

P51A W Cd 2.1

RESTRICTION OF RIGHT OF NATIVES TO REMAIN IN CERTAIN AREAS

(ex Section 10 Urban Act No.25 of 1945, as amended.)

- 1) No native shall remain for more than seventy-two hours in an urban area or in a proclaimed area in respect of which an urban local authority exercises any of the powers referred to in sub-section (1) of section twenty-three; or in any area forming part of a proclaimed area and in respect of which an urban local authority exercises any of those powers, unless
 - a) he was born and permanently resides in such area; or
 - b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully remained continuously in such area for a period of not less than fifteen years and has not during either period been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for a period of more than seven days or with the option of a fine for a period of more than one month; or
 - c) such native is the wife, unmarried daughter or son under the age at which he would become liable for payment of general tax under the Native Taxation and Development Act, 1925 (Act No.41 of 1925), of any native mentioned in paragraph a) or b) of this sub-section and ordinarily resides with that native; or
 - d) permission so to remain has been granted to him by a person designated for the purpose by that urban local authority.
- 2) An officer so designated shall issue to any native who has been permitted to remain in any such area a permit indicating the purpose for which and the period during which such native may remain in that area: Provided that -
 - a) where a native has been permitted to remain in any area for the purpose of taking up employment, the period of validity of the permit shall be limited to the period during which he remains in the service of the employer by whom he has been engaged;
 - b) where a native has been permitted to remain in any area for the purpose of seeking work, the period of validity of the permit issued to such native shall be not less than seven or more than fourteen days, unless such native finds employment before the expiration of his permit, in which case the permit shall remain valid until the expiration of the period during which the native remains in the service of the employer by whom he is engaged.

- 3) Any native who, having obtained employment within an area referred to in sub-section (1), has been refused permission to remain in that area, may appeal against such refusal to the chief native commissioner for the area in question, whose decision on any such appeal shall be final, and the native commissioner or magistrate having jurisdiction in that area may, in the event of such an appeal being lodged, in his discretion grant permission to the native concerned to remain in the area in question pending the decision of such chief native commissioner on the appeal.
- 4) Any person who contravenes any provision of this section, or who remains in any area for a purpose other than that for which permission so to remain has been granted to him, shall be guilty of an offence.
- 5) In any criminal proceedings against a native in respect of a contravention of the provisions of this section, it shall be presumed until the contrary is proved that that such native remained in the area in question for longer than seventy-two hours.
- 6) The Governor-General may, if requested thereto by a resolution adopted at a duly constituted meeting of any urban local authority, by proclamation in the Gazette declare that for such period as may be specified in the proclamation the provisions of this section shall not apply in respect of the urban area under the jurisdiction of that urban local authority or in respect of any proclaimed area or part thereof in which that urban local authority exercises any of the powers referred to in sub-section (1) of section twenty-three.

Section 29 relating to vagrancy " no visible means of earning a livelihood " etc can also be cited as a restriction.

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