

- Act No. 45 of 1951.** (c) by the addition at the end of that sub-section of the words "and in respect of products intended to be used for a specified purpose and products not intended to be used for that purpose".
- Repeal of certain provisions of Act 26 of 1937 and Act 50 of 1946. 32. (1) Sections *eight* and *nine* of the principal Act are hereby repealed.  
(2) Sub-section (4) of section *forty-one bis* of the principal Act, and sub-section (2) of section *twelve* and sub-section (2) of section *thirteen* of the Marketing Amendment Act, 1946, are hereby repealed with effect from the date of commencement of the last-mentioned Act.
- Short title. 33. This Act shall be called the Marketing Amendment Act, 1951.

**Act No. 46 of 1951.**

## ACT

To make provision for the separate representation in Parliament and in the provincial council of the province of the Cape of Good Hope of Europeans and non-Europeans in that province, and to that end to amend the law relating to the registration of Europeans and non-Europeans as voters for Parliament and for the said provincial council; to amend the law relating to the registration of non-Europeans and natives in the province of Natal as voters for Parliament and for the provincial council of Natal; to establish a Board for Coloured Affairs; and to provide for matters incidental thereto.

(English text signed by the Governor-General.)  
(Assented to 15th 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:—

### PRELIMINARY.

- Definitions. 1. In this Act, unless inconsistent with the context—
- (i) "Minister" means the Minister of the Interior; (iii)
  - (ii) "non-European" means a person who is not a white person and who is not a native for the purposes of the Representation of Natives Act, 1936 (Act No. 12 of 1936); (iv)
  - (iii) "prescribed" means prescribed by regulation made under the principal Act; (v)
  - (iv) "principal Act" means the Electoral Consolidation Act, 1946 (Act No. 46 of 1946); (ii)
  - (v) "white person" means a person who in appearance obviously is, or who is generally accepted as a white person, but does not include a person, who, although in appearance obviously a white person, is generally accepted as a non-European. (i)

Act No. 46  
of 1951.SEPARATE REGISTRATION OF EUROPEAN AND NON-EUROPEAN  
VOTERS IN THE PROVINCE OF THE CAPE OF GOOD HOPE.The Cape Coloured  
voters' list.

2. (1) As soon as possible after the date of commencement of this Act, the Minister shall cause a register (hereinafter referred to as the Cape Coloured voters' list) to be compiled.

(2) Save as hereinafter in this section provided, the Cape Coloured voters' list shall include all the names of non-Europeans, which at the aforesaid date are included in lists then valid according to the provisions of the principal Act, of persons qualified to vote in the province of the Cape of Good Hope at elections of members of the House of Assembly.

(3) All non-Europeans whose names are not included in the lists referred to in sub-section (2) and who are qualified in terms of section *four* of the principal Act shall, upon application in the prescribed manner, be entitled to be registered in the Cape Coloured voters' list.

(4) The removal of the name of any non-European from the Cape Coloured voters' list, on the ground that he is not qualified in terms of section *four* aforesaid, shall take place on objection duly made, in accordance with the prescribed procedure.

(5) The Minister shall cause the Cape Coloured voters' list to be divided—

(a) into four parts, one for each electoral division (hereinafter called a Union electoral division), as determined under the provisions of paragraph (a) of sub-section (2) of section *six*, for the House of Assembly;

(b) into two parts, one for each electoral division (hereinafter called a provincial electoral division), as determined under the provisions of paragraph (b) of sub-section (2) of section *six*, for the provincial council of the province of the Cape of Good Hope.

(6) Each part of the Cape Coloured voters' list, as determined under sub-section (5), shall contain the names of persons registered in the said list who reside in the electoral division to which that part relates.

(7) Every person who is classified as a non-European on any voters' list in existence at the date of commencement of this Act, which has been framed under the principal Act, as for an electoral division in the province of the Cape of Good Hope, shall until the contrary is proved, be deemed to be a non-European for the purposes of this Act, and every person who is thus classified as a white person shall similarly be deemed to be a white person, until the contrary is proved.

Application of  
principal Act  
for the purpose  
of the compilation  
and keeping of  
the Coloured  
voters' list.

3. (1) The provisions of section *four*, sub-sections (1), (2) and (4) of section *six*, and, in so far as they are applicable to non-Europeans, the provisions of Chapter II of the principal Act shall apply, *mutatis mutandis*, for the purpose of the compilation and keeping of the Cape Coloured voters' list.

(2) Any regulations made under the principal Act in regard to the registration of non-European voters in the province of the Cape of Good Hope, and in regard to all matters incidental thereto, shall continue to apply as if the said regulations related

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to the registration of the said voters on the Cape Coloured voters' list.

(3) For the purposes of section *one hundred and eighty-six* of the principal Act, section *two* and sub-section (1) of section *three* of this Act shall be deemed to be a portion of the principal Act.

The European  
voters' list.

4. (1) As soon as the Cape Coloured voters' list has been framed in terms of the provisions of section *two*, every electoral officer who has been appointed under the principal Act in respect of any area of the province of the Cape of Good Hope, shall prepare a separate voters' list for white persons whose names are included in the voters' lists framed under the principal Act (hereinafter called the European voters' list), for each division in the area for which he has been appointed.

(2) (a) The European voters' list for each division shall be framed by removing from the list in force at the date of commencement of this Act (hereinafter called the existing voters' list) the names of all persons which are included in the Cape Coloured voters' list, and shall thereafter be maintained, in terms of the provisions of the principal Act, as a separate voters' list for white persons qualified to vote in such division, and shall not include the names of any non-Europeans.

(b) Subject to the provisions of sub-section (7) of section *two*, a person who in appearance obviously is a white person shall for the purposes of this sub-section be presumed to be a white person, until the contrary is proved.

(3) (a) As soon as, after the date of commencement of this Act, there has been a delimitation of electoral divisions in the Union in terms of section *forty-one* of the South Africa Act, 1909 (hereinafter called a new Union delimitation) and a general election is held for the House of Assembly, the European voters' list shall be the voters' list in the divisions concerned for the election under the provisions of the principal Act of members of the House of Assembly, representing constituencies in the province of the Cape of Good Hope, for the election of whom provision is made by the South Africa Act, 1909; and as soon as, after the said date and after a new Union delimitation, a general election of provincial councillors, for the election of whom provision is so made takes place in the province of the Cape of Good Hope, the European voters' list shall similarly be the voters' list in the divisions concerned for the election of such provincial councillors.

(b) For the purpose of the division of the province of the Cape of Good Hope into electoral divisions in terms of section *forty* of the South Africa Act, 1909, the words "the total number of voters" in sub-section (1) of the said section, shall after the date of commencement of this Act be deemed to refer to the total number of voters in the European voters' list.

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Names of  
non-Europeans  
in the Cape  
Province to remain  
on voters' lists  
until the next  
general election.

(4) As soon as the European voters' list comes into force, in terms of sub-section (3), the provisions of the principal Act relating to the registration of non-European voters in the province of the Cape of Good Hope, shall be deemed to refer to the registration of the said voters in the Cape Coloured voters' list, and shall for that purpose continue to be in force.

5. (1) (a) Until the first general election after the date of commencement of this Act is held for the House of Assembly and until there has been a new Union delimitation, the existing voters' list shall be the voters' list for the divisions concerned for the purposes of elections for the House of Assembly; and until the first general election is so held for the provincial council of the province of the Cape of Good Hope and there has been a new Union delimitation, the existing voters' list shall be the voters' list for the divisions concerned, for the purpose of elections for the provincial council of the province of the Cape of Good Hope.

(b) Until the European voters' list comes into force under the provisions of sub-section (3) of section *four*, the existing voters' list shall continue to be subject to correction and amendment in terms of sections *eighteen*, *twenty-two* and *twenty-three* of the principal Act, and non-Europeans in the province of the Cape of Good Hope shall continue to be entitled to be registered in such list in accordance with the provisions of section *four* of the principal Act.

(c) Any corrections or amendments made to the existing voters' list under the provisions of paragraph (b) shall also be appropriately made in the European voters' list and in the Cape Coloured voters' list.

(2) Save as provided in sub-section (1) a general election for the House of Assembly shall have the effect that the existing voters' list is no longer of force and effect as for the election of members of the House of Assembly, and a general election for the provincial council of the province of the Cape of Good Hope shall have the effect that the said list is no longer of force and effect as for election of members of the said provincial council.

DELIMITATION OF CAPE PROVINCE INTO  
NON-EUROPEAN CONSTITUENCIES.

Division of Cape  
Province into  
electoral divisions  
for the purpose  
of electing  
members of the  
House of  
Assembly and  
the provincial  
council of the  
Cape of Good  
Hope and the  
Board for  
Coloured Affairs,  
to represent  
non-Europeans.

6. (1) As soon as may be after the date of commencement of this Act, the Governor-General shall appoint a Commission consisting of three judges of the Supreme Court to carry out the division of the province of the Cape of Good Hope as hereinafter in this section provided.

(2) The Commission shall divide the province of the Cape of Good Hope—

(a) into four Union electoral divisions;

(b) into two provincial electoral divisions.

(3) (a) The quota of voters for each such division shall be obtained by dividing the number of persons registered



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in the Cape Coloured voters' list by the number of persons to be elected.

- (b) The boundaries of each such division shall be fixed in such manner that the number of persons registered in the Cape Coloured voters' list who reside within each such division shall be approximately the same, due consideration being given by the Commission to community or diversity of interests, means of communication, physical features and sparsity or density of population in such manner that, while taking the quota of voters as the basis of division, the Commissioners may, whenever they deem it necessary, depart therefrom, but in no case to any greater extent than fifteen per centum more or fifteen per centum less than the quota.

(4) For the purpose of carrying out their duties, the Commission shall be vested with the powers of a Commission appointed in terms of the Commissions Act, 1947 (Act No. 8 of 1947), and in this regard the provisions of sections *three, five* and *six* of the said Act shall apply *mutatis mutandis*.

(5) The Commission shall submit to the Governor-General—

- (a) a list of the electoral divisions into which the said province has so been divided, together with the name given by the Commission to, and a description of the boundaries of, each such division;  
(b) a map of the said province showing these boundaries;  
(c) such further particulars as the Commission may deem necessary.

(6) The Governor-General may refer to the Commission any matter relating to such list of divisions, or arising out of the powers or duties of the Commission.

(7) The Governor-General shall proclaim the names and boundaries of electoral divisions as finally settled by the Commission.

(8) Whenever a delimitation of electoral divisions is required to be made in the Union, in terms of section *forty-one* of the South Africa Act, 1909 (save and except the first delimitation after the commencement of this Act that is so required to be made), the Commission that is appointed to undertake such delimitation, shall proceed at the same time to re-divide the province of the Cape of Good Hope in terms of the preceding provisions of this section, and shall be deemed to be for all purposes a Commission appointed in terms of the provisions of sub-section (1).

REPRESENTATION OF NON-EUROPEANS IN THE SENATE.

**Additional  
senator to be  
nominated  
to represent  
non-Europeans.**

7. In addition to the senators for the nomination or election of whom provision is made by the South Africa Act, 1909, the Representation of Natives Act, 1936, and the South-West Africa Affairs Amendment Act, 1949, a senator shall be nominated by the Governor-General on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the non-

Act No. 46 of 1951.	European population in the province of the Cape of Good Hope.
Qualifications, disqualifications, rights and duties of a senator nominated under this Act.	<p>8. (1) The qualifications for nomination as a senator under this Act shall be those prescribed for nominated senators in section <i>twenty-six</i> of the South Africa Act, 1909, save that, in addition, residence for five years within the province of the Cape of Good Hope, shall be a necessary requirement.</p> <p>(2) The provisions of sections <i>fifty-one</i> to <i>fifty-six</i>, both inclusive, of the South Africa Act, 1909, shall apply to any senator nominated under this Act.</p> <p>(3) The said senator—</p> <p>(a) shall have all the rights, powers, privileges and immunities which senators nominated under the South Africa Act, 1909, have, and shall be subject to all the duties and obligations to which such senators are subject;</p> <p>(b) shall be subject to the provisions of the Senate Act, 1926 (Act No. 54 of 1926).</p>
Representation of non-Europeans in the House of Assembly.	<p style="text-align: center;">REPRESENTATION OF NON-EUROPEANS IN THE HOUSE OF ASSEMBLY.</p> <p>9. (1) The persons whose names appear in the Cape Coloured voters' list for any Union electoral division shall be entitled to elect one member of the House of Assembly to represent such electoral division.</p> <p>(2) The members of the House of Assembly who may be elected under this Act, shall be in addition to the members of the House of Assembly for the election of whom provision is made by the South Africa Act, 1909, the Representation of Natives Act, 1936 (Act No. 12 of 1936), and the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949).</p> <p>(3) If the number of members of the House of Assembly prescribed in paragraph (a) of section <i>thirty-two</i> of the South Africa Act, 1909, is at any time hereafter decreased or increased by legal enactment, the number of members to be elected under the provisions of this Act shall bear, as nearly as possible, the same ratio to the number of members of the House of Assembly so increased or decreased, as the number of members first elected under the provisions of this Act bears to the number of one hundred and fifty.</p> <p>(4) If the number of members who may be elected to the House of Assembly under this Act is altered in terms of the provisions of sub-section (3), the reference in paragraph (a) of sub-section (5) of section <i>two</i> to four parts, and in paragraph (a) of sub-section (2) of section <i>six</i> to four divisions, shall respectively, be deemed to be amended accordingly so as to give effect to such alteration.</p>
Qualifications, disqualifications, rights and duties of members of the House of Assembly elected under this Act.	<p>10. (1) The qualifications for election as a member of the House of Assembly under this Act shall be those prescribed in section <i>forty-four</i> of the South Africa Act, 1909, save that, in addition, residence for two years within the province of the Cape of Good Hope, shall be a necessary requirement.</p>

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(2) The provisions of sections *fifty-one* to *fifty-six* both inclusive, of the South Africa Act, 1909, shall apply to all members of the House of Assembly elected under this Act.

(3) The aforesaid members shall not have the right to vote at the election of senators under the provisions of paragraph (ii) of section *twenty-five* of the South Africa Act, 1909, but shall otherwise have all the rights, powers, privileges and immunities which members of the House of Assembly elected under the South Africa Act have, and shall be subject to all the duties and obligations to which such members are subject.

REPRESENTATION OF NON-EUROPEANS IN THE PROVINCIAL  
COUNCIL OF THE PROVINCE OF THE CAPE OF GOOD HOPE.

Representation of non-Europeans in the provincial council of the province of the Cape of Good Hope.

**11.** (1) The persons whose names appear in the Cape Coloured voters' list for a provincial electoral division shall be entitled to elect one member of the provincial council of the province of the Cape of Good Hope, to represent such a division.

(2) The members of the provincial council who may be elected under this Act shall be in addition to the provincial councillors for the election of whom provision is made by the South Africa Act, 1909, and the Representation of Natives Act, 1936.

Qualifications, disqualifications, rights and duties of provincial councillors elected under this Act.

**12.** (1) The qualification for election under this Act as a member of the provincial council of the Cape of Good Hope shall be the qualification prescribed in sub-section (2) of section *seventy* of the South Africa Act, 1909, save that—

(i) in addition residence for two years within the province of the Cape of Good Hope shall be a necessary requirement;

(ii) any person qualified to vote for the election of a member of the provincial council in terms of the Representation of Natives Act, 1936 (Act No. 12 of 1936), shall not be qualified for election as a member of the said provincial council.

(2) The provisions of section *seventy-two* of the South Africa Act, 1909, shall, *mutatis mutandis*, apply to all provincial councillors elected under this Act.

(3) The aforesaid provincial councillors shall not have the right to vote at an election of senators under paragraph (ii) of section *twenty-five* of the South Africa Act, 1909, but shall otherwise have all the rights, powers, privileges and immunities which provincial councillors elected under the South Africa Act have, and shall be subject to all the duties and obligations to which such provincial councillors are subject.

REGISTRATION OF NON-EUROPEAN VOTERS IN THE  
PROVINCE OF NATAL.

Registration of non-European voters in Natal.

**13.** (1) Any non-European or native in the province of Natal who is registered as a voter at the date of commencement of this Act, shall continue to be so registered, as long as he retains his qualifications in terms of sections *five* and *six* of the principal Act and remains resident in the said province.

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(2) The name of any non-European or native who ceases to be qualified to be registered in terms of sub-section (1) shall be removed from the voters' list, and shall not thereafter be restored to it.

(3) After the date of commencement of this Act no non-European or native in the province of Natal shall, notwithstanding the provisions of section *five* of the principal Act, be entitled to be registered as a voter in the said province.

(4) The preceding provisions of this section shall not affect the right of any non-European to be registered on the Cape Coloured voters' list or of any native to be registered on the Cape native voters' roll in terms of the Representation of Natives Act, 1936 (Act No. 12 of 1936).

## THE BOARD FOR COLOURED AFFAIRS.

Establishment  
of Board for  
Coloured Affairs.

**14.** (1) A Board for Coloured Affairs (hereinafter called the Board) is hereby established, consisting of three non-European members who shall be nominated by the Governor-General and eight non-European members who are to be elected.

(2) (a) The three non-European members to be nominated, shall represent, respectively, the provinces of Natal, the Orange Free State and the Transvaal.

(b) No person shall be nominated as a member unless—

(i) he qualifies *mutatis mutandis*, in terms of paragraphs (a), (b), (c) and (d) of sub-section (1) of section *four* of the principal Act; and

(ii) has resided for a period of two years immediately prior to the date of his appointment in the province that he is nominated to represent, and continues to reside therein.

(3) Any person who is qualified to be registered in the Cape Coloured voters' list and has in addition resided in the province of the Cape of Good Hope for a period of two years immediately prior to the date of his election, shall be qualified to be elected as a member of the Board.

(4) The following persons shall have the right to attend meetings of the Board, and to take part in its deliberations, but shall not have the right to vote, except in the case of equality of voting, when the chairman shall have the right to exercise a casting vote—

(a) the Commissioner for Coloured Affairs (an office to be established to fall under the direction and control of the Minister of the Interior) who shall be the Chairman of the Board;

(b) a representative of the Department of Social Welfare,

(c) a representative of the Department of Labour; and

(d) a representative of the Administration of the province of the Cape of Good Hope.

Election of  
members of  
the Board.

**15.** (1) The persons whose names appear in the Cape Coloured voters' list for any Union electoral division, shall be entitled to elect two members of the Board as representing such electoral division.



- Act No. 46 of 1951.** (2) If the number of Union electoral divisions is altered as provided in sub-section (4) of section *nine*, the four Union electoral divisions existing before such alteration shall be deemed to persist as for the purpose of any election of members of the Board, unless and until any contrary provision is made by law.
- Tenure of office of members of the Board.** **16.** (1) Non-European members of the Board shall hold their seat for a period of five years from the date of election or appointment as the case may be: Provided that, in the case of a candidate who is declared elected in terms of sub-section (8) of section *thirty-six* of the principal Act, his tenure of office shall continue for a period of five years from the date on which polling would have taken place, if a poll had been necessary.  
(2) If the seat of any member of the Board becomes vacant before the date of expiry of his tenure of office, another person shall, if the seat becoming vacant—  
(a) is that of a nominated member, be appointed in his stead by the Governor-General;  
(b) is that of an elected member, be elected in his stead, and the person so appointed or elected shall be entitled to hold the seat until the aforesaid date of expiry.  
(3) The persons mentioned in sub-section (4) of section *fourteen* shall have the right to attend the meetings of the Board *ex officio* and the representatives mentioned under paragraphs (b), (c) and (d) of the said sub-section shall respectively be nominated from time to time by the head of the department concerned.
- Vacation of seats of members of the Board.** **17.** If a member of the Board—  
(a) ceases to be qualified to be nominated or elected, as the case may be; or  
(b) fails for a whole ordinary session to attend the Board without the special leave of the Board; or  
(c) dies or resigns,  
his office shall thereupon become vacant.
- Functions of the Board.** **18.** It shall be the function of the Board—  
(a) to advise the Government of the Union at its request on all matters affecting the economic, social, educational and political interests of the non-European population of the Union;  
(b) to make recommendations to the Government of the Union in regard to any projects calculated to serve the best interests of the said population;  
(c) to act in general as an intermediary and a means of contact and consultation between the Government of the Union and the said population;  
(d) to carry out such statutory or other administrative functions as may be assigned to the Board by the Governor-General.
- Constitution of Board.** **19.** The Minister may make regulations in regard to—  
(a) the sessions of the Board, including the venue of such sessions;

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- (b) the procedure at sessions of the Board, including the quorum and method of voting;
- (c) the appointment, subject to the laws governing the public service, of such officials as may be required to assist the Board in carrying out its functions;
- (d) the transmission of the resolutions and reports of the Board;
- (e) the payment of fees and allowances to the members of the Board: Provided that in regard to members of the Board who are in the wholtime employ of the State, such regulation shall be framed in consultation with the Public Service Commission.

## ELECTIONS.

Elections of members of House of Assembly, of provincial councillors, and of members of the Board for Coloured Affairs under this Act.

20. (1) Subject to the provisions of sub-section (4) of section *four* and of sub-sections (3), (4) and (5) of this section, the provisions of the principal Act (including the regulations thereunder) shall, *mutatis mutandis*, apply in regard to the election of members of the House of Assembly, of the provincial council for the province of the Cape of Good Hope, and of members of the Board under this Act, and in regard to all matters incidental thereto.

(2) The first elections of members of the House of Assembly, or of provincial councillors under this Act, shall not take place until—

(a) in consequence of the dissolution of the House of Assembly under any provision of the South Africa Act, 1909, a general election for the House of Assembly is to take place or until (as the case may be) by virtue of the expiry of the term of office of the provincial council for the province of the Cape of Good Hope in terms of section *seventy-three* of the said Act, a general election for the said provincial council is to take place; and

(b) there has been a new Union delimitation.

(3) (a) The election of members of the House of Assembly or of provincial councillors under this Act shall take place not less than eight days before the date proclaimed for polling day in terms of paragraph (b) of sub-section (1) of section *thirty-five* of the principal Act for the purposes of a general election.

(b) For the purpose of carrying out the provisions of paragraph (a), a special proclamation shall be issued in terms *mutatis mutandis* of section *thirty-five* of the principal Act.

(4) In regard to elections of members of the Board, the provisions of the principal Act shall apply, *mutatis mutandis*, as if they were elections for members of the House of Assembly, save that—

(i) the deposit or security required in terms of section *thirty-seven* of the principal Act, shall be the sum of fifteen pounds;

(ii) in cases where more than two candidates are nominated in respect of any division, a voter, upon receipt of a ballot paper, shall mark the said paper on the right-

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hand side with a cross in the space provided opposite the name of each of the two candidates for whom he wishes to vote;

- (iii) any ballot paper on which votes are marked for more candidates than the number of candidates for which the voter is entitled to vote, shall be invalid and shall not be counted;
- (iv) when the counting of the ballot papers has been completed, the returning officer shall declare the two candidates for whom the highest number of votes have been recorded, to be duly elected. In cases where two or more candidates receive an equal number of votes and all of such candidates cannot be declared elected, the returning officer shall immediately, in the presence of all persons present at the count, settle by drawing of lots which of such candidates shall be declared elected.

(5) The Minister may make regulations to provide for the special requirements relating to the procedure to be followed at elections under the provisions of this Act, which regulations may amend or modify or differ from any regulations framed under the principal Act.

**Short title.**

**21.** This Act shall be called the Separate Representation of Voters Act, 1951.

**Act No. 47  
of 1951.****ACT**

To amend the Old Age Pensions Act, 1928, the Blind Persons Act, 1936, the Government Service Pensions Act, 1936, the War Pensions Act, 1942, the Disability Grants Act, 1946, the Finance Act, 1950; to provide for the removal of the limitations imposed by the second proviso to section *sixty-three* of Act No. 32 of 1895 (Cape) in respect of pensions payable from the public service section of the Cape Widows' Pension Fund; to provide for the closing of the fund established under section *forty-one* of Act No. 19 of 1908 (Transvaal); to provide for the payment of bonuses to persons in receipt of certain pensions, grants and allowances; and to apply the provisions of the War Pensions Act, 1942, to certain members of the South African Permanent Force.

*(Afrikaans text signed by the Governor-General.)*  
*(Assented to 18th 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:—