

(5) 6.4.1

ANNEXURE A.

REGULATIONS FOR THE NATIVE ADVISORY BOARD .

INTERPRETATION OF TERMS.

1. In these regulations, unless inconsistent with the context :-

"BOARD" : shall mean the Native Advisory Board.

"BY-ELECTION" : shall mean an election for a casual vacancy or vacancies occurring on the Board at any time other than a general election.

"COUNCIL" : shall mean the City Council of .....

"GENERAL ELECTION" : shall mean an election of all members of the Board in consequence of the expiry of the period for which they were elected.

"NATIVE VILLAGE" : shall mean the .....

"MANAGER" : shall mean the person who holds the appointment for the time being in terms of section 20 of the Native (Urban Areas) Act (No. 25 of 1945) as amended.

"OCCUPIER" : shall mean the sole hire-purchaser, lessee or tenant of a stand, erf or building and shall not include a lessee of a portion of an undivided stand or a tenant of a room or rooms.

"POLLING OFFICER" : shall mean any person appointed by the Native Commissioner of ..... to carry out the duties assigned to polling officers by these regulations and shall include the Deputy and Assistant Polling Officer.

"RETURNING OFFICER" : shall mean any person, including his deputy and assistant, appointed by the Native Commissioner of ..... to carry out the duties assigned to a returning officer by these regulations.



MEMBERSHIP.

2. The ..... Advisory Board shall consist of 1 member for each block, elected in the manner hereinafter prescribed, and a chairman appointed as provided in Regulation 3 of these regulations.

CHAIRMAN AND SECRETARY.

3. The Chairman, of the Non-European Affairs Committee of the ..... City Council shall ex officio be the Chairman of the Native Advisory Board. He shall have no vote. In the absence of the chairman from any meeting, any member of the Non-European Affairs Committee of the Council, nominated by the Chairman of such Committee, or any person appointed in his place, shall act as Chairman of that meeting.

A Secretary to the Board shall be appointed in each year from among the members at the first meeting of the Board during that year.

QUALIFICATIONS OF MEMBERS OF BOARD.

4. Any person :-

- (a) Whose name appears on the voters' list mentioned in Regulation 15 of these regulations ;
- (b) Who is resident in the block for which he stands, and
- (c) Who has resided within the municipal area of ..... continuously for a period of not less than two years immediately prior to the 1st January of the year in which a General or By-Election is held, shall be qualified to be elected a member of the Board.

DISQUALIFICATIONS OF MEMBERS OF BOARD :

5.(a) No person who has been convicted of murder, assault with intent, culpable homicide, incitement to public violence public violence, treason, sedition, fraud, robbery, perjury - common law or statutory, rape or indecent assault;



and no person who within two years of nomination has been convicted of any crime and sentenced to imprisonment for more than seven days without the option of a fine and,

- (b) No person of unsound mind declared as such by a competent court, and no person who is in arrear with the payment of any rates, taxes or fees due and owing to the Council for a period of six months or longer, shall be capable of being elected, and if elected of continuing to be a member of the Board.
- (c) Any member of the Board who shall absent himself from the urban area of ..... for a period exceeding three months without first having obtained leave of absence from the Board, or who shall without first having obtained leave of absence from the Board, fail to attend three consecutive ordinary meetings of the Board, shall cease to possess the qualifications of a member and the provisions of Regulation 6 shall apply to such member.

CIRCUMSTANCES IN WHICH A MEMBER OF THE BOARD  
VACATES HIS OFFICE.

6. Any member who shall cease to possess the qualifications by these regulations required or who shall become disqualified by these regulations, shall ipso facto vacate his office, and the Chairman shall at the next meeting of the Board declare any such vacancy which may have occurred : and in case any person elected a member shall become disqualified under these regulations or cease to be qualified to be a member, or shall resign or shall refuse to accept the office of a member, then such vacancy shall forthwith be filled up in the manner directed by these regulations, but subject nevertheless to the provisions hereinafter made as to vacancies occurring within three months of the General Election referred to in Regulation 20(ii).



QUALIFICATION OF VOTERS :

7. Every native and coloured person who is a registered owner or occupier of land or buildings in the ..... area shall, subject to the disqualifications hereinafter set out be entitled to be enrolled on the voters' list for the said area ; provided that no person shall at any time be enrolled on the voters' list for more than one block or in more than one area within the municipality in respect of which a separate board or boards have been constituted.

WHO MAY VOTE :

8. No person whose name does not appear on the voters' list for the time being in force shall be entitled to vote at any election under these regulations.

DISQUALIFICATIONS OF VOTERS :

9. The following persons shall not be entitled to be enrolled on the voters' list for the ..... Area nor qualified to vote at any election held under these regulations :-

- (a) Any person, who on the ..... in the year in which a General Election is held, shall be indebted to the Council in any amount in respect of rates, taxes and fees due to the Council, for a period of three months or longer, and
- (b) Any person who is convicted of any crime mentioned in Regulation 5(a) and sentenced to imprisonment without the option of a fine for a period of more than seven days.

DIVISION OF AREA INTO BLOCKS :

10(a) As soon as possible after the promulgation of these regulations the Council shall cause the ..... Area situated in the Municipal Area of ....., to be divided into ..... blocks.



(b) As soon as possible after determination of the said boundaries, a description of the blocks shall be posted up in the official languages and such native language as the Manager shall consider necessary at the ..... Municipal Offices and at such other places as he shall direct. The blocks as defined in such notice, shall come into operation from the date of the said notice.

INCREASE OR DECREASE OF BLOCKS AND  
ALTERATIONS OF BOUNDARIES :

11. The Council may, after the ..... Area has been divided into blocks as provided in the preceding regulation, from time to time increase or decrease the number of such blocks, or cause the boundaries of any existing blocks or block to be altered.

MAKING UP OF VOTERS' LISTS :

12(a) The Council shall not later than the ..... day of ..... of every year in which a General Election is to be held, cause a list to be made of all persons whose names as at the ..... day of ..... of that year, appear as owners or occupiers in the ..... registers, who are to the best of the Council's knowledge qualified to be enrolled on the voters' list under Regulation 7, read with Regulation 9 hereof. The said list shall be subdivided into as many parts as there are blocks in the said area and each part shall show in alphabetical order the names, and residential address of every voter within the block to which such part refers.

(b) Whenever the number of blocks of the area have been increased, decreased or the boundaries altered or otherwise adjusted, the Council shall as soon as possible after such increase, decrease, alteration or other adjustment cause such alterations of the voters' list to be made as may be necessary to show in each part thereof (representing the various blocks of the Area) the particulars of voters residing in each block.



PROVISIONAL VOTERS' LIST : OBJECTIONS :

13. The Manager shall cause every list framed under Regulation 12 hereof to be posted up at the ..... Municipal Offices, together with a notice that all objections thereto or claims to be enrolled thereon must be lodged with him within seven days of the date which such list is posted up at the said offices. Copies of such provisional list shall be supplied at the said offices on application and upon payment of 1/- per copy.

DETERMINATION OF OBJECTIONS :

14. The Town Clerk or an official appointed by him shall consider and determine all claims and objections and may enroll the names of any voters who have been omitted from the voters' list, and strike out the names of all persons not entitled to be enrolled ; Provided that no person's name shall be struck out until such person shall have had two clear days' notice of the investigation of his qualification and shall be heard in regard thereto, should he so desire.

The decision of the Town Clerk or person appointed by him shall be final in regard to all claims to be enrolled or objections made in terms of this Regulation.

VOTERS' LIST TO REMAIN IN FORCE UNTIL NEXT  
ONE IS COMPLETED.

15. The list, when completed as provided in the preceding regulation 14, shall be certified by the Town Clerk, or person appointed by him and shall thereafter, subject to the provisions of Regulation 12(b) hereof be the final voters' list of the area until the next roll shall in like manner be completed.

Copies of such final voters' lists shall be supplied at the ..... offices, to any person upon payment of 1/- per copy, provided that any person who has already purchased a provisional list, shall be entitled to a copy of the



final list free of charge. The inadvertent omission from or inclusion in a voters' list of any name which should not have been omitted or included, as the case may be, shall not invalidate any election.

VOTERS IN ELECTION TO VOTE IN BLOCK  
IN WHICH REGISTERED.

16. No person who is qualified to vote in terms of these regulations shall, in the event of any General or By-Election in the area to which these regulations shall apply, vote in or in respect of any block, other than the block in which he is registered on the date of such General or By-Election.

PENALTIES FOR HOLDING OFFICE OR  
VOTING WHEN DISQUALIFIED :

17. Any person who is qualified in all respects, but who is disqualified in terms of Regulation 5(a) hereof, and who shall vote on any General or By-Election held under these regulations, or shall hold office as a member of the Board constituted under these regulations, shall be guilty of an offence and liable on conviction to a fine not exceeding £15 or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, and if he be a member of the Board he shall immediately vacate his seat and his seat shall thereupon become vacant.

GENERAL ELECTION OF MEMBERS OF BOARD :

18. A General Election of members for the ..... Area shall be held on ..... and on ..... in every second year thereafter.

PERIOD OF OFFICE OF MEMBERS OF  
BOARD :

19.(1) Every member elected at a General Election shall, unless he becomes otherwise disqualified or dies or resigns his office, remain in office until the next General Election.



19(2) Every member elected at a By-Election shall, unless he becomes otherwise disqualified or dies or resigns his office, remain in office for the period his predecessor would have remained in office.

CASUAL VACANCIES :

20(i) Save as is provided in paragraphs (a) and (c) of Regulation 23 hereof, a casual vacancy shall be deemed to mean any vacancy except a vacancy caused by the retirement of a member on the expiry of the period of office for which he was elected.

(ii) When and as often as any casual vacancy shall occur on the Board, the member to be elected to fill such vacancy shall, save as provided in Regulation 22 (b) hereof, be elected in a manner provided for the election of candidates at the General Election ; but if such vacancy shall occur within three months of the ensuing General Election then the vacancy shall not be filled up at a By-Election but shall remain until the holding of the General Election of members under these Regulations ; Provided always that such vacancies do not exceed three in number, in which case they shall be filled up at a By-Election held for the purpose.

NOTIFICATION OF VACATION OF OFFICE BY  
MEMBER OF BOARD :

21. The occurrence of any casual vacancy in the Board which is not required to be declared by the Chairman at a meeting of the Board under the provisions of Regulation 6 shall be notified by the Manager by a notice signed by him and posted up at the ..... office and any casual vacancy shall be deemed to occur at the date which such vacancy is declared by the Chairman under the said regulation or notified by the Manager under this regulations.



THE DATE OF NOMINATION :

22. (a) GENERAL ELECTION :

Nominations for the election of members of the Board shall be submitted in writing to the Returning Officer between the hours of 8 A.M. and 4.30 P.M. on the ..... day of ..... in the year in which a General Election is held. If the first day of ..... be a Saturday, Sunday or Public Holiday, nominations shall be lodged on the preceding full working day. Nominations shall be in such form as the Returning Officer may direct and shall be lodged at such place as he may designate.

22. (b) NOMINATION IN CASE OF CASUAL VACANCIES :

In the case of an election to fill a casual vacancy on the Board, the Returning Officer shall by written notice posted up at the ..... Office, call for nominations, to be submitted to him in writing, allowing a period of not less than seven days from the date of the notice to call for submission of such nominations. If a poll is necessary, he shall thereafter by written notice posted up at the ..... offices give not less than 14 days notice of the polling date, the hours of the polls and the polling station.

MANNER OF NOMINATIONS :

23.(a) No person shall be a candidate at any election or be qualified to be elected a member of the Board for any block of the area to which these Regulations apply, unless his nomination shall be supported by the signatures or marks of at least 10 persons whose names appear on the list of voters for the block for which the nomination is made.

23.(b) If only one candidate is nominated for any block the Returning Officer shall by written notice posted up at the ..... Municipal Offices, declare the person so nominated for that Block, to be elected and if such nomination is in respect of a casual vacancy such candidate shall be taken to have been elected



on the day of the nomination.

23.(c) If more than one nomination has been received for any block the Returning Officer shall by written notice posted up at the ..... Municipal Offices give notice of a poll, the number of vacancies to be filled, and the place or places where the poll will be taken. A poll shall take place accordingly and shall be held between the hours of 8 A.M. and 1 P.M. and 2 P.M. and 10 P.M. on the same day.

23.(d) Within seven days after the nominations have been received by the Returning Officer he shall cause to be posted up at the ..... Municipal Offices a list of the nominated candidates whose nominations are accepted by him as valid. Should any nominations be declared invalid by the Returning Officer, he shall specify, in a notice appended to such list, the names of the candidates so disqualified, together with his reasons for such disqualification.

23.(e) Each and every candidate for election shall, together with his nomination paper, deposit the sum of £5 (five pounds) with the returning officer who shall issue a receipt therefor. If a poll has to be taken any nominated candidate unless he withdraws his nomination in writing to the Returning Officer 3 days before polling day or obtains one fifth or more of the number of votes recorded by the successful candidate in such block, such nominated candidate in such block shall forfeit his deposit to the Council's Native Revenue Account.

#### CASUAL VACANCIES IN CERTAIN CIRCUMSTANCES.

24.(a) If no nominations are received the vacancy shall be deemed to be a casual vacancy which shall be filled in accordance with the provisions of regulation 20(ii).

24.(b) If after further nominations have been called for to fill such casual vacancy no nominations are received, it shall be lawful for the Council to appoint any person who complies with



provisions of regulation 7 of these regulations to be a member of the Board to make up the number of members required.

24.(c) If, after the polling day has been fixed for an election in any block, any duly nominated candidate dies before the poll has commenced, the returning officer shall, upon being satisfied of the fact of the death, withdraw so far as it concerns that block, the notice fixed for the polling day, and all proceedings relating to the said election shall be commenced afresh in precisely the same manner as if a casual vacancy has occurred ; Provided that no fresh nomination shall be necessary in the case of a candidate who was duly nominated at the time when the said notice was withdrawn.

#### ELECTION ARRANGEMENTS :

25. For the purpose of any election there shall be one polling station at some convenient place within each block. The returning officer shall by written notice posted up at the ..... Municipal Offices specify the places where the polling stations shall be.

For all elections the returning officer shall provide such compartments, desks, ballot papers, ballot boxes, copies of register of voters and do such other acts and things and make such arrangements to facilitate the taking of the poll as he may deem advisable for effectually conducting the election.

#### POLLING OFFICERS :

26. The polling officer at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time and shall exclude all other persons except the returning officer, the candidates, the scrutineers of candidates and the personnel on duty.

#### ENQUIRIES AS TO RIGHT TO VOTE :

27. No enquiry shall be made at any election as to the right of any person to vote, except that the polling officer may put



to every voter the following questions :-

- (1) Are you the person whose name appears as  
..... on the voters' list in this  
Block ?
- (2) Have you already voted at this election  
in the capacity in which you now claim  
to vote ?

No person shall refuse to answer any such question or who shall not answer the first of such questions in the affirmative and the second of such questions absolutely in the negative shall be permitted to vote.

PENALTY FOR FALSE ANSWER :

28. Any person who shall wilfully make a false answer to any of these questions shall be liable on conviction to a penalty not exceeding £20 and in default of payment to a term of imprisonment not exceeding three months.

EVERY VOTER TO HAVE ONE VOTE ONLY :

29. Every person shall have one vote and one vote only.

MANNER OF VOTING :

30. The Polling Officer, after satisfying himself that the name of the person desirous of voting appears on the voters' list and that such person has not already voted shall initial a ballot paper on which shall be the names of the candidates in alphabetical order and hand it to such person. The voter shall, either by himself in a polling box at the polling station, or with the help of the polling officer, place a cross opposite the name of the candidate for whom he wishes to vote and the voter shall place it in the ballot box provided.

SEALING OF BALLOT BOXES :

31. Every polling officer as soon as is practicable after the



close of the poll, shall before such candidates as shall be present, seal each ballot box.

The sealed ballot boxes accompanied by a statement made by each polling officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot box and unused ballot papers shall thereafter together with the unused be delivered to the returning officer.

DECLARATION OF POLL :

32. Upon receipt of the aforesaid ballot boxes from such polling officer by the returning officer the latter shall take charge of them and shall, at 8.30 A.M. on the day after the poll, in the presence only of such candidates as may be in attendance, open the ballot boxes and ascertain the results of the poll. He shall satisfy himself that only ballot papers, which have been initialled by the polling officer and which have been properly marked in terms of regulation 30 of these regulations are included for purposes of counting, and shall then proceed to count the votes cast in favour of each candidate. Thereafter he shall declare elected the candidate who has received the greatest number of votes in each block.

In the event of two or more candidates for any block receiving an equal number of votes, the election of the members shall be determined by the drawing of lots in the presence of the returning officer, whose decision shall be final. No candidate entitled to be present at the counting of the votes, shall be allowed to leave the room without the permission of the returning officer, until the announcement of the result of the election. Immediately after declaration of the poll, the returning officer shall cause to be posted up at the ..... Municipal Offices a notice signed by him and on which shall appear the names of the elected persons.



APPOINTMENT OF SCRUTINEERS :

33. Any time after nomination and prior to the poll the returning officer shall call together all the nominated candidates and each may appoint one scrutineer for each polling station in the block for which he is a candidate. These scrutineers shall be allowed inside the polling station to assist the polling officer in identifying the voters, but they shall not be permitted to see how any voter casts his vote. In the absence of any such appointment, a candidate shall be his own scrutineer.

ELECTION EXPENSES :

34. A candidate for election to the Board shall not spend a sum of money in excess of £5 (five pounds) in connection with his election, and none of the money so expended by him shall be spent upon the entertainment of voters or prospective voters in such elections. The returning officer may call upon any candidate, after an election, to account for such candidate's expenses in connection with such election. If any candidate who has been elected at any election shall be found by the returning officer to have infringed any provision of this regulation, the returning officer shall declare such candidate to be unseated and proceed to hold an election in respect of such candidate's seat on the Board in terms of the procedure laid down in paragraph (ii) of regulation 20 of these regulations.

Notwithstanding the existence of any vacancy on the Board for any reason whatsoever the remaining members shall continue to function as if the Board were fully constituted and in such eventuality the quorum for any meeting shall be not less than half the remaining members.

35. "ET SEQUITUR" :-

Here add your rules of procedure of your Native Advisory Board. It is unnecessary for me here to reproduce the stereotyped rules : It is best that individual rules of procedure to suit local conditions should be worked out.



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