



OFFICIAL GAZETTE EXTRAORDINARY of South West Africa.

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WINDHOEK

Woensdag, 2 Oktober, 1935.

No. 634

The following Draft Ordinance which will be introduced during the Second Session of the Third 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 Tweede Sessie van die Derde Wetgewende Vergadering voorgelê sal word, word vir algemene informasie gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

DRAFT ORDINANCE

To provide for the consolidation and amendment of the law relating to the taxation of persons carrying on certain professions or callings in the Territory.

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

1. As from the first day of January, 1936, and save as hereinafter provided, there shall be charged, levied and collected annually for the benefit of the Territory Revenue Fund a tax (hereinafter called "professional tax") on all persons practising or carrying on within this Territory any of the professions or callings mentioned in the Schedule to this Ordinance in accordance with the tariff prescribed in the said Schedule.

2. Professional tax shall be payable on the first day of January in each year, and shall be paid to the Magistrate of the District where the person liable to pay the tax carries on his profession or calling:

Provided that, subject to the provisions of the next succeeding section, where any such person as aforesaid commences to practise or carry on his profession or calling after the first day of January in any calendar year, he shall be liable to pay professional tax on the date when he so commences to carry on his said profession or calling in that year:

Provided further that where any such person commences to practise or carry on his profession or calling after the first day of July in any calendar year he shall be liable to pay only half of the appropriate amount of the tax payable.

3. It is specially provided, however, that no tax shall be payable by an advocate of less than one year's standing; and the tax payable by an advocate of more than one year but less than three year's standing shall be half the amounts specified in the Schedule to this Ordinance.

For the purpose of this section the standing of an advocate shall be reckoned from the date of his first admission to practise in the High Court of South West Africa, and the first payment of tax shall be due one year after the date of such admission, or as soon thereafter as such advocate continues or commences to practise his profession in the Territory:

Provided that where such due date falls after the first day of July in any calendar year, such advocate shall be liable to pay only half of the appropriate amount of professional tax payable in respect of that calendar year.

4. Where two or more members of a firm or partnership carry on any profession or calling mentioned in the Schedule to this Ordinance each such member shall be liable to pay a separate and distinct tax in his own name.

5. Where any person practises or carries on more than one of the professions or callings in respect of which professional tax is payable or specified in the Schedule, he shall be required to pay the full tax in respect of that profession or calling practised by him for which the highest tax is so specified, but only half the tax so specified in respect of any additional profession or calling.

ONTWERPORDONNANSIE

Om voorsiening te maak vir die konsolidasie en wysiging van die wet betreffende die belasting van persone wat sekere professies of beroepe in die Gebied uitvoer.

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

1. Vanaf die eerste dag van Januarie 1936, en behoudens die hiernavermelde bepalings, word 'n belasting (hierna genoem "beroepsbelasting") jaarliks geëis, gehef en ingesame vir die voordeel van die Gebieds-Inkomste-Fonds, van alle persone wat enige van die professies of beroepe binne hierdie Gebied drywe of uitvoer wat in die Bylae van hierdie Ordonnansie genoem is in ooreenstemming met die tarief in die vermelde Bylae voorgeskrewe.

2. Beroepsbelasting is betaalbaar op die eerste dag van Januarie in elke jaar, en moet betaal word aan die Magistraat van die distrik waar die persoon wat aanspreeklik is om die belasting te betaal, sy professie of beroep uitvoer:

Met die verstande dat, onderhewig aan die bepalings van die eersvolgende artikel, wanneer enige sodanige voormalde persoon begin om sy professie of beroep na die eerste dag van Januarie in enige kalenderjaar uit te oefen of te drywe, is hy aanspreeklik om beroepsbelasting op die datum te betaal wanneer hy aldus begin om sy vermelde professie of beroep in daardie jaar uit te oefen:

Met die verstande verder dat wanneer enige sodanige persoon begin om sy professie of beroep na die eerste dag van Julie in enige kalenderjaar uit te oefen of te drywe, is hy aanspreeklik om slegs die helfte van die bestemde bedrag van die betaalbare belasting te betaal.

3. Dit word egter spesiaal bepaal dat geen belasting betaalbaar is deur 'n advokaat wat minder as een jaar prakteer; en die belasting wat deur 'n advokaat wat meer as een jaar maar minder as drie jaar prakteer, betaalbaar is, is die helfte van die bedrae wat in die Bylae van hierdie Ordonnansie gespesifieer is.

Vir die doeleinde van hierdie artikel word die stand van 'n advokaat gereken vanaf die datum van sy eerste toelating om in die Hooggereghof van Suidwes-Afrika te prakteer, en die eerste belastingbetaling is betaalbaar een jaar na die datum van sodanige toelating, of so spoedig daarna as wat sodanige advokaat aanhou of begin sy professie in die Gebied uit te oefen:

Met die verstande dat wanneer sodanige betaaldag na die eerste dag van Julie in enige kalenderjaar val, sodanige advokaat slegs aanspreeklik is om die helfte van die bestemde bedrag van die beroepsbelasting wat ten aansien van daardie kalenderjaar betaalbaar is, te betaal.

4. Wanneer twee of meer lede van 'n firma of vennootskap enige professie of beroep uitvoer wat in die Bylae van hierdie Ordonnansie genoem is, is elke sodanige lid aanspreeklik om 'n afsonderlike en aparte belasting in sy eie naam te betaal.

5. Wanneer enige persoon meer as een van die professies of beroepe uitvoer of drywe, ten aansien waarvan beroepsbelasting betaalbaar is of in die Bylae gespesifieer is, is hy benodig die volle belasting ten aansien van daardie professie of beroep wat hy uitvoer en waarvoor die hoogste belasting aldus gespesifieer is, te betaal, maar slegs die helfte van die belasting wat aldus gespesifieer is, ten aansien van enige bykomende professie of beroep.

6. The following persons are exempted from liability to pay professional tax—

- (i) Any individual employed by the Government of the Union of South Africa or the Administration of the Territory or by any local authority or educational institution or hospital board whose whole time is required to be devoted to such employment and who is not permitted to perform work outside his official duties.
- (ii) Any individual acting in the capacity of a *bona fide* employee whose remuneration is not wholly or partly dependent upon profits made or volume of business done, and whose employer is taxed under this Ordinance.

7. Any sum due under this Ordinance shall be a debt due to the Administration of the Territory and may be sued for and recovered by action in any court of competent jurisdiction.

8. Any person liable to pay professional tax who fails to pay the same within one month from the date upon which it becomes payable, and thereafter carries on his profession or calling while the said tax remains unpaid, shall be guilty of an offence, and liable on conviction to a fine not exceeding twenty-five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

9. The Professional Tax Proclamation, 1921 (Proclamation No. 24 of 1921), as amended by the Professional Tax Amendment Proclamation, 1932 (Proclamation No. 28 of 1932), is hereby repealed: Provided that any sum due under the said Proclamation at the date when this Ordinance comes into force shall be deemed to be a sum due under this Ordinance for the purposes of the provisions of sections *seven* and *eight*.

10. The Administrator may make regulations:—

- (a) prescribing the form or forms to be signed for purposes of record by persons paying the tax;
- (b) generally in furtherance of the objects and purposes of this Ordinance.

11. This Ordinance may be cited for all purposes as "The Professional Tax Ordinance, 1935", and shall come into force as from the first day of January, 1936.

SCHEDULE.

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| (a) Accountant and/or Auditor | £10 0 0 |
| (b) Actuary | £10 0 0 |
| (c) Advocate | £10 0 0 |
| (d) Architect | £ 7 10 0 |
| (e) Attorney and/or Notary | £10 0 0 |
| (f) Consulting Engineer (including any branch of engineering) | £10 0 0 |
| (g) Conveyancer | £ 3 0 0 |
| (h) Dentist | £10 0 0 |
| (i) Interpreter or Translator | £ 2 10 0 |
| (j) Land Surveyor (including any person practising as a Surveyor of Mining Areas in terms of the laws and regulations in force in this Territory relating to mining). | £ 5 0 0 |
| (k) Medical Practitioner | £10 0 0 |
| (l) Quantity Surveyor | £ 7 10 0 |

BYLAE.

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| (a) Rekenmeester en/of Auditour | £10 0 0 |
| (b) Aktuaris | £10 0 0 |
| (c) Advokaat | £10 0 0 |
| (d) Argitek | £ 7 10 0 |
| (e) Prokureur en/of Notaris | £10 0 0 |
| (f) Adviserende Ingenieur (insluitende enige tak van ingenieurswese) | £10 0 0 |
| (g) Transportbesorger | £ 3 0 0 |
| (h) Tandarts | £10 0 0 |
| (i) Tolk of Vertaler | £ 2 10 0 |
| (j) Landmeter (insluitende enige persoon wat as 'n landmeter van myngebiede, ooreenkomsdig die wette en regulasies wat in hierdie Gebied ten opsigte van mynwese van krag is, praktiseer). | £ 5 0 0 |
| (k) Mediese praktisyn | £10 0 0 |
| (l) Materiaalrekenaar | £ 7 10 0 |