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The following Draft Ordinance which will be introduced during the Seventh Session of the Second Legislative Assembly is published for general information.

F. P. COURTNEY CLARKE,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

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

F. P. COURTNEY CLARKE,
Sekretaris vir Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

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DRAFT ORDINANCE

To amend the law relating to the licensing of trades, occupations and callings.

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

1. In this Ordinance the expression "the principal law" means the Licences Proclamation, 1921 (Proclamation No. 21 of 1921), as amended by the Licences Amendment Proclamation, 1921 (Proclamation No. 33 of 1921), the Licences Further Amendment Proclamation, 1922 (Proclamation No. 21 of 1922), the Licences Proclamation Amendment Proclamation, 1925 (Proclamation No. 29 of 1925), the Licences Proclamation Amendment Proclamation, 1928 (Proclamation No. 18 of 1928), the Licences Law Amendment Ordinance, 1928 (Ordinance No. 12 of 1928), the Licences Law Further Amendment Ordinance, 1929 (Ordinance No. 7 of 1929), the Licences Law Further Amendment Ordinance, 1930 (Ordinance No. 1 of 1930), the Licences Law Amendment Proclamation, 1931 (Proclamation No. 13 of 1931), the Licences Law Further Amendment Proclamation, 1931 (Proclamation No. 18 of 1931), the Licences Law Amendment Ordinance, 1932 (Ordinance No. 3 of 1932), and the Licences Law Amendment Further Amendment Proclamation, 1933 (Proclamation No. 8 of 1933).

2. The section under the heading "General Dealer" in the First Schedule to the principal law is hereby amended as follows:—

(a) By deleting the words "and shall be signed by the Magistrate" at the end of paragraph 3.

(b) By deleting sub-paragraph (2) of paragraph 4, and substituting the following new paragraph therefor:—

"4. (2) Before considering any application for a certificate by or on behalf of any person whose name does not appear upon the list framed for the district under the provisions of section six hereof, the Magistrate shall ascertain from the senior officer of police for the district if anything is known against the applicant."

(c) By deleting sub-paragraph (3) of paragraph 4, and substituting the following new paragraph therefor:—

"4. (3) The Magistrate shall forward any application made to him for a licence or for an additional licence, with his recommendations and observations thereon, to the Secretary for the Territory so that the matter may be laid before the Administrator-in-Executive-Committee, and the granting or refusal of a certificate for the issue of such licence or additional licence shall be in the discretion of the Administrator-in-Executive-Committee.

If such a certificate is issued it shall be signed by the Secretary for the Territory, or any person authorised by him."

(d) By deleting sub-paragraph (6) of paragraph 4, and substituting the following new paragraph therefor:—

"4. (6) A certificate for the issue of a general dealer's licence may be issued subject to the restriction that such licence is to be deemed to authorize only wholesale transactions."

(e) By deleting paragraph 7, and substituting therefor the following new paragraph:—

"7. (1) In case any person whose name shall have been placed upon any list framed under the provisions of the preceding paragraph shall wish to change the place at which his business shall in future be carried on it shall be lawful for such person to apply (upon payment of a fee of five shillings) to the Magistrate for a certificate authorising the removal of the business to some other place within the area of jurisdiction of such Magistrate, and such application shall then be for-

ONTWERPORDONNANSIE

Om die Wet met betrekking tot die lisensiering van ambagte, besighede en beroepe te wysig.

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

1. In hierdie Ordonnansie beteken die uitdrukking "die hoofwet" "De Licentie Proklamatie 1921" (Proklamasie No. 21 van 1921), soos gewysig by "De Licentie Wyziging Proklamatie 1921" (Proklamasie No. 33 van 1921), "De Verdere Licenties Wyziging Proklamatie 1922" (Proklamasie No. 21 van 1922), "De Licentie Proklamatie Wyzigings-Proklamatie 1925" (Proklamasie No. 29 van 1925), die Lisensie Proklamasie Wyzigings Proklamasie 1928 (Proklamasie No. 18 van 1928), die Lisensiewet-Wyzigingsordonnansie 1928 (Ordonnansie No. 12 van 1928), die Lisensiewet Verder Wyzigingsordonnansie 1929 (Ordonnansie No. 7 van 1929), die Lisensiewet Verder Wyzigingsordonnansie 1930 (Ordonnansie No. 1 van 1930), die Lisensiewet Wyzigingsproklamasie 1931 (Proklamasie No. 13 van 1931), die Lisensiewet Verder Wyzigingsproklamasie 1931 (Proklamasie No. 18 van 1931), die Lisensiewet Wyzigings-Ordonnansie 1932 (Ordonnansie No. 3 van 1932) en die Lisensiewet Wyziging Verder Wyzigingsproklamasie 1933 (Proklamasie No. 8 van 1933).

2. Die artikel onder die opskrif "Algemene Handelaar" in die Eerste Bylae tot die hoofwet word hierby gewysig as volg:—

(a) Deur skraping van die woorde "en door de Magistraat geteekend worden" aan die end van paragraaf 3.

(b) Deur skraping van sub-paragraaf (2) van paragraaf 4 en die vervanging daarvan deur die volgende nuwe paragraaf:—

"4. (2) Alvorens enige aansoek om 'n sertifikaat deur of ten bate van enige persoon wie se naam nie op die lys verskyn nie wat kragtens artikel ses hiervan vir die distrik opgestel is, moet die Magistraat van die Hoofbeample van die polisie vir die distrik verneem of enigiets teen die applikant bekend is."

(c) Deur skraping van Sub-paragraaf (3) van paragraaf 4, en die vervanging daarvan deur die volgende nuwe paragraaf:—

"4. (3) Die Magistraat moet enige aansoek om 'n lisensie of om 'n addisionele lisensie, met sy aanbevelings en opmerkings daarop aan die Sekretaris van die Gebied stuur sodat die saak aan die Administrateur-in-Uitvoerende-Komitee voorgelê kan word en die toestaan of weiering van 'n sertifikaat vir die uitreiking van sodanige lisensie of addisionele lisensie sal aan die oordeel van die Administrateur-in-Uitvoerende-Komitee oorgelaat word. Indien sodanige sertifikaat uitgereik word, moet dit deur die Sekretaris van die Gebied of enige persoon deur hom daartoe gemagtig onderteken word."

(d) Deur skraping van sub-paragraaf (6) van paragraaf 4, en die vervanging daarvan deur die volgende nuwe paragraaf:—

"4. (6) 'n Sertifikaat vir die uitreiking van 'n algemene handelaarslisensie kan uitgereik word onderhewig aan die beperking dat sodanige lisensie net as magtiging van groothandelstransaksies beskou moet word."

(e) Deur skraping van paragraaf 7 en die vervanging daarvan deur die volgende nuwe paragraaf:—

"7. (1) Ingeval enige persoon, wie se naam op enige lys gesit is wat opgestel is kragtens die voorafgaande paragraaf die plek wil verander waar sy besigheid in toekoms gedryf sal word, dan het sodanige persoon die reg om (teen betaling van 'n fooi van vyf sjelings) by die Magistraat aansoek te doen om 'n sertifikaat wat die verplasing van die besigheid na 'n ander plek binne die regsg gebied van sodanige Magistraat magtig en sodanige aansoek

warded to the Secretary for the Territory, as provided in sub-paragraph (3) of paragraph 4 hereof, to be adjudicated upon by the Administrator-in-Executive-Committee. If such application for a removal certificate is refused, it may be renewed in accordance with the provisions of this paragraph, if the application is made owing to termination of a lease, or on account of fire or other disaster, provided that the applicant forthwith notifies the Magistrate concerned that he intends to seek other premises to which to remove his business, and the application is renewed within a period of four months reckoned from the date of the termination of the lease aforesaid or of the fire or other disaster. During the said period of four months the applicant shall also be entitled to have his name retained upon the list mentioned in the preceding paragraph.

(2) The decision of the Administrator-in-Executive-Committee in regard to any applications made under this paragraph shall be final, and any certificates granted shall be signed by the Secretary for the Territory or any person authorised by him.

(3) Where application for a certificate under the provisions of this paragraph is made to any Magistrate the said Magistrate may, if satisfied that *prima facie* reason exists for refusing such application on the ground of public health, require the applicant to furnish at his own expense a certificate by a medical practitioner appointed by the Magistrate."

3. The Section under the heading "Hawker" in the First Schedule to the principal law is hereby amended by deleting paragraph 2, and substituting the following new paragraph therefor:—

"2. The provisions of paragraphs *two* and *eight* of this Schedule under the heading of "General Dealer" shall apply *mutatis mutandis* to applicants for or holders of hawker's licences, provided that a certificate signed by the Secretary for the Territory shall be obtained for the issue of every hawker's licence whether it be a new licence or the renewal of a licence; that where application for a certificate for a hawker's licence is made to any Magistrate, the granting or refusal thereof shall be in the discretion of the Administrator-in-Executive-Committee and that any person who shall trade as a hawker without first obtaining the said certificate shall be deemed to be trading without a licence."

4. The section under the heading "Speculator in Livestock and Produce" in the First Schedule to the principal law is hereby amended by the addition of the following proviso at the end thereof:—

"It is provided, however, that the licence fees payable by buyers of Karakul pelts shall be £10 per annum, in respect of a licence for one district, and £25 per annum in respect of a licence for the whole territory, in addition to the turnover tax as above provided, the half-yearly licence fee being calculated in proportion."

5. Buyers of Karakul pelts shall keep a proper record of all purchases, stating in each case the date of the transaction, the quantity of pelts purchased, and the name and address of the sellers. Such record shall be open for inspection at all reasonable times during the day or night by an officer duly authorised thereto by the Administrator.

6. The provisions of this Ordinance shall not affect the issue of any licences not mentioned herein, and in regard to such licences the position shall be governed by the principal law as if this Ordinance had not been passed.

7. This Ordinance may be cited as the Licences Law Amendment Ordinance, 1934, and shall be read as one with the principal law.

moet dan aan die Sekretaris vir die gebied gestuur word, soos bepaal in subparagraaf (3) van paragraaf (4) hiervan, vir die beslissing deur die Administrateur-in-Uitvoerende-Komitee. Indien sodanige aansoek om 'n sertifikaat vir verplasing geweier word, kan dit herhaal word ooreenkomstig die bepalings van hierdie paragraaf indien aansoek gedoen word weens beëindiging van huurkontrak of weens 'n vuur of ander ramp mits die applikant die betrokke Magistraat dadelik in kennis stel dat hy voornemens is om 'n ander perseel te soek waarheen hy sy besigheid kan verplaas en die aansoek herhaal word binne 'n tydperk van vier maande gereken vanaf die datum van beëindiging van voormelde huurkontrak of van die vuur of ander ramp. Gedurende genoemde tydperk van vier maande is die applikant ook geregtig om sy naam op die lys in voorafgaande paragraaf genoem, te laat bly.

(2) Die beslissing van die Administrateur-in-Uitvoerende-Komitee ten opsigte van enige aansoek gedoen ingevolge hierdie paragraaf is finaal en enige sertifikate wat toegestaan is, moet deur die Sekretaris vir die Gebied of enige persoon deur hom daartoe gemagtig onderteken word.

(3) Waar aansoek om 'n sertifikaat ingevolge die bepalings van hierdie paragraaf by enige Magistraat gedoen word, kan die Magistraat, indien by daarvan oortuig is dat *prima facie* rede bestaan om sodanige aansoek te weier op die grond van publieke gesondheid van die applikant verlang dat hy op sy eie koste 'n sertifikaat van 'n mediese dokter deur die Magistraat benoem, verskaf."

3. Die artikel onder die opskrif "Smous" in die Eerste Bylae tot die hoofwet word hierby gewysig deur skraping van paragraaf 2 en die vervanging daarvan deur die volgende nuwe paragraaf:—

"2. Die bepalings van paragrawe *twee* en *agt* van hierdie Bylae onder die opskrif "Algemene Handelaar" is *mutatis mutandis* van toepassing op applikante vir of houers van Smouslisensies, met dien verstande dat 'n sertifikaat onderteken deur die Sekretaris vir die Gebied verkry moet word vir die uitreiking van elke Smouslisensie ditsy 'n nuwe lisensie of die vernuwning van 'n lisensie; dat waar aansoek gedoen word by enige Magistraat om 'n sertifikaat vir 'n Smouslisensie die toestaan of weiering daarvan aan die oordeel van die Administrateur-in-Uitvoerende-Komitee oorgelaat sal word en dat enige persoon wat as smous handeldrywe sonder om eers die genoemde sertifikaat te verkry, beskou sal word sonder 'n lisensie te handel."

4. Die artikel onder die opskrif "Spekulateur in Vee en Produkten" in die Eerste Bylae tot die hoofwet word hierby gewysig deur die toevoeging van die volgende voorbehoudsbepaling aan die end daarvan:—

"Dit word egter bepaal dat die lisensiefooi, betaalbaar deur kopers van Karakulvelle £10 per jaar sal wees vir 'n lisensie vir een distrik en £25 per jaar vir 'n lisensie vir die hele gebied benewens die omsetbelasting, soos bo bepaal. Die halfjaarlikse lisensiefooi word in verhouding bereken."

5. Kopers van Karakulvelle moet alle aankopings behoorlik opteken en in elke geval melding maak van die datum waarop die transaksie plaasgevind het, die hoeveelheid velle wat gekoop is en die naam en adres van die verkopers. Sodanige register moet te alle redelike tye gedurende die dag of nag oop wees vir inspeksie deur 'n beampte wat behoorlik deur die Administrateur daartoe gemagtig is.

6. Die bepalings van hierdie Ordonnansie sal nie die uitreiking van enige lisensies nie hierin genoem nie, beïnvloed nie en, wat sodanige lisensies betref, sal die toestand beheer word deur die hoofwet asof hierdie Ordonnansie nie aangeneem was nie.

7. Hierdie Ordonnansie kan aangehaal word as die Lisensiewet Wysigingsordonnansie 1934 en moet as één gelees word met die hoofwet.