

Act No. 51  
of 1951.

(ii) in paragraph (b) of that section for the words "registration and other fees" of the words "fees for admission to membership and the subscriptions payable by members to the Society".

Application  
to South-West  
Africa.

33. This Act shall apply also to the territory of South-West Africa.

Short title and  
commencement.

34. This Act shall be called the Public Accountants' and Auditors' Act, 1951, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Act No. 52  
of 1951.

## ACT

To provide for the prevention and control of illegal squatting on public or private land.

(English text signed by the Governor-General.)  
(Assented to 21st June, 1951.)

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

Prohibition  
of illegal  
squatting.

1. Save under the authority of any law, or in the course of his duty as an employee of the government or of any local authority, no person shall—

- (a) enter upon or into without lawful reason, or remain on or in any land or building without the permission of the owner or the lawful occupier of such land or building whether such land is enclosed or not;
- (b) enter upon or into without lawful reason, or remain on or in any native location, native village or other area set aside or demarcated under the laws relating to the administration of native affairs, without the permission of the local authority or person having due and legal control of such native location, village or area, whether such location, village or area is enclosed or not.

Penalties.

2. (1) Any person contravening the provisions of section one shall be guilty of an offence and liable to a fine not exceeding twenty-five pounds, or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

(2) Any person convicted of an offence in terms of subsection (1), who persists after such conviction in the conduct in respect of which he has been so convicted shall be guilty

- Act No. 52 of 1951.**
- Orders for ejection, removal of trespassers, demolition of structures, etc.
- of a continuing offence and liable to a fine not exceeding twenty shillings or to imprisonment for a period not exceeding seven days in respect of every day that he so persists, or to both such fine and such imprisonment.
3. (1) The Court which convicts any person of an offence in terms of section *two* may—
- (a) in addition to any other penalty inflicted, make an order for the summary ejection of such person from the land, building, native location, village or area concerned;
  - (b) issue such further orders, give such instructions, and confer such authority as may be reasonable necessary—
    - (i) to give effect to the said order for ejection;
    - (ii) to effect the transfer of such person and his family and dependants to such other place, whether within or without the jurisdiction of the said Court, as it may indicate;
    - (iii) to ensure the demolition and removal from the said land, building, native location, village or area of all buildings or structures which may have been erected thereon by any such person, or on his behalf.
- (2) If such persons as aforesaid have at any time been transferred to any particular place in terms of sub-section (1), and the magistrate within whose district such place is situated, or any native commissioner (where the persons concerned are natives) is satisfied, on information placed before him, or on personal investigation, that the said place provides no suitable accommodation for the said persons, or that they can be more suitably accommodated elsewhere, or that they have no proper employment within a reasonable distance from such place, such magistrate or native commissioner may take all such steps as appear to him to be reasonably necessary for the transfer of the said persons, or any one or more of them, to such other suitable place whether within or without the said magistrate's district, as he may indicate, and for such purpose such magistrate or native commissioner shall have unconditionally all the powers conferred on a magistrate under sub-section (1).
- Prohibition of the collection of fees or the exercising of authority in regard to the organization of illegal squatting.
4. (1) Any person who directly or indirectly receives or solicits payment of any moneys or other consideration as a fee or charge, or other payment, connected whether directly or indirectly with the arrangement or organization of the occupation of any land, buildings, native location, village or area, in contravention of the provisions of section *one* or of any order or instruction issued under section *five*, or controls or exercises any degree of authority in connection with such occupation as aforesaid, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds, or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment; and the Court convicting such person shall order any such moneys or other consideration that may have been seized and made available to be confiscated,

**Act No. 52  
of 1951.**

and the said moneys, and the proceeds of such other consideration shall thereupon be paid into the Consolidated Revenue Fund.

(2) Where any moneys have been received in contravention of the provisions of sub-section (1) but have not been seized and made available for purposes of confiscation, the Court which convicts any accused may order the amount proved to the satisfaction of the Court to have been received by him to be paid to the State, and such order shall have the effect of, and may be executed against such accused as if it were a civil judgment in favour of the State.

Administrative powers of magistrate or native commissioner to effect removal of squatters.

5. (1) Whenever it is proved to the satisfaction of the magistrate of a district by means of affidavits placed before him—

- (a) by or on behalf of the owner or lawful occupier of any land or building situated within the said district that any persons have entered upon or into such land or building without the permission of the said owner or occupier, are remaining thereon or therein against his will, and refuse, despite warning, to depart therefrom; or
- (b) by the head of a government department or his authorized representative, or by any local authority or any commissioned officer of police, that any persons have entered and are congregating upon any land or in any building situated within the said district, whether with or without the consent of the owner or occupier of such land or building;

and that the conditions and the circumstances under which such persons are living on or in the said land or building are such that unless they are removed therefrom without delay, the health or safety of the public generally, or of any class or classes of persons (including the said persons themselves) may be endangered such magistrate may after consultation with the local authority or local authorities concerned issue such orders, give such instructions, and confer such authority as may be reasonably necessary—

- (i) to effect the immediate removal of such persons from that land or building;
- (ii) to effect the transfer of such persons to such other place, whether within or without the said district, as he may indicate;
- (iii) to ensure the demolition and removal from such land of all buildings and structures which may have been erected thereon by any such person or on his behalf:

Provided that—

- (aa) before a magistrate issues any order as aforesaid, he shall be satisfied on affidavit that the aforesaid affidavits (drawn up in both of the official languages and, where such persons are natives, in a native language generally used by natives in the said district) have been posted up in a prominent place on the said land or on or in the vicinity of the said building,

**Act No. 52  
of 1951.**

accompanied by a notice informing the persons that an application will be made to the said magistrate for their removal, and giving such persons at least three days notice of the intention to make such application, and that the said period of three days has elapsed;

(bb) such persons shall be entitled to be suitably represented before such magistrate by one or more persons out of their own number or by an advocate or attorney and to reply either by affidavit or through such representatives to the allegations set out in the said affidavits.

(2) If such persons as aforesaid have at any time been transferred to any particular place in terms of sub-section (1), and the magistrate within whose district such place is situated, or any native commissioner (where the persons concerned are natives) is satisfied, on information placed before him, or on personal investigation, that the said place provides no suitable accommodation for the said persons, or that they can be more suitably accommodated elsewhere, or that they have no proper employment within a reasonable distance from such place, such magistrate or native commissioner may take all such steps as appear to him to be reasonably necessary for the transfer of the said persons, or any one or more of them, to such other suitable place whether within or without the said magistrate's district, as he may indicate, and for such purpose such magistrate or native commissioner shall have unconditionally all the powers conferred on a magistrate under sub-section (1).

**Establishment of  
emergency camp  
by local  
authority.**

6. (1) Any local authority may, and if so directed by the Minister of Justice or in the case of Natives by the Minister of Native Affairs, shall, in addition to any powers that it has in terms of any other law, establish within the area over which it has jurisdiction, an emergency camp for the purpose of the accommodation of homeless persons, and may issue regulations, which shall be subject to the approval of the Governor-General, providing for the administration, maintenance, sanitation and health of the said emergency camp, and the control thereof, including particularly the control of trading.

(2) Without prejudice to the generality of the powers conferred under sub-section (1), the said regulations may in particular—

- (i) provide for fees or charges to be levied in respect of any accommodation or service supplied;
- (ii) make different provisions in respect of different areas or different classes of persons;
- (iii) provide penalties in respect of the contravention of such regulations not exceeding on first conviction a fine of ten pounds or imprisonment for a period of two months, or both such fine and such imprisonment, and not exceeding on any subsequent convictions, a fine of twenty-five pounds or imprisonment for a

**Act No. 52  
of 1951.**

period of three months, or both such fine and such imprisonment.

(3) The said regulations shall be published in the *Gazette*, and shall in addition be exhibited in both official languages, in a prominent place in or in the vicinity of the said emergency camp: Provided that, in the case of an emergency camp established for natives, the said regulations shall furthermore be printed in the language or languages used by the inhabitants of the said emergency camp or by any considerable portion of them, and exhibited as aforesaid.

(4) If an emergency camp established in terms of sub-section (1) is at any time defined and set apart as a native location or native village under the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945) the local authority concerned may be exempted by the Minister of Native Affairs from the requirements of the proviso to sub-section (1) of section *eighteen* of the said Act.

(5) The Governor-General may at any time, by notice in the *Gazette*, declare that as from a date to be stated in such notice, an emergency camp established in terms of this section shall no longer be an emergency camp for the purposes of this section.

**Obstruction of  
police and other  
authorized  
persons  
prohibited.**

7. Any person who hinders, obstructs, or resists any police officer or other person, acting under the authority of an instruction or order issued by the Court in terms of section *three*, or by a Magistrate or Native Commissioner in terms of section *five* when carrying out such instruction or order, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds, or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

**Jurisdiction of  
Magistrate's  
Court.**

8. Notwithstanding anything to the contrary in any other law contained a Magistrate's Court shall have jurisdiction to issue any order, or instruction or to inflict any penalty authorized by the provisions of this Act.

**Repeal of War  
Measure No. 31  
of 1944 as  
amended by War  
Measures Nos.  
96 of 1944 and  
18 of 1947,  
and Act 48  
of 1948.**

9. Notwithstanding the provisions of the War Measures Continuation Act, 1950 (Act No. 29 of 1950), War Measure No. 31 of 1944 (Proclamation No. 76 of 1944), as amended, is hereby repealed: Provided that any proclamation or rules issued or any emergency camp established under the provisions of the said War Measure shall be deemed to have been issued or established in terms of the appropriate provisions of this Act.

**Definition.**

10. In this Act "local authority" means "any divisional council, municipal council, borough council, town council, village council, town board, local board, village management board, health committee, local area committee established under the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance No. 20 of 1943), Transvaal, or the Local Health Commission constituted under the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941), Natal.

**Act No. 52  
of 1951.**Operation  
of Act.

**11.** (1) Save and except the provisions of section *nine*, this Act shall be in force only in such areas as may be defined from time to time by proclamation by the Governor-General in the *Gazette*, and from such date as may be so proclaimed.

(2) The Governor-General may at any time declare by proclamation in the *Gazette* that as from a date to be stated in such proclamation this Act shall no longer be in force in any area defined in terms of sub-section (1), or in any portion of such area.

Short title.

**12.** This Act shall be called the Prevention of Illegal Squatting Act, 1951.

**Act No. 53  
of 1951.****ACT****To amend the Rents Act, 1950.**

(*Afrikaans text signed by the Governor-General.*)  
(*Assented to 21st June, 1951.*)

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

Amendment of  
section 18 of  
Act 43 of 1950.

**1.** Section *eighteen* of the Rents Act, 1950 (hereinafter called the principal Act), is hereby amended—

(a) by the substitution in sub-section (1) for the words "relating to the control of the rents of dwellings" of the words "in so far as they relate to dwellings or to the limitation of the ejection of lessees from business premises";

(b) by the insertion in paragraph (a) of sub-section (1) after the word "information" of the words "or business premises vacated by the lessee in consequence of notice given in terms of sub-section (1) of section *twenty-two*".

Amendment of  
section 21 of  
Act 43 of 1950.

**2.** Section *twenty-one* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the words "due date" of the following:

"(or within such extended period not exceeding a further seven days as the court may allow on good cause shown and in exceptional circumstances)";

(b) by the deletion in paragraph (c) of sub-section (1) of the words "or of any person in his employ";

(c) by the insertion after paragraph (c) of sub-section (1) of the following new paragraph: