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PROCLAMATION

BY LIEUTENANT-COLONEL HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF CLARENDON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

★ No. 150, 1934.]

Whereas it is desirable to amend the various pass laws of the Union and to exempt certain Natives from the operation thereof:

Now therefore under and by virtue of the powers vested in me by sub-section (1) of section *twenty-eight* of the Native Administration Act, 1927 (Act No. 38 of 1927), I do hereby proclaim, declare and make known that the following regulations for the control and prohibition of the movement of Natives shall be of force and effect from and after the first day of October, 1934.

1. In this proclamation

“authorized officer” means any person authorized by the Minister of Native Affairs to issue passes;

“employer” means, in the case of a company the responsible manager thereof, and if there be no manager then the person registered as responsible for the control, management, and direction thereof;

“Minister” means the Minister of Native Affairs, or any other Minister of State acting in his stead;

“native” means any male person of the apparent age of eighteen years or over who is a member of any aboriginal tribe or race of Africa.

2. The areas described in the schedule hereto shall be and are hereby created Pass Areas.

3. No native shall, save as hereinafter excepted, enter, travel within, or leave a pass area unless he be in possession of a pass substantially in the form set out in the annexure to these regulations duly issued for that purpose by an authorized officer, the duration whereof shall not exceed thirty days; provided that nothing herein contained shall apply to any native who is in service and who shall leave the place of his service for the purpose of lodging any complaint against his master or a member of his master's family or household.

4. Any native who has obtained a pass to proceed to any place within a pass area in the Union, issued by an authorized officer in any British Territory or in the Mandated Territory of South West Africa, may, subject to the provisions of the immigration law for the time being in force, travel in a pass area to such place provided that any such native upon his arrival at such place shall within a reasonable time thereafter report his arrival at the police station or Native Commissioner's office at or nearest to such place and shall present his pass for endorsement.

5. (1) Any native residing on a farm or on any private property who desires to travel within a pass area for the purpose of visiting or on the business of his employer may do so upon a pass issued by the owner or occupier of the farm or private property on which he resides or by his employer as the case may be.

*2. Place of
Natives under
Native Passes
(Proc 190)
(Proc 187, 1903)*

*4 Native
Passes Proc
190*

Sec 4

of Proc 18/190

18/190

(2) Any native residing in a location or reserve situated outside any urban area who desires to travel within a pass area may do so upon a pass issued by the appointed chief or recognized headman in charge of the location or reserve in which such native is registered for payment of the general tax under Act No. 41 of 1925.

(3) Every pass issued under this section shall bear the date when and shall state the purpose for which it is issued; provided that the duration of any such pass shall not exceed thirty days.

6. In case any native shall by reason of his residing on a farm unoccupied by a European or for other sufficient cause be unable to obtain a pass in accordance with the provisions of the preceding section he may proceed to the nearest authorized officer for the purpose of obtaining a pass as required by section three of this Proclamation without rendering himself liable to any penalty under these regulations.

7. No fee or other charge shall be made in respect of any pass or duplicate copy thereof issued under these regulations.

8. Any person who fabricates, forges or utters, knowing it to be forged, any pass purporting to authorize any native to enter, travel within or leave a pass area shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or in default of payment to be imprisoned with or without hard labour for a period not exceeding three months.

9. Any person not having authority under these regulations to issue passes to natives who issues a pass purporting to authorize a native to enter, travel within or leave a pass area shall be liable on conviction to a fine not exceeding five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

10. No pass shall be issued to any native apparently suffering from an infectious disease except for the purpose of enabling him to obtain medical attention or to proceed to a hospital or other institution for medical treatment.

11. Any native travelling within a pass area without a proper pass or travelling otherwise than in the direction of his destination as indicated in his pass may be apprehended by any officer authorized by law to arrest or by the owner or occupier of any property upon which he is found, and shall upon conviction be liable in the case of a first offence to a fine not exceeding ten shillings and in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days and in the case of a second or subsequent offence shall be liable to a fine not exceeding two pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

12. Every native who is by law required to carry a pass shall when within any pass area produce it if required to do so by any policeman or authorized officer, or by the owner or occupier of any property upon which he is found.

13. Any person who unlawfully deprives a native of his pass or maliciously withholds it from him or maliciously destroys or alters it shall be liable to a fine not exceeding five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

14. (1) No native coming within the list of exemptions hereunder specified shall be required to take out a pass to enter leave or travel within a pass area, but he may be required to produce on demand to any person authorized in terms of section twelve to demand the production of passes proof that he falls within one of the classes herein described:

(a) Any native policeman or messenger while engaged in the service of the Government provided that such policeman or messenger is in possession of a certificate of employment signed by the head of the Department to which he belongs;

Chief Officer

*of No 37/1921
Sec 1
+ Ord 24/1922
Sec 1
Abeyaratne
Thee 18/1922
Sec 10*

- (b) any native in the employ of a European master when accompanied by such European master;
- (c) chiefs appointed or recognized under the provisions of the Native Administration Act, 1927, while holding such appointment or while so recognized;
- (d) headmen appointed under the provisions of the Native Administration Act, 1927, while holding such appointment;
- (e) persons while holding office as members of any of the following bodies:—

- (i) District Councils established by Proclamation issued under the powers of legislation conferred by the Transkeian Territories, Tembuland and Pondoland Laws Act, 1897 (No. 29 of 1897) (Cape);
- (ii) The Glen Grey Council established under the Glen Grey Act, 1894 (No. 25 of 1894) (Cape);
- (iii) Boards of Management nominated under the Native Reserves Management Ordinance, 1907 (No. 6 of 1907) (Orange Free State);
- (iv) Boards of Management established under the provisions of the Mission Stations and Communal Reserves Act, 1909 (No. 29 of 1909) (Cape);
- (v) Local Councils established under the provisions of the Native Affairs Act, 1920 (No. 23 of 1920);
- (vi) Any council or board for the local administration of Native Affairs which has been constituted by proclamation issued under section *twenty-five* of the Native Administration Act, 1927 (No. 38 of 1927): and
- (vii) Native Advisory Boards established under the provisions of section *ten* of the Natives (Urban Areas) Act, 1923 (No. 21 of 1923).

- (f) ministers of a church which has been approved for the grant of privileges dependent upon Government recognition while holding office as such;
- (g) teachers in any State or State-aided school while holding appointment as such;
- (h) clerks and interpreters in the public service or in the service of any local authority or any council referred to in paragraph (e) hereof while so employed;
- (i) agricultural demonstrators and other servants of the Department of Native Affairs who shall be in possession of a certificate of employment signed by the Secretary for Native Affairs or the Director or Assistant Director of Native Agriculture;
- (j) any Native of good character and repute who is certified by the Native Commissioner or where there is no Native Commissioner by the Magistrate of the district in which such person resides to be a fit and proper person to be exempted from the provisions of these regulations and is so exempted by the Minister.

(2) The Minister may by order in the *Gazette* cancel or suspend for a period to be specified therein the exemption granted under paragraphs (c) to (j) of sub-section (1) to any particular native belonging to one or other of the classes specified in that sub-section.

(3) The Magistrate, Native Commissioner, Additional Native Commissioner or Assistant Native Commissioner of the district in which any native exempted under one or other of paragraphs (c) to (h) both inclusive of sub-section (1) ordinarily resides shall at the request of such native endorse on the general tax receipt (or tax exemption certificate) issued to such native under Act No. 41 of 1925 the words "Exempted from the Pass Regulations", date and sign such endorsement, or shall issue to him a document certifying that such native is so exempted; and the production of such endorsement or certificate shall be *prima facie* proof of such exemption.

of Ord 28/1922
sec 1

(4) A certificate under the hand of the Secretary for Native Affairs that the person named therein has been exempted in terms of paragraph (7) of sub-section (1) shall be conclusive proof of such exemption.

15. No pass shall include the name of more than one person; provided that when any native taking out a pass is accompanied by his wife or children under the apparent age of eighteen years a note made on the pass referring to and setting forth the name of the wife and number of children shall be sufficient authority for such wife and children to enter or leave or travel within a pass area under such pass.

16. An authorized officer shall have the discretion to refuse to issue or endorse a pass to any native to enter or leave or travel within a pass area for any reason appearing to him sufficient.

17. Any native who considers himself aggrieved by the action of any authorized officer may complain to the Chief Native Commissioner of the area in which such authorized officer is stationed and the Chief Native Commissioner after due inquiry shall give such direction thereon as he may deem fit, which direction the authorized officer shall faithfully observe.

18. (1) No person may employ or take into his service any native who is not provided with a proper pass which such employer shall demand from him and retain in his possession until the expiration of his period of service when it shall be returned to him with an endorsement thereon by the employer correctly dated of the discharge of such native from his employ.

(2) This regulation shall not apply to the owner or lessee of a farm employing a native residing thereon or to a native who produces proof that he falls within any of the exemptions specified in Regulation 14 (1).

17 R 19. Every authorized officer shall inquire of every native who applies for a pass whether he is under an unexpired contract of service; and any applicant making a false statement in reply to such inquiry shall be guilty of an offence.

18 1/2 Native Service Contract Act 20. No pass shall be granted to a native who is known by the authorized officer to be under an unexpired contract of service, except with the consent in writing of the employer of such native.

21. The Minister shall have full authority and discretion in any case to order that a pass shall be issued or refused to any native notwithstanding any prohibition or other provision contained in these regulations.

22. Any native who shall have lost his pass may obtain a duplicate thereof from the authorized officer from whose office it was issued, and such officer shall issue such duplicate upon application being made to him therefor.

23. Any person contravening any of the provisions of this proclamation shall be liable, if no special penalty is provided for such contravention, to pay a fine not exceeding two pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

24. Nothing in this Proclamation shall be deemed to affect the operation in Natal of Law No. 48 of 1884 of the Province of Natal and the regulations thereunder, in the Transkeian Territories of the provisions regarding passes of section fifty-one of Proclamation No. 110 of 1879, section fifty-one of Proclamation No. 112 of 1879, section fifty of Proclamation No. 140 of 1885, Proclamation No. 109 of 1894, Proclamation No. 340 of 1894, Proclamation No. 497 of 1895 and any amendments thereof, or in British Bechuanaland of the provisions of sections forty-eight and fifty of Proclamation No. 2 B.B. of 1885.

25. So much as is unrepealed of the Native Passes Proclamation, 1901, of the Transvaal as amended by Ordinance No. 27 of 1903 (Transvaal), together with the regulations thereunder contained in the Transvaal Proclamation No. 18 Administration of 1903 as amended is hereby repealed.

26. The provisions of Chapter CXXXIII of the Law Book of the Orange Free State, of Laws No. 4 of 1895 and No. 8 of 1899 and of Ordinance No. 9 of 1906 all of the Orange Free State are hereby repealed in so far as they relate to the carrying of passes by natives.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this Tenth day of August One thousand Nine hundred and Thirty-four.

CLARENDON,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

P. G. W. GROBLER.

SCHEDULE.

PASS AREAS.

1. The Province of the Transvaal, excluding the native areas scheduled under Act No. 27 of 1913, or any amendment thereof.
2. The Province of the Orange Free State, excluding the native areas scheduled under Act No. 27 of 1913, or any amendment thereof.

ANNEXURE.

PASS.

[FRONT OF FORM.]

1. Name (native).....
2. Name known by.....
3. Tax registration No. and district.....
4. Location or place of residence.....
5. Tribe or nationality.....
6. Travelling to.....
7. By way of (route).....
8. For purpose of.....
- *9. Has in his possession (stock or property).....

Issued at.....

Date.....

.....
Signature of Authorized Officer.

* This pass confers no authority to move stock.

[BACK OF FORM.]
ENDORSEMENT FOR TRANSFER OR RETURN HOME.

To proceed to.	Purpose.	Date.	Signature of Officer.	Office Stamp.

Governor-General
 P. G. W. GROBLER

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 Governor-General

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