steve and their boss, Nelson Makhari, want the eastern border proclaimed as a reserve. They have plans to build rest camps, with wilderness hiking trails, game viewing and fishing facilities at various spots.

The rangers feel there will not be much of a need to



import animals into that be fenced off from the proposed reserve.

"As soon as the buffalo and elephant realise that they will not be hunted as soon as they cross the Levubu River, they will come in their hundreds," said Bok.

But Mr. H. Loots of the Venda Development Corporation has other ideas. In an interview in his offices at the Venda capital, ironically called Thohoyandou, the Head of the Elephant, he said: "We have the Kruger Park. Why do we need another reserve? We must be more profit orientated. The Venda Department of Agriculture has already submitted a report on possible development in that area..."

The establishment of a reserve in that area will also serve as a buffer zone for the Kruger Park, allowing completely free movement between Venda and the traditional elephant breeding grounds in the north. The rangers want strict controls to be introduced around the area where the coal mining will take place. They are pushing for the mining and residential areas to



Venda conservation officers Simon Makhari, Bok van der Walt and Steve Mitchell on a hilltop overlooking the area they hope will be proclaimed a wildlife reserve. Picture: CHRIS MARAIS.

The framework of South Africa's higher education policy for blacks is set out in the Extension of Universities Education Act of 1959 which specifies that almost all black students must go to universities of their own tribal group.

Educationists plan new ethnic universities

and inferior. Their defenders insist they fulfil an important need.

"We have about the right number of universities already," said Professor G R Bozale, former vice-chancellor of Wits University.

"The only way to use them is to spread the facilities equally."

Dr Alex Boraine, Mr. education spokesman of the Progressive Federal Party adds: "In light of our population of 25 million and

Plans for new black universities in Venda and Qwaqwa have drawn a chilly response from educationists, CRAIG CHARNEY reports. They asked: Do we really need more segregated "bush colleges?"

the urgent needs of existing universities, it is only in the Alice-in-Wonderland world of South Africa that new universities could be contemplated.

Capital expenditure for the new universities will be about R250 million and Dr Boraine says that two technicians can

University of the North can accommodate 5000. (Turloopp's present student body is about 3000).

Dr Boraine says, "It is tragic that capital will be dissipated to provide status symbols for small, artificially created countries."

be built for the price of one university.

"These ethnic universities are part of a separate and unequal education system," charges the National Education Union of South Africa.

Professor Boraine agrees. "These plans won't have anything like the facilities of the established universities."

At the recently established University of Po-Phuthatane, planned for the

in coming off the drawing boards.

"To establish a university in the middle of nowhere with no cultural contact for students or staff is the height of folly," said Professor Bozale.

Planning documents prepared by the University of the North indicate that difficulties are anticipated in finding qualified teaching staff.

E Nesenani, insists there will be no problems in staffing the new faculty in his homeland.

"A university can be established anywhere as long as there are people who want education," he said. "The goal is to make the facilities available to everybody."

The case for the new university is based on the increase in the number of matriculants in Venda which has risen from around 100 in 1975 to around 1000 in 1980.

effective signals will be generated from the market demand

The basic role of the board will therefore be to correct the distortions that arise from the demand side of the market: effective signals will be generated from the market demand

reserved for the medical profession.

view of the economist is not ignored in considering proposals regarding the pharmaceutical industry, a domain traditionally reserved for the medical profession.

the workings of the drug industry to emerge. Independent research by economists into the same topic should be encouraged in order to enable a more conclusive picture of

relatively unconstrained market involves major costs and that the alternative proposed could be less costly.

It has also been concluded that the marketing board will not be without its costs. The question which needs answering is whether the costs of the board are outweighed by its benefits. This question merits further empirical research for it is not possible to assess on theoretical grounds which system is best.

is to devise a system that will allocate resources effectively.

cannot be removed costlessly. The fact that an institution is imposed on the market implies costs beyond those experienced in an ideal market.

The existence of an institution such as the control board proposed leads also to the costs for society that result from rent-seeking. (7) The regulations acquired by the industry may be operated primarily for its benefit. The incentive for graft and corruption may generate significant costs. (8) However, these costs may be reduced by ensuring that the controls are exercised in full view of the rest of the industry and the medical profession. For the controls do not include quantitative restrictions such as licensing, which encourage rent-seeking behaviour. They are based on price/quality, more open to assessment by parties not represented on the central board. (9) These factors should enable the costs of the board to be kept within its benefits.

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is to devise a system that will allocate resources effectively.

RDM 11/5/81

He is ~~227~~ Venda's ~~113~~ man in US

By RICHARD WALKER

NEW YORK. — A former member of the Reagan transition team, who has in the past represented both the Transkei and the Democratic Turnhalle Alliance, is now Venda's man in the United States.

He is Mr Jay Parker, a 44-year-old black Philadelphian who led the transition team at the equal opportunity employment commission.

Mr Parker is also the president of the Lincoln Institute, a "think tank" funded by conservative interests and concerned with the black middle class.

Mr Parker said that his task is "to try to establish a presence" for Venda in Washington.

According to records lodged with the US Justice Department's foreign agent unit, Venda is paying Mr Parker R2 300 a month. Five years ago, Transkei was paying him R9 000 a month, plus R60 000 in annual working expenses.

INTRODUCTION:

In developing countries, patients with psychiatric illnesses frequently present with somatic complaints; consequently they may be hidden amongst the patients attending general medical out-patients where they may be over-investigated, misdiagnosed and mismanaged (Giel & Harding 1976)(1).

This is obviously expensive in terms of human and material resources and in order to reduce these costs in our own practice, twice weekly psychiatric clinics were introduced into Mpilo Hospital. Originally the clinics were intended to bridge the gap between Ingutsheni Hospital and the provincial follow-up service which was introduced in 1973 (Buchan and Hudson 1975)(2), but their functions have broadened to include a diagnostic service for the general hospital itself and a considerable out-patient treatment.

Figures for the number of cases seen at the c out in Table I.

However, it was by no means certain whether:-
 a) in the brief time available a diagnosis of sufficient accuracy to be useful.

b) patients could be adequately managed in an out-patient setting without prior admission to hospital for stabilization on treatment.

In order to clarify these issues it was decided to undertake a prospective study of a small sample of newly referred patients.

Patients and Methods:

During the period 29th November 1977 to 2nd February 1978, 21 clinics were held at which 104 newly referred patients were seen. For the purposes of the study "newly referred" was defined as meaning patients who had had neither in-patient nor out-patient treatment previously - as far as could be ascertained.

TABLE I

Number of Cases seen at the Psychiatric Out-patient Clinic at Mpilo Hospital.

YEAR	1974	1975	1976	1977
Total Cases Seen	1548	1428	1664	1399
New Cases*	688	672	857	556
Old Cases	860	756	797	843

Cases admitted to

Mr Kruger argues that return on investment - the ratio of after-tax profits to the assets employed - is a basic guide to running a successful business. But small businessmen tend to look only at profits, neglecting the return on their investments. "If a business is in difficulty, it is in most cases due to bad management, not bad luck. Persistent bad management has eroded many a businesses, leaving them vulnerable to continual setbacks," says Mr Kruger.

And Mr Kruger, writing in Black Business News, an official journal of the advisory bureau for black businessmen at the University of the North, pinpoints the three weaknesses:

- Growth of sales - businessmen start additional activities or introduce new lines of goods because they believe their overhead costs will not be affected.
- Inadequate product-cost analysis blinds businessmen to the losses which can be caused by adding new lines. Instead of adding new lines, Mr Kruger says, it might be better to drop certain slow-moving lines.
- Lack of concern with cash flow and the efficiency of capital employed can be fatal. Small businesses tend to seek new funds instead of making better use of their existing capital.

By HARRY MASHABELA

THREE main areas of weakness - all of them centred on management - are crippling small black businesses, says Mr W J Kruger, economic adviser to the Venda Government.

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Word of advice for black business

By HARRY MASHABELA

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S. Umis

Enriching Venda

By Vera Beljakova

ACHAAR, the chutney made from mangoes, spices and chillies, is making Venda rich.

The achaar factory of Venda Foods — a division of the Venda Development Corporation — has had a record season during which it produced 2 430 tons worth R750 000.

The total production will be consumed by the catering trade in South Africa and neighbouring states.

The factory, the largest of its kind in South Africa, has increased production five-fold within two years — from 490 tons in the 1978-79 season.

Locals flood Venda's new casino

By WILMAR UTTING

TEENAGERS in the unsophisticated rural community of Venda, where many live on mealie meal and mopani worms, are flocking to a new casino to pour cash into the pockets of a South African businessman.

The Elephant's Head casino is Venda's first taste of sophistication. It opened a few weeks

ago amid a clutter of building material to be used for a soft porn cinema, a nightclub and a dog-racing track.

There are big smiles all round in the vigorously growing pleasure complex at Sibasa, 60km from Louis Trichardt on the way to the Kruger Park.

The two-roomed casino behind iron grilles will hardly be a challenge to its rich relation,

Sun City in BophuthaTswana, but its effects on the community must be the same.

When the Sunday Times visited the complex this week there were only two other white guests in the Thohoyandou Hotel, owned by the Venda Development Corporation. The casino, although attached to the hotel, is owned by boxing promoter and businessman Mr

Jaap de Villiers. He has been given sole rights by the government to operate the casino and dog-racing track.

The hotel lounge is less well patronised than the "ladies bar" which is the favourite meeting place for black men who get together for a beer, and for students who come to play chess. There are obvious efforts to keep out the riff-raff.

The price of drinks in the lounge partly ensures this. A gin and tonic costs R1,30.

A notice on the wall bans takkies and jeans and allows admittance only to those wearing a jacket and tie or a "long safari suit".

One barefoot visitor, his shoulders covered with skins and bobbles, was barred from his first visit to the casino. He solved the problem by borrowing a tie and draping it around his shoulders with the knot dangling low on his chest. The question of shoes he solved by borrowing one and holding out one shod foot for permission to enter.

'Bandits'

The casino opens at 6pm during the week and at midday at weekends. By 8pm the small front room packed with one-armed bandits is taken over by scores of young blacks. They stay until closing time after 1am.

113

5- 10/10/81

Top
RDM 2/9/87
Venda
(113)
official
told to
quit

By CHRIS FREIMOND

THE managing director of the Venda Development Corporation (VDC), Mr Hennie Loots, was ordered last week by the Venda Government to quit the country immediately.

He left last Friday and is understood to be in Pretoria where he has a house.

The chairman of the VDC, Mr S L Hartman, confirmed last night that the Venda Ministry of Internal Affairs had withdrawn Mr Loots' work permit and ordered him out "on very short notice".

Mr Hartman said he did not know why Mr Loots was told to leave and was naturally "very perturbed".

He was not aware of Mr Loots having been formally dismissed by the Venda Government, but it was natural to assume that such a step had or would be taken under the circumstances.

Within rights

It was obvious that the Venda Government had acted well within its rights, he said.

Mr Loots was appointed managing director of the VDC earlier this year. Before that he was the corporation's general manager. He had been with the VDC since early last year.

He was previously employed by the Bophuthatswana Development Corporation in Mmibatho and also worked for the Corporation for Economic Development for a number of years.

A close acquaintance of Mr Loots described him last night as a "forceful" person who often bordered on the verge of losing his temper.

Neither Mr Loots nor a spokesman for the Venda authorities could be contacted last night for comment.

13
27/7/81
EAM

Venda inquiry backs up private land ownership

PRIVATE ownership and tenure of land will be recognised in Venda, if the recommendations of the Commission of Inquiry into Land Tenure and Ownership are accepted by the Venda government, the President of Venda, Paramount Chief P R Mphephu said last night.

The recommendations are contained in the first interim report, handed to President Mphephu by the chairman of the commission, Mr Justice G P van Rhyen, Chief Justice of Venda.

The Van Rhyen commission, in its report, recommends that private ownership be initially allowed on a limited basis which may gradually, and by way of evolution, be extended.

Traditional or communal tenure of land should remain and the sale or lease of land should only be negotiated in consultation with the chiefs, headmen and tribal authorities.

Possession of land should be restricted to Venda citizens, but to encourage investment and to draw capital from outside Venda, companies registered in Venda should be considered

Mall Reporter

Venda citizens.

The commission found on the evidence submitted that the majority of chiefs and headmen had no objection to the letting and hiring of land.

The evidence was irrefutable that the lack of private ownership and tenure of land in Venda constitutes a serious impediment to the economy and to economic growth in the country.

In any event the present system of communal tenure of land could not provide sufficient land for each Venda family.

The commission made it clear that the report was purely interim and subject to the hearing of further evidence.

Venda refuses to discuss expulsion

RDM 3/9/81
113.
By CHRIS FREIMOND

SENIOR officials of the Venda government have refused to discuss the expulsion from the country of the managing director of the Venda Development Corporation (VDC), Mr Hennie Loots.

Mr Loots was given 24 hours to quit the country last Friday. He is understood to have returned to Pretoria where he has a house. He could not be contacted yesterday.

The Venda director of information, Mr S M Moeti, said he had no information on the expulsion.

The general manager of the VDC, Mr Wilson Muvhulawa, said the government had informed him this week that Mr Loots' work permit had been withdrawn due to "certain circumstances."

He was given no other details, but was satisfied that there had been good reasons for the action, he said.

He saw Mr Loots for the last time on Friday afternoon and there had been no indication that he was about to be expelled. Shortly afterwards his permit had been withdrawn and he left Venda almost immediately. They had not been in contact since then, Mr Muvhulawa said.

Venda's CT 3/9/81 president in City 113

Staff Reporter

VENDA'S president, Chief Patrick Mphephu, was greeted with a 21-gun national salute and a fly-past of SAAF Impala jets when he arrived at D F Malan Airport yesterday in the South African presidential aircraft, Casteel, on his first state visit to this country.

The State President, Mr Marais Viljoen, the Minister of Foreign Affairs, Mr Pik Botha, and other dignitaries were at the airport to meet President Mphephu, his wife and their entourage, who will spend two days in the City.

President Mphephu was the lunch guest of the Prime Minister, Mr P W Botha, yesterday and last night he and his wife were guests of honour at a banquet given by the State President and Mrs Viljoen at the Tuynhuys.

Venda's head of state will reciprocate with a banquet at the Mount Nelson Hotel tonight.

Chief Mphephu's party will visit the South African naval base at Simon's Town today and will be taken to sea in the frigate SAS President Pretorius for a demonstration similar to that given during the recent state visit of President Kaiser Matanzima of Transkei.

President Mphephu will return to Venda by air tomorrow morning.



Accompanied by the State President, Mr Marais Viljoen, right, the President of Venda, Chief Patrick Mphephu, inspects the State President's Guard on his arrival at D F Malan Airport yesterday. Behind the two presidents are Lieutenant-General I Lemmer, Chief of Staff Logistics of the SA Defence Force, left, and Brigadier Paul Lombard, Officer Commanding Southern Air Command.

Auditors reject accounts of Venda Corp

S. Times
27/9/81 (113)

AUDITORS have refused to approve the annual accounts of the Venda Development Corporation's Savings Bank.

By MARTIN WEIZ and WILMAR LITTING

In their official report on the VDC accounts, they also note the corporation's failure to follow normal tender procedures.

The report said: "Because of the inadequacies of internal controls we are not prepared to express an opinion on the accounts of the Savings Bank."

The following points are also noted in the report:

○ The award of a R53 000 contract for tiling the VDC's brewery without calling for tenders. Original estimates for the contract are believed to have been less than 10 percent of the final amount paid.

○ The granting of an R8 000 contract for glass for extensions to the Thohoyandou Hotel complex, to a company that had not tendered for the project, despite the fact that another company had tendered for a substantially lower price.

○ A contract for a telephone exchange at the Thohoyandou

Hotel casino in Sibasa.

The auditors said they eventually accepted an official explanation on the tiling contract, the telephone exchange contract and the wages. But, they note, VDC's failure to follow normal tendering procedures was unsatisfactory.

On the glass contract, the auditors gave the corporation until October 1 to furnish a satisfactory explanation of why a contract was awarded to Plate Glass, which had not tendered, while turning down President Glass which had tendered at a substantially lower price.

The auditors, Venter, Viljoen and Malan, and the director of President Glass, Mr Gert Oosthuizen, have refused to discuss the issue.

The Savings Bank was set up to tempt the small investor to put his capital in the development of the homeland. It has investments totalling about R300 000 and is run as part of the corporation, not a separate company.

The general manager, Mr Ignatius Nditwane, was not available for comment.

The acting managing director of VDC, Mr Wilson Muvhulawa, said there was "actually nothing wrong".

He confirmed the auditors had raised several queries in the past month, but they were "normal audit queries".

Regarding the Savings Bank, he said the auditors had been dissatisfied because certain information was not available. This had been due to the misfiling of documents.

These documents had since been found and the auditors, he said, had been satisfied there were no irregularities.

The board met to discuss the auditors' report, and once everything was explained everyone was satisfied.

Mr Muvhulawa, VDC's first black PRD and general manager, was unexpectedly promoted to acting managing director, when the former MD, Mr Loots, was expelled.

SA taxpayers foot the bills

THE Government of the Republic of Venda — two years old this month — will spend 59 percent more this year than last year.

Total estimated expenditure will soar from R70 3-million to R106 5-million, nearly 80 percent of it covered by handouts and loans from the South African Government.

In line with the times, the salary of the Venda President, Paramount Chief Patrick Mphahlele, has been upped from R27 100 to a whopping R42 350 or R3 529 a month, plus all the normal perks that go with the job.

Venda will spend a further R42 200 — up from R28 500 last year — on running Chief Mphahlele's personal household, including his R500 000 residence.

He is believed to have more than a dozen wives.

Of the R106 5-million Venda will spend this year, only R25,7-million will come from its own revenue sources.

Venda tender: Firm ^{Sunday Times} 4/10/81 replies ⁽¹¹³⁾ to query

By WILMAR UTTING

A GLASS company reacted this week to an auditor's query why the company had been granted a contract for which it had not submitted a tender.

This reaction followed a Sunday Times investigation, the result of which was exposed in the newspaper last week.

The query was contained in the auditor's report on the accounts of the Venda Development Corporation, which was submitted to the corporation last month.

In the report the auditors asked for an explanation why VDC granted a contract worth R8 000 to Plate Glass which, the report said, had not tendered.

The company's marketing manager, Mr Don Lane, said his company had been asked on November 18, last year, to submit a tender for louvres and other glass for the Thohoyandou Hotel in Sibasa.

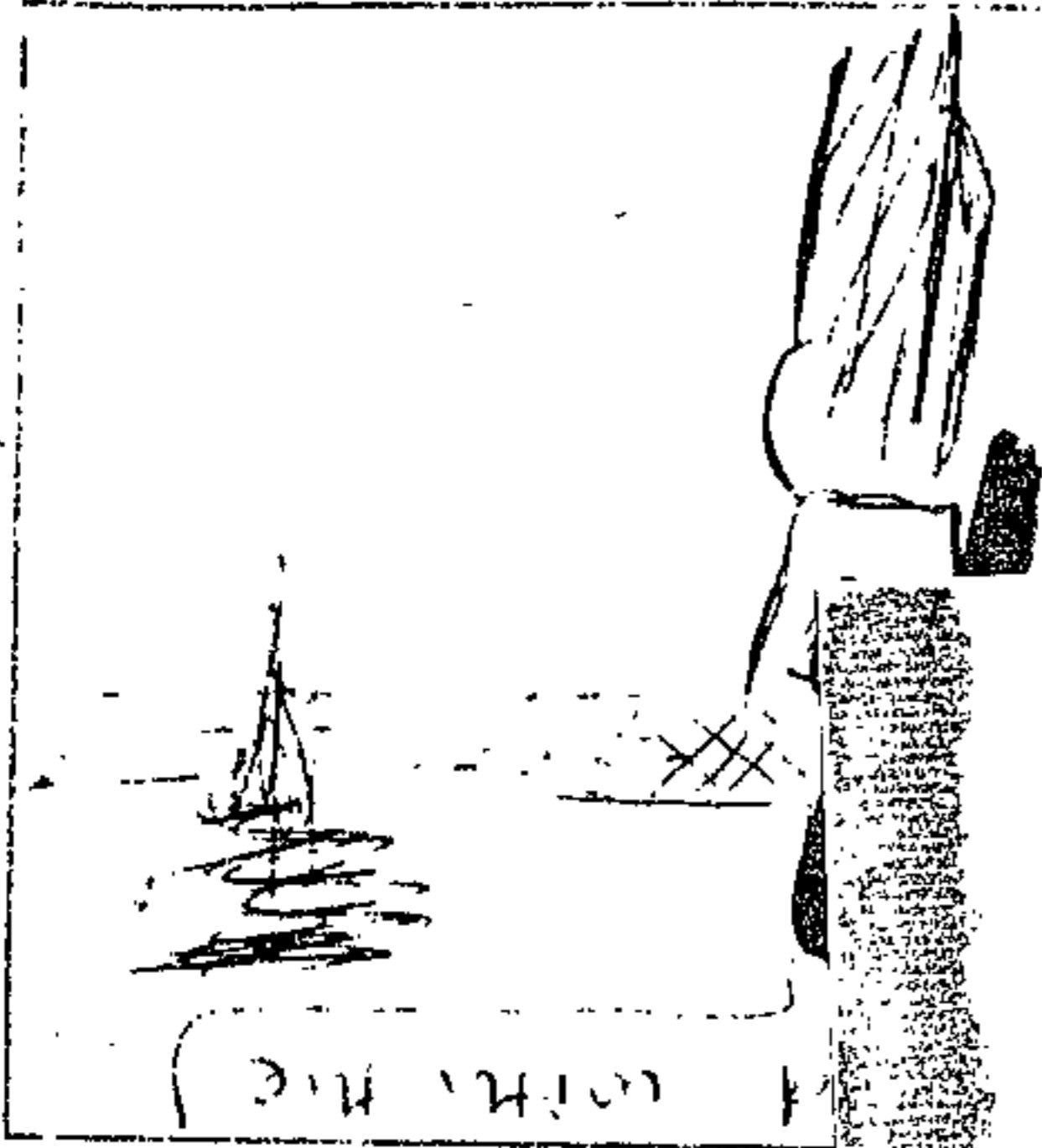
He said company representatives from Louis Trichardt handed their tender to VDC a few minutes before the closing time of noon on November 21, last year.

The tender was for R4 559,88.

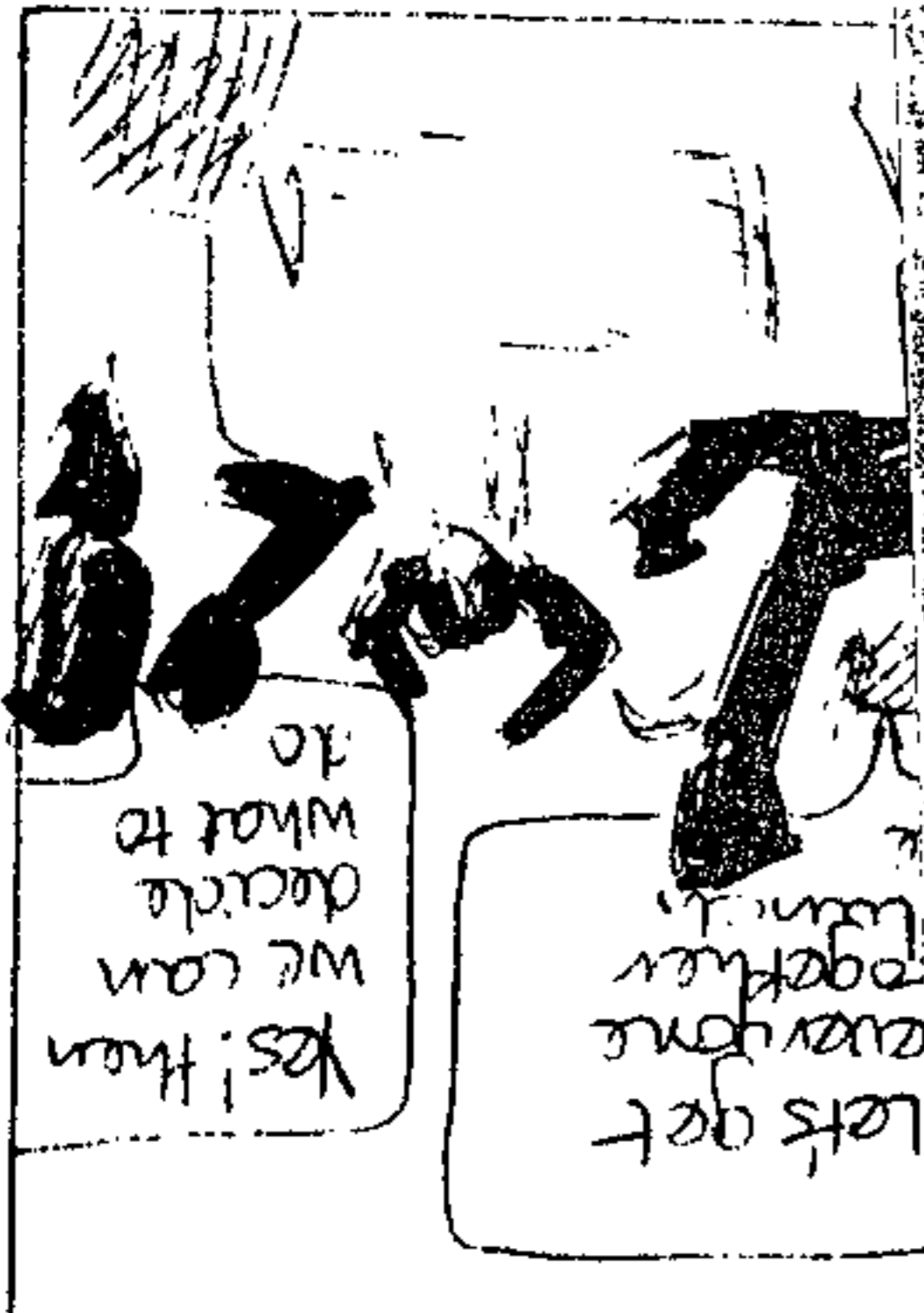
VDC then asked if they would also consider additional work. The final contract was for R8 369,67, less discount.

"We came away with an order form from VDC, and the job was completed," Mr Lane said.

"The tender held by the VDC was unfortunately lost, but we obtained affidavits from our representatives this week that the tender was submitted."

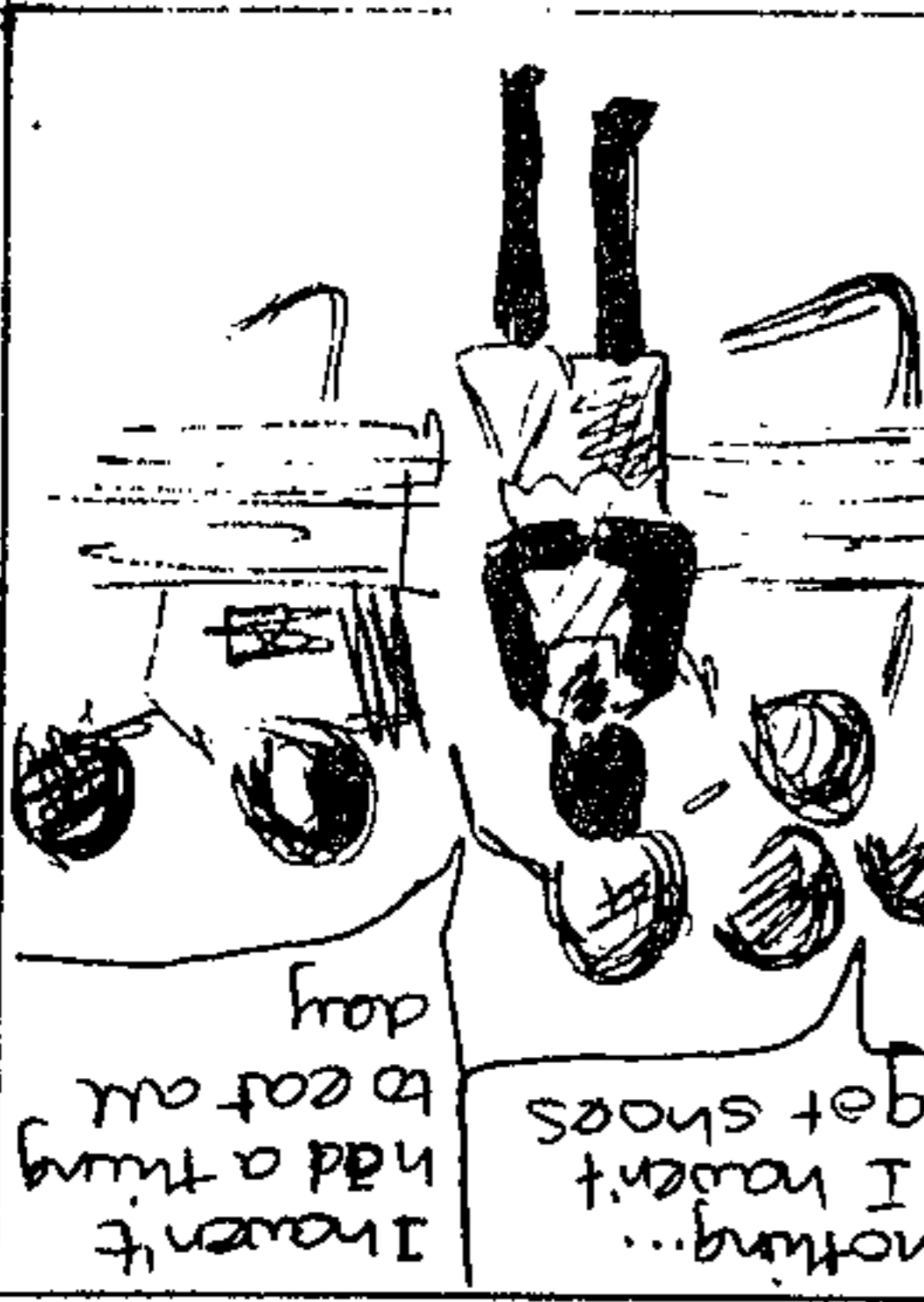


with the



Yes! Then we can decide what to do

Let's get everyone together



I haven't had a thing to eat all day

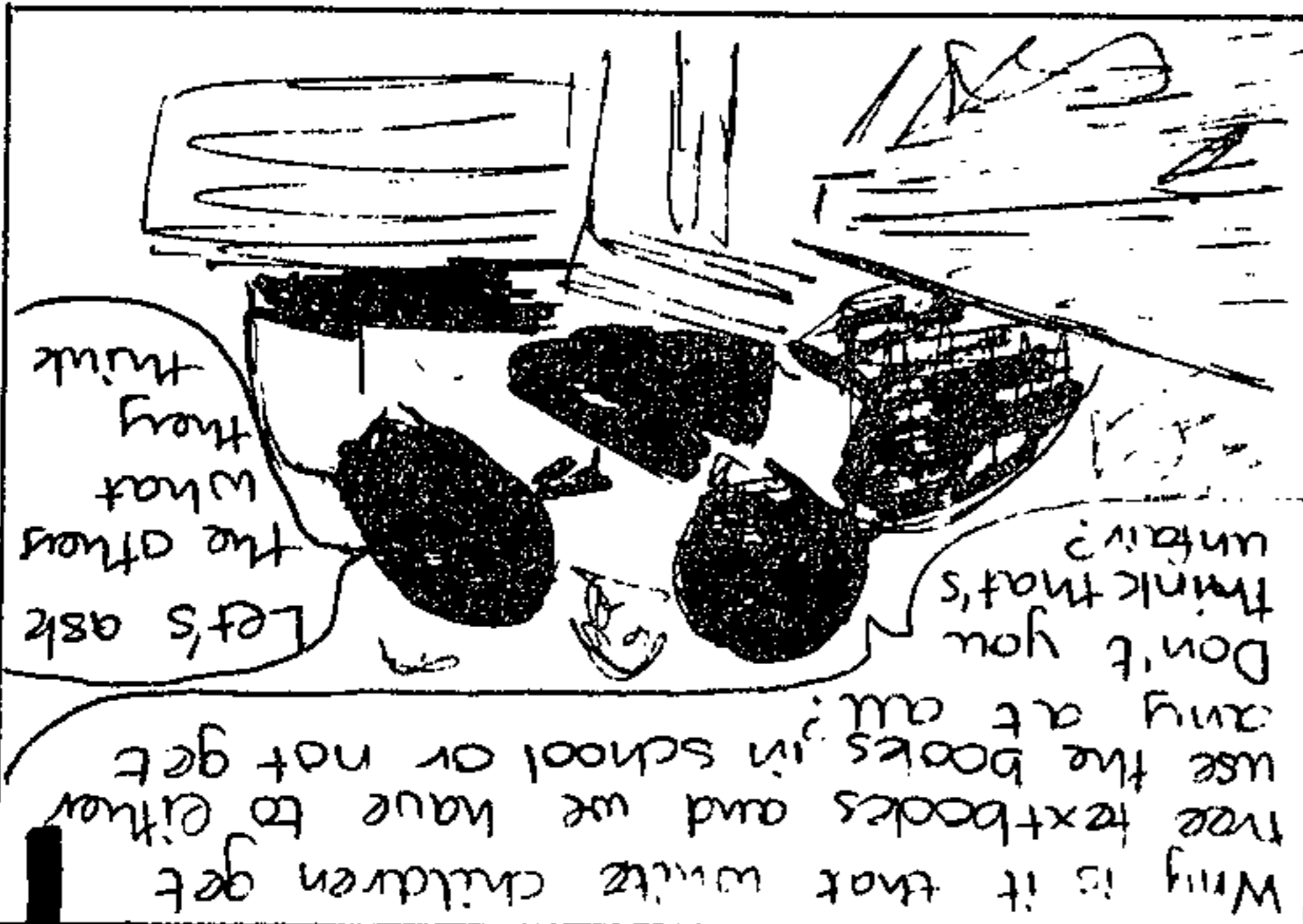
That's nothing... Look I haven't even got shoes

At school! And it's so cold in there

And the broken windows... and ceilings!

Quite right! And what about the children in our classes

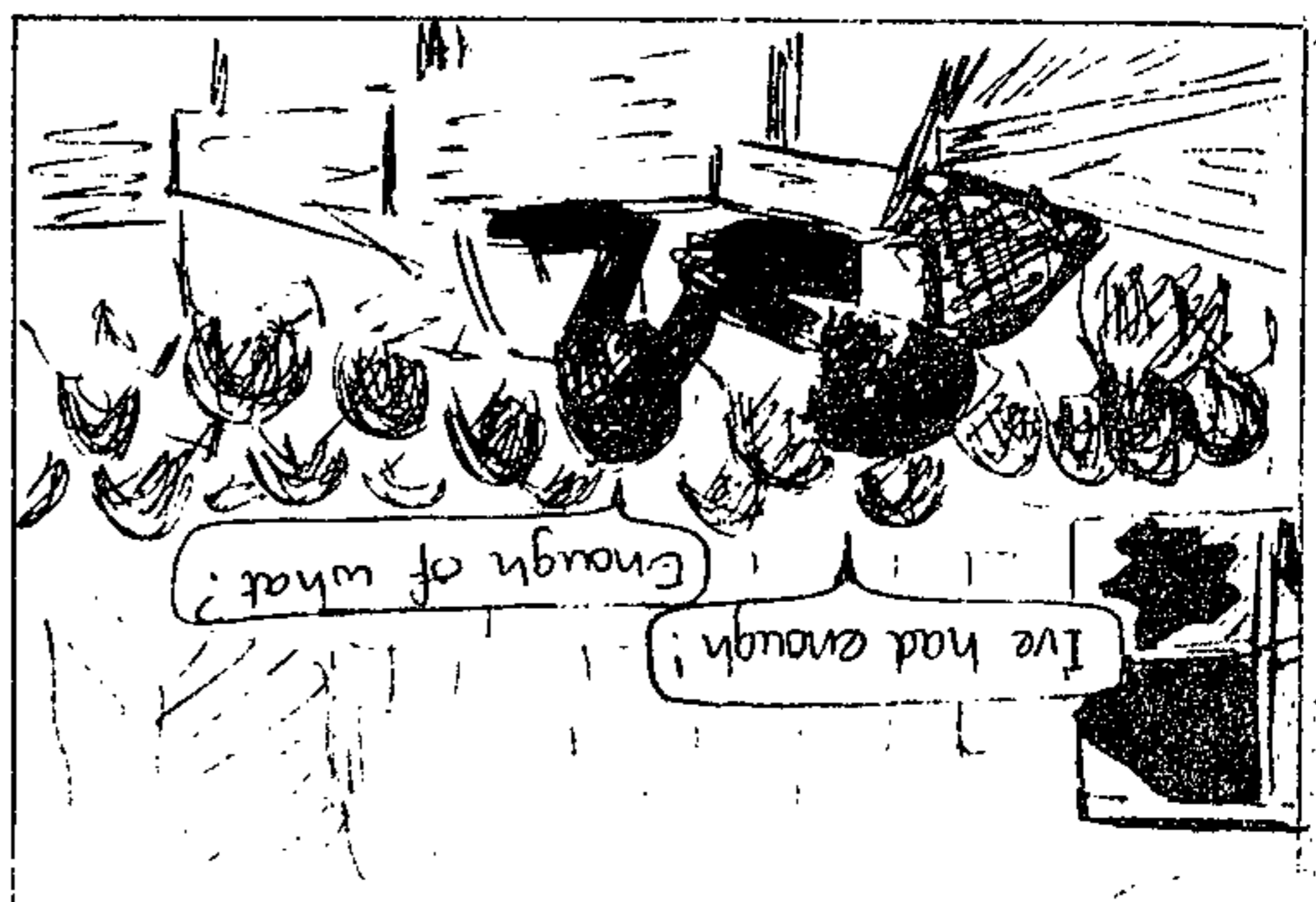
What about the amount of money the government spends on the state schools compared to ours



Let's ask the others what they think

Why is it that white children get use textbooks and we have to either use the books in school or not get any at all?

Don't you think that's unfair?



I've had enough!

Enough of what?

mentioned cases, only a part of the amount has as yet been transferred. Applications for assistance with such development projects are considered strictly on merit and according to fixed criteria and are made available within the limits of available funds.

- (3) (a) Yes. At this stage the following three loans, which have been approved, are envisaged:
 - Sibasa-Wyliespoort Road: R5 500 000.
 - Nzhelele Regional Water Scheme: R6 600 000.
 - Vondo Regional Water Scheme: R8 100 000.
 Agreements in respect of these three loans have not yet been concluded.
- (b) Yes. At this stage the following three grants, which have been approved, are envisaged:
 - Nzhelele Water Supply Scheme: R203 000.
 - Sewerage Purification Plant: R2 200 000.
 - Foot and mouth disease: R357 000.
 Agreements in respect of these three grants have not yet been concluded.

Further applications for assistance with development projects are currently under consideration, but no final decisions have been taken in respect of them. The note under answer (2) above regarding project aid as financed from the Loan Fund is also applicable to these envisaged loans and grants.



AT THE MEETING



But... more Miss Smith



What about the amount of money the government spends on the state schools compared to ours

Member's questions

R172m from SA for Venda

CT 7/10/81 (113)
HOUSE OF ASSEMBLY. — The Republic of Venda has received payments totalling R172,2-million from the South African Government since becoming independent two years ago.

Similarly, R585-million has been paid to the Government of Bophuthatswana since its independence in December 1977.

These figures were disclosed by the Minister of Co-operation and Development, Dr Piet Koornhof, in written replies to questions by Mr Nic Olivier (PFP, Nominated).

The figures include annual budget assistance, the territories' shares in the customs union pool and specific project payments resulting from agreements and grants.

Of the money paid to Venda R25-million was regarded as being its own earnings while R434,7-million of the total transferred to the Bophuthatswana Government was regarded as earnings from its own sources.

Venda received R119-million in direct budget assistance for its three post independence budgets, while Bophuthatswana received a total of R110,5-million in direct budget assistance since independence. — Sapa

170 24/10/81
Venda President
arrives in Umtata

UMTATA — The Venda President, Paramount Chief Patrick Mphephu, arrived here yesterday to attend Transkei's fifth independence anniversary celebrations at the weekend.

Chief Mphephu and his entourage were driven from the K. D. Matanzima Airport in President Kaiser Matanzima's official car and taken to the Presiden-

tial Palace.

A spokesman at the palace said the Presidents of South Africa and Bophuthatswana were expected to arrive today.

According to the celebration programme, the heads of state will be taken on a tour of Transkei's Wild Coast resorts today, and will later be entertained at a banquet at the Presidential Palace.