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No. 397

The following Draft Ordinances which will be introduced during the Third Session of the Second Legislative Assembly are published for general information.

H. P. SMIT,
Secretary for South West Africa.

Administrator's Office,
Windhoek,

Die volgende Ontwerpordonnansies, wat gedurende die Derde Sessie van die Tweede Wetgewende Vergadering voorgelê sal word, word vir algemene informasie gepubliseer.

H. P. SMIT,
Sekretaris vir Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

- (1) The Solemnization of Marriages Law Amendment Ordinance, 1931 7048
- (2) The Townships Ordinance Amendment Ordinance, 1931 7048

- (1) Die Huweliksvoltrekkingswet-Wysigingsordonnansie 1931 7048
- (2) Die Dorpe-Ordonnansie Wysigings-Ordonnansie 1931 7048

DRAFT ORDINANCE

To amend the law relating to the solemnization of marriages.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

Amendment of section *seventeen* of Proclamation No. 31 of 1920.

1. Section *seventeen* of the Solemnization of Marriages Proclamation, 1920 (Proclamation No. 31 of 1920), is hereby amended by the addition at the beginning of sub-section (1) thereof of the words "Any person not being a marriage officer who solemnizes a marriage and".

Short title.

2. This Ordinance may be cited as the Solemnization of Marriages Law Amendment Ordinance, 1931, and shall be read as one with the Solemnization of Marriages Proclamation, 1920 (Proclamation No. 31 of 1920), as amended by the Births, Marriages and Deaths Registration Proclamation, 1923 (Proclamation No. 38 of 1923), the Solemnization of Marriages Amendment Proclamation, 1925 (Proclamation No. 3 of 1925), and the Solemnization of Marriages Amendment Proclamation, 1930 (Proclamation No. 18 of 1930).

DRAFT ORDINANCE

To amend the law relating to the establishment of townships.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

Interpretation.

1. In this Ordinance the expression "the principal Ordinance" means the Townships Ordinance, 1928 (Ordinance No. 11 of 1928), and any expression to which in the principal Ordinance a meaning has been assigned has, when used in this Ordinance, the same meaning.

Amendment of section *four* of Ordinance No. 11 of 1928.

2. Section *four* of the principal Ordinance is hereby amended—

- (a) by the addition immediately after the words "the Registrar of Deeds" of the words "a person to be appointed by the Administrator who shall be charged with the duty of bringing to the notice of the Board the views of municipal councils and the interests of the inhabitants of municipalities";
- (b) by the deletion of the word "other"; and
- (c) by the addition at the end thereof of the words "The Administrator may grant to the member of the Board who is not a member of the public service allowances towards expenses of transport and subsistence, at rates to be fixed by the Administrator."

Amendment of section *seven* of Ordinance No. 11 of 1928.

3. Section *seven* of the principal Ordinance is hereby repealed, and the following new section is substituted therefor

Checks upon attempts to evade Ordinance.

7. (1) If the Administrator after consultation with the Board is satisfied that the steps taken or proposed to be taken by an owner or lessee of land in dividing or disposing of or letting or sub-letting that land or any portion thereof will in effect constitute an evasion of the intention of this Ordinance, he shall by writing signed by the Secretary for South West Africa notify such owner or lessee that the proposed division or disposal or lease or sub-lease is forbidden, and may attach such conditions as he thinks fit subject to which the division or disposal or lease or sub-lease may be made, effected or entered into. The Secretary shall transmit a copy of every such notice to the Surveyor-General and to the Registrar of Deeds.

(2) Any owner or lessee of land who divides or disposes of or lets or sub-lets that land or any portion thereof in disobedience to any such prohibition shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding six months.

(3) The Surveyor-General shall not approve of any diagram of any division and the Registrar of Deeds shall not register a transfer or lease made, effected or entered into in disobedience to any such prohibition.

ONTWERPORDONNANSIE

Om die wet met betrekking tot die voltrekking van huwelike te wysig.

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied Suidwes-Afrika as volg:—

1. Artikel *seventeen* van "De Huweliksvoltrekkings Proklamasie, 1920" (Proklamasie No. 31 van 1920), word hierby gewysig deur die toevoeging aan die begin van onderartikel (1) daarvan van die woorde "Iedere persoon die geen huweliksambtenaar zijnde een huweliksplechtigheid voltrekt en".

Wysiging van Artikel *seventeen* van Proklamasie No. 31 van 1920.

2. Hierdie Ordonnansie kan aangehaal word as die Huweliksvoltrekkingswet-Wysigingsordonnansie 1931 en moet as een geles word met "De Huweliksvoltrekkings Proklamasie, 1920" (Proklamasie No. 31 van 1920), soos gewysig deur "De Registratie van Geboorten, Huweliken en Sterfgevallen Proklamasie, 1923" (Proklamasie No. 38 van 1923), "De Huweliksvoltrekkings-Wijzigingsproklamasie 1925" (Proklamasie No. 3 van 1925) en die Huweliksvoltrekkings-Wysigingsproklamasie 1930 (Proklamasie No. 18 van 1930).

Kort titel.

ONTWERPORDONNANSIE

Om die wet betreffende die stigting van dorpe te wysig.

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied Suidwes-Afrika as volg:—

1. In hierdie Ordonnansie beteken die uitdrukking "die Hoofordonnansie" die Dorpe-Ordonnansie 1928 (Ordonnansie No. 11 van 1928), en enige uitdrukking, waaraan in die Hoofordonnansie 'n betekenis geheg is, het, wanneer in hierdie Ordonnansie gebruik, dieselfde betekenis.

Woordbepaling.

(2) Artikel *vier* van die Hoofordonnansie word hierby gewysig—

Wysiging van artikel *vier* van Ordonnansie No. 11 van 1928.

(a) deur die toevoeging onmiddellik na die woorde "die Registrateur van Aktes" van die woorde "en deur die Administrateur te benoeme persoon, wat belas sal wees met die plig om die sienswyse van stadsrade en die belange van inwoners van munisipaliteite tot die kennis van die Raad te bring";

(b) deur skraping van die woord "ander"; en

(c) deur die toevoeging aan die end daarvan van die woorde "Die Administrateur kan aan die lid van die Raad, wat nie 'n lid van die staatsdiens is nie, toelae vir transport- en onderhoudskoste teen 'n deur die Administrateur te bepale tarief gee".

3. Artikel *sewe* van die Hoofordonnansie word hierby herroep en die volgende nuwe artikel daarvoor gesubstitueer:—

Wysiging van artikel *sewe* van Ordonnansie No. 11 van 1928.

Beheer van pogings om Ordonnansie te ontduik.

7. (1) As die Administrateur na raadpleging met die Raad oortuig is dat die stappe, wat deur 'n eienaar of huurder van grond gedoen is of wat hy van plan is om te doen in verband met die onderverdeling of vandiehandsetting of verhuuring of onderverhuuring van daardie grond of enige gedeelte daarvan in werklikheid 'n ontduiking van die doel van hierdie Ordonnansie uitmaak, moet hy deur middel van 'n geskrif, deur die sekretaris vir Suidwes-Afrika geteken, sodanige eienaar-of-huurder in kennis stel, dat die voorgestelde onderverdeling of vandiehandsetting of verhuuring of onderverhuuring belet is, en kan hy sodanige kondisies daaraan heg, as hy doelmstig ag, onderbewig, waaraan die onderverdeling of vandiehandsetting of verhuuring of onderverhuuring gemaak, teweeggebring of aangegaan mag word. Die Sekretaris moet 'n kopie van elke sodanige kennisgewing aan die Landmeter-Generaal en die Registrateur van Aktes oorstuur.

(2) Enige eienaar of huurder van grond, wat die grond of enige gedeelte daarvan in ongehoorsaamheid aan enige sodanige verbod onderverdeel of van die hand set of verhuur of onderverhuur, is skuldig aan 'n oortreding en na skuldgebvinding blootgestel aan 'n boete van hoogstens tweehonderd pond of, hy wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

(3) Die Landmeter-Generaal mag geen diagram van enige onderverdeling goedkeur nie en die Registrateur van Aktes mag geen transport of huurkontrak, wat in ongehoorsaamheid aan enige sodanige verbod gemaak, teweeggebring of aangegaan is, registreer nie.

Applicability of section seven of Ordinance No. 11 of 1928, as amended by section three of this Ordinance, to letting of houses already built.

4. The provisions of section seven of the principal Ordinance, as amended by section three of this Ordinance, shall not apply to the letting or sub-letting of any land on which a house has been built before the commencement of this Ordinance:

Provided that if the Administrator after consultation with the Board is satisfied that in the interests of the health of the community living in the neighbourhood of any such land the said provisions ought to be applied to such land, he may by writing signed by the Secretary for South West Africa notify the owner and the lessee and sub-lessee (if any) of such land that the said provisions are applied to such land, and if no valid lease has been entered into of such land, the said provisions shall thereupon apply to such land forthwith, and if a valid lease has been entered into of such land, the said provisions shall apply to such land at the termination of the said lease or at the expiration of one year after the said notification, whichever date be the earlier.

Limit upon number of dwelling-houses that may be built upon land in a township.

5. (1) The number of dwelling-houses built upon any erf or piece of land situate within a township, whether that township was established before or after the commencement of this Ordinance, shall not exceed one for every thousand square metres comprised in that erf or piece of land. Any person having control of any such erf or piece of land who builds or causes or permits to be built thereon a greater number of dwelling-houses than is allowed by this subsection to be built thereon shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding six months.

(2) No house built after the commencement of this Ordinance, the building of which, if it had been built as a dwelling-house, would have amounted to a contravention of this section, shall be occupied as a dwelling-house. Any person having control of an erf or piece of land on which any such house is built who occupies it as a dwelling-house or causes or permits it to be so occupied shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment with or without hard labour, for a period not exceeding six months.

(3) After consultation with the Board the Administrator may, by writing signed by the Secretary for South West Africa, grant exemption from the provisions of this section, in respect of any erf or piece of land, and may attach to such exemption such conditions as he thinks fit.

(4) Subject to the provisions of sub-section (2), this section shall not apply to any house the building of which had been begun or for the building of which a contract had been entered into at the date of the commencement of this Ordinance.

Short title.

6. This Ordinance shall be read as one with the principal law and may be cited as the Townships Ordinance Amendment Ordinance, 1931.

4. Die bepalings van artikel sewe van die Hoofordonnansie soos gewysig deur artikel twee van hierdie Ordonnansie, het geen toepassing op die verhuring of onderverhuring van enige grond, waarop 'n huis voor die inwerking-treding van hierdie Ordonnansie gebou is nie:

Met die verstande dat, as die Administrateur na raadpleging met die Raad oortuig is dat die voormelde bepalings in die belang van die gesondheid van die mense, wat in daardie buurt woon, op sodanige grond behoort toegepas te word, hy die eienaar en die huurder en onderverhuurder (as daar enige is) van sodanige grond deur middel van 'n geskrif, geteken deur die Sekretaris vir Suidwes-Afrika, in kennis mag stel dat die voormelde bepalings op sodanige grond toegepas is, en, as daar geen geldige huurkontrak ten opsigte van sodanige grond aangegaan is nie, het die voormelde bepalings dadelik toepassing op sodanige grond, en as daar 'n geldige huurkontrak ten opsigte van sodanige grond aangegaan is, het die voormelde bepalings toepassing op sodanige grond by die beëindiging van die voormelde huurkontrak of na verloop van een jaar na die voormelde in-kennisstelling, al na watter datum die vroeër is.

5. (1) Die aantal woonhuise gebou op enige erf of stuk grond binne 'n dorp geleë, onverskillig of daardie dorp voor af na die inwerking-treding van hierdie Ordonnansie gestig is, mag nie een vir elke duisend vierkante meters, in daardie erf of stuk grond bevat, tebogaan nie. Enige persoon, wat kontrole oor enige sodanige erf of stuk grond het, en wat 'n groter aantal woonhuise, as by hierdie onder-artikel geoorloof is om daarop gebou te word, daarop bou of laat bou of toelaat dat dit gebou word, is aan 'n oortreding skuldig en na skuldigbevinding blootgestel aan 'n boete van hoogstens tweehonderd pond of, by wanbetaling, aan tronkstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

(2) Geen huis na die inwerking-treding van hierdie Ordonnansie gebou, die bou waarvan, as dit as 'n woonhuis gebou was, 'n oortreding van hierdie artikel sou uitgemaak het, mag as 'n woonhuis geokkupeer word nie. Enige persoon, wat kontrole oor 'n erf of stuk grond het, waarop enige sodanige huis gebou is, en wat dit as 'n woonhuis okkupeer of dit laat okkupeer of toelaat dat dit aldus geokkupeer word is aan 'n oortreding skuldig en na skuldigbevinding blootgestel aan 'n boete van hoogstens tweehonderd pond of, by wanbetaling, aan tronkstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

(3) Na raadpleging met die Raad kan die Administrateur deur middel van 'n geskrif, geteken deur die Sekretaris vir Suidwes-Afrika, vrystelling verleen van die bepalings van hierdie artikel ten aansien van enige erf of stuk grond en kan aan sodanige vrystelling sodanige voorwaardes heg as hy doelmatig ag.

(4) Onderhewig aan die bepalings van onderartikel (2) het hierdie artikel geen toepassing nie op enige huis, die bou waarvan begin was of vir die bou waarvan 'n kontrak aangegaan was op die datum van die inwerking-treding van hierdie Ordonnansie.

6. Hierdie Ordonnansie moet as een gelees word met die hoofwet en kan vir al die doeleindes aangehaal word as die Dorpe-Ordonnansie Wysigings-Ordonnansie 1931.

Toepasbaarheid van artikel sewe van Ordonnansie No. 11 van 1928, soos gewysig deur artikel drie van hierdie Ordonnansie op die verhuur van alreeds geboude huise.

Beperking van aantal woonhuise, wat op grond in 'n dorp gebou mag word.

Kort titel.