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PROCLAMATIONS

BY HIS HONOUR PETRUS IMKER HOOGENHOUT,
ADMINISTRATOR OF SOUTH WEST AFRICA.

*No. 35 of 1943.]

WHEREAS it is desirable to amend the Native Administration Proclamation, 1928, (No. 15 of 1928) as amended by the Native Administration Amendment Proclamation, 1937, (No. 25 of 1937) and the Native Administration Amendment Proclamation, 1941, (No. 24 of 1941);

NOW THEREFORE under and by virtue of the powers in me vested I do hereby proclaim, declare and make known as follows:—

1. Section 22 of the Native Administration Proclamation, 1928 (No. 15 of 1928), is hereby amended by the addition of the following sub-section at the end thereof—

“(4) For the purposes of this section “native” shall include persons referred to in paragraph (c) of sub-section (3) of section 5 of the Natives (Urban Areas) Proclamation, 1924 (No. 34 of 1924) as inserted by the Natives (Urban Areas) Proclamation, 1924, Further Amendment Proclamation, 1938 (No. 21 of 1938), in addition to the meaning assigned to it in section 25 of this Proclamation.”

* Republished with correction.

PROKLAMASIES

VAN SY EDELE PETRUS IMKER HOOGENHOUT,
ADMINISTRATEUR VAN SUIDWES-AFRIKA.

*No. 35 van 1943.]

NADEMAAL dit wenslik is om die Naturelle-administrasie-Proklamasie 1928 (No. 15 van 1928), soos gewysig deur die Naturelle-administrasie-Wysigingsproklamasie 1937 (No. 25 van 1937) en die Naturelle-administrasie-Wysigingsproklamasie 1941 (No. 24 van 1941), te wysig;

SO IS DIT dat ek, kragtens die bevoegdheid my verleen, hiermee proklameer, verklaar en bekendmaak, soos volg:—

1. Artikel 22 van die Naturelle-administrasie-Proklamasie 1928 (No. 15 van 1928) word hiermee gewysig deur die volgende subartikel aan die end daarvan by te voeg—

„(4) By die toepassing van hierdie artikel omvat „naturel” persone vermeld in paragraaf (c) van subartikel (3) van artikel 5 van die „Naturellen (Stedelike Gebiede) Proklamasie 1924” (No. 34 van 1924), soos ingevoeg deur die Verdere Wysigingsproklamasie, 1938, op die „Naturellen (Stedelike Gebiede) Proklamasie 1924” (No. 21 van 1938), en het boonop die betekenis daaraan toegeken in artikel 25 van hierdie Proklamasie.”

* Oorgepubliseer met verbetering.

2. This Proclamation shall be called the Native Administration Further Amendment Proclamation, 1943, and shall be deemed to have come into operation on 1st January, 1930.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 23rd day of October, 1943.

P. I. HOOGENHOUT,
Administrator.

No. 37 of 1943.]

WHEREAS the performance of surgical operations upon native minors who require immediate operative treatment has frequently been delayed to permit of the consent of the fathers or guardians of such minors being obtained;

AND WHEREAS such delay has on many occasions caused unnecessary suffering or proved detrimental to the future well-being of such minors;

NOW THEREFORE, under and by virtue of the powers in me vested, I do hereby proclaim, declare and make known as follows:—

1. For the purpose of this Proclamation:—

- (a) "Native" means and includes any person other than a European.
- (b) "Native Commissioner" means and includes an Additional Native Commissioner, an Assistant Native Commissioner or any officer lawfully acting as such.
- (c) "Magistrate" means and includes an Additional Magistrate, an Assistant Magistrate or any officer lawfully acting as such.

2. Any Magistrate or Native Commissioner may:—

- (a) If he has good grounds for believing that a parent or guardian of any native minor in his district is not readily available to give his consent to any surgical operation upon such minor; and
- (b) If according to a certificate by a registered medical practitioner, the performance of a surgical operation upon such minor is necessary to preserve his life or to save him from a lasting physical injury or disability and the operation ought not to be deferred for the purpose of obtaining the consent of any parent or guardian of such minor,

himself, in lieu of such parent or guardian, consent to the performance of such operation.

3. Such consent, given in writing to the person who will perform the operation, shall have the same force and effect as if it had been given by the parent or guardian of the native minor concerned.

4. This Proclamation shall be called "The Consent to Operations on Native Minors Proclamation, 1943".

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 28th day of October, 1943.

P. I. HOOGENHOUT,
Administrator.

2. Hierdie Proklamasie heet die Naturelle-administrasie Verdere Wysigingsproklamasie, 1943 en word geag op 1 Januarie 1930 in werking te getree het.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek, op hede die 23ste dag van Oktober 1943.

P. I. HOOGENHOUT,
Administrateur.

No. 37 van 1943.]

NADEMAAL die doen van heelkundige operasies aan minderjarige naturelle wat onmiddellik geopereer moet word dikwels vertraag is om die toestemming van die vaders of voogde van sodanige minderjariges te verkry;

EN NADEMAAL sodanige vertraging in baie gevalle onnodige lyding veroorsaak het of nadelig vir die toekomstige welsyn van daardie minderjariges geblyk het;

SO IS DIT dat ek, kragtens die bevoegdheid my verleen, hiermee proklameer, verklaar en bekendmaak, soos volg:—

1. By die toepassing van hierdie Proklamasie beteken en omvat—

- (a) „naturel” iemand wat nie ’n blanke is nie;
- (b) „naturellekommissaris” ’n addisionele naturellekommissaris, ’n assistent-naturellekommissaris, of ’n amptenaar wat wettiglik assulks optree.
- (c) „magistraat” ’n addisionele magistraat, ’n assistent-magistraat of ’n amptenaar wat assulks optree.

2. ’n Magistraat of naturellekommissaris kan—

- (a) as hy goeie gronde het om aan te neem dat ’n ouer of voog van ’n minderjarige naturel in sy distrik nie maklik beskikbaar is om sy toestemming in ’n heelkundige operasie aan so’n minderjarige te verleen nie; en
- (b) as die doen van ’n heelkundige operasie, volgens ’n sertifikaat deur ’n geregistreerde geneesheer aan so’n minderjarige nodig is om hom sy lewe te laat behou of hom te bewaar vir ’n blywende liggaamlike letsel of gebrek en die operasie nie in afwagting van die verkryging van toestemming van ’n ouer of voog van so’n minderjarige uitgestel behoort te word nie,

self, in plaas van so’n ouer of voog, in die doen van sodanige operasie toestemming verleen.

3. Sodanige toestemming, skriftelik verleen aan die persoon wat die operasie sal doen, het dieselfde krag en uitwerking asof die ouer of voog van die betrokke minderjarige naturel dit verleen het.

4. Hierdie Proklamasie heet „Die Proklamasie van 1943 betreffende Toestemming tot Operasies aan Minderjarige Naturelle”.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek op hede die 28ste dag van Oktober 1943.

P. I. HOOGENHOUT,
Administrateur.