



EXTRAORDINARY

BUITENGEWONE

THE REPUBLIC OF SOUTH AFRICA

# Government Gazette

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## Staatskoerant

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[No. 1754.

### DEPARTMENT OF THE PRIME MINISTER.

No. 804.]

[1st June, 1967.

It is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

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### DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 804.]

[1 Junie 1967.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

BLADSY

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## ACT

To amend the Attorneys, Notaries and Conveyancers Admission Act, 1934, so as to amend the definition of "secretary"; to amend the provisions relating to the employment of clerks under articles, the admission and enrolment of practitioners, the conducting of practical examinations, and applications to a court under the said Act; and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 22nd May, 1967.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 23 of 1934, as amended by section 1 of Act 63 of 1964 and section 1 of Act 26 of 1965.

Substitution of section 13 of Act 23 of 1934, as amended by section 6 of Act 18 of 1956, section 9 of Act 63 of 1964 and section 4 of Act 26 of 1965.

Substitution of section 14 of Act 23 of 1934.

1. Section 2 of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "provincial division" of the following definition:

"secretary" in relation to a law society, includes an assistant secretary of that law society.".

2. The following section is hereby substituted for section 13 of the principal Act:

"Information to be placed before law society by persons intending to become articled.

13. Every person intending to serve an attorney under articles shall produce to the secretary of the law society concerned—

(a) his birth certificate or other proof to the satisfaction of the law society of his date of birth; and

(b) proof to the satisfaction of the law society that he is a fit and proper person and that he has—

(i) passed the matriculation examination conducted and controlled by the joint matriculation board referred to in section 15 of the Universities Act, 1955 (Act No. 61 of 1955), or an examination certified by the said joint matriculation board to be equivalent or superior thereto; or

(ii) satisfied all the requirements for a degree (not being an honorary degree) at any university in the Republic.".

3. The following section is hereby substituted for section 14 of the principal Act:

"Articles to be lodged with law society.

14. (1) A duplicate original of any articles of clerkship shall in every case within one month of the date of such articles be lodged with the secretary of the law society of the province in which the service under such articles is to be performed.

No. 67, 1967.]

## WET

Tot wysiging van die Toelating van Prokureurs, Notaris en Transportbesorgers Wet, 1934, om die omskrywing van „sekretaris” te wysig; om die bepalings te wysig met betrekking tot die indiensneming van klerke onder leerkontrak, die toelating en inskrywing van praktisyns, die afname van praktiese eksamens, en aansoeke by ’n hof ingevolge genoemde Wet; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 22 Mei 1967.)

**D**AAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 2 van die Toelating van Prokureurs, Notaris en Transportbesorgers Wet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „provinciale afdeling” die volgende omskrywing in te voeg: „,sekretaris” met betrekking tot ’n wetsgenootskap, beteken ook ’n assistent-sekretaris van daardie wets- genootskap.”.

2. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inligting 13. Elke persoon wat van voorneme is om ’n prokureur onder leerkontrak te dien, moet aan die sekretaris van die betrokke wetsgenootskap voorlê—  
aan wetsge- (a) sy geboortesertifikaat of ander bewys tot be- vrediging van die wetsgenootskap van sy ge- nootskap; en  
voorgele— (b) bewys tot bevrediging van die wetsgenootskap dat hy ’n geskikte en gepaste persoon is en dat hy—

- (i) geslaag het in die matrikulasie-eksamen afgeneem deur en onder toesig van die in artikel 15 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoelde gemeenskaplike matrikulasieraad, of ’n eksamen wat volgens sertifikaat van genoemde gemeenskaplike matrikulasieraad van gelyke of hoëre standaard is; of  
(ii) aan al die vereistes vir ’n graad (nie synde ’n ere-graad nie) aan enige universiteit in die Republiek voldoen het.”.

3. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

„Leerkon- 14. (1) ’n Duplikaat-orspronklike van ’n leer- trak by wetsgenoot- kontrak moet in elke geval binne een maand vanaf skap inge- die datum van so ’n leerkontrak by die sekretaris van lever te die wetsgenootskap van die provinsie waarin onder word. die leerkontrak gedien moet word, ingelewer word.

(2) On payment of such fee as is prescribed under the provisions of section 29, and on production of the original articles of clerkship, the secretary of the said society shall, upon being satisfied that the articles are in order and that no objection is made by the council of the said society against the registration thereof, endorse upon such original articles a certificate to the effect that the provisions of this section have been complied with.”.

Amendment of  
section 15 of  
Act 23 of 1934,  
as amended by  
section 5 of  
Act 26 of 1965.

4. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The original articles of clerkship shall in every case within two months of the date of such articles be lodged with the registrar of the provincial division within the area of jurisdiction of which the service under such articles is to be performed, for the purpose of registration: Provided that no such articles shall be accepted by such registrar unless and until proof is adduced that the articles have been duly endorsed by the secretary of the law society concerned, under his signature, as prescribed by section 14.”.

Amendment of  
section 17 of  
Act 23 of 1934,  
as amended by  
section 7 of  
Act 26 of 1965.

5. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Every cession of articles of clerkship shall, within two months of the date on which the services of the articled clerk concerned have been terminated with the cedent, be lodged, together with a certificate of the secretary of the law society concerned that the provisions of section 16 have been complied with and that the cession has been approved of, with the registrar of the provincial division, within the area of jurisdiction of which the service under such articles is to be performed, for the purpose of registration.”.

Amendment of  
section 18 of  
Act 23 of 1934,  
as amended by  
section 1 of  
Act 22 of 1949  
and section 2  
of Act 31 of  
1957.

6. Section 18 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) No attorney shall have or retain any clerk under articles unless such attorney is actually practising the profession of attorney either on his own account or as a partner in a firm of attorneys or as State Attorney or as one of the three most senior professional assistants in the office of the State Attorney at Pretoria, or as professional assistant in charge of any branch of the said office or as senior professional assistant to such professional assistant in charge of such branch and has practised as such continuously for a period of three years immediately prior to taking such clerk under articles.”; and

(b) by the addition of the following subsection:

“(4) Whenever articles of clerkship are for any reason cancelled, abandoned or ceded the attorney to whom such clerk is articled at the time of such cancellation, abandonment or cession shall forthwith notify the registrar of the provincial division and the secretary of the law society with whom such articles have been registered or lodged, in writing of such cancellation, abandonment or cession, as the case may be.”.

Substitution of  
section 20 of  
Act 23 of 1934,  
as amended by  
section 2 of  
Act 22 of 1949,  
section 9 of  
Act 18 of 1956  
and section 2 of  
Act 81 of 1962.

7. The following section is hereby substituted for section 20 of the principal Act:

“Continuous  
service  
under  
articles.

20. (1) Subject to the provisions of section 19, every clerk articled to an attorney shall, during the whole term of service specified in the articles of clerkship, be and continue to be in the actual employment of and in the office where such attorney is practising and under his direct personal supervision or under that of his partner or partners or manager, being an attorney, or, in the case of a clerk articled to the State Attorney or to a member

(2) Teen betaling van die geldie voorgeskryf kragtens die bepalings van artikel 29 en by voorlegging van die oorspronklike leerkontrak maak die sekretaris van voornoemde genootskap nadat hy oortuig is dat die kontrak in orde is en dat die raad van die genootskap geen beswaar maak teen die registrasie daarvan nie, op daardie oorspronklike leerkontrak 'n aantekening ten effekte dat aan die bepalings van hierdie artikel voldoen is.”.

**4. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**

„(1) Die oorspronklike leerkontrak moet in elke geval binne twee maande vanaf die datum van daardie kontrak by die griffier van die provinsiale afdeling binne die regssgebied waarvan onder daardie leerkontrak gedien moet word, vir registrasie ingelewer word: Met dien verstande dat so 'n leerkontrak nie deur bedoelde griffier aanvaar word nie tensy en totdat bewys gelewer is dat 'n aantekening, onder sy handtekening, op die leerkontrak deur die sekretaris van die betrokke wetsgenootskap behoorlik gemaak is, soos voorgeskryf deur artikel 14.”.

**5. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**

„(1) Elke cessie van 'n leerkontrak moet binne twee maande na die datum waarop die dienste van die betrokke klerk by die cedent beëindig is, tesame met 'n sertifikaat van die sekretaris van die betrokke wetsgenootskap dat aan die bepalings van artikel 16 voldoen is en dat die cessie goedgekeur is, by die griffier van die provinsiale afdeling binne die regssgebied waarvan onder daardie leerkontrak gedien moet word, vir registrasie ingelewer word.”.

**6. Artikel 18 van die Hoofwet word hierby gewysig—**

**(a) deur subartikel (1) deur die volgende subartikel te vervang:**

„(1) Geen prokureur mag 'n klerk onder leerkontrak in diens hê of hou nie tensy so 'n prokureur werklik die professie van prokureur uitoefen, hetsy vir eie rekening of as vennoot in 'n prokureursfirma of as Staatsprokureur of as een van die drie mees senior professionele assistente in die kantoor van die Staatsprokureur te Pretoria of as professionele assistent wat oor 'n tak van genoemde kantoor toesig het of as senior professionele assistent van sodanige professionele assistent wat oor so 'n tak toesig het en vir 'n tydperk van drie jaar onafgebroke as sodanig gepraktiseer het onmiddellik voordat sodanige klerk onder leerkontrak geneem word of is.”; en

**(b) deur die volgende subartikel by te voeg:**

„(4) Wanneer 'n leerkontrak om enige rede ingetrek, laat vaar of gecedeer word, moet die prokureur by wie sodanige klerk op die tydstip van sodanige intrekking, laatvaarding of cessie onder leerkontrak is, onverwyld die griffier van die provinsiale afdeling en die sekretaris van die wetsgenootskap by wie sodanige leerkontrak geregistreer of ingelewer is, skriftelik van sodanige intrekking, laatvaarding of cessie, na gelang van die geval, in kennis stel.”.

**7. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang:**

„Onafgebroke diens onder leerkontrak.

**20. (1)** Behoudens die bepalings van artikel 19 moet elke klerk onder leerkontrak by 'n prokureur gedurende die gehele dienstermyn in die leerkontrak bepaal in die werklike diens en in die kantoor waar daardie prokureur praktiseer en onder sy direkte persoonlike toesig of onder dié van sy vennoot of vennote of bestuurder wat 'n prokureur is, of, in die geval van 'n klerk onder leerkontrak by die

Wysiging van artikel 15 van Wet 23 van 1934, soos gewysig deur artikel 5 van Wet 26 van 1965.

Wysiging van artikel 17 van Wet 23 van 1934, soos gewysig deur artikel 7 van Wet 26 van 1965.

Wysiging van artikel 18 van Wet 23 van 1934, soos gewysig deur artikel 1 van Wet 22 van 1949 en artikel 2 van Wet 31 van 1957.

Vervanging van artikel 20 van Wet 23 van 1934, soos gewysig deur artikel 2 van Wet 22 van 1949, artikel 9 van Wet 18 van 1956 en artikel 2 van Wet 81 van 1962.

of his professional staff, in the employment of the Government and in the office of the said State Attorney or in any branch thereof and under his direct personal supervision or under that of a member of his professional staff: Provided that—

- (a) such clerk shall receive from his employer a salary of not less than fifty rand per month from the date on which he has passed any of the examinations referred to in section 10 (a) or from the expiration of the first three years of his articles of clerkship, whichever happens last, until the expiration of the period of articles;
- (b) such articles may with the mutual consent of such attorney and clerk be ceded as hereinbefore provided to any other attorney who may be willing to accept cession;
- (c) in the event of the death, insanity, insolvency, conviction for crime, imprisonment for debt, suspension, striking off the rolls, or discontinuance of practice of the attorney under whom such clerk is serving, or any other cause, the law society concerned may, notwithstanding the provisions of section 18 (3), direct that such articles be ceded to any other attorney who may be willing to receive such articled clerk under cession as aforesaid; and all service completed under this proviso shall be good and effectual for the purpose of this Act;
- (d) one half of any period of absence from the office of such attorney by such clerk as a result of any training undergone by him in the South African Defence Force in terms of section 3 of the Defence Act, 1957 (Act No. 44 of 1957), shall, subject to a maximum period of three months, be deemed to have been served under such articles of clerkship.

(2) For the purposes of subsection (1) ‘office’ shall not include a branch office which is under the control of an attorney who is not entitled to have a clerk under articles in terms of section 18.”.

Amendment of  
section 21 of  
Act 23 of 1934,  
as amended by  
section 10 of  
Act 18 of 1956,  
section 3 of  
Act 81 of 1962  
and section 9 of  
Act 26 of 1965.

8. Section 21 of the principal Act is hereby amended—

- (a) by the substitution for subsection 2 of the following subsection:

“(2) In the event of any contravention of subsection (1), such articles shall be null and void *ab initio*, and service thereunder shall be ineffectual unless the court on good cause shown otherwise directs.”; and

- (b) by the addition of the following subsection:

“(5) If an articled clerk is under subsection (3) entitled to appear instead of and on behalf of his principal, the secretary of the law society concerned shall, upon the application in writing of his principal and upon payment of the sum of one rand and fifty cents issue to such clerk a certificate to the effect that he is so entitled to appear.”.

Substitution of  
section 25 of  
Act 23 of 1934,  
as amended by  
section 13 of  
Act 18 of 1956.

9. The following section is hereby substituted for section 25 of the principal Act:

“Enrolment of practitioners already admitted and enrolled by another court in the Republic. 25. (1) Any person admitted and enrolled as an attorney, notary or conveyancer under this Act or any other law, may in the manner prescribed by subsection (2), apply to the registrar of any court other than the court in which he has been so admitted and enrolled to have his name placed on the roll of attorneys, notaries or conveyancers, as the case may be, of the court for which such registrar has been appointed.

Staatsprokureur of by 'n lid van sy professionele personeel, in die diens van die Regering en in die kantoor van bedoelde Staatsprokureur of in 'n tak daarvan en onder sy direkte persoonlike toesig of onder dié van 'n lid van sy professionele personeel, wees en bly: Met dien verstande dat—

- (a) sodanige klerk vanaf die datum waarop hy in een van die eksamens bedoel in artikel 10 (a) geslaag het of vanaf die verstryking van die eerste drie jaar van sy leerkontrak, na gelang van wat laaste gebeur, van sy werkewer 'n salaris ontvang van minstens vyftig rand per maand, tot die afloop van die tydperk van die leerkontrak;
- (b) sodanige leerkontrak met die wedersydse toestemming van daardie prokureur en klerk op die wyse hierbo bepaal aan 'n ander prokureur wat gewillig is die cessie te aanvaar gecedeer kan word;
- (c) in geval van die dood, kranksinnigheid, insolvensie, veroordeling weens misdaad, gyseling, skorsing, skrapping van die rol, of staking van praktyk van die prokureur onder wie daardie klerk dien, of enige ander rede, die betrokke wetsgenootskap, nienteenstaande die bepalings van artikel 18 (3), kan gelas dat die leerkontrak gecedeer word aan 'n ander prokureur wat gewillig is om daardie klerk teen cessie van leerkontrak soos hierbo vermeld aan te neem; en alle diens kragtens hierdie voorbehoud voltooi, is by die toepassing van hierdie Wet geldig en doeltreffend;
- (d) een helfte van enige tydperk van afwesigheid van die kantoor van daardie prokureur deur daardie klerk as gevolg van opleiding deur hom ondergaan in die Suid-Afrikaanse Weermag ingevolge artikel 3 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), geag word, onderworpe aan 'n maksimum van drie maande, onder daardie leerkontrak gedien te gewees het.

(2) By die toepassing van subartikel (1) beteken „kantoor” nie ook 'n takkantoor wat onder die beheer van 'n prokureur is wat nie geregtig is om 'n klerk onder leerkontrak ingevolge artikel 18 te hê nie.”.

#### 8. Artikel 21 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By oortreding van subartikel (1) is die leerkontrak *ab initio* nietig en is diens daaronder ongeldig tensy die hof om 'n gegrondede rede aangevoer anders gelas.”; en
- (b) deur die volgende subartikel by te voeg:

„(5) Indien 'n klerk onder leerkontrak geregtig is om kragtens subartikel (3) in plaas van en ten behoeve van sy prinsipaal te verskyn, moet die sekretaris van die betrokke wetsgenootskap, op die skriftelike aanvraag van sy prinsipaal en teen betaling van die bedrag van een rand en vyftig sent, aan sodanige klerk 'n sertifikaat ten effekte dat hy aldus geregtig is om te verskyn, uitreik.”.

Wysiging van artikel 21 van Wet 23 van 1934, soos gewysig deur artikel 10 van Wet 18 van 1956, artikel 3 van Wet 81 van 1962 en artikel 9 van Wet 26 van 1965.

#### 9. Artikel 25 van die Hoofwet word hierby deur die volgende Vervanging van artikel 25 van artikel 25 van 1934, soos gewysig deur artikel 13 van Wet 18 van 1956.

- „Inskrywing van praktyks reeds deur 'n ander hof in die Republiek toegelaat en ingeskryf.
25. (1) Enige persoon wat kragtens hierdie Wet of 'n ander wetsbepaling as prokureur, notaris of transportbesorger toegelaat en ingeskryf is, kan op die in subartikel (2) voorgeskrewe wyse by die griffier van 'n ander hof as dié waar hy aldus toegelaat en ingeskryf is, aansoek doen om sy naam op die rol van prokureurs, notarisse of transportbesorgers, na gelang van die geval, van die hof ten opsigte waarvan sodanige griffier aangestel is, te plaas.

(2) Any such application shall be in writing and be signed by the applicant and shall be accompanied by—

- (a) an affidavit stating the name of every court in which he is enrolled in terms of this Act;
- (b) a certificate signed by the registrar of every court in which he is so enrolled that his name is still upon the roll of such court;
- (c) a certificate signed by the secretary of the law society of each province in which he is so enrolled to the effect that no proceedings are pending or contemplated to strike his name off the roll or to suspend him from practice;
- (d) proof to the satisfaction of the registrar referred to in subsection (1) that a copy of the application and of the documents referred to in paragraphs (a), (b) and (c) have been delivered to the secretary of the law society of the province in which such other court is situated; and
- (e) proof to the satisfaction of the registrar referred to in subsection (1) that the fees prescribed by section 29 (f) have been paid.

(3) Any registrar receiving an application referred to in subsection (1) shall place the name of the applicant on the roll of attorneys, notaries or conveyancers, as the case may be, kept by him in terms of section 26, unless an objection in writing against such enrolment is lodged with him by the secretary of the law society referred to in subsection (2) (d) within twenty-one days from the date of receipt by such registrar of such application.

(4) Whenever the name of an attorney, notary or conveyancer has in terms of subsection (3) been placed by the registrar of a court upon the roll of attorneys, notaries or conveyancers, such attorney, notary or conveyancer shall be entitled to practise and shall have all the rights and privileges and be subject to all the obligations which he would have had and would have been subject to if he had been admitted and enrolled by that court.

(5) No notary or conveyancer shall be enrolled in terms of this section unless he is also so enrolled as an attorney.”.

**Amendment of  
section 26 of  
Act 23 of 1934.**

**10.** Section 26 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Whenever a court makes an order striking off the roll or suspending from practice any attorney, notary or conveyancer, the registrar of that court shall forthwith enter in the lists kept by him in pursuance of subsection (1) or in pursuance of a law repealed by this Act a note or minute of such order opposite the name of such attorney, notary or conveyancer and forward a copy of such order to the registrars of every other provincial division of the Supreme Court of South Africa, to the registrars of deeds appointed in terms of section 2 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in respect of the several deeds registries referred to in that Act and to the secretaries of the several law societies.”.

**Substitution of  
section 27 of  
Act 23 of 1934,  
as substituted  
by section 13 of  
Act 63 of 1964.**

**11.** The following section is hereby substituted for section 27 of the principal Act:

**“Practical  
examina-  
tions.**

**27.** (1) The Judge-President of a provincial division of the Supreme Court of South Africa may, after consultation with the president of the law society concerned, appoint two or more examiners for the purpose of arranging, controlling and conducting examinations in respect of—

- (a) the practice and procedure in the Supreme Court of South Africa and in magistrates' courts established under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);

(2) So 'n aansoek moet skriftelik wees en deur die aansoeker onderteken wees en moet vergesel gaan van—

- (a) 'n beëdigde verklaring waarin die naam van elke hof waar hy kragtens hierdie Wet ingeskryf is, vermeld word;
- (b) 'n sertifikaat wat deur die griffier van elke hof waar hy aldus ingeskryf is, onderteken is dat sy naam nog op die rol van sodanige hof is;
- (c) 'n sertifikaat wat deur die sekretaris van die wetsgenootskap van elke provinsie waarin hy aldus ingeskryf is, onderteken is ten effekte dat geen saak aanhangig is of beoog word om sy naam van die rol te skrap of hom in sy praktyk te skors nie;
- (d) bewys tot bevrediging van die in subartikel (1) bedoelde griffier dat 'n afskrif van die aansoek en van die in paragrawe (a), (b) en (c) bedoelde dokumente aan die sekretaris van die wetsgenootskap van die provinsie waarin sodanige ander hof geleë is, bestel is; en
- (e) bewys tot bevrediging van die in subartikel (1) bedoelde griffier dat die in artikel 29 (f) voorgeskrewe geldte betaal is.

(3) 'n Griffier wat 'n in subartikel (1) bedoelde aansoek ontvang, moet die naam van die aansoeker op die rol van prokureurs, notarisse of transportbesorgers, na gelang van die geval, wat kragtens artikel 26 deur hom gehou word, plaas tensy 'n skriftelike beswaar teen sodanige inskrywing by hom deur die sekretaris van die in subartikel (2) (d) bedoelde wetsgenootskap binne een-en-twintig dae vanaf die datum van ontvangs deur sodanige griffier van sodanige aansoek ingelewer word.

(4) Wanneer die naam van 'n prokureur, notaris of transportbesorger ingevolge subartikel (3) deur die griffier van 'n hof op die rol van prokureurs, notarisse of transportbesorgers geplaas is, is daardie prokureur, notaris of transportbesorger geregtig om te praktiseer en het hy alle regte en privilegies en is hy onderworpe aan alle verpligtings wat hy sou gehad en waaraan hy onderworpe sou gewees het indien hy toegelaat en ingeskryf was deur daardie hof.

(5) Geen notaris of transportbesorger word kragtens hierdie artikel ingeskryf nie, tensy hy ook aldus as 'n prokureur ingeskryf is.”.

**10. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:**

„(2) Wanneer 'n hof 'n bevel gee om 'n prokureur, notaris of transportbesorger van die rol te skrap of in sy praktyk te skors, teken die griffier van daardie hof onverwyld in die lysde deur hom ooreenkomsdig subartikel (1) of ingevolge 'n deur hierdie Wet herroepé wet gehou, 'n nota of minute van sodanige bevel aan teenoor die naam van sodanige prokureur, notaris of transportbesorger en stuur hy 'n kopie van daardie bevel aan die griffiers van alle ander provinsiale afdelings van die Hooggereghof van Suid-Afrika, aan die registrateurs van aktes aangestel ingevolge artikel 2 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), ten opsigte van die verskeie registrasiekantore in daardie Wet bedoel en aan die sekretarisse van die verskeie wetsgenootskappe.”.

**11. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:**

„Praktiese eksamens. 27. (1) Die Regter-president van 'n provinsiale afdeling van die Hooggereghof van Suid-Afrika kan, na oorlegpleging met die president van die betrokke wetsgenootskap, twee of meer eksaminatore benoem om eksamens te reël, te beheer en af te neem ten opsigte van—

- (a) die praktyk en prosedure in die Hooggereghof van Suid-Afrika en in landdroshowe ingestel kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944);

- (b) the practical bookkeeping necessary for the keeping of the books of account referred to in section 33 (4);
  - (c) the practice, functions and duties of an attorney;
  - (d) the practice, functions and duties of a notary;
  - (e) the law, practice and procedure of conveyancing.
- (2) Any examination referred to in subsection (1) shall be conducted by not less than two examiners so appointed.”.

Amendment of  
section 28 of  
Act 23 of 1934  
as amended by  
section 12 of  
Act 26 of 1965.

**12.** Section 28 of the principal Act is hereby amended by the addition of the following subsection:

“(3) Unless otherwise provided by this Act, any person making an application to a court under this Act shall at least one month prior to the date of such application deliver to the secretary of the law society of the province in which the court to which such application is made, is situated, a copy of such application together with copies of all other documents and papers which are referred to therein or connected therewith.”.

**Short title.**

**13.** This Act shall be called the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1967.

- (b) die praktiese boekhou wat nodig is vir die hou van die in artikel 33 (4) bedoelde rekeningboeke;
- (c) die praktyk, funksies en pligte van 'n prokureur;
- (d) die praktyk, funksies en pligte van 'n notaris;
- (e) die wet, praktyk en prosedure van transportbesorging.

(2) 'n In subartikel (1) bedoelde eksamen moet deur nie minder nie as twee eksaminatore wat aldus aangestel is, afgeneem word.”.

**12.** Artikel 28 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(3) Tensy anders deur hierdie Wet bepaal, moet enige persoon wat 'n aansoek by 'n hof kragtens hierdie Wet doen, minstens een maand voor die datum van sy aansoek aan die sekretaris van die wetsgenootskap van die provinsie waarin die hof waarby so 'n aansoek gedoen word, gesetel is, 'n afskrif van sodanige aansoek tesame met afskrifte van alle ander dokumente en stukke wat daarin vermeld of daarby betrokke is, bestel.”.

**13.** Hierdie Wet heet die Wysigingswet op die Toelating van Kort titel. Prokureurs, Notarisse en Transportbesorgers, 1967.

## ACT

To amend the Immorality Act, 1957, so as to amend the special penal provisions relating to persons found in a brothel; to penalise the rendering of assistance for the purpose of unlawful carnal intercourse; to extend the provisions of that Act relating to presumptions; and to amend the general penal provisions of that Act.

*(English text signed by the State President.)  
(Assented to 22nd May, 1967.)*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 8 of Act 23 of 1957.

1. Section 8 of the Immorality Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person found in or upon such house or place who, when called upon to do so by the police officer conducting the search, refuses to furnish his name and address or furnishes a name or address which is false in any material particular or refuses to disclose the name or identity of the keeper of such house or place or to produce any book, receipt, paper, document or thing which he has in his possession or custody or under his control, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred rand and in default of payment to imprisonment for a period not exceeding six months.”.

Insertion of section 12A in Act 23 of 1957.

2. The following section is hereby inserted in the principal Act after section 12:

“Assistance 12A. (1) Any person who, with intent that any female, whether a particular female or not, be unlawfully carnally known by any male, performs any act or does anything or furnishes any information which is calculated or likely to enable such male to communicate with or to establish the whereabouts of or to trace any such female, shall be guilty of an offence.

(2) No prosecution in respect of an offence under subsection (1) shall be instituted except on the written authority of the attorney-general having jurisdiction in the area concerned or of a member of his staff designated by him in writing.”.

Amendment of section 21 of Act 23 of 1957.

3. Section 21 of the principal Act is hereby amended by the addition of the following subsection:

“(4) Whenever in any prosecution for an offence under section 12A it is proved that the accused has performed any act or has done anything or has furnished any information, which was calculated or likely to enable any male to communicate with or to establish the whereabouts of or to trace any female who the accused had reason to believe to be a prostitute, the accused shall be presumed to have performed such act or to have done such thing or to have furnished such information, as the case may be, with intent that such female be unlawfully carnally known by such male, unless the contrary is proved.”.

No. 68, 1967.]

## WET

**Tot wysiging van die Ontugwet, 1957, om die spesiale strafbepalings met betrekking tot persone wat in 'n bordeel gevind word, te wysig; om die verlening van hulp vir die doel om ontug te pleeg, strafbaar te maak; om die bepalings van daardie Wet met betrekking tot vermoedens uit te brei; en om die algemene strafbepalings van daardie Wet te wysig.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 22 Mei 1967.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

**1.** Artikel 8 van die Ontugwet, 1957 (hieronder die Hoofwet Wysiging van genoem), word hierby gewysig deur subartikel (2) deur die artikel 8 van Wet 23 van 1957.

„(2) Iemand wat in of op bedoelde huis of plek gevind word en wat, wanneer hy deur die polisiebeampte wat die huissoeking uitvoer, versoek word om sulks te doen, weier om sy naam en adres te verskaf of 'n naam of adres verskaf wat in 'n wesenlike besonderheid vals is, of weier om die naam of identiteit van die houer van die huis of plek te openbaar of om 'n boek, kwitansie, papier, dokument of ding wat hy in sy besit of bewaring of onder sy beheer het, voor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand en by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande.”.

**2.** Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 12A in Wet 23 van 1957.

**„Hulp vir doeleindes van ontug.** 12A. (1) Iemand wat, met die opset dat 'n manspersoon met 'n vroupersoon, hetsy 'n bepaalde vroupersoon al dan nie, ontug kan pleeg, enige handeling verrig of enigiets doen of enige inligting verstrek, wat bereken is om bedoelde manspersoon in staat te stel of bedoelde manspersoon waarskynlik in staat sal stel om met so 'n vroupersoon in verbanding te tree of haar verblyfplek vas te stel of haar op te spoor, is aan 'n misdryf skuldig.

(2) Geen vervolging ten opsigte van 'n misdryf ingevolge subartikel (1) word ingestel nie behalwe kragtens die skriftelike magtiging van die prokureurgeneraal wat met regsbevoegdheid in die betrokke gebied beklee is of van 'n lid van sy personeel wat skriftelik deur hom daartoe aangewys is.”.

**3.** Artikel 21 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(4) Wanneer by 'n vervolging weens 'n misdryf ingevolge artikel 12A bewys word dat die beskuldigde 'n handeling verrig of enigiets gedoen of enige inligting verstrek het wat bereken was om 'n manspersoon in staat te stel of 'n manspersoon waarskynlik in staat sou gestel het om met 'n vroupersoon, wat na die beskuldigde rede gehad het om te vermoed 'n prostitoot is, in verbanding te tree of om haar verblyfplek vas te stel of om haar op te spoor, word die beskuldigde geag bedoelde handeling te verrig het of bedoelde iets te gedoen het of bedoelde inligting te verstrek het, na gelang van die geval, met die opset om sodanige manspersoon in staat te stel om ontug met sodanige vroupersoon te pleeg, tensy die teendeel bewys word.”.

Substitution of  
section 22 of Act  
23 of 1957.

4. The following section is hereby substituted for section 22 of the principal Act:

"Penalties. 22. Any person who is convicted of an offence under the provisions of this Act for which no special penalty is prescribed, shall be liable—

- (a) in the case of an offence referred to in section 2 or 20 (1) (a), to imprisonment for a period not exceeding three years with or without a fine not exceeding six hundred rand in addition to such imprisonment, or, where it is proved that the person convicted kept a brothel and that unlawful carnal intercourse took place in such brothel to his knowledge between a white female and a coloured male or between a coloured female and a white male, for a period not exceeding seven years with or without a fine not exceeding one thousand rand in addition to such imprisonment;
- (b) in the case of an offence referred to in section 9 (1), to imprisonment for a period not exceeding five years, or, if the female concerned is under the age of twelve years, for life;
- (c) in the case of an offence referred to in section 10, to imprisonment for a period not exceeding five years, or, where it is proved that the person convicted procured or attempted to procure any white female for the purpose of having unlawful carnal intercourse with a coloured male, or any coloured female for the purpose of having unlawful carnal intercourse with a white male, for a period not exceeding seven years;
- (d) in the case of an offence referred to in section 11, 12A or 18, to imprisonment for a period not exceeding five years;
- (e) in the case of an offence referred to in section 12 (1), 13 (1) or 16, to imprisonment for a period not exceeding seven years;
- (f) in the case of an offence referred to in section 14 (1), 15 or 17, to imprisonment for a period not exceeding six years with or without a fine not exceeding one thousand rand in addition to such imprisonment;
- (g) in the case of an offence referred to in section 19 or 20 (1) (b) or (c), to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”.

Short title.

5. This Act shall be called the Immorality Amendment Act, 1967.

4. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:  
Vervanging van artikel 22 van Wet 23 van 1957.

- „Strafbedelings.” 22. Iemand wat skuldig bevind word aan 'n misdryf ingevolge die bepalings van hierdie Wet waarvoor geen spesiale straf voorgeskryf word nie, is strafbaar—  
(a) in die geval van 'n in artikel 2 of 20 (1) (a) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens drie jaar met of sonder 'n boete van hoogstens seshonderd rand benewens bedoelde gevangenisstraf, of waar bewys word dat die veroordeelde persoon 'n bordeel gehou het en dat ontug met sy medewete in die bordeel tussen 'n blanke vrouspersoon en 'n nie-blanke manspersoon of tussen 'n nie-blanke vrouspersoon en 'n blanke manspersoon plaasgevind het, vir 'n tydperk van hoogstens sewe jaar met of sonder 'n boete van hoogstens eenduisend rand benewens bedoelde gevangenisstraf;  
(b) in die geval van 'n in artikel 9 (1) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of, as die betrokke vrouspersoon onder die ouderdom van twaalf jaar is, vir lewenslank;  
(c) in die geval van 'n in artikel 10 bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of, waar bewys word dat die veroordeelde persoon 'n blanke vrouspersoon verkry het of probeer verkry het vir die doel om met 'n nie-blanke manspersoon ontug te pleeg, of 'n nie-blanke vrouspersoon verkry het of probeer verkry het om met 'n blanke manspersoon ontug te pleeg, vir 'n tydperk van hoogstens sewe jaar;  
(d) in die geval van 'n in artikel 11, 12A of 18 bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;  
(e) in die geval van 'n in artikel 12 (1), 13 (1) of 16 bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar;  
(f) in die geval van 'n in artikel 14 (1), 15 of 17 bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens ses jaar met of sonder 'n boete van hoogstens eenduisend rand benewens bedoelde gevangenisstraf;  
(g) in die geval van 'n in artikel 19 of 20 (1) (b) of (c) bedoelde misdryf, met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.”.

5. Hierdie Wet heet die Ontugwysigingswet, 1967.

Kort titel.

## ACT

To amend the provisions of the Civil Defence Act, 1966, relating to the administration and application of that Act, and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 22nd May, 1967.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 39 of 1966.

1. Section 1 of the Civil Defence Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of "Minister" of the following definition:  
"(iv) 'Minister' means the Minister of Defence; (iv)"; and
- (b) by the deletion of the definition of "Republic".

Amendment of section 2 of Act 39 of 1966.

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

"(c) designate any officer attached to any department of State including a provincial administration to perform such functions in connection with any matter referred to in subparagraphs (i) to (x), inclusive, of section 3 (1) as the Minister may determine: Provided that the Minister shall designate such officer in consultation with the Minister of the department in question or, in the case of a provincial administration, the administrator of the province in question.".

Amendment of section 3 of Act 39 of 1966.

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) If any of the matters referred to in subparagraphs (i) to (x), inclusive, or (bb) of subsection (1) have, or any aspect of any such matter has, whether before or after the commencement of this Act, been entrusted to any department of State (including the Railways and Harbours Administration and a provincial administration), the powers of the Minister with reference to such matter or aspect shall be exercised only in consultation with the department of State in question.".

Amendment of section 9 of Act 39 of 1966.

4. Section 9 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs:
  - "(a) a member of the Senate or the House of Assembly or of a provincial council or an officer of Parliament as defined in section 1 of the Powers and Privileges of Parliament Act, 1963 (Act No. 91 of 1963);
  - (b) an administrator of a province and any member of an executive committee for a province;";
- (b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
  - "(d) the secretary of a department of State or of a provincial administration;";

No. 69, 1967.]

## WET

**Tot wysiging van die bepalings van die Wet op Burgerlike Beskerming, 1966, met betrekking tot die uitvoering en toepassing van daardie Wet, en om vir bykomstige aangeleenthede voorsiening te maak.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 22 Mei 1967.)*

**D**AAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

**1.** Artikel 1 van die Wet op Burgerlike Beskerming, 1966 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 39 van 1966.

- (a) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:  
„(iv) ,Minister’ die Minister van Verdediging; (iv)”;
- (b) deur die omskrywing van „Republiek” te skrap.

**2.** Artikel 2 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 2 van Wet 39 van 1966.

„(c) ’n beampte verbonde aan ’n staatsdepartement (met inbegrip van ’n provinsiale administrasie) kan aanwys om die werksaamhede in verband met ’n aangeleentheid waarna in subparagraphe (i) tot en met (x) van artikel 3 (1) verwys word, te verrig wat die Minister bepaal: Met dien verstande dat die Minister bedoelde beampte in oorleg met die Minister van die betrokke departement of, in die geval van ’n provinsiale administrasie, die administrateur van die betrokke provinsie, aanwys.”.

**3.** Artikel 3 van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 3 van Wet 39 van 1966.

„(2) Indien enige van die in subparagraphe (i) tot en met (x) of (bb) van subartikel (1) bedoelde aangeleenthede of enige aspek van so ’n aangeleentheid, hetsy voor of na die inwerkingtreding van hierdie Wet, aan ’n staatsdepartement (met inbegrip van die Spoorweg- en Hawe-administrasie en ’n provinsiale administrasie) toevertrou is, word die bevoegdhede van die Minister met betrekking tot daardie aangeleentheid of aspek slegs in oorleg met die betrokke staatsdepartement uitgeoefen.”.

**4.** Artikel 9 van die Hoofwet word hierby gewysig—

Wysiging van artikel 9 van Wet 39 van 1966.

(a) deur paragrafe (a) en (b) van subartikel (2) deur die volgende paragrafe te vervang:

„(a) ’n lid van die Senaat of die Volksraad of van ’n provinsiale raad of ’n Parlementsamptenaar soos omskryf in artikel 1 van die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963 (Wet No. 91 van 1963);

(b) ’n administrateur van ’n provinsie en ’n lid van ’n uitvoerende komitee vir ’n provinsie;”;

(b) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

„(d) die sekretaris van ’n staatsdepartement of van ’n provinsiale administrasie;”;

- (c) by the substitution for paragraph (g) of subsection (2) of the following paragraph:  
“(g) any person contemplated in the definition of ‘the Prisons Service’ in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959);”;
- (d) by the substitution in paragraph (j) of subsection (2) for all the words preceding the proviso of the following words:  
“(j) a member of the National Reserve referred to in section 49 of the Defence Act, 1957, who is under an age limit determined for the purposes of this paragraph by the Minister.”.

Substitution  
of section 19  
of Act 39 of 1966.

**5.** The following section is hereby substituted for section 19 of the principal Act:

“**Applica-**  
**tion of Act**  
**to South-**  
**West Africa.** **19.** (1) The State President may by proclamation in the *Gazette* declare any of or all the provisions of this Act and of any amendment thereof to be *mutatis mutandis* applicable in the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)), and in relation to all persons in that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of the said territory.

(2) The said provisions may be declared to be applicable subject to such conditions, modifications or exceptions and with retrospective effect from any date, not earlier than the date of commencement of this Act, specified in the proclamation.

(3) The State President may in like manner withdraw or amend any proclamation issued under this section.”.

Short title.

**6.** This Act shall be called the Civil Defence Amendment Act, 1967.

- (c) deur paragraaf (g) van subartikel (2) deur die volgende paragraaf te vervang:  
,,(g) iemand beoog in die omskrywing van ,die Gevangenisdiens' in artikel 1 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959);"; en
- (d) deur in paragraaf (j) van subartikel (2) al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:  
,,(j) 'n lid van die in artikel 49 van die Verdedigingswet, 1957, bedoelde Nasionale Reserwe wat onder 'n ouderdomsgrens is wat vir die doeleindes van hierdie paragraaf deur die Minister bepaal word.".

**5. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:**

„Toepassing **19.** (1) Die Staatspresident kan by proklamasie in **Vervanging van  
van Wet op die Staatskoerant** 'n bepaling of al die bepalings  
Suidwes- van hierdie Wet en van enige wysiging daarvan  
Afrika. *mutatis mutandis* in die gebied Suidwes-Afrika (met  
inbegrip van die Oostelike Caprivi Zipfel in artikel  
3 van die Wysigingswet op Aangeleenthede van  
Suidwes-Afrika, 1951 (Wet No. 55 van 1951),  
bedoel), en met betrekking tot alle persone in  
daardie gedeelte van genoemde gebied bekend as  
die 'Rehoboth Gebiet' en omskryf in die Eerste  
Bylae by Proklamasie No. 28 van 1923 van die  
Administrateur van genoemde gebied, van toepassing  
verklaar.

(2) Bedoelde bepalings kan van toepassing verklaar word onderworpe aan die voorwaardes,  
wysigings of uitsonderings en met terugwerkende  
krag van 'n datum, nie vroeër as die datum van  
inwerkingtreding van hierdie Wet nie, wat in die  
proklamasie vermeld word.

(3) Die Staatspresident kan op dergelike wyse  
enige proklamasie kragtens hierdie artikel uitge-  
vaardig, intrek of wysig.”.

**6. Hierdie Wet heet die Wysigingswet op Burgerlike Besker-  
ming, 1967.**

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**INHOUD.**

**Departement van die Eerste Minister.**

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