

Mr. Esterhuysen

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



BUITENGEWONE OFFISIËLE KOERANT

UITGAVE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

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Government Notice.

Goewermentskennisgewing.

The following Government Notice is published for general information.

J. NESER,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemeen inligting gepubliseer.

J. NESER,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 187.] [25th June, 1952.

No. 187.] [25 Junie 1952.

ORDINANCES, 1952: PROMULGATION OF.

The Administrator has been pleased to assent, in terms of section thirty-two of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), to the following Ordinances which are hereby published for general information in terms of section thirty-four of the said Act:—

<i>No.</i>	<i>Title.</i>	<i>Page.</i>
28.	Soil Conservation Ordinance, 1952.	3021
29.	Promotion of Farming Interests Ordinance, 1952.	3038
30.	Land Bank Amendment Ordinance, 1952.	3050
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ORDONNANSIES, 1952: UITVAARDIGING VAN.

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel twee-en-dertig van „De Zuid-west-Afrika Konstitusie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansies wat hiermee vir algemeen inligting gepubliseer word, ooreenkomstig artikel vier-en-dertig van genoemde Wet:—

<i>No.</i>	<i>Titel.</i>	<i>Bladsy.</i>
28.	Ordonnansie op Grondbewaring 1952.	3021
29.	Ordonnansie op die Bevordering van Boerderybelange 1952.	3038
30.	Landbank-Wysigings-ordonnansie 1952.	3050
31.	Wysigings-ordonnansie op die Registrasie van Aktes 1952.	3056
32.	Wysigings-ordonnansie op die Lisensiering van Totalisators 1952.	3056
33.	Wysigings-ordonnansie op Inkomstebelasting 1952.	3057

No. 28 of 1952.]

ORDINANCE

To make provision for the conservation, protection and improvement of the veld, the soil, the surface of the land, the vegetation and the sources and resources of the water supplies of South West Africa; for the encouragement of tree-planting; and to provide for matters incidental thereto.

(Assented to 14th June, 1952.)

(Afrikaans tekst signed by the Administrator.)

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

1. This Ordinance shall bind the Administration and shall apply to all land within the Territory of South West Africa and the Port and Settlement of Walvis Bay: Provided that no provision thereof shall apply to land within the Rehoboth Gebiet or within any native reserve or native territory, until applied thereto by the Administrator by proclamation in the *Gazette*.

2. In this Ordinance, unless the context otherwise indicates—

“Conservation Committee” means the Soil Conservation Committee established under section three;

“district committee” means a soil conservation district committee established in terms of section eleven;

“local authority” means municipal council or village management board;

“occupier” in relation to land means any person—

- who has the management, charge or control or the beneficial use of land whether residing thereon or not;
- who as mortgagee in possession has possession of land, although not residing thereon, while such land is unoccupied;
- who has charge or control or the use of two or more farms or holdings of land, although such person resides on only one such farm or holding;
- who as usufructuary or beneficiary has charge or control or beneficial use of land, whether residing thereon or not;
- who has a right to graze stock or to cut, take, remove or use trees or wood or any right of a like nature in respect of any land, whether such right is held in common with any other person or not,

and in relation to land under the control of a local authority or statutory body—

(f) such local authority or statutory body as the case may be;

“owner” in relation to land means the person in whose name the land is registered and—

- if the owner is absent from the Territory or his whereabouts are unknown, the agent or legal representative of the owner in the Territory;
- if the owner is a minor or a person mentally incapable of managing his own affairs or an insolvent or a deceased estate, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator;
- in the case of Crown land leased with the option to purchase, the lessee thereof who has exercised such option;

No. 28 van 1952.]

ORDONNANSIE

Om voorsiening te maak vir die bewaring, beskerming en verbetering van die veld, die bodem, die grond-oppervlakte, die plantegroei, en die bronne en hulpbronne van die watervoorrade in Suidwes-Afrika; ter aanmoediging van boomplanting; en om voorsiening te maak vir verbandhoudende sake.

(Goedgekeur 14 Junie 1952.)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Hierdie Ordonnansie bind die Administrasie, en is van toepassing binne die Gebied Suidwes-Afrika en die Hawe en Nedersetting van Walvisbaai: Met dien verstande dat geen bepaling daarvan grond binne die Gebiet Rehoboth of binne 'n inboorlingreserwe of inboorlinggebied betref tensy die Administrateur so 'n bepaling by proklamasie in die *Offisiële Koerant* op sodanige gebiede toepas nie.

2. In hierdie Ordonnansie, tensy dit uit die samehang anders blyk, beteken—

„Grondbewaringskomitee” die Grondbewaringskomitee ingestel kragtens artikel drie;

„distrikskomitee” 'n distrikskomitee op grondbewaring ingestel kragtens artikel elf;

„plaaslike bestuur” 'n munisipale raad of dorpsbestuur;

„bewoner” met betrekking tot grond, elkeen wat—

- grond bestuur, versorg, beheer of benut, al woon hy daarop of nie;
- as besittende verbandnemer grond besit, hoewel hy nie daarop woon nie, onderwyl sodanige grond onbewoon bly;
- twee of meer plase of hoewes versorg, beheer of gebruik, hoewel hy slegs op één van sodanige plase of hoewes woon;
- as vruggebruiker of begunstigde grond versorg, beheer of nuttig gebruik, al woon hy daarop of nie;
- ten opsigte van grond die reg het om vee daarop te laat wei, om boere of hout daarop af te kap, toe te sien, weg te neem of te gebruik, of enige ander soortgelyke reg op daardie grond het, al geniet hy sodanige reg gesamentlik of uitsluitend;

en, betreffende grond onder die beheer van 'n plaaslike bestuur of 'n ander wetteregtelike liggaam—

(f) sodanige plaaslike bestuur of wetteregtelike liggaam, na gelang;

„eienaar” met betrekking tot grond, die geregistreerde eienaar daarvan, en—

- is die eienaar uit die Gebied afwesig, of is sy verblyfplek onbekend, sy agent of regsvertegenwoordiger in die Gebied; en
- is die eienaar minderjarig, of geestelik onbekwaam om sy eie sake te behartig, of insolvent of oorlede, dan die administreerde trustee, ekskuteur, kurator, beredenaar of administrateur van die eienaar se boedel; en
- betreffende kroongrond wat onder koopopsie verhuur is, die huurder wat sodanige opsie uitgeoefen het; en

- (d) in respect of land under the control of a local authority that local authority;
- (c) for the purposes of sections *ten* and *eleven* include—

- (i) any lessee of Crown land; or
- (ii) the lessee of any land leased in *longum tempus*, but shall not include a person in whose name is registered an erf or lot (excluding any piece of ground commonly known as a small holding) situate within an area controlled by a local authority;

"soil conservation district" means an area of land declared a soil conservation district in terms of section *ten*;

"soil conservation measure" means any measure applied to land for the purpose of—

- (a) the prevention of soil erosion or the reclamation of land affected thereby; or
- (b) the prevention of sand drift or the reclamation of land affected thereby; or
- (c) the protection, conservation or improvement of the veld, the vegetation, the surface of the land and the soil; or
- (d) the protection, conservation or stabilisation of any water source or water supply; or
- (e) the betterment of any stream, river, water course or water course lands; or
- (f) the propagation, protection, and tending of trees;

"soil conservation plan" means a soil conservation plan referred to in section *twenty*;

"soil conservation works" means any works constructed on land for any of the purposes mentioned in the definition of the words "soil conservation measure".

3. (1) The Administrator shall by notice in the *Gazette* appoint a committee to be known as the Soil Conservation Committee, whose function it shall be—

- (a) to advise and assist the Administrator in connection with all matters relating to veld, soil and water conservation in the Territory, including the establishment and control of facilities for the collection and dissemination of information in regard thereto;
- (b) to prepare and submit to the Administrator any soil conservation plan which it may deem necessary in respect of any land, or which the Administrator may require it to prepare;
- (c) to examine, report upon and recommend to the Administrator any soil conservation plan submitted by a district committee under section *seventeen* or by an owner of land under section *eighteen*;
- (d) to examine from time to time any soil conservation plan which is in operation in terms of this Ordinance, and to inspect any soil conservation works which are being or have been constructed on any land whether in terms of a soil conservation plan or otherwise, including the examination of books, accounts, records or statistics in connection therewith, and to report thereon to the Administrator, and to make such recommendations in regard thereto as it may deem fit;
- (e) to require any district committee to furnish it with such information as it may require for the proper performance of its functions;
- (f) to perform such other duties as the Administrator may assign to it in connection with veld, soil and water conservation.

(2) The Conservation Committee may delegate any one or more of its members to attend any meeting of a district committee for the purpose of participating in the proceedings of such meeting in an advisory capacity.

4. (1) The Conservation Committee shall consist of—

- (a) the following officers appointed by the Administrator—
- (i) an engineer of the Administration;
- (ii) an officer from the Native Affairs Branch of the Administration;
- (iii) an officer from the Lands Branch of the Administration; and
- (iv) an officer from the Agricultural Branch of the Administration, and

- (d) betreffende grond onder planslike bestuursbeheer, die betrokke plaaslike bestuur; en

(e) waar artikels *tien* en *elf* toegepas word, sluit dit in—

- (i) 'n huurder van kroongrond, of
- (ii) die huurder van grond wat oor 'n lang termyn verhuur is, maar sluit uit iemand op wie se naam 'n erf of stuk grond (uitgesonderd enige stuk grond in die algemeen bekend as 'n "klein-nedersetting") binne 'n gebied onder beheer van 'n plaaslike bestuur, geregistreer is;

„grondbewaringsdistrik” 'n streek grond wat ingevolge artikel *tien* tot 'n grondbewaringsdistrik verklaar is;

„grondbewaringsmaatregel” elke maatregel wat betreffende grond toegepas word ter—

- (a) voorkoming van gronderosie of die herwinning van grond wat daaraan onderhewig is; of
- (b) voorkoming van waaisand of die herwinning van grond wat daaraan onderhewig is; of
- (c) beskerming, bewaring of verbetering van veld, plantegroei, grondoppervlakte en bodem; of
- (d) beskerming, bewaring of bestendiging van enige waterbron of -voorraad; of
- (e) verbetering van enige stroom, rivier, waterloop of waterloopgronde; of
- (f) voortplanting, beskerming en versorging van boome;

„grondbewaringsplan” 'n grondbewaringsplan waarop artikel *twintig* dui;

„grondbewaringswerke” enige werke wat op grond aangegeld word vir enige van die doeleindes wat vermeld word in die woordbepaling van „grondbewaringsmaatregel”.

3. (1) Die Administrateur stel by kennisgewing in die *Offisiële Koerant* 'n komitee op grondbewaring in met naam die „Grondbewaringskomitee” wat—

- (a) die Administrateur met raad en daad bystaan by elke aangelentheid betreffende veld-, grond- en waterbewaring in die Gebied, met inbegrip van die daarstelling van, en beheer oor, geriewe vir die insameling en verspreiding van inligting oor sodanige veld-, grond- en waterbewaring; en wat
- (b) enige grondbewaringsplan wat hy vir enige stuk grond nodig ag, of waartoe die Administrateur hom gelas, opstel en aan die Administrateur voorleë; en wat
- (c) elke grondbewaringsplan wat 'n distrikskomitee ingevolge artikel *seventeen* of 'n grondcienaar ingevolge artikel *agtien* voorleë, ondersoek, daaroor verslag doen en dit by die Administrateur aanbeveel; en wat
- (d) van tyd tot tyd enige grondbewaringsplan wat ingevolge hierdie Ordonnansie in werking is, ondersoek, en enige grondbewaringswerke wat ingevolge 'n grondbewaringsplan of andersins op 'n stuk grond aangegeld word of is, asook die betrokke boeke, rekeninge, register of statistieke, inspekteer, aan die Administrateur verslag daaroor doen, en sodanige desbetreffende aanbevelings doen soos hy goed vind; en wat
- (e) sodanige inligting van 'n distrikskomitee verg soos hy nodig ag ter behoorlike verrigting van sy werksaamhede; en wat voorts
- (f) elke ander nuspplig verrig wat die Administrateur betreffende veld-, grond- en waterbewaring aan hom toewys.

(2) Die Grondbewaringskomitee kan een of meer van sy lede svaardig om 'n vergadering van 'n distrikskomitee by te woon ten einde in 'n raadgewende hoedanigheid aan die verrigtinge van sodanige vergadering deel te neem.

4. (1) Die Grondbewaringskomitee bestaan uit—

- (a) die ondergenoemde amptenare wat deur die Administrateur aangestel word:
- (i) 'n ingenieur van die Administrasie;
- (ii) 'n amptenaar van die Afdeling Naturellesake van die Administrasie;
- (iii) 'n amptenaar van die Afdeling Lande van die Administrasie;
- (iv) 'n amptenaar van die Afdeling Landbou van die Administrasie; en

(b) any other member which the Administrator may from time to time appoint.

(2) One of the members who is in the full-time employment of the Administration shall be appointed by the Administrator as the chairman and another one of such members as the deputy chairman of the conservation committee.

(3) Whenever a member referred to in paragraphs (i), (ii), (iii) or (iv) of paragraph (a) of sub-section (1) is unable to attend any meeting of the conservation committee he may designate an officer of his branch to attend such meeting in his place.

(4) The deputy chairman of the conservation committee shall act as chairman whenever the chairman is unable to act.

(5) If for any reason either the chairman or the deputy chairman is unable to attend any meeting of the conservation committee, the members present at that meeting may elect one of their number to preside thereat.

(6) The Administrator may assign to the Committee an officer in the service of the Administration to fulfil the duties of secretary of the conservation committee, and any other of such officers as may be necessary to enable the conservation committee to carry out its functions.

(7) The Director of Agriculture shall be the officer responsible to the Administrator for the administration of this Ordinance.

5. (1) The member of the conservation committee referred to in paragraph (b) of sub-section (1) of section four shall hold office during such period not exceeding five years as may be specified upon his appointment, and any such member whose period of office has expired shall be eligible for re-appointment.

(2) Whenever any such member of the conservation committee is absent or unable to fulfil his duties the Administrator may appoint some other suitable person to act in the place of that member during his absence or inability.

(3) Any member of the conservation committee or of a sub-committee of the conservation committee shall vacate his seat if he—

(a) becomes insolvent; or

(b) is convicted of an offence and sentenced to imprisonment without the option of a fine.

(4) The Administrator may, in his discretion, terminate the period of office of any member of the conservation committee or of a sub-committee of the conservation committee, other than a member referred to in paragraph (a) of sub-section (1) of section four, who has without leave failed to attend two consecutive meetings of the conservation committee or of a sub-committee thereof.

(5) A casual vacancy on the conservation committee shall be filled by the appointment of another person for the unexpired portion of the period for which, and in the manner in which, the member whose office has become vacant, had been appointed.

(6) The members of the conservation committee or of any sub-committee thereof who are not in full-time employment of the Administration may be paid such remuneration or allowances as may be determined by the Administrator from time to time.

6. (1) The conservation committee may out of its own body appoint such sub-committees of the conservation committee as it may deem necessary to assist it in the exercise of its functions or the performance of its duties, and may, with the approval of the Administrator, appoint as members of such sub-committees any persons, who are not members of the conservation committee.

(2) The conservation committee may assign to a sub-committee such of its functions and duties as it may deem fit, and may amend or withdraw any decision taken by a sub-committee.

(b) enige ander lid wat die Administrateur moontlik van tyd tot tyd aanstel.

(2) Die Administrateur stel 'n komiteelid wat voltyds in diens van die Administrasie is, as voorsitter aan; en stel 'n ander komiteelid as vise-voorsitter van die Grondbewaringskomitee aan.

(3) Wanneer 'n lid op wie sub-paragraaf (i), (ii), (iii) of (iv) van paragraaf (a) van sub-artikel (1) dui, 'n vergadering van die Grondbewaringskomitee onmoontlik kan bywoon, kan hy 'n amptenaar in sy afdeling aanwys om in sy plek sodanige vergadering by te woon.

(4) Die vise-voorsitter van die Grondbewaringskomitee tree as voorsitter op wanneer die voorsitter nie self kan optree nie.

(5) As nog die voorsitter nóg die vise-voorsitter om enige rede 'n vergadering van die Grondbewaringskomitee kan bywoon nie, kan die lede iemand uit hulle midde kies om as voorsitter op te tree.

(6) Die Administrateur kan aan die Grondbewaringskomitee 'n amptenaar in die diens van die Administrasie toewys om die pligte van sekretaris van die Grondbewaringskomitee uit te voer, en sodanige ander amptenare soos nodig is om die Grondbewaringskomitee in staat te stel om sy werksaamhede te verrig.

(7) Die Direkteur van Landbou is die verantwoordelike amptenaar wat aan die Administrateur rekenskap gee oot die toepassing van hierdie Ordonnansie.

5. (1) Die lid van die Grondbewaringskomitee op wie paragraaf (b) van sub-artikel (1) van artikel vier dui, beklee sy amp vir sodanige tydperk soos sy aanstelling vermeld maar hoogstens vyf jaar, en 'n sodanige lid wie se ampstermyn verstryk het, kan weer aangestel word.

(2) Wanneer 'n sodanige lid van die Grondbewaringskomitee afwesig is of sy ampspligte nie kan uitvoer nie, kan die Administrateur 'n ander geskikte persoon aanstel om in die plek van sodanige lid gedurende sy afwesigheid of onvermoë op te tree.

(3) 'n Lid van die Grondbewaringskomitee of van 'n sub-komitee van die Grondbewaringskomitee moet sy amp ontruim as hy—

(a) insolvent word; of

(b) skuldig bevind word aan 'n misdryf en veroordeel word tot gevangenisstraf sonder die keuse van 'n boete.

(4) Die Administrateur kan na goeddunke die ampstermyn van enige lid van die Grondbewaringskomitee of van 'n sub-komitee van die Grondbewaringskomitee, behalwe 'n lid genoem in paragraaf (a) van sub-artikel (1) van artikel vier, beëindig, waar sodanige lid sonder verlof wegby van twee agtereenvolgende vergaderings van die Grondbewaringskomitee of 'n sub-komitee daarvan.

(5) 'n Toevallige vakature in die Grondbewaringskomitee word aangevul deur die aanstelling van 'n ander lid vir die onverstreke gedeelte van die tydperk waarvoor, en presies soos, die vorige lid aangestel was.

(6) Aan lede van die Grondbewaringskomitee of van 'n sub-komitee van die Grondbewaringskomitee wat nie voltyds in diens van die Administrasie is nie, kan daar besoldiging of toelae betaal word wat die Administrateur van tyd tot tyd vasstel.

6. (1) Die Grondbewaringskomitee kan uit sy eie geledere sodanige sub-komitees van die Grondbewaringskomitee aanstel soos hy nodig ag om hom by die verandering van sy werksaamhede en pligte behulpsaam te rigting van sy werksaamhede en pligte persone wat wees, en kan met Administrateursgoedkeuring persone wat lede van die Grondbewaringskomitee is nie, as lede van sodanige sub-komitees aanstel.

(2) Die Grondbewaringskomitee kan na goeddunke van sy werksaamhede en pligte aan 'n sub-komitee toewys, en kan enige beslissing van 'n sub-komitee wysig of intrek.

(3) The members of a sub-committee shall hold office for such period not exceeding three years as the conservation committee may deem fit: Provided that any member of such committee who is also a member of the conservation sub-committee who vacates his seat on the sub-committee when he vacates his seat on the conservation committee.

7. (1) The quorum at any meeting of the conservation committee shall be half of the members thereof, inclusive of the chairman of the meeting, but shall not be less than three.

(2) All decisions at any meeting of the conservation committee shall be by resolution by majority vote of the members present thereat, and in the event of an equality of votes on any matter, the chairman presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(3) The conservation committee shall appoint one of the members of any sub-committee of the conservation committee to be chairman of that sub-committee and shall fix the quorum at any meeting of such sub-committee.

(4) The conservation committee may make rules, not inconsistent with the provisions of this section, as to the proceedings at meetings of the conservation committee or of sub-committees of the conservation committee, or as to such other matters as may be necessary or expedient for the proper functioning of the conservation committee or of a sub-committee thereof.

8. (1) The first meeting of the conservation committee shall be held at such time and place as the Administrator may determine, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as the conservation committee may determine.

(2) The chairman of the conservation committee, or in his absence the deputy chairman, may at any time call a special meeting of the conservation committee to be held at such time and place as he may direct.

(3) The conservation committee shall meet not less than four times in any full calendar year.

9. (1) The conservation committee shall as soon as practicable after the thirty-first day of December in every year submit to the Administrator a report on its activities during the year immediately preceding and on the progress that has been made in veld, soil and water conservation in the Territory during that year.

(2) The report referred to in sub-section (1) shall be laid by the Administrator on the Table of the Legislative Assembly for the Territory within thirty days of the receipt thereof if the Assembly is then in ordinary session, or, if the Assembly is not then in ordinary session, within fourteen days after the commencement of its next ordinary session.

10. (1) The conservation committee may whenever it deems it necessary or expedient delimit as a soil conservation district any area of land within the Territory to which the provisions of this Ordinance apply and shall describe the boundaries of such area.

(2) For the purpose of such delimitation the conservation committee shall give due consideration to the topographical, hydrographical, climatological and agricultural features and to the social and economic factors of different regions and to the nature of the conservation problems of those regions.

(3) As soon as the conservation committee has defined any area of land in terms of sub-section (1) it shall notify, in writing, every owner of land situated therein, whose whereabouts it can readily ascertain, of the boundaries fixed for the soil conservation district and of its intention to recommend the establishment of that district.

(3) Die lede van 'n sub-komitee beklee hul amp vir sodanige tydperk, maar hoogstens drie jaar, soos die Grondbewaringskomitee goed dink: Met dien verstande dat 'n lid van 'n sub-komitee wat ook lid van die Grondbewaringskomitee is, sy amp as lid van die sub-komitee ontruim wanneer hy sy amp as lid van die Grondbewaringskomitee ontruim.

7. (1) Op enige vergadering van die Grondbewaringskomitee is die helfte van sy lede, met inbegrip van die voorsitter, maar altyd minstens drie lede, 'n kworum.

(2) Elke beslissing op 'n vergadering van die Grondbewaringskomitee geskied by besluit met meerderheid van stemme van die teenwoordige lede en by 'n staking van stemme oor enige aangeleentheid het die voorsitter van die vergadering 'n beslissende stem bo en behalwe sy gewone stem.

(3) Die Grondbewaringskomitee stel een van die lede van 'n sub-komitee van die Grondbewaringskomitee aan as voorsitter van sodanige sub-komitee, en stel die kworum op enige vergadering van sodanige sub-komitee vas.

(4) Die Grondbewaringskomitee kan reëls opstel wat met die bepaling van hierdie artikel strook, betreffende die procedure op vergaderings van die Grondbewaringskomitee of sy sub-komitee, of betreffende sodanige ander aangeleenthede soos nodig of dienstig is vir die behoorlike verrigting van die werksaamhede van die Grondbewaringskomitee of sy sub-komitees.

8. (1) Die eerste vergadering van die Grondbewaringskomitee moet geskied op die tyd en plek wat die Administrateur daarvoor vasstel, en alle daaropvolgende vergaderings geskied, behoudens die bepaling van sub-artikel (2) hiervan, op die tyd en plekke wat die Grondbewaringskomitee bepaal.

(2) Die voorsitter van die Grondbewaringskomitee (of gedurende sy afwesigheid, die vise-voorsitter) kan te eniger tyd 'n spesiale vergadering van die Grondbewaringskomitee belê om gehou te word op 'n tyd en plek wat hy vasstel.

(3) Die Grondbewaringskomitee moet minstens vier keer in elke volle kalenderjaar vergader.

9. (1) Die Grondbewaringskomitee moet iedere jaar so spoedig doenlik na die een-en-dertigste dag van Desember 'n jaarverslag aan die Administrateur voorleë oor sy werksaamhede in die onmiddellike voorafgaande jaar, en oor die Gebied se vordering met veld-, grond- en waterbewaring in daardie jaar.

(2) Hou die Wetgewende Vergadering dan gewone sitting, lê die Administrateur die jaarverslag waarop sub-artikel (1) dui, binne dertig dae na ontvangs daarvan in die Wetgewende Vergadering ter Tafel, of hou die Wetgewende Vergadering dan nie gewone sitting nie, lê die Administrateur die jaarverslag binne veertien dae na die eersvolgende gewone sitting ter Tafel.

10. (1) Wanneer ook al die Grondbewaringskomitee dit nodig of gerade ag, kan hy 'n landstreek binne die Gebied waarop die bepaling van hierdie Ordonnansie dui, tot grondbewaringsdistrik uitroep en die grense daarvan bepaal.

(2) Met die oog op sodanige afbakening moet die Grondbewaringskomitee behoorlik ag slaan op die topografiese, hidrografiese, klimatologiese en landboukundige kenmerke en die maatskaplike en ekonomiese hooftrekke van elke afsonderlike streek, sowel as op die aard van die bewaringsvraagstukke in sodanige streke.

(3) Sodra die Grondbewaringskomitee ooreenkomstig sub-artikel (1) 'n landstreek bepaal het, moet hy elke gereedlik gevoude eienaar van grond binne sodanige streek skriftelik verwittig van die bepaalde grense van sodanige grondbewaringsdistrik, en van sy voorneme om die stigting van sodanige distrik aan te beveel.

(4) Any owner of land situated within such defined area may within sixty days from the date of such notice submit to the conservation committee a statement setting out clearly the grounds upon which he objects to the establishment of that soil conservation district or his representations regarding the boundaries thereof.

(5) Upon the expiration of the said period of sixty days the conservation committee shall consider every objection or representation received by it and may, on the facts disclosed therein, amend the definition of the area to exclude such land therefrom or to include therein such additional land, as it may deem necessary or desirable.

(6) The Administrator may, on the recommendation of the conservation committee, by proclamation in the *Gazette* declare any area of land defined in terms of this section to be a soil conservation district, and he may from time to time on the recommendation of the conservation committee and in like manner—

- (a) alter the boundaries of any soil conservation district; or
- (b) divide any soil conservation district into two or more portions and declare each portion to be a soil conservation district; or
- (c) amalgamate any two or more soil conservation districts and declare the area in respect of which such soil conservation districts has been established to be a soil conservation district; or
- (d) establish any soil conservation district consisting of portions of any two or more existing soil conservation districts; or
- (e) dis-establish any soil conservation district:

Provided that the conservation committee shall consult every district committee concerned before it makes a recommendation relating to any matter referred to in paragraph (a), (b), (c), (d) or (e); and: Provided further that, whenever any soil conservation district is dealt with in terms of paragraph (b), (c) or (d), any district committee concerned shall be dissolved and a new district committee established in respect of every new soil conservation district in accordance with the provisions of section eleven.

11. (1) There shall be established in respect of every soil conservation district a soil conservation district committee which shall consist of such number of members as the Administrator may from time to time in each case determine.

(2) The members of a district committee shall be appointed by the Administrator of whom at least two-thirds shall be persons (hereinafter referred to as the farmer members) *bona fide* carrying on farming operations within the soil conservation district concerned.

(3) The members of a district committee shall elect one of the members thereof to be the chairman of the committee.

(4) The members of a district committee shall hold office for such period not less than three and not exceeding five years as may be specified by the Administrator upon their appointment.

(5) The farmer members of a district committee shall be elected in the manner prescribed in the Schedule to this Ordinance at a meeting of the owners of the land situated within the soil conservation district concerned: Provided that the said Schedule may from time to time be amended by the Administrator as he may deem fit by proclamation in the *Gazette*.

(6) If no farmer members are elected for any district committee or if the number of farmer members elected for such district committee is less than the number required, any vacancy arising therefrom shall be regarded as a casual vacancy.

(7) Any member of a district committee shall vacate his seat if he—

- (a) becomes insolvent; or
- (b) is convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (c) being a farmer member, ceases to be qualified in terms of sub-section (2).

(4) Elke eienaar van grond binne so 'n bepaalde strek kan binne sestig dae vanaf die datum van sodanige verwitting 'n opgaaf by die Grondbewaringskomitee indien, waarin hy die redes vir sy beswaar teen die stigting van so 'n grondbewaringsdistrik of sy vertoë in sake die grense daarvan duidelik uitensit.

(5) Na afloop van die genoemde sestigdaagse tydperk oorweeg die Grondbewaringskomitee elke ingesonde beswaar of vertoë, en kan hy om rede van die daaringestelde feite die bepaling van so 'n strek na goedgeundke wysig deur 'n stuk grond uit of 'n ander bykomende stuk grond in te sluit, soos hy nodig of gerade bevind.

(6) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur by proklamasie in die *Offisiële Koerant* enige landstreek wat ingevolge hierdie artikel bepaal is, tot grondbewaringsdistrik uitroep, en desgljks kan die Administrateur op aanbeveling van die Grondbewaringskomitee—

- (a) die grense van so 'n grondbewaringsdistrik wysig; of
- (b) 'n grondbewaringsdistrik in twee of meer dele verdeel, en elke sodanige deel tot grondbewaringsdistrik uitroep; of
- (c) twee of meer grondbewaringsdistrikte saamvoeg, en die strek ten opsigte waarvan sodanige grondbewaringsdistrikte ingestel is, tot een grondbewaringsdistrik uitroep; of
- (d) 'n grondbewaringsdistrik uitroep wat bestaan uit twee of meer reeds bestaande grondbewaringsdistrikte; of
- (e) 'n reeds bestaande grondbewaringsdistrik afskakel: Met dien verstande dat die Grondbewaringskomitee, voordat hy 'n aanbeveling doen oor een van die sake waarvoor (a), (b), (c), (d) of (e) gaan, elke betrokke distrikskomitee moet raadpleeg: Met dien verstande voorts dat wanneer ook al 'n grondbewaringsdistrik ingevolge (b), (c) of (d) behandel word, elke betrokke distrikskomitee ontbind moet word, en 'n nuwe distrikskomitee vir elke nuwe grondbewaringsdistrik ooreenkomstig die bepalings van artikel elf gestig moet word.

11. (1) Vir elke grondbewaringsdistrik word daar 'n grondbewaringsdistrikskomitee ingestel wat uit soveel lede bestaan soos die Administrateur van tyd tot tyd in iedere geval bepaal.

(2) Die Administrateur stel die lede van 'n distrikskomitee aan, en van hulle moet minstens twee-derdes (hierna heet hulle die boerlede) *bona fide* binne die betrokke grondbewaringsdistrik boer.

(3) Die lede van 'n distrikskomitee kies een uit hul gelyedere tot voorsitter van die komitee.

(4) Die lede van 'n distrikskomitee beklee hul amp minstens drie maar hoogstens vyf jaar, soos die Administrateur by hul aanstelling bepaal.

(5) Die boerlede van 'n distrikskomitee word (soos die bylae van hierdie Ordonnansie voorskryf) gekies op 'n vergadering van die eienaars van grond binne die betrokke grondbewaringsdistrik: Met dien verstande dat die Administrateur genoemde bylae nu goedgeundke van tyd tot tyd by proklamasie in die *Offisiële Koerant* kan wysig.

(6) As daar geen of minder as die vereiste getal boerlede op 'n distrikskomitee gekies word, word die gevolglike vakatures beskout as toevallige vakatures.

(7) 'n Lid van 'n distrikskomitee moet sy amp ontgaan as hy—

- (a) insolvent word; of
- (b) skuldig bevind word aan 'n misdryf en veroordeel word tot gevangenisstraf sonder die keuse van 'n boete; of
- (c) 'n boerefid is, en nie meer ingevolge sub-artikel (2) bevoeg is om as sodanig te dien nie.

(8) A casual vacancy on a district committee shall be filled by the appointment by the Administrator of another member for the unexpired portion of the period for which the member whose office has become vacant has been appointed: Provided that where a farmer member vacates his seat the vacancy shall, subject to the provisions of sub-section (9), be filled by the appointment, after consultation with the remaining members of the district committee, of a person *bona fide* carrying on farming operations within the soil conservation district concerned.

(9) Whenever in consequence of any vacancies arising on a district committee, the number of serving members is less than the number required for the quorum at meetings of that committee, the Administrator may in his discretion as a temporary measure appoint any person qualified under sub-section (2) to fill any such vacancy until sufficient vacant seats have been filled to enable the quorum to be formed or dissolve such committee and thereupon as soon as possible appoint a new committee in respect of the soil conservation district concerned in accordance with the provisions of this section.

(10) Notwithstanding the provisions of this section, the Administrator may upon the dissolution of any district committee in terms of sub-section (9) or upon the expiration of the period for which the farmer members thereon were appointed, direct that the members, if any, serving on that committee shall remain in office and continue to perform the duties and functions of the committee as if such dissolution or expiration had not occurred until a new district committee has been appointed.

(11) The members of a district committee who are not in the service of the Administration may be paid such allowances as may be determined by the Administrator from time to time.

12. (1) A district committee may out of its own body appoint such sub-committees of the district committee as it may deem necessary to assist it in the exercise of its functions and the performance of its duties and may appoint as members of such sub-committees such number of members of the district committee as it may deem fit.

(2) A district committee may assign to a sub-committee so appointed or to a single member such of its functions and duties as it may deem fit, and may amend or withdraw any decision taken by a sub-committee or by such member.

13. (1) The quorum at any meeting of a district committee shall consist of half the number of members thereof: Provided that in no case shall the quorum of any district committee be less than three.

(2) If the chairman of a district committee is absent from a meeting for which the number of members attending constitutes a quorum, the members present may elect one of their number to act as chairman of that meeting.

(3) The decision of the majority of members present at any meeting of a district committee shall constitute the decision of that meeting; if the votes are equal, the chairman of that meeting shall have a casting vote in addition to his deliberative vote.

(4) Whenever any member of a district committee is unable to attend a duly convened meeting of that committee, he shall as soon as practicable notify the chairman of the circumstances which will prevent or, in attendance at that meeting, which have prevented his attendance at that meeting.

(5) The chairman shall report to that or the next succeeding meeting the receipt of such notification with the reasons given by the member for his non-attendance, and the meeting shall decide whether leave shall be approved for his absence. Every such decision shall be recorded in the minutes of that meeting.

(6) Whenever any member aforesaid has without leave failed to attend two consecutive meetings, the chairman shall report to the Administrator the facts and circumstances of the case for such action as the Administrator may see fit to take.

(8) 'n Toevallige vakature in 'n distrikskomitee word aangevul deurdat die Administrateur 'n ander lid aanstel vir die onverstreke deel van die tydperk waarvoor die uitredende lid aangestel was: Met dien verstande dat waar 'n boere lid sy amp ontruim, die vakature ooreenkomsig die bepalings van sub-artikel (9) en na raadpleging met die orge lede van die distrikskomitee, aangevul moet word deur die aanstelling van iemand wat *bona fide* binne die betrokke grondbewaringsdistrik boer.

(9) Wanneer daar soveel vakatures in 'n distrikskomitee ontstaan dat daar minder diensdoende lede is as die getal vereis vir 'n kworum by komiteevergaderings, kan die Administrateur na eie goeddunke en as tydelike maatreël persone wat ingevolge sub-artikel (2) bevoeg is, in sodanige vakatures aanstel, totdat die ledetal tot op kworumsterkte aangevul is, of anders kan hy sodanige komitee ontbind, en daarop so gou moontlik 'n nuwe komitee vir die betrokke grondbewaringsdistrik ooreenkomsig die bepalings van hierdie artikel aanstel.

(10) Ondanks die bepalings van hierdie artikel kan die Administrateur by die ontbinding van 'n distrikskomitee ingevolge sub-artikel (9), of by verstryking van die tydperk waarvoor die boerelede daartoe aangestel is, beveel dat die lede wat moontlik nog in die komitee dien, in hul amp moet bly en moet voortgaan met die pligte en werksaamhede van die komitee soos sodanige ontbinding of verstryking nie plaasgevind het nie, totdat 'n nuwe distrikskomitee aangestel is.

(11) Sodanige toelae soos die Administrateur van tyd tot tyd vasstel kan aan distrikskomiteelede wat nie in diens van die Administrasie is nie, betaal word.

12. (1) 'n Distrikskomitee kan uit sy eie geledere sodanige sub-komitees van die distrikskomitee aanstel soos by nodig vind om hom by die verrigting van sy werksaamhede en die uitvoering van sy pligte by te staan, en kan as lede van sodanige sub-komitees soveel lede van die distrikskomitee aanstel soos hy goed vind.

(2) 'n Distrikskomitee kan van sy werksaamhede en pligte na goeddunke aan so 'n aangestelde sub-komitee of aan 'n enkele lid toewys, en kan enige beslissing van so 'n sub-komitee of lid wysig of intrek.

13. (1) Die kworum by 'n vergadering van 'n distrikskomitee is die helfte van sy ledetal: Met dien verstande dat die kworum van 'n distrikskomitee altyd minstens drie moet wees.

(2) As die voorsitter van 'n distrikskomitee afwesig is van 'n vergadering waarop die aantal aanwesige lede 'n kworum uitmaak, kan die aanwesige lede een uit hul midde kies tot voorsitter van sodanige vergadering.

(3) Die besluit van die meerderheid van die teenwoordige lede op 'n distrikskomitee-vergadering, is 'n besluit van sodanige vergadering, en by staking van stemme het die voorsitter 'n beslissende sowel as 'n gewone stem.

(4) Wanneer 'n distrikskomiteelid 'n beoordeelk byeen-geroepe komiteevergadering onmoontlik kan bywoon, moet hy die voorsitter so gou doenlik verwittig van die onstandhede wat hom sal verhoed om sodanige vergadering by te woon, of — waar hy reeds afwesig was — wat hom verhoed het.

(5) Die voorsitter doen aan sodanige, of aan die eersvolgende, vergadering verslag oor die ontvangs van sodanige afwesigheidskennisgewing, en oor die redes wat die betrokke lid vir sy afwesigheid aanvoer, en die vergadering besluit dan of die lid afwesigheidsverlof moet kry, al dan nie. Elke sodanige besluit word in die notule van die vergadering aangeteken.

(6) Wanneer 'n lid soos voormeld sonder verlof van twee agtereenvolgende vergaderings weggebly het, verwittig die voorsitter die Administrateur van die feite en omstandighede van die saak, sodat die Administrateur na goeddunke kan optree.

(7) The provisions of sub-sections (4), (5) and (6) shall apply *mutatis mutandis* in respect of attendance at meetings of any sub-committee of a district committee.

(8) Every district committee shall at its first meeting elect one of its members or any other suitable person to perform the duties of secretary of that committee.

(9) Any decision taken and any act performed by a sub-committee of a district committee shall be reported within reasonable time or within a stipulated time, to the chairman of the district committee.

(10) Minutes of the proceedings of every meeting of a district committee or of a sub-committee thereof shall be drawn up and entered into a book or attached to a file for that purpose. The minutes of each such meeting shall be brought up at the same or the next meeting, and, if then passed as correct, shall be confirmed by the signature of the person presiding thereat.

(11) Any district committee may, subject to the approval of the Administrator, make rules not inconsistent with the provisions of this section, as to such other matters as may be necessary or expedient for the proper functioning of such district committee or of a sub-committee thereof.

14. (1) The inaugural meeting of a district committee shall be convened at a time, date and place determined by a person nominated by the Administrator.

(2) Ordinary meetings of any district committee shall be held as often and at such times and places as such committee may from time to time decide.

(3) The chairman of any district committee may in his discretion call a special meeting of the district committee at any time for the transaction of urgent business and he shall, at the request of not less than one-third of the number of members of that committee, call a special meeting thereof as soon as possible at a time and place to be determined by him.

(4) The Administrator or the conservation committee may on reasonable notice call upon the chairman of any district committee to convene a meeting of the committee for the transaction of special or urgent business.

(5) The chairman of a district committee shall ensure that notice of any ordinary or special meeting is served on every member thereof in sufficient time to enable any such member to attend the meeting.

15. A district committee shall—

- prepare and submit to the conservation committee any soil conservation plan in respect of any land situated within its soil conservation district which it may deem necessary or which the conservation committee may require it to prepare;
- take such steps as it may deem necessary to ensure the proper carrying out of the provisions of any soil conservation plan which is in operation in respect of any land within its soil conservation district;
- from time to time furnish to the conservation committee such information relating to veld, soil and water conservation in its soil conservation district as the conservation committee may require;
- advise owners and occupiers of land situated within its soil conservation district on matters relating to veld, soil and water conservation;
- perform such other duties as the Administrator may, in addition to the duties and functions allotted to district committees by this Ordinance, assign to it in connection with veld, soil and water conservation in its soil conservation district.

16. A district committee shall as soon as practicable after the thirty-first day of December in every year submit to the conservation committee a report on its activities during the year immediately preceding and on the progress that has been made in veld, soil and water conservation in its soil conservation district during that year.

(7) Die bepalings van sub-artikels (4), (5) en (6) geld *mutatis mutandis* vir die bywoning van vergaderings van 'n sub-komitee van 'n distrikskomitee.

(8) Elke distrikskomitee kies op sy eerste vergadering een van sy lede of enige ander geskikte persoon om die pligte van sekretaris van sodanige komitee uit te voer.

(9) Elke besluit of optrede deur 'n sub-komitee van 'n distrikskomitee moet binne redelike tyd, of binne 'n bepaalde tyd, aan die voorsitter van die distrikskomitee meegedeel word.

(10) Daar moet notule gehou word van die verrigtinge van elke vergadering van 'n distrikskomitee of van 'n sub-komitee daarvan, en sodanige notule word dan in 'n boek opgeteken en in 'n daarvoor bestemde lias bewaar. Die notule van elke sodanige vergadering word aan dieselfde of die eersvolgende vergadering voorgelê, en as dit goedgekeur word, bekragtig die voorsitter van die vergadering dit met sy handtekening.

(11) 'n Distrikskomitee kan, onderhewig aan Administrateursgoedgekeuring reëls wat strook met die bepalings van hierdie artikel opstel oor sodanige ander aangeleenthede soos nodig of doenlik is vir die behoorlike verrigting van die werksaamhede van sodanige distrikskomitee of 'n sub-komitee daarvan.

14. (1) Die eerste vergadering van 'n distrikskomitee word belê vir 'n tyd, datum en plek, bepaal deur 'n persoon, benoem deur die Administrateur.

(2) Die gewone vergaderings van 'n distrikskomitee word so dikwels en op sodanige tye en plekke gehou soos sodanige komitee van tyd tot tyd besluit.

(3) Die voorsitter van 'n distrikskomitee kan te eniger tyd na goeदनुके 'n spesiale vergadering van die distrikskomitee belê ter verrigting van dringende sake; en op versoek van minstens een-derde van die komiteedele moet hy so gou moontlik 'n spesiale komiteevergadering belê, en tyd en plek daarvoor vasstel.

(4) Die Administrateur of die Grondbewaringskomitee kan die voorsitter van 'n distrikskomitee na redelike kennisgewing aansê om 'n komitee-vergadering te belê ter verrigting van spesiale of dringende sake.

(5) Die voorsitter van 'n distrikskomitee moet toesien dat kennisgewing van 'n gewone of 'n spesiale komiteevergadering aan elke lid besorg word, en wel vroeg genoeg dat die lid die vergadering kan bywoon.

15. 'n Distrikskomitee moet—

- elke grondbewaringsplan wat hy vir grond binne sy grondbewaringsdistrik nodig ag, of wat die Grondbewaringskomitee van hom verlang, opstel en aan die Grondbewaringskomitee voorleë;
- na goeदनुके stappe doen om te verseker dat die bepalings van 'n grondbewaringsplan wat ten opsigte van grond in sy grondbewaringsdistrik in werking is, behoorlik uitgevoer word;
- van tyd tot tyd aan die Grondbewaringskomitee sodanige inligting betreffende veld-, grond- en waterbewaring binne sy grondbewaringsdistrik verstrek soos die Grondbewaringskomitee vereis;
- eienaars en bewoners van grond binne sy grondbewaringsdistrik raad gee in sake veld-, grond- en waterbewaring;
- sodanige ander pligte (so en behalwe die aanspogtinge en werksaamhede wat kragtens hierdie Ordonnansie aan distrikskomitees toegewys word) betreffende veld-, grond- en waterbewaring in sy grondbewaringsdistrik, uitvoer soos die Administrateur van hom verlang.

16. Elke distrikskomitee moet iedere jaar so gou doenlik na die een-en-dertigste dag van Desember 'n verslag aan die Grondbewaringskomitee voorleë oor sy werksaamhede gedurende die onmiddellik voornigende jaar en oor die voortgang wat sy grondbewaringsdistrik gedurende sodanige jaar met veld-, grond- en waterbewaring gemaak het.

17. (1) As soon as a district committee has prepared a soil conservation plan it shall obtain from every owner and occupier of the land in respect of which that soil conservation plan has been prepared, a written acceptance thereof on the grounds upon which any such owner or occupier objects to that soil conservation plan: Provided that if any occupier or owner of land fails, within thirty days after having been called upon to do so by the district committee, either to accept the soil conservation plan or to state the grounds of his objection thereto, he shall, for the purposes of this section, be deemed to have accepted that soil conservation plan.

(2) The district committee shall thereupon submit to the conservation committee the soil conservation plan prepared by it together with the written acceptances referred to in sub-section (1) and its report on the grounds upon which any owner or occupier of the land concerned objects to that soil conservation plan.

(3) The conservation committee may, with or without consultation with the district committee, modify such plan in any respect it may deem fit or may reject that plan.

(4) The Administrator may, upon the recommendation of the conservation committee, as from a date to be fixed by him, apply the soil conservation plan with such modifications thereof as he may deem fit, to the land in respect of which it has been prepared or to any portion thereof, and shall thereupon serve or cause to be served on the district committee concerned and on every owner and occupier of the land to which it has been applied, a copy of that soil conservation plan either by personal delivery or by post.

18. (1) Any owner of land situated outside a soil conservation district may at any time prepare a soil conservation plan in respect of any land owned by him and may submit it to the Administrator with a request to apply it to the land in respect of which it has been prepared.

(2) The Administrator may, on the recommendation of the conservation committee as from a date to be determined by him, apply any soil conservation plan referred to in sub-section (1), with such modifications thereof as may have been agreed upon between the Administrator and the owner concerned, to the land in respect of which it has been prepared or any portion thereof, and shall thereupon serve or cause to be served on the said owner a copy of that soil conservation plan either by personal delivery or by post, or he may reject that soil conservation plan.

19. (1) The Administrator may at any time, on the recommendation of the conservation committee, and after at least one month's written notice given to the owner and occupier of any land situated outside a soil conservation district, apply, as from a date to be fixed by him, any soil conservation plan to that land.

(2) A notice given in terms of sub-section (1) shall be accompanied by a copy of the soil conservation plan referred to therein and shall be served upon every owner or occupier of the land to which such plan is applied either by personal delivery or by post.

20. Every soil conservation plan shall state the objects and scope thereof and shall define the land to which it applies, and may include provisions relating to—

- (a) the soil conservation works which shall be constructed and maintained on the land by the Administrator or the owner of the land respectively;
- (b) the order in which such soil conservation works shall be constructed;
- (c) the labour, equipment, or material which shall be provided by the Administration and the owner of the land respectively;
- (d) the soil conservation measures which shall be applied in respect of the land and the order in which they shall be applied;
- (e) the manner in which the land shall be prepared for sowing or planting including provisions relating to rotation of crops or strip cropping;

17. (1) Sodra 'n distrikskomitee 'n grondbewaringsplan opgestel het, moet hy van elke eienaar en bewoner van die grond waarvoor sodanige grondbewaringsplan opgestel is, of 'n skriftelike aanvaarding van sodanige plan verkry, of die redes vir die besware van so 'n eienaar of bewoner teen sodanige grondbewaringsplan: Met dien verstande dat as 'n eienaar of bewoner van grond verstaan om binne dertig dae nadat die distrikskomitee hom nageë het om dit te doen, die grondbewaringsplan of te aanvaar of die redes vir sy besware daarteen te meld, sodanige eienaar of bewoner van grond by die toepassing van hierdie artikel geag word sodanige grondbewaringsplan te aanvaar het.

(2) Daarop stuur die distrikskomitee die grondbewaringsplan wat hy opgestel het aan die Grondbewaringskomitee, tesame met die skriftelike aanvaardings daarvan ingevolge sub-artikel (1), sowel as sy verslag oor die redes waarom 'n eienaar of bewoner van die betrokke grond teen sodanige grondbewaringsplan beswaar het.

(3) Die Grondbewaringskomitee kan met of sonder beraad met die distrikskomitee so 'n plan na goeddunke in die een of ander opsig wysig, of dit afkeur.

(4) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur vanaf 'n datum wat hy self vasstel, die grondbewaringsplan, met wysigings na goedvinde, toepas op die grond waarvoor sodanige plan opgestel is, of op 'n deel daarvan, en daarop sorg hy 'n afskrif van sodanige plan persoonlik of deur die pos aan die betrokke distrikskomitee, en aan elke grondeienaar en -bewoner op wie dit van toepassing is, of laat hy so 'n afskrif aldus besorg.

18. (1) Elke eienaar van grond buite 'n grondbewaringsdistrik kan te eniger tyd 'n grondbewaringsplan vir sy grond opstel en dit aan die Administrateur voorleë met 'n versoek om toepassing op die grond waarvoor dit opgestel is.

(2) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur vanaf 'n datum wat hy self bepaal, 'n grondbewaringsplan waarop sub-artikel (1) dui, met wysigings waarvoor hy en sodanige eienaar ooreenkom, toepas op die grond waarvoor dit opgestel is, of op 'n deel daarvan, en daarop sorg die Administrateur 'n afskrif van sodanige plan persoonlik of deur die pos aan die betrokke eienaar, of laat hy sodanige afskrif aldus besorg, of wys hy sodanige grondbewaringsplan van die hand.

19. (1) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur te eniger tyd en na minstens 'n maand skriftelike kennisgewing aan die eienaar en bewoner van enige grond wat buite 'n grondbewaringsdistrik geleë is, vanaf 'n datum wat die Administrateur self bepaal, enige grondbewaringsplan op sodanige grond toepas.

(2) 'n Kennisgewing ingevolge sub-artikel (1) met 'n afskrif van die daarin vermelde grondbewaringsplan word op elke eienaar of bewoner van grond waarop die Administrateur sodanige plan toegepas het, deur persoonlike aflewering of die pos besorg.

20. Elke grondbewaringsplan meld die oogmerke en bestek daarvan en omskryf die grond waarop dit van toepassing is, en kan bepalinge insluit betreffende—

- (a) die grondbewaringswerke wat die Administrasie of die eienaar van die betrokke grond onderskeidelik daarop moet aanleë en in stand hou;
- (b) die volgorde waarin sodanige grondbewaringswerke aangeleë moet word;
- (c) die arbeid, toerusting of materiaal wat die Administrasie en die eienaar van die grond onderskeidelik moet verskaf;
- (d) die grondbewaringsmaatreëls wat op sodanige grond toegepas moet word, en die volgorde waarin hulle toegepas moet word;
- (e) die wyse waarop die grond vir saad of plante voorberei moet word, met inbegrip van bepalinge betreffende wissel- of strookbou;

- (f) the temporary withdrawal from cultivation or grazing of any defined portion of the land for specified periods;
- (g) the restriction of the number or kinds of livestock which may for any specified period be grazed on any land or any defined portion thereof;
- (h) the occupation of the land by lessees, native labour tenants, squatters or servants;
- (i) the regulation or prohibition of veld burning;
- (j) the prevention, control and extinguishing of wild and forest fires;
- (k) specific land-use practices or any other practice or action the adoption of which or the avoidance of which is necessary for giving effect to any provision of a soil conservation plan;
- (l) the propagation, tending and maintenance of trees, forests and plantations for the protection or reclamation of land subject to erosion by wind, water or sand drift, or for the provision of shade and shelter for stock or crops, or for the production of wood or other forest produce for use in connection with the conservation of the natural vegetation;
- (m) generally, the prevention of soil erosion, the conservation, protection and improvement of the veld, the soil, the surface of the land, the vegetation and the sources and resources of the water supplies on the land.

21. (1) A soil conservation plan to be applied to any land may contain—

- (a) directions requiring the revision of such plan or of any particular provision thereof at stated intervals or within stipulated times; or
- (b) prescriptions regarding the matters in respect of which, the circumstances under which, the extent to which, and the conditions subject to which, any particular provision, rule or specification contained therein may be varied at the discretion of the conservation committee or of the district committee, if any, or of the owner or occupier concerned.

(2) The Administrator may, after consultation with the conservation committee and any district committee concerned—

- (a) amend any provision of a soil conservation plan in operation in terms of this Ordinance, subject to reasonable notice thereof being given to every owner or occupier of the land affected thereby; or
- (b) exempt, on such conditions as he may determine, any owner or occupier of land from any provision of a soil conservation plan applied to the land owned or occupied by that owner or occupier, if he is satisfied that compliance with any such provision will cause undue hardship to any such owner or occupier.

22. (1) Every owner or occupier of land to which a soil conservation plan has been applied in terms of this Ordinance shall, as from the date of the application of that soil conservation plan to the land owned or occupied by him, or from the date of the service on him in terms of this Ordinance of a copy of that soil conservation plan, whichever date is the later, be bound to carry out and comply with the provisions of that soil conservation plan.

(2) If an owner of land fails within the time specified—

- (a) to construct or to maintain any soil conservation works which he is in terms of a soil conservation plan required to construct or to maintain; or
- (b) to construct or to maintain such soil conservation works in the manner prescribed by the soil conservation plan,

the Administrator may, after consultation with the district committee concerned, and after not less than one month's notice to that owner, take such steps as may be necessary for the construction or maintenance of the said soil conservation works in accordance with the soil conservation plan, and may recover the costs thereof, or such proportion thereof as he may determine, from the owner concerned.

- (f) die tydelike onttrekking van enige bepaalde deel van die grond aan verbouing of weiding oor vermelde tydperke;
- (g) die beperking van die aantal of soorte lewendes wat vir enige vermelde tydperk toegelaat kan word om op enige omskreefde grond of op 'n bepaalde deel daarvan te wei;
- (h) die bewoning van die grond deur huurders, inboorling-plakkerwerkers, plakkers of bediendes;
- (i) die reëling van, of verbod op, veldbrand;
- (j) die voorkoming, beheer en blussing van veld- en bosbrande;
- (k) bepaalde praktyke by grondgebruik of enige ander praktyk of optrede wat aanvaar of vermy moet word ter uitvoering van die bepaling van 'n grondbewaringsplan;
- (l) die voortplanting, versorging, en instandhouding van boome, bosse en plantasies ter beskerming of herwinning van grond wat onderhevig is aan erosie deur wind, water of waaisand, of ter verskaffing van skaduwee en beskutting aan vee of gsaoides, of ter voortbrenging van hout of ander bosprodukte vir gebruik by die bewaring van die natuurlike plantegroei;
- (m) in die algemeen, die voorkoming van gronderosie, die bewaring, beskerming en verbetering van die veld, die bodem, die grondoppervlakte, die plantegroei en die bronne en hulpbronne van die watervoorraad op sodanige grond.

21. (1) 'n Grondbewaringsplan wat op grond toegepas word kan die onderstaande bevat—

- (a) aanwysings wat vereis dat sodanige plan of 'n besondere bepaling daarvan met vasgestelde tussenposes, of binne vasgestelde tydperke, hersien moet word;
- (b) voorskrifte insake die aangeleenthede waarvoor, die omstandighede waaronder, die mate waarin, en die voorwaardes waarop, 'n besondere bepaling, reël of spesifikasie in sodanige grondbewaringsplan na goeddunke van die Grondbewaringskomitee of van 'n moontlike distrikskomitee, of van die betrokke eienaar of bewoner, gewysig kan word.

(2) Die Administrateur kan, na beraad met die Grondbewaringskomitee, en enige betrokke distrikskomitee—

- (a) enige bepaling wysig van 'n grondbewaringsplan wat ingevolge hierdie Ordonnansie in werking is, mits redelike kennisgewing daarvan aan elke eienaar of bewoner van die betrokke grond geskied; of
- (b) enige eienaar of bewoner van grond, op voorwaardes wat die Administrateur self bepaal, vrystel van enige bepaling van 'n grondbewaringsplan betreffende die grond wat sodanige eienaar of bewoner besit of bewoon, as die Administrateur oortuig is dat sodanige eienaar of bewoner weens die nakoming van sodanige bepaling uitermatig sal ly.

22. (1) Elke eienaar of bewoner van grond waarop 'n grondbewaringsplan ingevolge hierdie Ordonnansie toepasslik verklaar word, is vanaf die datum waarop sodanige grondbewaringsplan toegepas word op die grond wat hy besit of bewoon, of vanaf die datum waarop 'n afskrif van sodanige grondbewaringsplan ingevolge hierdie Ordonnansie aan hom besorg word, watter datum ook al die jongste is, verplig om die bepaling van sodanige grondbewaringsplan na te koin en daaraan te voldoen.

(2) Versuim 'n grondeienaar om binne die vasgestelde tydperk—

- (a) die grondbewaringswerke wat hy ingevolge 'n grondbewaringsplan moet aanlê of in stand hou, aan te lê of in stand te hou; of
- (b) sodanige grondbewaringswerke volgens voorskrif van die grondbewaringsplan aan te lê of in stand te hou,

kan die Administrateur na beraad met die betrokke distrikskomitee, en na minstens een maand kennisgewing aan sodanige eienaar, die nodige doen ter aanleg of instandhouding van sodanige grondbewaringswerke ooreenkomstig die grondbewaringsplan, en kan die Administrateur die koste daarvan, of sodanige deel daarvan soos hy bepaal, van die betrokke eienaar verhaal.

(3) (a) A soil conservation plan binds in succession every owner and occupier of the land to which it is applied.

(b) The application to any land of a soil conservation plan shall at the request of the Administrator be noted by the Registrar of Deeds in the appropriate register of his office.

(c) Before any land to which a soil conservation plan applies or any portion thereof is transferred, the transferor shall lodge with the Registrar of Deeds a document certifying that the person or persons, to whom such land or portion of land is to be transferred, have knowledge of the said plan.

23. (1) Whenever a soil conservation plan has been applied to any land under the control of a local authority to which the public have a common right of grazing their livestock, and that soil conservation plan contains a provision restricting the number or kinds of livestock which may for any specified period be grazed on that land or any portion thereof, the local authority concerned may, for the purpose of ensuring compliance with that provision, notwithstanding any rights which any member of the public may by virtue of any valid title deed or servitude have over such land or that portion thereof, make regulations restricting the number or kinds of livestock which any member of the public shall be permitted to graze on the said land or any portion thereof.

(2) Any provision in a soil conservation plan which requires the withdrawal from grazing for any period specified in the soil conservation plan of any land under the control of a local authority to which the public have a common right of grazing their livestock, shall have the effect of suspending, for the period so specified, any rights which any member of the public may by law or by virtue of any valid title deed or servitude have over such land.

24. Notwithstanding the provisions of this Ordinance, the Administrator may at any time take such steps as may be necessary for the construction or maintenance on any land of such soil conservation works as he may, on the recommendation of the conservation committee, consider necessary.

25. (1) The costs of any soil conservation works constructed or maintained by the Administration in terms of section twenty-four or twenty-six or in accordance with any soil conservation plan may, in the discretion of the Administrator, be charged entirely to the Administration or entirely to the owner or owners of the land which is in the opinion of the Administrator, beneficially affected by the soil conservation works, or partly to the Administration and partly to such owner or owners, and any costs so charged to an owner of land shall be recovered from the owner concerned by the Administrator in such manner as he may deem fit.

(2) Where the costs or any portion of the costs of any soil conservation works are in terms of sub-section (1) shall apportion the said costs between the said owners in such manner as he may deem equitable in the circumstances.

(3) If the said owner or owners of the land is/are dissatisfied with the amount of the costs so charged to said owner or, the amount shall, on the application of the joint application of the said owners, be determined by a board consisting of the Magistrate of the district where in the soil conservation works have been constructed, and two other persons, one to be appointed by the said owner or owners and the other by the Administrator.

(4) Such board shall have power to summon and hear witnesses, to call for the production of books and accounts and to punish for contempt of court as if it were a magistrate's court.

(5) The decision of the majority of the board shall be the judgment of the board, and shall be binding upon the parties.

(3) (a) 'n Grondbewaringsplan bind elke opvolgende eienaar en bewoner van die grond waarop sodanige plan toegepas word.

(b) Die toepassing van 'n grondbewaringsplan op 'n bepaalde stuk grond word op versoek van die Administrateur deur die Registrateur van Aktes in die aangewese register van sy kantoor aangeteken.

(c) Voordat grond waarop 'n grondbewaringsplan toegepas is, of 'n deel van sodanige grond, verveem word, moet die transportgewer 'n getuigskrif dat die transportnemer(s) van die grondbewaringsplan weet, by die Registrateur van Aktes indien.

23. (1) Wanneer 'n grondbewaringsplan toegepas word op grond wat onder beheer van 'n plaaslike bestuur staan en waarop die publiek 'n gemeenskaplike weidingsreg het vir hul lewende hawe, en wanneer sodanige grondbewaringsplan 'n bepaling bevat ter beperking van die aantal of soorte lewende hawe wat vir 'n vermelde tydspek toegelaat word om op sodanige grond of 'n deel daarvan te wei, kan die betrokke plaaslike bestuur — om uitkoming van sodanige bepaling te verseker en nieeteenstaande enige regte wat enige lid van die publiek ingevolge 'n regs-geldige titelbewys op, of 'n servituut oor, sodanige grond of sodanige deel daarvan het — regulasies uitvaardig ter beperking van die aantal of soorte lewende hawe wat enige lid van die publiek op sodanige grond of enige deel daarvan kan laat wei.

(2) 'n Bepaling in 'n grondbewaringsplan wat eis dat 'n stuk grond onder beheer van 'n plaaslike bestuur waarop die publiek 'n gemeenskaplike weidingsreg vir hul vee het, aan weiding oitrek moet word oor 'n tydspek wat die grondbewaringsplan vermeld, het die uitwerking dat dit vir die aldus vermelde tyd elke reg opskort wat enige lid van die publiek moontlik volgens wet of ingevolge 'n regs-geldige titelbewys op, of servituut oor, sodanige grond het.

24. Die bepalings van hierdie Ordonnansie ten spyt, kan die Administrateur te eigner tyd die nodige doen ter aanlegging of instandhouding op enige grond van sodanige grondbewaringswerke soos hy op aanbeveling van die Grondbewaringskomitee nodig ag.

25. (1) Die Administrateur kan na goedgeken die koste van enige grondbewaringswerke wat die Administrasie ingevolge artikel vier-en-twintig of ses-en-twintig of ooreenkomstig 'n grondbewaringsplan aangele het in stand hou, of geheel teen die Administrasie in rekening bring, of geheel teen die eienaar(s) van die grond wat volgens die mening van die Administrateur deur sodanige grondbewaringswerke bevoordeel word, of deels teen die Administrasie en deels teen sodanige eienaar(s); en die Administrateur kan enige koste wat aldus teen 'n grondenaar bereken word, na goedgeken van die betrokke eienaar(s) verhaal.

(2) Word die koste of 'n deel van die koste van grondbewaringswerke ingevolge sub-artikel (1) teen meer as een grondenaar in rekening gebring kan die Administrateur sodanige koste op die wyse wat hy onder omstandighede billik ag tussen sodanige eienaars verdeel.

(3) Waar sodanige eienaar(s) ontevrede is oor die bedrag van die koste wat aldus teen hulle in rekening gebring word, word die bedrag op aansoek van sodanige eienaar (of, as daar meer as een eienaar is, op die gesamenlike aansoek van sodanige eienaars) vasgestel deur 'n raad wat bestaan uit die magistraat van die distrik waarin die grondbewaringswerke aangele is en twee ander persone van wie een deur sodanige eienaar of eienaars en die ander deur die Administrateur benoem word.

(4) Sodanige raad kan getuies dagvaar en verhoor, en kan eis dat boeke en rekeninge aan hom voorgelê word, 'n kan strawwe opleë vir minagting van die hof, asof dit 'n magistraatshof is.

(5) Die besluit van die meerderheid van die raad so lde is die bevinding van die raad, en bind die partye.

(6) For the purpose of carrying out any of the powers of the board, the law regulating the procedure of magistrate's courts shall apply.

(7) The remuneration of the members of the board including the expenditure incurred by the board, shall be borne by the Administration and the said owner or owners in equal shares.

(8) In coming to a decision under sub-section (3) the board shall have regard, in addition to any other relevant circumstance, to the extent to which the land of the said owner or owners is or is likely to be beneficially affected by or enhanced in value as a result of the construction of the soil conservation works concerned.

(9) Whenever in this section the expressions "owner" and "owner or owners" occur, these expressions shall for the purposes of this section be taken to include any owner of a dominant tenement.

26. (1) Whenever in the opinion of the Administrator any land should, in the national interest, be reclaimed or conserved by the Administration he may on the recommendation of the conservation committee with respect to that land or any portion thereof or any right therein or thereover—

- (a) acquire such land or such right by direct purchase; or
- (b) expropriate such land or such right subject to the provisions of this section and to a right of pre-emption remaining to the owner or his successor in title; or
- (c) by notice in writing suspend for a period to be specified in such notice (which period may from time to time in like manner be extended) all or any of the owner's or occupier's rights in or over such land, and at the expiration of three months from the date of such notice, enter upon and take possession of the land for the purpose of reclamation or conservation;
- (d) in the case of unalienated Crown land, reserve such land for any of the purposes of this sub-section.

For the purposes of this sub-section "national interest" shall include—

- (i) the prevention of sand drift or the reclamation of land affected thereby; or
- (ii) the prevention of soil erosion or the reclamation of land affected thereby; and
- (iii) the protection of catchment areas or the conservation of water sources.

(2) Not less than three months before the Administrator expropriates any land or any right in or over such land under this section, the Administrator shall give to the registered owner of the land and to every person who is shown upon the title deed to the land to have any interest therein, and whose whereabouts he can readily ascertain, a notice, in writing, setting forth clearly the land, or the particular right therein or thereover, as the case may be, which the Administrator proposes to expropriate and the compensation offered therefor.

(3) The compensation to be paid for any land or any right expropriated under the provisions of this section shall, in the absence of agreement, be determined by a board constituted in terms of sub-section (3) of section twenty-five.

(4) Before the matter in dispute is referred to such board, any party concerned shall be bound to disclose to the Administrator, upon his request and within a period to be stipulated by him in that request, the amount of compensation demanded by such party with full particulars of the basis on which the amount is arrived at.

(5) For the purposes of this section, the board aforesaid shall have power to award costs, including the reasonable remuneration and expenditure of the board.

(6) By die uitvoering van enige bevoegdheid van die raad geld die wet betreffende die prosedure van magistratshofe.

(7) Die besoldiging van lede van die raad met inbegrip van die onkoste wat die raad aangaan, word gelyk-op deur die Administrasie en sodanige eienaar of eienaars gedra.

(8) Wanneer hy ingevolge sub-artikel (3) tot 'n beslissing geraak, moet die raad, benevens enige ander desbetreffende omstandighede, die mate waarin die aanleg van die betrokke grondbewaringswerke 'n voordelige uitwerking op die grond van sodanige eienaar of eienaars het of waarsynlik sal hê, of die mate waarin die grond weens die aanlegging van sodanige werke in waarde gestyg het of waarsynlik sal styg, in ag neem.

(9) Waar ook al daar in hierdie artikel die woord „eienaar” of die woord „eienaar(s)” gebesig word, sluit dit by die toepassing van hierdie artikel ook die eienaar van 'n heersende erf in.

26. (1) Wanneer die Administrateur meen dat die Administrasie in die volksbelang grond moet herwin of bewaar, kan hy, op aanbeveling van die Grondbewaringskomitee, betreffende sodanige grond of 'n deel daarvan, of enige reg daarin of daarop—

- (a) sodanige reg of grond regstreeks aankoop; of
- (b) sodanige grond of reg onteien onderhewig aan die bepalings van hierdie artikel en aan die behoud deur die eienaar of sy regesopvolger van 'n voorkeepsreg; of
- (c) by skriftelike kennisgewing vir 'n termyn daarin vermeld (sodanige termyn kan van tyd tot tyd op soortgelyke wyse verleng word) al of enigeen van die eienaar of bewoner se regte in of op sodanige grond opskort, en na verloop van drie maande na die kennisgewingsdatum die grond betree en daarvan besit neem ter herwinning of bewaring;
- (d) wat onverreerde kroongrond betref, sodanige grond vir enigeen van die doeleindes van hierdie sub-artikel voorbehou.

By die toepassing van hierdie sub-artikel omvat „volksbelang”—

- (i) die voorkoming van waaisand of die herwinning van grond wat daaraan onderhewig is; of
- (ii) die voorkoming van gronderosie of die herwinning van grond wat daaraan onderhewig is, en
- (iii) die beskerming van opvanggebiede of die bewaring van waterbronne.

(2) Minstens drie maande voordat die Administrateur enige grond of enige reg in of op sodanige grond ingevolge hierdie artikel onteien, gee hy die geregistreerde eienaar van sodanige grond en elkeen wat volgens die titelbewys belang daarby het en gereëlde tyd om kennis te gee van sodanige kennisgewing, en in sodanige kennisgewing gee hy 'n duidelike uiteensetting van die grond, of van die bepaalde reg daarin of daarop, al na gelang, wat die Administrateur wil onteien, en van die vergoeding wat daarvoor aangebied word.

(3) By gebrek aan ooreenkoms word die vergoedingsbedrag vir enige grond of reg wat kragtens die bepalings van hierdie artikel onteien word, vasgestel deur 'n raad wat ingevolge die bepalings van sub-artikel (3) van artikel ryf-en-twintig ingestel word.

(4) Voordat sodanige geskil na sodanige raad verwys word, moet elke betrokke party op versoek van die Administrateur en binne 'n tydperk wat die Administrateur verwittig van die sodanige versoek vasstel, die Administrateur verwittig van die vergoedingsbedrag wat sodanige party eis, met volledige besonderhede van die grondslag waarop sodanige bedrag vasgestel is.

(5) By die toepassing van hierdie artikel kan voorgemelde raad koste, insluitende redelike besoldiging en uitgawe van die raad, toeken.

(6) If the amount of compensation awarded by the board is two hundred pounds or over, the costs awarded by the board shall be liable to taxation by the Registrar by the board shall be liable to taxation by the Registrar of the High Court of South West Africa, on the scale of costs applicable to proceedings had in the said High Court, and, if the amount of compensation awarded is less than two hundred pounds, be liable to taxation by the clerk of the magistrate's court of the district in which the property is situated, on the scale of costs applicable to proceedings had in a magistrate's court.

(7) The Administrator may in respect of any land referred to in paragraph (c) of sub-section (1) at his discretion—

- (a) grant exemption from the provisions of that paragraph to an owner or occupier who has, within three months from the date of the notice of suspension, entered into a written undertaking to construct or carry out at his expense such soil conservation works or soil conservation measures (to be specified in the undertaking) as the Administrator may require; and
- (b) terminate such exemption, after three months notice in writing to the owner or occupier, if he is satisfied that the said owner or occupier has failed to comply with the terms of his undertaking.

(8) The Administrator may at any time by notice in writing cancel any suspension of rights under paragraph (c) of sub-section (1).

(9) In the event of such cancellation the suspended rights shall be restored to the owner or his successor in title, or to the occupier, as the case may be, subject to the provisions of sub-section (10) and to such conditions as to occupation and use of the land as the Administrator may deem fit to impose, which conditions shall attach to the land and at the request in writing of the Administrator be noted free of charge by the Registrar of Deeds on the title deed of the said land and in the appropriate registers. For the purpose of this section the owner or other person in possession of the title deed to the land shall on demand deliver such title deed to the Administrator, and "owner" shall include the owner of a dominant tenement.

(10) Whenever the Administrator gives to any owner or person referred to in sub-section (2) a notice in terms of that sub-section, he shall at the same time transmit to the Registrar of Deeds a certified copy of such notice, and after the receipt thereof and until the land or the right, as the case may be, is transferred to the Administrator or until such notice is withdrawn, the Registrar shall not register any transaction affecting such land or right.

(11) Whenever any land has been acquired, expropriated or reserved in terms of paragraphs (a), (b) and (d) of sub-section (1) the Administrator shall reserve such land for the purpose for which it is required by proclamation in the *Gazette*.

(12) If in the opinion of the Administrator any land reserved by him in terms of sub-section (1) or any drawn from reservation in the national interest be withdrawn, the Administrator may by proclamation in the *Gazette* withdraw such land or portion thereof from reservation or amend the boundaries thereof.

27. The Administrator may, out of moneys appropriated for the purpose by the Legislative Assembly for the Territory, and on such conditions as may be prescribed by regulation under this Ordinance—

- (a) lend money to an owner of land for the purpose of constructing any soil conservation works or applying any soil conservation measures in accordance with a soil conservation plan applicable to land of that owner: Provided that the Administrator may refer any matter falling within this paragraph to the board established under the Promotion of Farming Interests Ordinance, 1952, to be dealt with under the provisions of that Ordinance.

(6) As die vergoeding wat die Raad toeken twee-honderd pond of meer is, is die koste wat die Raad toeken onderhewig aan taksasie deur die Griffier van die Hoër Hof van Suidwes-Afrika volgens die kosteskaal betreffende verrigtinge in genoemde Hoër Hof, en as die toegedeke vergoedingsbedrag minder as twee-honderd pond is, is dit onderhewig aan taksasie deur die klerk van die magistrats-hof van die distrik waarin die grond geleë is volgens die kosteskaal betreffende verrigtinge in magistrats-hof.

(7) Die Administrateur kan ten opsigte van grond genoem in paragraaf (c) van sub-artikel (1), na eie goeddunke—

- (a) vrystelling van die bepalinge van sodanige paragraaf verleen aan 'n eienaar of bewoner wat binne drie maande vanaf die datum van kennisgewing van afskorting, skriftelik onderneem het om op eie onkoste sodanige grondbewaringswerke of grondbewaringsmaatreëls (hulle moet in die onderneeming genoem word) aan te lê of uit te voer soos die Administrateur vereis: en
- (b) sodanige vrystelling na drie maande skriftelike kennisgewing aan sodanige eienaar of bewoner beruëndig, as hy oortuig is dat sodanige eienaar of bewoner versuim het om die bepalinge van sy onderneeming na te kom.

(8) Die Administrateur kan te eniger tyd by skriftelike kennisgewing 'n afskorting van regte ingevolge paragraaf (c) van sub-artikel (1) intrek.

(9) By sodanige intrekking word die opgekorte regte aan die eienaar of sy titelopvolger of die bewoner, na gelang, teruggegee, behoudens die bepalinge van sub-artikel (10) en sodanige voorwaardes betreffende bewoning en gebruik van die grond soos die Administrateur na goeddunke stel; sodanige voorwaardes is op die grond van toepassing, en op skriftelike versoek van die Administrateur teken die Registrateur van Aktes dit kosteloos aan op die titelbewys van die grond en in die juislike registers. Vir die doel van hierdie artikel moet die eienaar of ander besitter van die titelbewys van die betrokke grond sodanige titelbewys op versoek van die Administrateur voorlê, en omvat "eienaar" die eienaar van 'n heersende erf.

(10) Wanneer ook al die Administrateur aan 'n eienaar of persoon genoem in sub-artikel (2) kennisgewing ingevolge daardie sub-artikel verstrekk, stuur hy tegelykertyd 'n gewaarmerkte afskrif van die kennisgewing aan die Registrateur van Aktes, en na ontvangs daarvan en voordat die grond of die reg, na gelang, aan die Administrateur oorgegedra word, of totdat sodanige kennisgewing ingetrek is, mag die Registrateur van Aktes geen transaksie teit opsigte van sodanige grond of reg registreer nie.

(11) Wanneer grond ingevolge die bepalinge van paragrafe (a), (b) en (d) van sub-artikel (1) aangekoop, ontciën of voorbehou word, behou die Administrateur by proklamasie in die *Offisiële Koerant* die grond voor vir die doeleindes waarvoor dit vereis word.

(12) As die Administrateur meen dat grond wat hy ingevolge die bepalinge van sub-artikel (11) voorbehou het, of enige deel daarvan, in die volksbelang van voorbehoud onttrek moet word, of dat die grense daarvan gewysig moet word, kan die Administrateur by proklamasie in die *Offisiële Koerant* sodanige grond of deel daarvan van voorbehoud onttrek of die grense daarvan wysig.

27. Die Administrateur kan, uit gelde wat die Wetgewende Vergadering van die Gebied daarvoor beskikbaar stel, en op sodanige voorwaardes soos by regulasie kragtens hierdie Ordinance voorgeskrif word—

- (a) aan 'n grondeenaar geld leen om grondbewaringswerke aan te lê of grondbewaringsmaatreëls toe te pas ooreenkomstig 'n grondbewaringsplan wat op sodanige eienaar se grond geleë is: Met dien verstande dat die Administrateur enige saak binne die bestek van hierdie paragraaf kan verwys na die raad ingestel by die Ordinance om die Bevordering van Boerdervelange 1952 ter afhandeling ingevolge die bepalinge van daardie Ordinance;

- (b) grant rebates on loans made in terms of paragraph (a);
- (c) pay subsidies or make grants to the owner or occupier of any land in respect of any soil conservation works constructed or soil conservation measures applied by that owner or occupier in accordance with a soil conservation plan applicable to the land owned or occupied by that owner or occupier.

28. Any amount due to the Administration in respect of any loan granted or of any advance made thereon for the purpose of, or in respect of any liability assumed in connection with the construction of any soil conservation works or the application of any soil conservation measures under this Ordinance or any other law or any agreement, shall be recoverable by the Administrator in accordance with the law of the Territory.

29. The Administrator may, with the approval of the owner of any land and subject to such conditions as may be agreed upon between the Administrator and the said owner, construct and maintain or apply, or cause to be constructed and maintained or applied, at public expense, any soil conservation works or soil conservation measures on or in respect of the land of the said owner for the purpose of public demonstration or research in matters relating to veld, soil or water conservation.

30. (1) Any officer of the Administration or of the South African Railways and Harbours Administration and any person duly authorized thereto by the Administrator may enter upon any land and may take with him such equipment as may be necessary for the purpose of constructing or maintaining on that land any soil conservation works in accordance with the provisions of this Ordinance or of any soil conservation plan, and may dig or take on such land, after consultation with the owner or occupier thereof and without an obligation to pay compensation therefor, such stone, sand, earth, water, bush or wood as may be necessary for the purpose of construction or maintaining on that land, such soil conservation works.

(2) There shall be free access over any land over which an officer or a person referred to in sub-section (1) may consider it necessary to proceed with his equipment or servants to reach the land on which any soil conservation works are required to be constructed or maintained in terms of this Ordinance: Provided that this right shall not be exercised except after consultation with the owner or occupier of the land over which it is considered necessary to proceed.

(3) Any officer of the Administration, any member of the conservation committee or of any sub-committee thereof or of any district committee, and any person generally or specifically authorized thereto by the Administrator, may at all reasonable times enter upon any land for the purpose of—

- (a) ascertaining whether the provisions of any soil conservation plan applicable to that land are being properly carried out or complied with; or
- (b) ascertaining the desirability of constructing upon that land any soil conservation works or of applying to that land any soil conservation measures or any soil conservation plan; or
- (c) inspecting any soil conservation works which are being or which have been constructed on that land.

31. (1) Subject to directions, general or specific, by the Surveyor-General every government land surveyor who is concerned with the survey of any Crown land or any private land, shall—

- (a) indicate on the diagram of such land the existence on any part thereof of any sand drift or severe erosion of the soil or any part which is in danger of such drift or erosion; and
- (b) furnish to the Administration a report on such drift or erosion including his recommendation regarding the necessity or otherwise for any action by the Administrator in terms of sub-section (1) of section twenty-six.

- (b) kortings toeken op lenings wat ingevolge paragraaf (a) toegestaan word;
- (c) aan enige grondeenaar of -bewoner subsidies betaal of skenkings toeken vir grondbewaringswerke of -maatreëls wat sodanige eienaar of bewoner aanleë of toepas ingevolge 'n grondbewaringsplan wat geld op die grond wat sodanige eienaar besit of bewoner bewoon.

28. Die Administrateur kan ooreenkomstig die Gebiedswette enige bedrag invorder wat aan die Administrasie verskuldig is op 'n lening (of op 'n daarop uitbetaalde voorskot) vir, of betreffende enige aanspreeklikheid wat aanvaar is by die aanlegging van grondbewaringswerke of by die toepassing van grondbewaringsmaatreëls, hetsy ingevolge hierdie Ordonnansie of enige ander wet of ooreenkoms.

29. Die Administrateur kan, tnet goedkeuring van die eienaar van enige grond en op die voorwaardes waarvoor die Administrateur en sodanige eienaar ooreenkom, op staatskoste enige grondbewaringswerke of grondbewaringsmaatreëls op of betreffende sodanige eienaar se grond ten openbare demonstrasie of navorsing oor veld-, gront- en waterbewing, aanleë en in stand hou of toepas, of laat aanleë en in stand hou of toepas.

30. (1) Elke amptenaar van die Administrasie of van die Administrasie van die Suid-Afrikaanse Spoorweë en Havens en elkeen wat die Administrateur behoorlik daartoe magtig, kan enige grond betree en die nodige toerusting saamneem om op sodanige grondbewaringswerke ooreenkomstig die bepaling van hierdie Ordonnansie of 'n grondbewaringsplan aan te lê of in stand te hou, en kan, na raadpleging met die betrokke eienaar of bewoner en sonder om enige vergoedingsaanspreeklikheid daarvoor te aanvaar, sodanige klippe, sand, grond, water, bosse of hout uitgrawe op, of verwyder uit sodanige grond soos nodig is vir die instandhouding van sodanige grondbewaringswerke op sodanige grond.

(2) 'n Amptenaar of gemagtigde op wie sub-artikel (1) dui, leit vry deurgang oor enige grond waaroor hy na goedgeunkte met sy toerusting of bediendes gaan om die grond te bereik waarop grondbewaringswerke ingevolge hierdie Ordonnansie aangeleë in stand gelou moet word: Met dien verstande dat hierdie reg uitgeoefen word slegs na raadpleging met die eienaar of bewoner van die grond waarvoor dit nodig geag word om te gaan.

(3) Elke amptenaar van die Administrasie, elke lid van die Grondbewaringskomitee, of van 'n sub-komitee daarvan, of van 'n distrikskomitee, en enige iemand wat die Administrateur algemeen of spesifiek daartoe magtig, kan te alle redelike tye enige grond betree om—

- (a) vas te stel of die bepaling van 'n grondbewaringsplan, wat op sodanige grond geld, behoorlik uitgevoer of nagekom word; of
- (b) vas te stel of dit raadsaam is, al dan nie, om op sodanige grond grondbewaringswerke aan te lê of grondbewaringsmaatreëls toe te pas; of
- (c) grondbewaringswerke wat op sodanige grond aangeleë word of aangeleë is, te ondersoek.

31. (1) Onderhewig aan die aanwysings, hetsy algemeen of spesifiek, van die Landmeter-generaal, moet elke staatslandmeter wat betrokke is by die opmeting van kroongrond of private grond—

- (a) op die kaart van sodanige grond die bestaan op enige deel van sodanige grond van waaissand of ernstige gronderosie, of enige deel van sodanige grond wat bedreig word deur sodanige waaissand of gronderosie, aandui; en
- (b) aan die Administrasie verslag doen oor sodanige waaissand of gronderosie en in sodanige verslag aanbeveling of dit nodig is dat die Administrateur ingevolge sub-artikel (1) van artikel ses-en-twintig moet optree, al dan nie.

(2) If any portion of any Crown land which is in the process of being alienated is required for any purpose mentioned in sub-section (1) of section *twenty-six*, the Administrator may cause such portion thereof to be defined on the diagram of the land by the Surveyor-General and at the request in writing of the Administrator the Registrar of Deeds shall reserve for such purpose such portion of the title deed of the said land and in the appropriate registers.

32. The Administrator may make regulations as to—

- the conditions subject to which loans or advances thereon may be made to an owner of land in terms of section *twenty-seven* and the manner in which and the times at which such loans or advances shall be repaid;
- the conditions subject to which and the rates at which grants, rebates on loans or advances and subsidies shall be made or paid in terms of section *twenty-seven*;
- generally, all matters which he considers necessary or expedient to prescribe in order that the purposes of this Ordinance may be achieved.

33. Any person who—

- obstructs or hinders any person referred to in section *thirty* in the execution of his duties or the performance of his functions; or
- without the written permission of the Administrator damages, alters or in any way interferes with any soil conservation works which were to his knowledge constructed by the Administration;

and any owner or occupier of land who—

- fails to comply with or contravenes or permits the contravention of any provision of a soil conservation plan in operation in respect of the land owned or occupied by him, other than a provision relating to the construction of soil conservation works, or of any provision of this Ordinance or of any regulation made thereunder,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

34. This Ordinance shall be called the Soil Conservation Ordinance, 1952, and shall come into operation on a date to be fixed by the Administrator by proclamation in the *Gazette*.

SCHEDULE.

MANNER PRESCRIBED FOR ELECTION OF FARMER MEMBERS OF DISTRICT COMMITTEES.

NOTICE OF ELECTION AND NOMINATIONS.

(1) As soon as may be after a soil conservation district has been declared in terms of section *ten* of the Ordinance, the Administrator shall by notice in one or more newspapers circulating in the area in which the soil conservation district is situated, or in any other manner he deems fit—

- invite owners of land situated within that soil conservation district to nominate persons *bona fide* carrying on farming operations within the said soil conservation district for election as farmer members of the district committee;
- designate a person (hereinafter called the election officer) to receive such nominations and, if necessary, to convene a meeting for the election of such members;
- indicate the latest date by which and the place at which nominations are to be submitted to the election officer, and the number of members to be elected.

(2) The nomination of each candidate for election as a farmer member of a district committee shall be made on a separate declaration and nomination form (obtainable, Annexure I hereto, from the election officer), as set out in hereon in the space provided his acceptance of such nomination.

(2) As enige deel van kroongrond wat onder vervreemding staan, nodig is vir 'n doel wat sub-artikel (1) van artikel *ses-en-twintig* noem, kan die Administrateur sodanige deel daarvan deur die Landmeter-generaal op die kaart van die betrokke grond laat omskryf, en op skriftelike versoek van die Administrateur moet die Registerateur van Aktes sodanige deel op die titelbewys van die betrokke grond en in die paslike registers, vir sodanige doel voorbehou.

32. Die Administrateur kan regulasies uitvaardig betrefsende—

- die voorwaardes waarop lenings of voorskotte ingevolge artikel *sewen-en-twintig* aan 'n grondeienaar toegestaan kan word, en die wyse en tye waarop sodanige lenings of voorskotte terugbetaal moet word;
- die voorwaardes waarop en die skale waarteen skenkings, kortings op lenings en voorskotte en subsidies ingevolge artikel *sewen-en-twintig* toegeken of betaal moet word;
- alle sake oor die algemeen, die voorskrywing waarvan hy ter bereiking van die oogmerke van hierdie Ordonnansie nodig of dienstig ag.

33. Elkeen wat—

- iemand op wie artikel *dertig* dui, by die uitvoering van sy aanspigte of die verrigting van sy werksaamhede teengaan of hinder; of
- grondbewaringswerke wat na sy wete deur die Administrasie aangelê is, sonder skriftelike toestemming van die Administrateur beskadig, verander of enigins belemmer;

en elke grondeienaar of bewoner wat—

- versuim om te voldoen aan 'n bepaling van 'n grondbewaringsplan wat ten opsigte van die grond wat hy besit of bewoon in werking is (buiten 'n bepaling op die aanleg van grondbewaringswerke, of 'n bepaling van hierdie Ordonnansie of 'n daaruitvloeiende regulasie) of wat so 'n bepaling oortree of 'n oortreding daarvan toelaat,

is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf van hoogstens twaalf maande, of met beide sodanige boete en gevangenisstraf.

34. Hierdie Ordonnansie heet die Ordonnansie op Grondbewaring 1952 en tree in werking op 'n datum wat die Administrateur by proklamasie in die *Offisiële Koerant* bepaal.

BYLAE.

HOE BOERELEDE VAN DISTRIKSKOMITEES VERKIEES

WORD.

KENNISGEWING VAN VERKIESING EN NOMINASIES.

1. (1) So gou doelklik nadat 'n gebied ingevolge artikel *tien* van die Ordonnansie tot 'n grondbewaringsdistrik uitgeroep is, laat die Administrateur by kennisgewing in 'n koerant of in verskeie koerante wat onloop in die streek waarin die grondbewaringsdistrik geleë is, of op 'n ander manier wat hy goed vind—

- grondeienaars binne sodanige grondbewaringsdistrik vra om persone wat *bona fide* binne sodanige grondbewaringsdistrik boer, vir verkiesing tot boerelede van die distrikskomitee te nomineer;
- iemand (hieronder heet hy die verkiesingsbeampte) aanwys om die nominasie te ontvang en, waar nodig, 'n vergadering ter verkiesing van lede te bely;
- die laaste datum aandui waarop, en die plek waar, nominasies by die verkiesingsbeampte ingedien moet word, sowel as die getal lede wat gekies moet word.

(2) Die nominasie van elke kandidaat vir verkiesing tot boereleid van 'n distrikskomitee geskied op 'n aparte verklarings- en nominasievorm (wat op aanvraag by die verkiesingsbeampte verkry word), soos uiteengesit in die eerste aanhangsel hiervan, en die genomineerde onderteken daarop in die aangewese ruimte sy aanname van die nominasie.

(3) No owner of land shall nominate more persons than the number of farmer members required to be elected and in the event of his nominating more than that number all nominations by him shall be invalid.

(4) Any nomination form which is not properly completed in every material detail or which does not comply in every respect with the provisions of these regulations shall be rejected as invalid.

(5) As soon as may be after the date referred to in paragraph (c) of sub-clause (1) the election officer shall—

- if the number of persons validly nominated is equal to the number of farmer members to be elected, post up in a prominent place a notice declaring the candidates so nominated to have been duly elected and at the same time advise each such candidate in writing thereof; or
- if the number of persons validly nominated exceeds the number of farmer members to be elected, post up at a prominent place a notice giving the names of those persons and advising the date, time and place for the holding of a meeting for the election of the required number of farmer members, such date to be not less than 14 days and not more than 28 days after the date of the posting up of such notice;
- if no person has been validly nominated, or if the number of persons validly nominated is less than the number of farmer members to be elected, forthwith report the result of the nomination to the Administrator and give the name and address of every person so nominated.

(6) Upon the receipt of a report in terms of paragraph (c) of sub-clause (5) the Administrator may in his discretion—

- (i) direct the election officer to declare in the manner aforesaid the persons validly nominated to be duly elected as farmer members of the district committee; and
 - call for further nominations in accordance with the procedure prescribed by sub-clause (1) for election of persons to make up the number of farmer members required; or
- (b) reject the nominations received and call for fresh nominations for the full number of farmer members required in terms of sub-clause (1).

MANNER OF EXERCISING RIGHT TO VOTE.

2. Every owner of land situated within the soil conservation district shall be entitled to vote in person for the election of the farmer members of the district committee for that soil conservation district: Provided that where the owner is—

- a society, firm, association or company, the right to vote shall be exercised by a director, manager, chairman, secretary or other official of the society, firm, association or company duly authorised thereto;
- a partnership or other joint venture of two or more persons, the right to vote shall be exercised by a partner or member of the joint venture duly authorised thereto;
- a local authority, the right to vote shall be exercised by a person duly authorised thereto by that local authority;
- any other body corporate established by law, the right to vote shall be exercised by a member or officer of the board of directors duly authorised thereto;
- the Administration, the right to vote shall be exercised by the head of the department or division concerned or by any person duly authorised thereto;
- a minor, or person mentally incapable of managing his own affairs or an insolvent or deceased estate, the right to vote shall be exercised by the trustee or curator, as the case may be.

(3) Geen grondcienaar mag meer mense nomineer as die getal boerelede wat gekies moet word nie, en waar hy meer as sodanige getal nomineer, is al sy nominasies ongeldig.

(4) 'n Nominasievorm wat nie behoorlik in elke belangrike opsig voltooi is, of wat nie in elke opsig aan die bepalings van hierdie regulasies voldoen nie, word as ongeldig verwerp.

(5) Die verkiesingsbeamppte moet so gou doelik na die datum waarop paragraaf (c) van sub-klausule (1) dui—

- as die getal wettig genomineerdes gelykstaan aan die getal boerelede wat gekies moet word, 'n kennisgewing wat die aldus genomineerdes behoorlik verkose verklaar, applak op 'n treffende plek, en elke kandidaat terselfdertyd skriftelik daarvan verwittig: of
- as die getal wettig genomineerdes die getal boerelede wat gekies moet word, oorskry, 'n kennisgewing van die name van sodanige genomineerdes en die datum (minstens 14 en hoogstens 28 dae na die applakdatum van sodanige kennisgewing) en die tyd, en plek van 'n vergadering ter verkiesing van die veraste getal boerelede op 'n treffende plek applak;
- as niemand wettig genomineer word nie, of as die getal wettig genomineerdes minder is as die getal boerelede wat verkies moet word, die uitslag van die nominasie onmiddellik aan die Administrateur medeel en die naam en adres van elke sodanige genomineerde verstrek.

(6) By ontvangs van 'n mededeling ingevolge paragraaf (c) van sub-klausule (5) kan die Administrateur na goeddunke—

- (i) die verkiesingsbeamppte aansê om die wettig genomineerdes op die voormelde wyse tot behoorlik verkose boerelede van die distrikskomitee te verklaar; en
 - verdere nominasies vra ooreenkomstig die prosedure wat sub-klausule (1) vir die verkiesing van persone ter aanvulling van die veraste getal boerelede voorskryf; of
- (b) die ontvangse nominasies verwerp en ander nominasies aanvaar ter aanvulling van die volle getal boerelede wat ingevolge sub-klausule (1) verast word.

HOE STEMREG UITGEOEFEN MOET WORD.

2. Elke grondcienaar binne die grondbewaringsdistrik kan persoonlik stem by die verkiesing van die boerelede van die grondbewaringskomitee vir sodanige grondbewaringsdistrik: Met dien verstande dat waar die cienaar—

- 'n genootskap, firma, vereniging of maatskappy is, die stemreg uitgeoefen moet word deur 'n behoorlik daartoe gemagtigde direkteur, bestuurder, voorsitter, sekretaris of ander beamppte van die genootskap, firma, vereniging of maatskappy;
- 'n vennootskap of ander gesamentlike onderneming van twee of meer persone is, die stemreg uitgeoefen moet word deur 'n behoorlik daartoe gemagtigde vennoot of lid van die gesamentlike onderneming;
- 'n plaaslike bestuur is, die stemreg uitgeoefen moet word deur iemand wat sodanige plaaslike bestuur behoorlik daartoe magtig;
- enige ander regs persoon is wat by wetgewing ingestel is, die stemreg uitgeoefen moet word deur 'n behoorlik daartoe gemagtigde lid of beamppte van die raad van direkteure;
- die Administrasie is, die stemreg uitgeoefen moet word deur die betrokke departements- of afdelingshoof of deur 'n behoorlik daartoe gemagtigde;
- onmondig is, of iemand is wat weens geestesgebreke of nie in staat is om sy eie sake te bestuur nie, of 'n insolvente of afgestorwe boedel is, die stemreg deur die trustee of kurator, na gelang, uitgeoefen moet word.

MANNER OF VOTING.

3. (1) Whenever an election meeting has been convened the election officer shall preside thereat and every person entitled to vote who is present thereat may on request obtain from the election officer a declaration and ballot paper in the form set out in Annexure 2, hereto, which he may then complete and deposit in a sealed ballot box provided for that purpose. A voter may not use any ballot paper other than that supplied to him by the election officer.

(2) The election officer may in his discretion, at the request of any person present at the meeting and entitled to vote thereat, assist such person to complete a declaration and ballot paper, if such person is through infirmity unable to do so by himself or is unable to read or write; the election officer shall note on the ballot paper of such person the fact that he has assisted him and the reason therefor.

(3) No person may vote for candidates not duly nominated or cast more than one vote for each candidate or vote for more candidates than the number of members to be elected.

(4) Whenever any ballot paper—

- (a) records a vote for a person not duly nominated, that vote shall be disregarded;
- (b) records more than one vote for a duly nominated person only one of those votes shall be counted;
- (c) records votes for more duly nominated persons than the number of members to be elected, the votes recorded for duly nominated persons at the bottom of the list of names to the number of the excess shall be disregarded;
- (d) is in any material respect not properly completed in terms of these regulations, it shall be rejected as spoilt and the votes recorded thereon shall be disregarded.

DECLARATION OF RESULT OF POLL.

4. (1) After the expiration of a period of time to be stipulated by the election officer at the opening of the meeting, no further votes shall be cast, and the election officer shall then and there count the votes and declare the candidates for whom the highest number of votes was cast, to the number of members required, to be duly elected.

(2) In the event of there being an equality of votes affecting the result of the election, the election officer shall determine by lot the order of priority of the candidates concerned.

(3) The election officer shall as soon as possible after the conclusion of the meeting forward to the Administrator a record of the proceedings of the meeting, including a list of the names and addresses of the candidates nominated, the number of votes cast for each candidate and the names and addresses of those declared to be elected, and shall also transmit to the Administrator nomination forms and ballot papers utilised in connection with the election and such papers shall be retained by the Administrator for a period of not less than six months from the closing date for nomination of candidates.

VALIDITY OF ELECTIONS.

5. No election shall be invalid by reason of any mistake or non-compliance with the provisions of these regulations, if the election officer is satisfied that the election was conducted in accordance with the principles laid down in the Ordinance and in these regulations, and that such mistakes or non-compliance did not affect the result of the election.

HOE DAAR GESTEM MOET WORD.

3. (1) Wanneer 'n verkiesingsvergadering belê is, tree die verkiesingsbeampte by sodanige vergadering as voorsitter op, en kan elke aanwesige stemgeregtigde op aanvraag 'n verklarings- en stembriefvorm, soos dié in die tweede aanhangsel hiervan, van die verkiesingsbeampte verkry, en sodanige stemgeregtigde kan sodanige verklarings- en stembriefvorm dan voltooi en dit in 'n daarvoor ingerigte, verselde stembus gooi. 'n Kieser mag geen ander stembrief gebruik buiten dié wat die verkiesingsbeampte aan hom verskaf nie.

(2) Die verkiesingsbeampte kan nu goeëduke iemand wat by die vergadering teenwoordig is en geregtig is om daar te steen, op so iemand se versoek help om die verklarings- en stembriefvorm te voltooi as so iemand liggaamlik nie in staat is om dit self te doen nie, of as hy nie kan lees of skryf nie; die verkiesingsbeampte moet op so iemand se stembrief die feit dat hy hom gehelp het en die rede daarvoor aanteken.

(3) Niemand mag vir 'n kandidaat steen wat nie behoorlik genomineer is nie, of meer as een stem vir elke kandidaat uitbring nie, of vir meer kandidaat stem as die getal lede wat gekies moet word nie.

(4) Wanneer 'n stembrief—

- (a) 'n stem uitbring vir iemand wat nie behoorlik genomineer is nie, word sodanige stem verontagsaam;
- (b) meer as een stem vir 'n behoorlik genomineerde uitbring, word slegs een sodanige stem getel;
- (c) stemme uitbring vir 'n groter getal behoorlik genomineerdes as die getal lede wat gekies moet word, word die oortollige stemme onderaan die naamlys verontagsaam;
- (d) in 'n belangrike opsig nie behoorlik ooreenkomstig hierdie bylae voltooi is nie, word dit verwerp as bedorwe en word die stemme wat daarop uitgebring is, verontagsaam.

BEKENDMAKING VAN UITSLAG VAN STEMMING.

4. (1) Na afloop van 'n tydperk wat die verkiesingsbeampte by die opening van die vergadering afkondig, word daar geen verdere stemme uitgebring nie, en tel die verkiesingsbeampte dadelik die stemme en verklaar by die kandidaat op wie die hoogste getal stemme uitgebring is (tot op die benodigde getal lede) behoorlik verkose.

(2) By 'n staking van stemme wat die uitslag van die verkiesing raak, bepaal die verkiesingsbeampte deur die lot die orde van voorrang van die betrokke kandidaat.

(3) Die verkiesingsbeampte stuur, so gou doenlik na afloop van die vergadering, 'n verslag oor die verrigtinge van die vergadering, 'n lys van name en adresse van die genomineerde kandidaat, die getal stemme wat op elke kandidaat uitgebring is, en die name en adresse van die verkosenes, aan die Administrateur, en voorts stuur hy ook aan die Administrateur elke nominasie- en stembriefvorm wat by die verkiesing gebruik is, en die Administrateur bewaar sodanige stukke dan vir 'n tydperk van minstens ses maande vanaf die sluitingsdatum vir die nominasie van kandidaat.

GELDIGHEID VAN VERKIESING.

5. Geen verkiesing is weens 'n fout of weens verontagsaming van die bepalinge van hierdie bylae ongeldig nie, as die verkiesingsbeampte oortuig is dat die verkiesing gehou is ooreenkomstig die beginsels wat die Ordinance en hierdie regulasies voorskryf en dat die fout of verontagsaming nie die uitslag van die verkiesing geraak het nie.

ANNEXURE 1.

FORM OF DECLARATION AND NOMINATION OF CANDIDATES FOR MEMBERS OF A SOIL CONSERVATION DISTRICT COMMITTEE.

I, the undersigned residing at in the Magisterial District of hereby nominate (name) (address) as member of the district committee for the Soil Conservation District.

2. I hereby declare that I am qualified in terms of the Soil Conservation Ordinance No. of 1952 to vote for the election of members of the said District Committee—

- * (a) on my behalf as owner of the property known as situate in the Magisterial District of
- * (b) as duly authorised representative of being the owner(s) of the property/properties known as situate in the Magisterial District of
- * (c) as holder of a Crown land lease with option to purchase in respect of the property known as situate in the Magisterial District of

As Witness
Date

Signature of Declarer.
Date

ENDORSEMENT BY NOMINEE.

I, being the person herein nominated, hereby—

- (a) declare that I am *bona fide* carrying on farming operations in the above-mentioned Soil Conservation District, and
- (b) intimate my acceptance of such nomination.

Signature of Nominee.

Full Address
Date
As Witness
Date

* N.B.—Delete what does not apply.

ANNEXURE 2.

FORM OF DECLARATION AND BALLOT PAPER FOR THE ELECTION OF MEMBERS OF A SOIL CONSERVATION DISTRICT COMMITTEE.

I, the undersigned residing at in the Magisterial District of hereby declare that I am qualified, in terms of the Soil Conservation Ordinance No. of 1952, to vote for the election of members of the district committee for the Soil Conservation District—

- * (a) on my behalf as owner of the property known as situate in the Magisterial District of
- * (b) as duly authorised representative of being owner(s) of the property/properties known as situate in the Magisterial District of
- * (c) as holder of a Crown land lease with option to purchase in respect of the property known as situate in the Magisterial District of

EERSTE AANHANGSEL.

VERKLARINGS- EN NOMINASIEVORM BY DIE LEDE-VERKIESING VAN 'N GRONDBEWARINGS-DISTRIKSKOMITEE.

1. Ek, die ondergetekende, woonagtig te in die magistraatsdistrik nomineer hierby (naam) (adres) as lid van die distrikskomitee van die Grondbewarings-distrik

2. Ek verklaar hierby dat ek ooreenkomstig die Ordonnansie op Grondbewaring (Ordonnansie van 1952) bevoegd is om te stem vir die verkiesing van lede van genoemde distrikskomitee—

- * (a) in my eie naam as eienaar van die eiendom bekend as geleë in die magistraatsdistrik
- * (b) as behoorlik gemagtigde verteenwoordiger van wat die eienaar(s) is van die eiendom(me) bekend as geleë in die magistraats-distrik
- * (c) as houër van 'n huurkontrak met opsie om te koop ten opsigte van kroongrond bekend as geleë in die magistraats-distrik

As getuie
Datum

Handtekening van verklaarder
Datum

AANNAME DEUR GENOMINEERDE.

Ek, die hierin genomineerde—

- (a) verklaar hierby dat ek *bona fide* in bogenoemde grondbewaringsdistrik boer, en
- (b) gee hierby my aanname van die nominasie te kenne.

Handtekening van genomineerde.

Volledige adres
Datum
As getuie
Datum

* L.W.—Skrap wat nie van toepassing is nie.

TWEDE AANHANGSEL.

VERKLARINGS- EN STEMBRIEFVORM TER VERKIESING VAN LEDE VAN 'N GRONDBEWARINGS-DISTRIKSKOMITEE.

Ek, die ondergetekende, woonagtig te in die magistraatsdistrik verklaar hierby dat ek ooreenkomstig die bevoegd is om te stem by die verkiesing van lede van die distrikskomitee vir die Grondbewaringsdistrik

- * (a) in my eie naam as eienaar van die eiendom bekend as geleë in die magistraatsdistrik
- * (b) as behoorlik gemagtigde verteenwoordiger van wat die eienaar(s) is van die eiendom(me) bekend as geleë in die magistraats-distrik
- * (c) as houër van 'n huurkontrak met opsie om te koop ten opsigte van kroongrond bekend as geleë in die magistraats-distrik

I vote for the undermentioned candidates who have been nominated to become members of the aforesaid district committee:—

Full names of Candidates.

1	5
2	6
3	7
4	8

Signature of Voter.

* N.B.—Delete what does not apply.

Ek stem vir die ondergenoemde kandidate wat as lede van voormelde distrikskomitee genomineer is:—

Volle name van kandidate.

1	5
2	6
3	7
4	8

Handtekening van Kieser.

* L.W.—Skrap wat nie van toepassing is nie.

No. 29 of 1952.]

ORDINANCE

To establish a Farming Interests Fund, to promote the interests of farmers, groups of farmers and farming organizations by making advances and grants of money for certain purposes, and for matters incidental thereto.

(Assented to 14th June, 1952.)

(Afrikaans text signed by the Administrator.)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act 42 of 1925), as amended by section *sixteen* of the South-West Africa Affairs Amendment Act, 1949 (Act 23 of 1949), of the Parliament of the Union of South Africa, as follows:—

1. In this Ordinance, unless the context otherwise indicates:

“accounting officer” means the person who is for the time being lawfully charged with the duty of accounting for any service provided for in an Appropriation Ordinance;

“Assembly” means the Legislative Assembly of the Territory of South West Africa;

“board” means the Farming Interests Board constituted under section *four* of this Ordinance;

“chairman” means the chairman of the Farming Interests Board appointed under sub-section (2) of section *four* of this Ordinance;

“the Fund” means the Farming Interests Fund established under section *two* of this Ordinance;

“Secretary” means the Secretary for South West Africa or any officer lawfully acting for him.

2. (1) There is hereby established from a date to be fixed by the Administrator by notice in the *Gazette*, a Fund, to be known as the Farming Interests Fund.

(2) Such Fund shall be used to promote and further the interests of farmers, groups of farmers and recognized farmers' organizations by making advances or grants of money in accordance with the provisions and for the purposes of this Ordinance.

3. (1) There shall be credited or paid by the accounting officer to the account of the Fund —

(i) All moneys standing to the credit of the Water and Veld Conservation and Reclamation account of the Territorial Development and Reserve Fund established under section *two* of the Territorial Development and Reserve Fund Ordinance, 1944 (Ordinance 13 of 1944), which account shall thereafter cease to exist;

(ii) grants or loans made directly by the Assembly;

(iii) interest and repayments on advances made under the provisions of this Ordinance; and

No. 29 van 1952.]

ORDONNANSIE

Ter stigting van 'n Boerderybelange-fonds om die belange van boere, groepe boere en boerdery-organisasies te bevorder deur geldvoorskotte en -toekennings vir bepaalde doeleindes, en ter reëling van verbandhoudende sake.

(Goedgekeur 14 Junie 1952.)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Gouerneur-generaal vir sover sodanige toestemming nodig is, vooraf verkreef en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel *ses-en-twintig* van die „Zuidwest Afrika Konstitusionele Wet 1925” (Wet 42 van 1925), soos gewysig by artikel *sestien* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

1. In hierdie Ordonnansie, tensy die samehang anders aandui, beteken —

„rekenpligtige amptenaar” die persoon wat asdan wettig belas is met die boekhouding van enige diens waarvoor 'n Middel-Ordonnansie voorsiening maak;

„Vergadering” die Wetgewende Vergadering van die Gebied Suidwes-Afrika;

„raad” die Raad op Boerderybelange ingestel kragtens artikel vier van hierdie Ordonnansie;

„voorsitter” die voorsitter van die Raad op Boerderybelange aangestel kragtens sub-artikel (2) van artikel vier van hierdie Ordonnansie;

„die Fonds” die Boerderybelange-fonds gestig kragtens artikel twee van hierdie Ordonnansie;

„Sekretaris” die Sekretaris van Suidwes-Afrika, of enige amptenaar wat wettig namens hom optree.

2. (1) Hierby word daar met ingang van 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* bepaal, 'n Fonds gestig, wat die Boerderybelange-fonds heet.

(2) Sodanige Fonds word aangewend om die belange van boere, groepe boere en erkende boere-organisasies te bevorder deur geldvoorskotte of -toekennings te doen ooreenkomstig die bepalings, en vir die doeleindes, van hierdie Ordonnansie.

3. (1) Die Rekenpligtige Amptenaar krediteer die rekening van die Fonds met, of stort daarin —

(i) alle gelde op krediet van die Water- en Veldbewarings- en -herwinningsrekening van die Gebiedsontwikkelings- en -reserwefonds, gestig kragtens artikel twee van die Ordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1944 (Ordonnansie 13 van 1944), en daarop bestaan laasgenoemde rekening nie meer nie;

(ii) toekennings of lenings wat die Vergadering regstreeks goedken;

(iii) rente en terugbetalings op voorskotte wat ingevolge die bepalings van hierdie Ordonnansie toegestaan is, en

(iv) 75 per cent. of all moneys standing to the credit of the levy fund in respect of levies imposed in terms of sub-section (3) of section five of the Meat Trade Control Ordinance, 1935 (Ordinance 8 of 1935), at the commencement of this Ordinance and thereafter 75 per cent. of all levies imposed in terms of the aforesaid Ordinance.

(2) The Secretary of the Board established under the provisions of the Meat Trade Control Ordinance, 1935 (Ordinance 8 of 1935), shall as soon as possible after the commencement of this Ordinance pay to the accounting officer the said 75 per cent. of all moneys standing to the credit of the levy fund referred to in paragraph (iv) of sub-section (1) and thereafter shall pay to the Fund annually or when directed by the Administrator the said 75 per cent. of all levies imposed in terms of the said Meat Trade Control Ordinance, 1935.

(3) There shall be paid to the Fund as from a date to be fixed by the Administrator by notice in the Gazette, an amount of 75 per cent. of the export duty paid in terms of paragraph (b) of section six of the Karakul Pelt Export Duty Proclamation, 1939 (Proclamation 34 of 1939), as amended, such amount to be appropriated by the Assembly from the Territory Revenue Fund.

4. (1) As soon as may be after the commencement of this Ordinance the Administrator shall appoint a board to be known as the Farming Interests Board consisting of the following persons —

- (i) the chairman of the Board of the Land and Agricultural Bank of South West Africa, or any other member of such Board;
- (ii) a member of the Land Board constituted under the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927);
- (iii) a senior engineer of the Administration, and
- (iv) one member to represent the sheep farmers and one member to represent the cattle farmers of the Territory.

(2) The Administrator shall designate one member as chairman of the board, and if for any cause set forth in sub-section (4) the chairman is unable to act as chairman, the Administrator shall appoint an acting chairman from among the members of the board.

(3) The members of the board appointed in terms of paragraph (iv) of sub-section (1) of this section shall be appointed for a period of three years and the other members of the board shall hold office during the pleasure of the Administrator.

(4) During the absence, illness or inability to act for any cause of any member of the board the Administrator shall appoint any other suitable person to act in the place of such member during such absence, illness or inability.

(5) If, by reason of death, resignation or any other cause whatever, a member of the board vacates his seat upon the board, his place shall be filled by the Administrator, subject always to the provisions of sub-sections (1) and (3). The person appointed to fill the place of a member appointed in terms of paragraph (iv) of sub-section (1) and vacating his seat shall hold office for the remainder of the period for which the vacating member would otherwise have held office.

(6) The board shall meet when summoned by the Chairman or the Administrator.

(7) The Chairman or acting chairman, as the case may be, and two other members of the board shall form a quorum.

(8) A decision of a majority of the members of the board shall be a decision of the board and the chairman shall have a casting as well as a deliberative vote in the case of an equality of votes.

(9) The board shall perform the duties imposed and exercise the powers conferred upon it by this Ordinance and shall perform such other duties as the Administrator may from time to time assign to it.

(iv) 75 persent van alle gelde op krediet van die heffingsfonds ten opsigte van heffings opgelê ingevolge sub-artikel (3) van artikel vyf van die Ordonnansie betreffende die Kontrole van die Vleishandel (Ordonnansie 8 van 1935), by die inwerkingtreding van hierdie Ordonnansie, en daarna 75 persent van alle heffings wat ingevolge die genoemde Ordonnansie opgelê word.

(2) Die Sekretaris van die Raad ingestel ingevolge die bepalings van die Ordonnansie betreffende die Kontrole van die Vleishandel 1935 (Ordonnansie 8 van 1935) moet, sodra moontlik na die inwerkingtreding van hierdie Ordonnansie, die genoemde 75 persent van alle gelde op krediet van die heffingsfonds genoem in paragraaf (iv) van sub-artikel (1) aan die Rekenpligtige Amptenaar betaal, en daarna moet hy jaarliks of wanneer die Administrateur hom gelas, voormede 75 persent van alle heffings opgelê ingevolge die genoemde Ordonnansie betreffende die Kontrole van die Vleishandel 1935, in die Fonds stort.

(3) Met ingang van 'n datum wat die Administrateur by kennisgeving in die *Offisiële Koerant* bepaal, moet daar 'n bedrag gelykstaande aan 75 persent van die uitvoerbelasting (betaal ingevolge paragraaf (b) van artikel ses van die Wysigingsproklamasie betreffende Uitvoerbelasting op Karakolpele 1939 (Proklamasie 34 van 1939), soos gewysig, in die Fonds gestort word. Sodanige bedrag wend die Vergadering uit die Gebiedsinksomtefonds aan.

4. (1) Sodra doenlik na die inwerkingtreding van hierdie Ordonnansie stel die Administrateur 'n raad aan, wat die Raad op Boerderybelange heet en wat uit die ondergenoemde lede bestaan —

- (i) die voorsitter van die Raad van die Land- en Landboubank van Suidwes-Afrika, of enige ander lid van sodanige Raad;
- (ii) 'n lid van die Landraad ingestel kragtens die Landnedersetting Gekonsolideerde en Wysigings Proklamasie 1927 (Unie-Proklamasie 310 van 1927);
- (iii) 'n senior ingenieur van die Administrasie, en
- (iv) een lid wat die skaapboere en een lid wat die beesboere van die Gebied verteenwoordig.

(2) Die Administrateur wys een lid tot voorsitter van die raad aan, en as die voorsitter om enige rede in sub-artikel (4) uiteengesit, nie as voorsitter kan optree nie, stel die Administrateur 'n waarnemende voorsitter uit die lede van die raad aan.

(3) Die lede van die raad wat ingevolge paragraaf (iv) van sub-artikel (1) van hierdie artikel aangestel word, dien vir 'n tydperk van drie jaar en die ander lede van die raad behou hul amp so lank dit die Administrateur behaag.

(4) As 'n lid van die raad weens afwesigheid, siekte of om enige ander rede nie kan optree nie, stel die Administrateur enige ander geskikte persoon aan om in sy plek op te tree gedurende sodanige afwesigheid, siekte of ander onvermoë van sodanige lid.

(5) As 'n lid van die raad weens afsterwe, bedanking of om enige ander rede sy amp in die raad ontruim, word iemand anders in sy plek deur die Administrateur aangestel, maar steeds onderhewig aan die bepalings van sub-artikels (1) en (3). Die persoon wat aangestel word, word in die plek van 'n lid aangestel ingevolge paragraaf (iv) van sub-artikel (1) wat sy amp ontruim, beklee die amp vir die oorblywende deel van die tydperk waarvoor die uitredende lid andersins sou aangeby het.

(6) Die raad vergader wanneer dit deur die voorsitter of die Administrateur bygeaeroep word.

(7) Die voorsitter of die waarnemende voorsitter, na gelang, en twee ander lede van die raad, is 'n kworum.

(8) 'n Meerderheidsbesluit van die raadlede is 'n besluit van die raad, en by sinking van steeds het die voorsitter 'n beslissende sowel as 'n gewone stem.

(9) Die raad vervul die pligte en oefen die bevoegdhede uit wat hierdie Ordonnansie hom opleë en verrteen, en vervul sodanige ander pligte wat die Administrateur hom van tyd tot tyd aanwys.

5. (1) The board may appoint local committees for any magisterial district to act in an advisory capacity only. Each such local committee shall consist of the magistrate and two farmers carrying on farming operations within the magisterial district concerned.

(2) Subsistence and transport allowances shall be paid to such farmer members of local committees according to a tariff framed by the Administrator.

6. (1) Every member of the board, not being a member of the Public Service, shall receive a remuneration of £240 per annum, payable from the Fund.

(2) Every member of the board, not being a member of the Public Service, when travelling on the business of the board shall be paid out of the Fund, in addition to any remuneration payable in terms of sub-section (1) —

- (a) his rail fare when travelling by rail;
- (b) when any member uses his own transport, an allowance towards such transport according to a tariff framed by the Administrator; and
- (c) an allowance towards subsistence according to a tariff framed by the Administrator when carrying out special duties, and when such allowance is so authorised by the Administrator.

7. (1) Annual estimates of expenditure shall be prepared by the board for approval by the Administrator.

(2) The board shall be limited in its expenditure in giving effect to the provisions of this Ordinance in any one year to a sum of money to be determined by the Administrator: Provided that if such sum be insufficient the Administrator may increase it to an amount to be determined by him.

8. All administrative and clerical work in connection with the administration of this Ordinance shall be performed by the staff of the Land and Agricultural Bank of South West Africa, from which staff a secretary to the board shall be appointed by the board. The Administration shall be responsible for all expenditure incurred by the S.W.A. Land Bank in the administration of this Ordinance.

9. (1) The board may make advances of money for all or any of the following purposes —

- (a) the building of dams and contour walls;
- (b) the making of wells and boreholes;
- (c) the purchase of machinery, material and equipment to enable supplies of water to be obtained and maintained;
- (d) the carrying out of schemes whose object is the promotion of veld, soil and water conservation and soil reclamation;
- (e) fencing, including the fencing of camps;
- (f) the construction and maintenance of soil conservation works and the purchase of equipment therefor, the sum for such equipment in each individual case not to exceed two hundred pounds, and
- (g) the production or manufacture of commodities from the products of agriculture and the marketing of such commodities.

(2) An application for an advance under this section shall be made in such form and manner and through such channels and the applicant shall furnish therewith such information as the chairman may direct.

(3) Any such advance shall be deemed to have been made to the borrower as from the date on which the entire amount of the advance or the first instalment thereof is paid to him, but where the amount of the advance payment to the borrower by instalments interest on each payment shall be calculated only from the date of such payment.

10. (1) Whenever the board has made an advance under this Ordinance to any person, the chairman shall notify the magistrate of the district wherein such person resides that such advance has been made. Such notice shall contain —

5. (1) Die raad kan plaaslike komitees vir enige magistratsdistrik aanstel, wat slegs raadgevend optree. Elke sodanige plaaslike komitee bestaan uit die magistraat en twee boere wat binne die betrokke magistratsdistrik hul boerdery dryf.

(2) Onderhouds- en vervoertoelae word aan sodanige boerelede van plaaslike komitees betaal volgens 'n tarief wat die Administrateur opstel.

6. (1) Elke lid van die raad wat nie in die Staatsdiens is nie, ontvang besoldiging teen £240 per jaar, wat uit die Fonds betaal word.

(2) Elke lid van die raad wat nie 'n lid van die Staatsdiens is nie, ontvang bo en benewens die besoldiging betaalbaar ingevolge sub-artikel (1), die onderstaande gelede uit die Fonds betaalbaar, onderwel hy in die diens van die raad reis —

- (a) sy spoorgeld as hy per spoor reis;
- (b) as 'n lid sy eie vervoermiddel gebruik, 'n toelae vir sodanige vervoer volgens die tarief wat die Administrateur opstel; en
- (c) 'n toelae vir onderhoud volgens 'n tarief wat die Administrateur opstel, wanneer hy besondere pligte uitvoer, en as sodanige toelae deur die Administrateur vir daardie doel gemagtig is.

7. (1) Die raad moet elke jaar 'n begroting van uitgawe beraam ter goedkeuring deur die Administrateur.

(2) By uitgawe ter uitvoering van die bepalings van hierdie Ordinance word die raad elke afsonderlike jaar beperk tot 'n bedrag wat die Administrateur vasstel: Met dien verstande dat as sodanige bedrag oortreënde is, die Administrateur dit kan vermeerder tot 'n bedrag wat hy vasstel.

8. Alle administratiewe en klerklike werk in verband met die toepassing van hierdie Ordinance word uitgevoer deur die personeel van die Land- en Landboubank van Suidwes-Afrika, uit welke personeel die raad 'n raadsekretaris aanstel. Die Administrasie is aanspreeklik vir alle uitgawe wat genoemde Landbank by die administrasie van hierdie Ordinance aangaan.

9. (1) Die raad kan geldvoorskotte toestaan vir elkeen of enige van die onderstaande doeleindes:—

- (a) die bou van damme en kontourwalles;
- (b) die maak van putte en boorgate;
- (c) die aankoop van masjinerie, materiaal en toerusting vir die ouginning en instandhouding van watervoorrade;
- (d) die uitvoering van planne wat die bevordering van veld-, grond- en waterbeparing en grondherwinning ten doel het;
- (e) omheining met inbegrip van die omheining van klupe;
- (f) die aanbou en instandhouding van grondbewaringswerke en die aankoop van toerusting daarvoor (die bedrag vir sodanige toerusting mag in elke besondere geval hoogstens tweehonderd pond bedra), en
- (g) die produksie of vervaardiging van handelsware uit landbouprodukte en die bemarking van sodanige handelsware.

(2) Aansoek om 'n voorskot ingevolge hierdie artikel moet geskied in sodanige vorm en wyse en langs sodanige weg soos die voorsitter bepaal, en die voorsitter moet daarby sodanige inligting verskaf soos die voorsitter vereis.

(3) Elke sodanige voorskot word beskou as aan die geldopnemer toegestaan vanaf die datum waarop die hele bedrag van die voorskot of die eerste partienet daarvan hom betaal word, maar waar die bedrag van die voorskot partienetsgewyse aan die geldopnemer betaal word, word rente op elke betaling slegs vanaf die datum van sodanige betaling bereken.

10. (1) Wanneer ook al die raad 'n voorskot aan enigeen ingevolge hierdie Ordinance toegestaan het, moet die voorsitter die magistraat van die distrik waarin sodanige persoon woon, verwittig dat sodanige voorskot toegestaan is. Sodanige kennisgewing moet die onderstaande besonderhede bevat —

- (a) the full name and address of the person to whom the advance has been made;
- (b) the amount of the advance;
- (c) particulars of the assets hypothecated or mortgaged as security for the advance;
- (d) the period and conditions of repayment of the advance.

(2) The Magistrate shall permit any person to read and copy such notice free of charge.

11. The board may make grants of money for all or any of the following purposes —

- (a) agricultural research, and for bursaries in connection with agricultural study;
- (b) for the carrying out of schemes whose objects are the promotion of veld, soil and water conservation and soil reclamation;
- (c) investigations into the water resources and supplies of the Territory, either generally, or in respect of any particular area or place;
- (d) the education and instruction of the general public in regard to agricultural matters, and the propagation of interest in agriculture and agricultural products by means of advertising, lectures, the issue of books and pamphlets and the publication of photographs, or in any other manner that the board may deem fit; and
- (e) the production and manufacture of commodities from the products of agriculture and the marketing of such commodities.

12. (1) The chairman may, subject to the approval of the board, purchase machinery, equipment and material for any of the purposes for which an advance may be made under this Ordinance, if on account of the quantity of such machinery, material and equipment purchased, or for any other reason, he is able to make such purchase at a price lower than that available to members of the general public, including applicants for advances under this Ordinance, at the time of such purchase.

(2) Any such machinery, equipment and material so purchased may be sold by the board to applicants to whom advances have been authorised or made under this Ordinance on such price, terms and conditions as the board may decide.

(3) The board may, subject to the approval of the Administrator, and notwithstanding anything in sub-section (2) contained, dispose of such machinery, material and equipment to any person on such price, terms and conditions as the board may decide.

13. Advances under this Ordinance may be made only to registered owners of land, lessees of holdings under the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927), who in terms of that Proclamation have exercised or have been deemed to have exercised the right to purchase such holdings and lessees of holdings under the said Proclamation who are in possession of leases registered thereunder although the right to purchase any such holding has not been exercised in terms of the said Proclamation.

14. (1) The board shall not, under this Ordinance advance to any one person an amount of less than two hundred pounds or more than one thousand five hundred pounds: Provided that the board may in special circumstances increase the amount of the advance to an amount not exceeding two thousand pounds subject to the approval of the Administrator: Provided further that in determining for the purposes of this sub-section the amount of the advance to any person, there shall not be taken into account the amount of any debt owing by him by reason of the transfer to him under section twenty-three of any immovable property or movable property mortgaged or hypothecated in terms of this Ordinance.

(2) An advance made under this Ordinance shall bear interest at the rate of 3½ per cent. per annum payable at such times as the board may determine when making the advance, but subject to the provisions of sub-section (5): Provided that in the case of a debt owing by a person other than the surviving spouse or any descendant of the

- (a) die volle naam en adres van die persoon aan wie die voorskot toegestaan is;
- (b) die bedrag van die voorskot;
- (c) besonderhede van die bate wat onder hipoteek of verband geplaas is as sekuriteit vir die voorskot, en
- (d) die termyn en voorwaardes van terugbetaling van die voorskot.

(2) Die Magistraat moet enigeen toelaat om sodanige kennisgewing gratis te lees en 'n afskrif daarvan te maak.

11. Die raad kan geldtoekennings doen vir elk of enige van die onderstaande doeleindes:—

- (a) landbounavorsing en beurse vir die studie van landbou;
- (b) die uitvoer van planne ter bevordering van veld-, grond- en waterbewaring en grondherwinning;
- (c) ondersoek na waterbronne en -voorrade in die Gebied, of oor die algemeen, of ten opsigte van enige besondere streek of plek;
- (d) die opvoeding en voorligting van die algemene publiek in landbousake, en die bevordering van belangstelling in die landbou en landbouprodukte middels reklame, lesings, die uitgee van boeke en vlygskrifte en die publikasie van fotos, of op enige ander wyse wat die raad goedvind, en
- (e) die produksie en vervaardiging van handelsware uit landbouprodukte en die benariking van sodanige handelsware.

12. (1) Met die raad se goedkeuring kan die voorsitter masjinerie, toerusting en materiaal aankoop vir enige van die doeleindes waarvoor daar 'n voorskot ingevolge hierdie Ordonnansie toegestaan kan word, as hy weens die hoeveelheid aan sodanige masjinerie, materiaal en toerusting wat aangekoop word, of om enige ander rede, sodanige aankoop kan bewerkstellig teen 'n laer prys as dié wat tydens sodanige aankoping beskikbaar is vir die lede van die algemene publiek, met inbegrip van applikante om voorskotte ingevolge hierdie Ordonnansie.

(2) Die raad kan enige sodanige aangekoopte masjinerie, toerusting en materiaal teen sodanige prys en voorwaardes en bepalinge soos die raad vasstel, verkoop aan applikante aan wie voorskotte ingevolge hierdie Ordonnansie gemagtig of gedoen is.

(3) Strydige bepalinge in sub-artikel (2) ten spyte, kan die raad met Administrateursgoedkeuring sodanige masjinerie, materiaal en toerusting aan enigiemand van die hand sit teen sodanige prys, voorwaardes en bedinge soos die raad stel.

13. Voorskotte ingevolge hierdie Ordonnansie kan slegs toegestaan word aan geregistreerde grondeienaars, aan huurders van hoewes ingevolge die Landnedersetting Geconsolideerde en Wysigingsproklamasie 1927 (Unie-Proklamasie 310 van 1927), wat kragtens daardie Proklamasie het, die reg op die aankoop van sodanige hoewe uitgeoefen het, of wat beskou word sulks te gedoen het, en aan huurders van hoewes ingevolge genoemde Proklamasie wat huurkontrakte hou wat daarin ingevolge geregistreer is, hoewel die reg op aankoop van 'n sodanige hoewe uit hoofde van daardie Proklamasie nie uitgeoefen is nie.

14. (1) Die raad mag geen voorskot van minder as tweehonderd pond of meer as eenduisend vyfhonderd pond aan enigeen ingevolge hierdie Ordonnansie toestaan nie: Met dien verstande dat die raad in besondere omstandighede, Met dien verstande dat die raad in besondere omstandighede, Met dien verstande voorts dat daar by die vaststelling ingevolge hierdie sub-artikel van die bedrag van die voorskot aan hierdie sub-artikel van die bedrag van die voorskot aan enigiemand, geen bedrag wat hy moontlik skuld om rede van die oordrag aan hom ingevolge artikel drie-en-twintig van vaste of roerende eiendom wat uit hoofde van hierdie Ordonnansie onder verband of hipoteek geplaas is, in aanmerking geneem mag word nie.

(2) 'n Voorskot ingevolge hierdie Ordonnansie dra rente teen 3½ persent per jaar betaalbaar op sodanige vyfstappe soos die raad by die goedkeuring van die voorskot vasstel, maar onderwerdig aan die bepalinge van sub-artikel (5): Met dien verstande dat waar iemand anders as die oorlewende gade of 'n afstammeling van die oorspronklike

original debtor by reason of the transfer to him under section *twenty-three* of any immovable or movable property mortgaged or hypothecated in terms of this Ordinance, the rate of interest shall be five per cent. per annum.

(3) In making any advance the board shall determine the period within which it shall be repaid (which shall not exceed twenty years from the date when such advance was made), the instalments in which such repayment shall be made and such other conditions of repayments as the board may think fit to impose, but subject to the provisions of sub-section (5).

(4) Any such advance and the interest due thereon shall be recoverable by the chairman on behalf of the Administration.

(5) The board may, at the request of a person to whom an advance has been made under this Ordinance —

- (i) vary the times of payment of interest determined under sub-section (2) or of instalments determined under sub-section (3); or
- (ii) extend the period of repayment of the advance even though thereby the total period of the advance may exceed the period of twenty years; or
- (iii) vary the amounts of the instalments in which repayment of the advance must be made, or any other conditions of repayment imposed under sub-section (3);
- (iv) capitalize any interest that may be in arrear on such advance, even though thereby the amount owing may exceed one thousand five hundred pounds, or two thousand pounds where the advance has been increased to that sum in terms of sub-section (1); or
- (v) waive the preference to which he is entitled under a mortgage bond constituted in terms of section *fifteen*.

(6) The board may make the granting of an extension of the period of repayment of any advance, or the variation of the instalments in which the repayment shall be made, or the waiver of the preference to which he is entitled under a mortgage bond constituted in terms of section *fifteen* conditional upon the furnishing of additional security by way of a mortgage of immovable property or of a hypothec of movable property; and the provisions of this Ordinance shall apply to such additional security.

(7) Where arrear interest has been capitalized under paragraph (iv) of sub-section (5), it shall not be necessary to make any note thereof on the bond or cession by which the advance is secured, or, where immovable property is mortgaged, on the title deed of that property; and the interest so capitalized, with the interest thereon, shall be secured by the existing bond or cession in the same manner as if that bond or cession had originally been executed to secure that advance and the capitalized interest.

15. (1) An advance under this Ordinance shall not be made except —

- (i) upon the security of the mortgage of immovable property whereof the borrower is the registered owner, in the form of a bond corresponding substantially with the First Schedule to this Ordinance; or
- (ii) upon the security of a hypothec of movable property of which the borrower is the owner, and in respect whereof he has the right of use and disposal or of movable property which he has purchased with the proceeds of any advance under this Ordinance to enable him to carry out any scheme or work authorised by this Ordinance and for which the said advance has been made, in the form of a bond corresponding substantially with the Second Schedule to this Ordinance; or
- (iii) upon a cession, by way of security, of any right of which he is entitled to dispose.

(2) Where the applicant for an advance is a lessee of any holding referred to in section *thirteen* no advance shall be made except upon the security of a hypothec of the deed of lease itself, whether the option to purchase the property leased has been exercised or not.

skuldenaar geld skulh om rede van die oordrag aan hom ingevolge artikel *drie-en-twintig* van vaste of roerende eiendom wat uit hoofde van hierdie Ordonnansie onder verband of hipoteek staan, die rentekoers vyf persent per jaar is.

(3) Wanneer die raad 'n voorskot toestaan, moet hy bepaal binne watter tydperk dit terugbetaal moet word (welke tydperk hoogstens twintig jaar vanaf die datum van die voorskot mag strek), die pansements waarin dit terugbetaal moet word, en sodanige ander voorwaardes van terugbetaling soos die raad na goeddunke vasstel, maar onderbewig aan die bepalings van sub-artikel (5).

(4) Elke sodanige voorskot en die verskuldigde rente daarop, kan deur die voorsitter namens die Administrasie verhaal word.

(5) Die raad kan op versoek van iemand aan wie 'n voorskot ingevolge hierdie Ordonnansie toegestaan is —

- (i) die tydskype waarop rente soos vasgestel by sub-artikel (2) of panseimente vasgestel ingevolge sub-artikel (3) betaal moet word, verander; of
- (ii) die tydperk waarbinne terugbetaling van die voorskot moet geskied, verleng, al sou die algehele tydperk van die voorskot daartoe twintig jaar oorskry; of
- (iii) die panseimentsbedrae waarin die voorskot terugbetaal moet word, of ander voorwaardes van terugbetaling, opgedel ingevolge sub-artikel (3), verander; of
- (iv) enige rente op so 'n voorskot wat agterstallig is in kapital omis, al sou die verskuldigde bedrag daardeur eenduisend vyfhonderd pond, of tweeduisend pond waar die voorskot ingevolge sub-artikel (1) tot daardie bedrag vermeerder is, oorskry; of
- (v) afstand doen van die voorkeur waarop hy uit hoofde van 'n verband opgestel ingevolge artikel *vyftien*, geregtig is.

(6) Die raad kan 'n verlenging van die tydperk van terugbetaling van 'n voorskot, of die verandering van die panseimente waarin die terugbetaling moet geskied, of die afstand van die voorkeur waarop hy geregtig is kragtens 'n verband opgestel ingevolge artikel *vyftien* goedkeur op voorwaarde dat bykomende sekuriteit by wyse van 'n verband op vaste eiendom of 'n hipoteek op roerende eiendom gestel word, en die bepalings van hierdie Ordonnansie geld sodanige bykomende sekuriteit.

(7) Waar agterstallige rente ingevolge paragraaf (iv) van sub-artikel (5) in kapitaal ongesit is, hoef daar geen aantekening op die skuldbrief of sessie waarmee die voorskot versker is, of waar vaste eiendom beswaar is, op die titelbewys van die eiendom gemaak te word nie; en die rente aldus in kapitaal ongesit met die rente daarop word geleik deur die bestaande skuldbrief of sessie op dieselfde wyse soos daardie skuldbrief of sessie oorspronklik uitgegee is ter dekking van die voorskot en die gekapitaliseerde rente.

15. (1) Geen voorskot ingevolge hierdie Ordonnansie word toegestaan nie, buiten —

- (i) teen sekuriteit van 'n verband op vaste eiendom waarvan die gelidnemer die geregistreerde eienaar is, in die vorm van 'n skuldbrief wat wesenlik ooreenkom met die eerste bylawe van hierdie Ordonnansie; of
- (ii) teen sekuriteit van 'n hipoteek op roerende eiendom waarvan die gelidnemer die eienaar is, en waarvoor hy die gebruik- en besikkningsreg het, of op roerende eiendom wat hy aangekoop het met die opbrengs van 'n voorskot ingevolge hierdie Ordonnansie, om hom in staat te stel om 'n werkplan by hierdie Ordonnansie gemagtig, en waarvoor genoemde voorskot toegestaan is, uit te voer, in die vorm van 'n skuldbrief wat wesenlik ooreenkom met die tweede bylawe van hierdie Ordonnansie; of
- (iii) teen sekuriteit by wyse van 'n sessie van enige reg waarvoor hy kan beskik.

(2) Waar die applikant om 'n voorskot 'n huurder is van 'n hoeve genoem in artikel *dertien* word daar geen voorskot toegestaan nie, buiten teen sekuriteit van 'n hipoteek op die huurkontrak self, hetsy die opsie om die geluurde eiendom aan te koop, uitgeoefen is al dan nie.

(3) Notwithstanding anything contained in the Deeds Proclamation, 1939 (Proclamation 37 of 1939), the hypothec of any deed of lease referred to in sub-section (2) shall be in the form of a bond corresponding substantially with the Second Schedule to this Ordinance, the said deed of lease being regarded as movable property.

(4) Any such bond referred to in paragraph (i) of sub-section (1) and in sub-section (3), and any such bond or cession referred to in paragraph (ii) of sub-section (1) shall be signed in duplicate original by the borrower before the magistrate of the district wherein he resides or carries on his farming operations.

(5) Any such bond intended to mortgage immovable property shall be submitted to the chairman in duplicate original and shall be accompanied by the title deed of such property and such other documents that the person requiring an advance may be called upon to submit.

16. (1) Upon the receipt of the bond mentioned in sub-section (5) of section fifteen the chairman shall transmit both originals of the bond, together with the title deed and such further documents or evidence as the Registrar of Deeds may require, to the said Registrar of Deeds who shall thereupon forthwith endorse the title deed and the duplicate thereof filed in his registry with a statement to the effect that the said property has been mortgaged under this Ordinance, and shall also record the date on which such endorsement is made (notwithstanding that at the said date there may be due in respect of such property any amount by way of rates or taxes). The Registrar shall also endorse on both originals of the said bond a statement to the effect that the bond in question has been registered in his office, and shall make such other endorsement upon or entry in any other document or register filed in his registry as he may deem necessary to disclose the existence of such mortgage.

(2) The Registrar shall thereupon return one of the originals of the bond to the chairman and shall file the other original in his registry, where it shall be available to any interested person in the same manner and under the same conditions as if it were an ordinary mortgage bond upon the property in question registered in such registry.

(3) When the endorsements referred to in sub-section (1) have been made, the immovable property to which the bond relates shall be deemed to have been mortgaged as fully and effectually as if the bond had been executed, attested and registered in the said Deeds Registry in accordance with the provisions of the law governing the execution, attestation and registration of mortgage bonds on immovable property and such bond shall rank as a mortgage bond immediately after the last prior mortgage bond to which such property may be subject.

(4) When an advance in respect whereof a mortgage bond was constituted in terms of the preceding provisions of this section has been repaid in full, the chairman shall inform the Registrar of Deeds in writing and shall transmit to him the original of the bond returned to him in terms of sub-section (2). The Registrar shall thereupon cancel both originals of such bond and any endorsement or entry made by him in connection therewith.

(5) The chairman may, with the consent of the board and on such conditions as he thinks fit to impose, by writing under his hand release any portion of any property from a mortgage bond imposed thereon in terms of this section or accept any other immovable property in substitution of any property so mortgaged and release the last-mentioned property from the mortgage bond, or if any property so mortgaged belongs to several owners in undivided shares, consent to a division of such property among its owners and to a transfer of individual portions of such property for the purpose of giving effect to such division, or consent to any other transaction relating to any property so mortgaged.

(3) Die bepaling van die Registrasie van Aktes Proklamasie 1939 (Proklamasie 37 van 1939) ten spyte moet die hipoteek op 'n huurkontrak genoem in sub-artikel (2) in die vorm wees van 'n skuldbrief wat wesenlik ooreenkom met die tweede bylae van hierdie Ordonnansie; sodanige huurkontrak word beskou as roerende eiendom.

(4) Elke sodanige skuldbrief genoem in paragraaf (i) van sub-artikel (1) en in sub-artikel (3), en elke skuldbrief of sessie genoem in paragraaf (ii) van sub-artikel (1) moet deur die geldopnemer voor die magistraat van die distrik waarin hy woon of sy boerdery dryf in oorspronklike tweevoud onderteken word.

(5) Elke sodanige skuldbrief wat bedoel is om vaste eiendom te verbind moet in oorspronklike tweevoud aan die voorsitter voorgelê word, en moet vergeesl gaan van die titelbewys van sodanige eiendom en sodanige ander dokumente wat die applikant om die voorskot moontlik op versoek moet voorlê.

16. (1) By ontvang van die skuldbrief genoem in sub-artikel (5) van artikel vyftien moet die voorsitter albei oorspronklike eksemplare van die skuldbrief, tesame met die titelbewys en sodanige ander dokumente of getuenis soos die Registrateur van Aktes vereis, aan genoemde Registrateur van Aktes deurstuur, en dan moet hy op die titelbewys en op die duplikaat daarvan wat in sy registrasiekantoor bewaar word, onmiddellik 'n aantekening maak met 'n verklaring dat die genoemde eiendom ingevolge hierdie Ordonnansie met 'n verband beswaar is, en hy moet ook die datum van sodanige aantekening inskryf (al is daar moontlik op genoemde datum 'n bedrag aan grond- of ander belastinge ten opsigte van die eiendom verskuldig). Die Registrateur teken ook op albei oorspronklike eksemplare van genoemde skuldbrief 'n verklaring aan dat die betrokke skuldbrief in sy kantoor geregistreer is, en maak sodanige ander aantekeninge of inskrywings op enige ander dokument of register wat in sy registrasiekantoor bewaar word, soos hy nodig ag ter bekeudmaking van die bestaan van so 'n verband.

(2) Die Registrateur besorg daarop een van die oorspronklike eksemplare van die skuldbrief aan die voorsitter terug, en bewaar die ander eksemplaar in sy registrasiekantoor waar dit op dieselfde wyse en voorwaardes ter insae van belanghebbendes beskikbaar moet wees asof dit 'n gewone verbandakte is op die betrokke eiendom wat in daardie registrasiekantoor geregistreer is.

(3) Wanneer die aantekeninge genoem in sub-artikel (1) voltooi is, word die vaste eiendom waarop die skuldbrief betrekking het, beskou as net so behoortlik en vas verbind asof die skuldbrief in die genoemde Akteskantoor ooreenkomstig die regsbeplanning op die ondertekening, attestasie en registrasie van verbonde op vaste eiendom onderteken, getuister en geregistreer is, en sodanige skuldbrief neem rang in as 'n verband wat onmiddellik volg op die laasvoorgaande verband waarmee sodanige eiendom moontlik beswaar is.

(4) Wanneer 'n voorskot ten opsigte waarvan 'n verband ingevolge die voorgaande bepaling van hierdie artikel gevestig is, ten volle terugbetaal is, stel die voorsitter die Registrateur van Aktes skriftelik daarvan in kennis en die Registrateur besorg hy die oorspronklike eksemplaar van die skuldbrief gestuur het, weer aan hom terug. Daarop roeër soweel Registrateur albei eksemplare van sodanige skuldbrief asook as enige aantekening of inskrywing wat hy in verband daarmee gemaak het.

(5) Die voorsitter kan met die toestemming van die raad en op voorwaardes wat hy na goeddenke stel en op skrif onder sy hand enige deel van enige eiendom van 'n verband waarmee dit ingevolge hierdie artikel beswaar is, vrystel, of enige ander vaste eiendom in die plek van sodanige beswaarde eiendom aanvaar, en laasgenoemde eiendom van die verband vrystel, of waar enige sodanige beswaarde eiendom in onverledele aandeel aan verskeie eienaars behoort, toestem tot 'n verdeling van sodanige eiendom onder sy eienaars en tot 'n oordrag van enkele dele daarvan ten einde sodanige verdeling te bewerkstellig, of toestem tot enige ander transaksie in verband met enige sodanige beswaarde eiendom.

17. (1) Any bond intended to hypothecate a deed of lease in terms of sub-section (2) of section fifteen shall be submitted to the chairman in duplicate original together with the original deed of lease to which it refers and which is in the possession of the applicant for an advance and the triplicate original of the deed of lease which is in the possession of the Senior Officer, Lands Branch, Windhoek.

(2) On receipt of the documents referred to in sub-section (1) the chairman shall transmit the same to the Registrar of Deeds who shall endorse on the original deed of lease, the duplicate original filed of record in his office and the triplicate original the particulars of the hypothecation of the deed of lease, and shall also make a similar entry in the special registers kept by him in terms of section twenty-five of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927). The Registrar shall also endorse on both originals of the bond a statement to the effect that the bond in question has been registered in his office. Thereupon the said deed of lease shall be deemed to have been lawfully hypothecated, notwithstanding anything in the Deeds Proclamation, 1939, contained.

(3) The Registrar of Deeds shall thereafter return one of the originals of the bond to the chairman and shall file the other original in his registry, where it shall be available to any interested person in the same manner and under the same conditions as if it were an ordinary mortgage bond upon the property in question registered in such registry. The Registrar shall also return the original deed of lease and triplicate original duly endorsed in terms of sub-section (2) to the chairman.

18. (1) No amount shall be paid out in respect of an advance under this Ordinance, which is secured by a mortgage of immovable property, until the endorsements referred to in sub-section (1) of section sixteen have been made on the relevant title deeds and bond.

(2) No amount shall be paid out in respect of an advance under this Ordinance which is secured by a hypothec of movable property until the chairman is satisfied that such property has been duly marked in the manner prescribed by him.

(3) No amount shall be paid out in respect of an advance under this Ordinance which is secured by a hypothec of a deed of lease referred to in sub-section (2) of section fifteen, until the endorsements and entry referred to in sub-section (2) of section seventeen have been made on the documents referred to therein.

(4) The owner of any livestock so hypothecated and marked shall cause the progeny thereof when it has reached the age prescribed by the chairman to be marked with the same mark as the parent stock.

(5) The owner of any movable property hypothecated under this Ordinance who has been permitted in terms of sub-section (2) of section twenty to substitute any other property therefor, shall immediately after such substitution cause the substituted property to be marked in the same manner as the original property.

(6) If any property which should have been marked in terms of the preceding provisions of this section has been so marked, such property shall nevertheless be bound to a hypothec in the same manner as if it had been so marked.

19. (1) Whenever any advance or any part or instalment of an advance granted under this Ordinance becomes repayable and remains unpaid for a period of thirty days to any court date, the chairman may, without recourse to any order of law, cause any movable property hypothecated under this Ordinance its security for such advance to be seized, wherever it may be, and to be sold at such place and time and in such manner as he may think fit in the premises: Provided that if such advance or part or instalment thereof has become repayable otherwise than in terms of section twenty-five such seizure shall not be effected except after reasonable notice to the debtor that such seizure will be effected unless the amount due is paid.

17. (1) Elke skuldbrief wat bestem is om 'n huurkontrak ingevolge sub-artikel (2) van artikel vyftien onder hipoteek te verbind, moet in oorspronklike tweevoud tesame met die oorspronklike huurkontrak waarop dit betrekking het, en wat in die besit van die applikant om 'n voorskot is, sowel as die triplikant-eksemplaar van die huurkontrak wat in die besit is van die Hoofamptenaar, Afdeling Lande, Windhoek, aan die voorsitter voorgelê word.

(2) By ontvangs van die dokumente genoem in sub-artikel (1) moet die voorsitter hulle aan die Registrateur van Aktes stuur, wat die besonderhede van die beswering van die huurkontrak onder 'n hipoteek op die oorspronklike huurkontrak, op die duplikant-eksemplaar wat in sy kantoor bewaar word, en op die triplikant-eksemplaar aanteken, en die Registrateur maak 'n soortgelyke aantekening in die spesiale registers wat hy ingevolge artikel vyf-en-twintig van die Landreëlingswet Gekonsolideerde en Wysings Proklamasie 1927 (Unie-Proklamasie 310 van 1927) aanhou. Die Registrateur teken ook op albei oorspronklike eksemplare van die skuldbrief 'n verklaring aan dat die betrokke skuldbrief in sy kantoor geregistreer is. Daarop word die genoemde huurkontrak beskou as wettig onder 'n hipoteek verbind, nieustaannde enige strydige bepalings vervat in die Registrasie van Aktes Proklamasie 1939.

(3) Die Registrateur van Aktes stuur daarop een van die oorspronklike eksemplare van die skuldbrief aan die voorsitter terug en bewaar die ander een in sy registrasiekantoor, waar dit op dieselfde wyse en voorwaardes vir belanghebbendes ter insae moet lê asof dit 'n gewone verbint is op die betrokke eiendom wat in sodanige registrasiekantoor geregistreer is. Die Registrateur stuur ook die oorspronklike huurkontrak en die triplikant-eksemplaar waarop daar behoorlik ingevolge sub-artikel (2) aantekening gemaak is, aan die voorsitter terug.

18. (1) Geen bedrag op 'n voorskot ingevolge hierdie Ordonnansie, wat verseker is met 'n verbint of vaste eiendom word uitbetaal, voordat die aantekeninge genoem in sub-artikel (1) van artikel sesien op die betrokke titelbewyse en skuldbrief gemaak is nie.

(2) Geen bedrag op 'n voorskot ingevolge hierdie Ordonnansie, wat verseker is met 'n hipoteek op roerende eiendom word uitbetaal voordat die voorsitter hom oortuig het dat sodanige eiendom behoorlik op die deur hom voorgeskrewe wyse gemerk is nie.

(3) Geen bedrag op 'n voorskot ingevolge hierdie Ordonnansie, wat verseker is met 'n hipoteek op 'n huurkontrak genoem in sub-artikel (2) van artikel vyftien word uitbetaal voordat die aantekening en inskrywing genoem in sub-artikel (2) van artikel sewentien op die daarin genoemde dokumente gesoen is nie.

(4) Die eienaar van vee wat aldus met 'n hipoteek verbind is, en gemerk is, moet die aantal daarvan, wanneer dit die ouderdom bereik wat die voorsitter voorgeskryf het, met dieselfde merk as die vee self laat merk.

(5) Die eienaar van roerende eiendom ingevolge hierdie Ordonnansie onder hipoteek geplaan, wat kragtens sub-artikel (2) van artikel twintig toestemming verkry het om onder eiendom in die plek daarvan te stel, moet onmiddellik na sodanige vervanging, die vervangende eiendom net soos die oorspronklike eiendom laat merk.

(6) As enige eiendom wat ingevolge die voorafgaande bepalings van hierdie artikel gemerk moes gewes het, nie aldus gemerk is nie, is sodanige eiendom tog onderhewig aan 'n hipoteek op dieselfde wyse asof dit aldus gemerk was.

19. (1) Wanneer ook al 'n voorskot of enige deel of paiement van 'n voorskot wat ingevolge hierdie Ordonnansie toegestaan is, vervul en dertig dae na die betaaldag nog onbetaal bly, kan die voorsitter sonder vorm van proses enige roerende eiendom wat ingevolge hierdie Ordonnansie as sekuriteit vir 'n voorskot met 'n hipoteek belas is, in beslag laat neem, waar dit ook al is, en dit op sodanige plek, tyd en wyse soos hy vasstel, laat verkoop: Met dien verstande dat as sodanige voorskot of deel of paiement daarvan andersins as ingevolge artikel vyf-en-twintig vervul het, sodanige beslaglegging slegs mag geskied na redelike kennisgewing aan die skuldenaar dat sodanige beslaglegging uitgevoer sal word tensy die verskuldigde bedrag betaal word.

(2) The proceeds of such sale, after payment of any costs incurred in connection with the seizure and sale, shall be applied towards reducing or liquidating so much of the advance and interest thereon as is unpaid and if any balance remains it shall be paid to the debtor or his legal representative.

(3) If a person to whom an advance has been made under this Ordinance on the security of a hypothec of movable property, dies, or is detained under order of a competent court as a mentally disordered or defective person, or is declared by a competent court incapable of managing his own affairs, the executor of his estate or his legal representative (including any person empowered by law to administer or give directions as to the administration of his estate), as the case may be, shall take charge of such property and hold it at the disposal of the chairman, who may deal with it under this Ordinance as if the hypothec debtor was still alive or had not been so detained, or had not been so declared incapable of managing his affairs: Provided that if the chairman causes such property to be sold and the sale price realised exceeds the amount owing in respect of the advance and interest thereon and the costs incurred in connection with the seizure and sale, the balance shall be paid over to the executor or legal representative, as the case may be.

(4) If the estate of a person to whom an advance has been made under this Ordinance on the security of a hypothec of movable property is sequestrated or assigned under the provisions of the Insolvency Act, 1936 (Act 24 of 1936), as amended, and as it may be amended from time to time, the provisions of sub-sections (5), (6), (7) and (8) shall apply.

(5) The chairman may at any time, but not later than thirty days after he has been required in writing by the Master of the High Court or the trustee or, as the case may be, by the assignee, to exercise the option given him by this sub-section, notify the Master or the trustee or, as the case may be, the assignee, in writing that he elects to deal with such property in terms of this Ordinance.

(6) The hypothecated movable property shall not, subject to the provisions of sub-section (7) vest in the Master of the High Court or the trustee, or, as the case may be, in the assignee.

(7) If the chairman does not, within the period stated in sub-section (5), give the notification referred to in that sub-section, or if before the expiration of that period he notifies the Master or trustee or the assignee in writing that he elects not to deal with such property in terms of this Ordinance, such property shall, at the expiration of that period, or at the date of such notification, as the case may be, vest in the Master or trustee, or in the assignee, as the case may be, who shall deal with it as if this section had not been enacted.

(8) If within the period stated in sub-section (5) the chairman gives the notification referred to in that sub-section, the following provisions shall apply:

- (a) The chairman may deal with the hypothecated movable property as if the debtor's estate had not been sequestrated or assigned;
- (b) the chairman shall include in the notification referred to in sub-section (5) a statement of the amount of the advance that he desires shall be deemed to be secured by the hypothec of movable property, and thereupon that amount shall be deemed to be so secured, and
 - (i) if the advance is secured by both a mortgage of immovable property and a hypothec of movable property, the balance (if any) of the advance shall be deemed to be secured only by the mortgage of immovable property;
 - (ii) if the advance is not secured by a mortgage of immovable property, such balance shall be deemed to be unsecured;

(2) Na bestinging van alle koste wat by sodanige beslaglegging en verkoop gemaak is, word die opbrengs van sodanige verkoop aangewend ter vermindering of aflossing van daardie deel van die voorskot en rente daarop wat nog onbetaal is, en 'n maontlike restant word aan die skuldenaar of sy regsvertegenwoordiger uitbetaal.

(3) As iemand aan wie 'n voorskot ingevolge hierdie Ordonnansie toegestaan is teen sekuriteit van 'n hipoteek op roerende eiendom, sterf, of op las van 'n bevoegde hof as gestelik ongesteld of gebrekkig aangelou word, of deur 'n bevoegde hof ongeskik verklaar word om sy eie sake te behartig, moet die eksekuteur van sy boedel of sy regsvertegenwoordiger (insluitende enigiemand wat regrens gemagtig is om sy boedel te bestuur of om opdragte te gee oor die bestuur daarvan), na gelang, die beheer van sodanige eiendom oorneem en dit hou ter beskikking deur die voorsitter wat daarvoor ingevolge hierdie Ordonnansie mag beskik asof die hipoteek-skuldenaar nog leef of nie aldus aangehou word nie, of nie aldus ongeskik verklaar is om sy eie sake te behartig nie: Met dien verstande dat as die voorsitter sodanige eiendom laat verkoop, en die behaalde verkoopprijs groter is as die verskuldigde bedrag ten opsigte van die voorskot met die rente daarop en die koste in verband met die beslaglegging en verkoop, die restant aan die eksekuteur of regsvertegenwoordiger, na gelang, uitbetaal moet word.

(4) As die boedel van iemand aan wie 'n voorskot ingevolge hierdie Ordonnansie toegestaan is teen sekuriteit van 'n hipoteek op roerende eiendom, gesekwestreer of afgestaan is ingevolge die bepaling van die Insolvensiewet 1936 (Wet 24 van 1936), soos gewysig, en soos van tyd tot tyd gewysig kan word, is die bepaling van sub-artikels (5), (6), (7) en (8) van toepassing.

(5) Die voorsitter kan te eniger tyd, maar uiterslik dertig dae nadat die Meester van die Hooggeregshof of die kurator, of na gelang, die boedelreder, hom op skrif aangese het om die keuse wat hom ingevolge hierdie sub-artikel verleen word, uit te oefen, die Meester of die kurator, of na gelang, die boedelreder, skriftelik meedel dat hy verkies om met sodanige eiendom ingevolge hierdie Ordonnansie te handel.

(6) Behoudens die bepaling van sub-artikel (7) berus die roerende eiendom onder hipoteek nie by die Meester van die Hooggeregshof of by die kurator, of, na gelang, by die boedelreder nie.

(7) As die voorsitter die kennisgewing genoem in sub-artikel (5) nie binne die tydperk by daardie sub-artikel bepaal, verstrekk nie, of as hy voor verstryking van daardie tydperk die Meester of die kurator of die boedelreder skriftelik in kennis stel dat hy verkies om nie met sodanige eiendom ingevolge hierdie Ordonnansie te handel nie, berus sodanige eiendom by verstryking van sodanige tydperk of by die datum van sodanige kennisgewing, na gelang, by die Meester of kurator of by die boedelreder, na gelang, asof hierdie artikel nie bestaan nie.

(8) As die voorsitter die kennisgewing genoem in daardie sub-artikel laat geskied, binne die tydperk bepaal by sub-artikel (5), geld die onderstaande bepalinge:—

- (a) Die voorsitter kan oor die roerende eiendom onder 'n hipoteek beskik asof die skuldenaar se boedel nie gesekwestreer of afgestaan is nie;
- (b) Die voorsitter moet in die kennisgewing genoem in sub-artikel (5) verklaar watter bedrag uit die voorskot hy deur die hipoteek op roerende eiendom versker beskou wil hê, en daarop word sodanige bedrag aldus as versker beskou, en
 - (i) as die voorskot met beide 'n verband op vaste eiendom en 'n hipoteek op roerende eiendom versker is, word die maontlike restant van die voorskot beskou as versker slegs met die verband op vaste eiendom; of
 - (ii) as die voorskot nie met 'n verband op vaste eiendom versker is nie, word sodanige restant beskou as onversker;

- (c) the chairman shall be entitled to prove a claim against the estate in respect of so much of the advance as in terms of paragraph (b) is deemed to be secured as if by the mortgage of immovable property, or, as only by the mortgage of unsecured, and as the case may be, is deemed to be unsecured, and as the provisions of the Insolvency Act, 1936 (Act 24 of 1936), as amended, and as it may be amended from time to time, shall apply to every such claim;
- (d) if the chairman causes the hypothecated movable property to be sold, and the sale price realised exceeds the amount which in terms of paragraph (b) is deemed to be secured by the hypothec of movable property and interest thereon and the costs incurred in connection with the seizure and sale, the balance shall be paid over to and vest in the Master or the trustee or in the assignee, as the case may be;
- (e) the hypothec debtor shall, notwithstanding the sequestration of his estate and his rehabilitation, or as the case may be, the registration of the deed of assignment of his estate, remain bound under the contract of advance for the amount which in terms of paragraph (b) is deemed to be secured by the hypothec of movable property.

20. (1) Upon the execution of a bond intended to hypothecate movable property in terms of section fifteen the said property and any progeny or produce thereof, where such exists, shall be deemed to have been pledged to the chairman as security for the advance in question in the same manner as if it had been delivered to him as a pledge. In this sub-section the word "produce" in relation to any sheep or goats includes their wool or mohair, and in relation to any livestock subject to the hypothec which may have died, includes their skins or hides.

(2) The chairman may at any time upon such conditions as he may think fit to impose, permit the owner of any property hypothecated in terms of sub-section (1) to dispose thereof, or to substitute any other property therefor, and any property so substituted shall be deemed to have been validly hypothecated within the meaning of this section.

21. (1) The chairman may, on behalf of the Administration, buy in any immovable or movable property mortgaged or hypothecated under this Ordinance.

(2) The chairman shall, as soon as a reasonable price is obtainable therefor on reasonable terms, sell, on behalf of the Administration any immovable or movable property bought by him in terms of sub-section (1) for such a price and on such conditions as he may deem expedient: Provided that any immovable property so bought may, if the Administrator consents thereto, be disposed of under the laws relating to the disposal of Crown lands.

(3) The chairman may allow the purchase price or any portion thereof to be secured by mortgage bond or hypothec in manner laid down by this Ordinance; and upon such security being given, the purchase price or portion thereof so secured shall be deemed to be an advance made under this Ordinance, and the immovable or movable property so mortgaged or hypothecated shall be deemed to be property mortgaged or hypothecated under this Ordinance: Provided that the rate of interest on any amount so secured by a mortgage bond shall be five per cent. per annum.

22. The chairman may at any time, on such conditions as he thinks fit to impose, by writing under his hand, agree as substitution for any immovable property mortgaged in terms of section fifteen any movable property to be hypothecated in terms of the said section and vice versa.

23. Any immovable property mortgaged or movable property hypothecated in terms of this Ordinance may, to any other person subject to the mortgage or hypothec with which it is burdened; and upon such transfer being effected, the provisions of this Ordinance shall apply to the property transferred and to the person to whom it is transferred, and he shall be liable to repay the unpaid

(c) Die voorsitter kan sy vordering teen die boedel bewys ten opsigte van daardie deel van die voorskot wat ingevolge paragraaf (b) as slegs met die verband op vaste eiendom as verseker beskou word, of as onverseker beskou word, na gelang, en die bepalinge van die Insolvensiewet 1936 (Wet 24 van 1936), soos gewysig, of soos van tyd tot tyd gewysig kan word, geld elke sodanige vordering.

(d) As die voorsitter die roerende eiendom onder hipoteek laat verkoop, en die behaalde verkoopprijs is groter as die bedrag wat ingevolge paragraaf (b) met die hipoteek op roerende eiendom as verseker beskou word, met die rente daarop en die koste wat daar by die beslaglegging en verkoop gemaak is, word die resant aan die Meester of die kurator of die boedelreerder, na gelang, oorgeleë en berus dit by hom.

(e) Nieteenstaande die sekwestrasie van die hipoteekskuldenaar se boedel, of sy rehabilitasie, of, na gelang, die registrasie van die akte van afstand van sy boedel, bly die hipoteekskuldenaar kragtens die voorskotkontrak gebind ten opsigte van die bedrag wat ingevolge paragraaf (b) beskou word as verseker met die hipoteek op roerende eiendom.

20. (1) By die ondertekening van 'n skuldbrief wat bedoel is om roerende eiendom ingevolge artikel vyftien onder hipoteek te plaas, word die genoemde eiendom en sy maontlike aantal of opbrengs beskou as verpand aan die voorsitter as sekuriteit vir die betrokke voorskot op dieselfde wyse asof dit in pand aan hom oorhandig is. In hierdie sub-artikel omvat die woord „opbrengs” in verband met skaap of bokke hul wol of bokhaar, en in verband met alle vee onder die hipoteek, wat doodgeman het, ook hul velle en luike.

(2) Die voorsitter kan te eniger tyd en op voorwaardes wat hy 'n goeie stiel, die eienaar van enige eiendom wat ingevolge sub-artikel (1) met 'n hipoteek belas is, toelaat om die eiendom te verveem of dit met ander eiendom te vervang, en sodanige vervangende eiendom word gelyk wettig met hipoteek belas te wees binne die bestek van hierdie artikel.

21. (1) Die voorsitter kan namens die Administrasie enige vaste of roerende eiendom inkoop wat ingevolge hierdie Ordinasie onder verband of hipoteek geplaas is.

(2) Die voorsitter moet sodra 'n redelike prys op redelike voorwaardes daarvoor verkrygbaar is, enige vaste of roerende eiendom wat hy ingevolge sub-artikel (1) ingekoop het, namens die Administrasie verkoop teen 'n prys en op voorwaardes wat hy doenlik ag: Met dien verstande dat daar oor vaste eiendom wat aldus gekoop is, met die Administrateur se goedkeuring beskik kan word ingevolge die regsreëls op die verveemding van Kroongrond.

(3) Die voorsitter kan toestem dat die koopprys, of enige deel daarvan, verseker word met 'n verband of hipoteek op die wyse wat hierdie Ordinasie voorskryf; en by verskaffing van sodanige sekuriteit word die aldus versekerde koopprys of deel daarvan beskou as 'n voorskot ingevolge hierdie Ordinasie, en die aldus beswaarde vaste of roerende eiendom word beskou as eiendom wat ingevolge hierdie Ordinasie onder 'n hipoteek of verband staan: Met dien verstande dat die rentekosters op enige bedrag aldus met 'n verband of hipoteek verseker, vyf persent per jaar moet wees.

22. Die voorsitter kan te eniger tyd en op sodanige voorwaardes soos hy 'n goeie stiel, op skrif onder sy hand enige roerende eiendom ter beswaring onder 'n hipoteek ingevolge artikel vyftien aanvaar in die plek van vaste eiendom wat ingevolge die genoemde artikel onder 'n verband staan, en omgekeerd.

23. Enige vaste of roerende eiendom wat ingevolge hierdie Ordinasie onder 'n verband of hipoteek geplaas is, kan met die skriftelike goedkeuring van die voorsitter aan iemand anders oorgeleë word maar steeds onderhewig aan die verband of hipoteek waarmee dit beswaar is; en nu sodanige oordrag is die bepalinge van hierdie Ordinasie van toepassing op die oorgeleë eiendom en op die persoon aan wie dit oorgeleë is, en is hy aanspreeklik vir die terugbetaling van die onbetaalde resant van die voorskot

balance of the advance with interest in the same way, and subject to the same conditions, as if it had originally been granted to him.

24. (1) Whenever any animal which is subject to a hypothec under this Ordinance dies or is lost or stolen or whenever any other movable property which is subject to such hypothec is destroyed, lost or stolen, the owner thereof shall forthwith report the matter in writing to the chairman.

(2) The chairman may require the owner of such animals that have died, been lost or stolen or of any such other movable property that has been destroyed, lost or stolen, to replace such animals or such other property by other animals or other movable property approved by the chairman, and the provisions of this Ordinance shall apply to such substituted animals or other movable property as if they had been originally hypothecated under this Ordinance.

(3) The owner of any movable property which is subject to a hypothec under this Ordinance shall not without the written permission of the chairman or of a person delegated by him to grant such permission, remove such property from the land indicated in such owner's application for an advance as the land whereon he carried on or intends carrying on his farming operations, or from any land to which he has been so permitted to remove such property.

(4) The owner of any such hypothecated property shall upon the demand of any person authorised in writing by the chairman to inspect such property, produce such property to him at any reasonable time for inspection at such place on the land whereon such property may lawfully be, as such person may indicate.

25. If the chairman is of opinion that the borrower has infringed the conditions under which the money has been advanced or that the interests of the Administration demand an immediate calling up of any advance made under this Ordinance, he may, notwithstanding the fact that such advance was made for a period which has not yet expired and notwithstanding any terms of repayment stipulated in making such advance, call upon the debtor, by registered letter addressed to him at the address given by him in his application for the said advance or such other address as he may thereafter have given to the chairman or where he may be known to reside or by notice delivered to him personally, to repay forthwith the whole of such advance or any part thereof which is still undischarged with all interest due thereon, and such advance and interest shall thereupon become due upon the date when such letter reached or should in the ordinary course have reached the address to which it was posted or when such notice was delivered, as if the period for which the advance was made had expired upon such date.

26. No other hypothec or lien whether tacit or otherwise shall be operative in respect of any movable property hypothecated under this Ordinance, except in so far as the chairman may have agreed thereto in writing.

27. No immovable or movable property hypothecated under this Ordinance shall at the instance of any creditor of the person to whom an advance is made, other than a mortgagee, be attached in execution of the judgment of any court of law except in so far as the chairman may have agreed thereto, in writing.

28. (1) Any applicant for an advance under this Ordinance who in connection with his application furnishes any information which is false, or fails to disclose all his assets and liabilities, whether actually existing or contingent, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

met rente op dieselfde wys, en onderhewig aan dieselfde voorwaardes asof die voorskot in die eerste instansie aan hom toegestaan is.

24. (1) Wanneer ook al 'n dier waarop daar 'n hipoteek ingevolge hierdie Ordonnansie rus, doodgaan of verlore raak of gesteel word, of wanneer ook al ander roerende eiendom waarop daar so 'n hipoteek rus, vernietig, verloor of gesteel word, moet sy eienaar die saak onverwyld op skrif by die voorsitter aanmeld.

(2) Die voorsitter kan die eienaar van sodanige diere wat doodgegaan het, verlore gemaak het of gesteel is, of van enige ander sodanige roerende eiendom wat vernietig, verloor of gesteel is, aansê om sodanige diere of ander eiendom te vervang met ander diere of roerende eiendom wat die voorsitter goedkeur, en die bepalings van hierdie Ordonnansie geld sodanige vervangende diere of ander roerende eiendom asof hulle in die eerste instansie ingevolge hierdie Ordonnansie onder die hipoteek geplaas is.

(3) Die eienaar van enige roerende eiendom wat onder 'n hipoteek ingevolge hierdie Ordonnansie staan, mag sodanige eiendom nie sonder die skriftelike toestemming van die voorsitter of iemand anders wat die voorsitter gemagtig het om sodanige toestemming te gee, verwyder vanaf die grond wat die eienaar in sy aansoek om 'n voorskot aangedui het as die grond waarop hy sy boerdery dryf of voornemens is om te dryf nie, nóg vanaf enige ander grond waarheen hy sodanige eiendom met sodanige toestemming verskuif het nie.

(4) Die eienaar van enige sodanige roerende eiendom onder hipoteek moet op versoek van enige iemand wat skriftelik deur die voorsitter gemagtig is om sodanige eiendom te inspekteer, sodanige eiendom te enige redelike tyd en op sodanige plek op die grond waar sodanige eiendom wettig vertoer, soos sodanige persoon vereis, aan hom ter inspeksie toon.

25. As die voorsitter meen dat die geldopneemer die voorwaardes waarop die geld voorgesket is, geskend het, of dat die belange van die Administrasie 'n onmiddellike opvraging van 'n voorskot ingevolge hierdie Ordonnansie vereis, kan hy, al is sodanige voorskot toegestaan vir 'n tydperk wat nog nie verstryk het nie, en in weerwil van enige voorwaardes van terugbetaling wat by die goedkeuring van sodanige voorskot gestel is, die skuldenaar per aangeleekende brief, gerig aan hom by die adres wat hy in sy aansoek om die genoemde voorskot gegee het, of by sodanige ander adres wat hy moontlik daarna aan die voorsitter verstrek het, of op soodanige ander plek waar hy in bekend is, woon, of andersins per kennisgewing wat aan hom persoonlik afgelewer word, aansê om die hele sodanige voorskot of enige onafbetaalde deel daarvan met al die rente daarop verskuldig onmiddellik terug te betaal, en sodanige voorskot met rente daarop word dan op die datum waarop sodanige brief die adres waaraan dit gestuur is, bereik het, of in die gewone loop van sake behoorlik te bereik het, of waarop sodanige kennisgewing afgelewer is, opeisbaar, asof die tydperk waarvoor die voorskot gedoen is op daardie datum verstryk het.

26. Geen ander hipoteek of retensiereg hetsy stilswygend of andersins geld ten opsigte van enige roerende eiendom wat ingevolge hierdie Ordonnansie onder 'n hipoteek geplaas is nie, buiten vir sover die voorsitter daartoe op skrif toegestem het.

27. Geen vaste of roerende eiendom wat ingevolge hierdie Ordonnansie beswaar is, mag deur enige krediteur van die persoon aan wie die voorskot gedoen is, buiten die verband- of hipoteekhouer in beslag geneem word ten uitvoerlegging van 'n vonnis van enige geregs Hof nie, buiten vir sover die voorsitter dit skriftelik goedgekeur het.

28. (1) Elke applikant om 'n voorskot ingevolge hierdie Ordonnansie wat in verband met sy aansoek valsse inligting verstrek of wat versuim om al sy bate en laste — hetsy bestande of voorwaardelik — bekeud te maak, — is skuldig aan 'n misdryf en is, by skuldige bevinding, strafbaar met 'n boete van hoogstens eenhonderd pond of met gevangenisstraf van hoogstens een jaar of met beide sodanige boete en gevangenisstraf.

(2) The owner of any movable property hypothecated under this Ordinance who disposes of, destroys or consumes any such property or permits such disposal, destruction or consumption without the consent of the chairman shall be guilty of an offence and liable on conviction to the penalties set forth in sub-section (1).

(3) If any such property has disappeared or if it is not produced when its production is demanded in terms of sub-section (4) of section *twenty-four*, the owner of such property shall be presumed to have disposed thereof, or to have destroyed or consumed it in contravention of sub-section (2), unless he proves that he was in no way responsible for such disappearance or non-production and that he could not have prevented it.

(4) The owner of any such property who —

- (a) conceals or damages it; or
- (b) alters, defaces or removes any mark placed thereon in terms of this Ordinance; or
- (c) fails to comply with sub-section (4), or (5) of section *eighteen* or with sub-section (3) or (4) of section *twenty-four*,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.

(5) If any such property has been concealed or damaged or if any mark placed thereon as aforesaid has been altered, defaced or removed, the owner of such property shall be presumed to have caused such concealment, damage, alteration, defacement or removal, unless he proves that he was in no way responsible therefor and could not have prevented it.

(6) Any person who obstructs or hinders or endeavours to defeat the seizure of any property in terms of sub-section (1) of section *nineteen* shall be guilty of an offence and liable on conviction to the penalties set forth in sub-section (4).

29. The accounting officer of the Administration or any officer of the Administration duly authorised by him shall at all times have access to the books of account and other documents relating to the Fund.

30. No fee of office and no stamp duty whatever shall be payable in respect of any act performed or document required for the purposes of this Ordinance.

31. This Ordinance shall be called the Promotion of Farming Interests Ordinance, 1952, and shall come into operation as from a date to be fixed by the Administrator by notice in the *Gazette*.

FIRST SCHEDULE.

MORTGAGE OF IMMOVABLE PROPERTY.

Under the Provisions of the Promotion of Farming Interests Ordinance, 1952.

I, _____ of _____ do hereby acknowledge that I am lawfully indebted to the Chairman of the Farming Interests Board in respect of an amount of £ _____ (_____ pounds) being an advance made to me under the provisions of the Promotion of Farming Interests Ordinance, 1952, for the purpose of _____

and I undertake to repay the amount aforesaid with interest thereon at the rate of _____ per cent. per annum other place in the Territory that he may direct, within a period of _____ years from the date on which the whole or first instalment of the said advance is made to me in the following manner: _____

unless previously called upon to do so in terms of section *twenty-five* of the said Ordinance.

(2) Die eienaar van roerende eiendom wat ingevolge hierdie Ordinance onder hipoteek staan, wat enige sodanige eiendom verveem, vernietig of verbruik of die verrynding, vernietiging of verbruik daarvan toelaat sonder die toestemming van die voorsitter, is skuldig aan 'n misdryf en is, by skuldigebevinding, strafbaar met die strawwe wat sub-artikel (1) noem.

(3) As enige sodanige eiendom verdwyn het, of nie getoon word wanneer die eienaar ingevolge sub-artikel (4) van artikel *vier-en-twintig* daartoe geplaas word nie, word daar vermoed dat die eienaar dit strydig met sub-artikel (2) verveem, vernietig of verbruik het, tensy hy bewys dat hy verontantwoordelik was vir sodanige verdwyning of verontantanting van die besigwing nie, en dit nie kon verhoed het nie.

- (4) Die eienaar van enige sodanige eiendom wat —
- (a) dit verberg of beskudig; of
- (b) enige merk wat ingevolge hierdie Ordinance daarop geplaas is, verander, skend of verwyder; of
- (c) versuim om te voldoen aan sub-artikel (4) of (5) van artikel *agtien* of aan sub-artikel (3) of (4) van artikel *vier-en-twintig*,

is skuldig aan 'n misdryf en is, by skuldigebevinding, strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf van hoogstens ses maande.

(5) As enige sodanige eiendom verberg of beskudig is, of as enige merke daarop aangebring soos voornem, verander, geskend of verwyder is, word daar vermoed dat die eienaar van sodanige eiendom sodanige verberg, skade, verandering, skending of verwydering veroorsaak het, tensy hy bewys dat hy geensins daarvoor verantwoordelik was nie, en dit nie kon verhoed het nie.

(6) Elkeen wat die beslaglegging op eiendom ingevolge sub-artikel (1) van artikel *agentien* belemmer of hinder, of probeer verhoed, is skuldig aan 'n misdryf, en is, by skuldigebevinding, onderhewig aan die strawwe wat sub-artikel (4) noem.

29. Die Rekenpligtige Amptenaar van die Administrasie, of enige amptenaar van die Administrasie wat beoordeelk deur hom daartoe geemagtig is, moet te alle tye toegang hê tot die rekeningboeke en ander dokumente wat op die Fonds betrekking het.

30. Geen aanspeld of seëlregte hoegenaamd is betaalbaar teen opsigte van enige handeling of dokument wat ingevolge hierdie Ordinance uitgevoer of vereis word nie.

31. Hierdie Ordinance heet die Ordinance om die Bevordering van Boerderybelange 1952, en tree in werking op 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* vasstel.

EERSTE BYLAE.

VERBAND OP VASTE EIENDOM.

Ingevolge die bepaling van die Ordinance om die Bevordering van Boerderybelange, 1952.

Ek, _____ van _____ erken hierby dat ek 'n bedrag van £ _____ (_____ pond), synde 'n voorskot wat ingevolge die bepaling van die Ordinance om die Bevordering van Boerderybelange, 1952, aan my toegestaan is om _____

wettig ann die Voorsitter van die Raad op Boerderybelange verskuldig is, en ek onderneem om die voornemde bedrag met rente daarop teen _____ persent per jaar terug te betaal aan die genoemde Voorsitter op sy kantoor te Windhoek, of op sodanige ander plek in die Gebied soos hy aanwys, binne _____ jaar vanaf die datum waarop die hele of die eerste puiement van genoemde voorskot aan my op die volgende wyse uitbetaal word _____

tensy ek voor die tyd ingevolge artikel *vyf-en-twintig* van die genoemde Ordinance aangesê word om sodanige terugbetaling te doen.

And for the purpose of securing the said amount with interest thereon, I hereby bind under a mortgage bond, in terms of sections *fifteen* and *sixteen* of the said Ordinance, the following immovable property:—

Mortgagor.

Signed in my presence this day of
....., 19..... at

Magistrate of the district

of

I certify that I have this day endorsed the title deeds of the above-mentioned property in terms of section *sixteen* of the Promotion of Farming Interests Ordinance, 1952.

Signed at Windhoek, this day of
....., 19.....

Registrar of Deeds.

SECOND SCHEDULE.

HYPOTHECATION OF MOVABLE PROPERTY OR DEED OF LEASE.

Under the Provisions of the Promotion of Farming Interests Ordinance, 1952.

I,
of
do hereby acknowledge that I am lawfully indebted to the Chairman of the Farming Interests Board in respect of an amount of £..... (..... pounds) being an advance made to me under the provisions of the Promotion of Farming Interests Ordinance, 1952, for the purpose of

and I undertake to repay the amount aforesaid with interest thereon at the rate of per cent. per annum to the said Chairman at his office at Windhoek, or at such other place in the Territory as he may direct, within a period of years from the date on which the whole or the first instalment of the advance is made to me in the following manner:

unless previously called upon to do so in terms of section *twenty-five* of the said Ordinance.

And for the purpose of securing the payment of the said amount with interest thereon, I hereby bind under a hypothec in terms of sections *fifteen*, *seventeen* and *twenty* * the following movable property and/or deed of lease:—

Hypothec Debtor.

Signed in my presence this day of
....., 19.....

Magistrate of the district

of

En ter versekering van genoemde bedrag met rento daarop, verbind ek hierby onder 'n verband ingevolge artikels *vyftien* en *sietien* van genoemde Ordonnansie, die onderstaande vaste eiendom:—

Verbandskuldennaar.

Geteken in my teenwoordigheid op hierdie dag van 19..... te

Magistraat van die distrik.

Ek getuig dat ek op die titelbewys van die bogenoemde eiendom ingevolge artikel *sietien* van die Ordonnansie op die Bevordering van Boerderybelange, 1952, vandag 'n aantekening gemaak het.

Geteken in Windhoek op hierdie dag van 19.....

Registrateur van Aktes.

TWEEDE BYLAE.

HIPOTEEK OP ROERENDE EIENDOM OF HUUR-KONTRAK.

Ingevolge die bepaling van die Ordonnansie op die Bevordering van Boerderybelange, 1952.

Ek,
van
erken hierby dat ek 'n bedrag van £..... (..... pond), synde 'n voorskot wat ingevolge die bepaling van die Ordonnansie op die Bevordering van Boerderybelange, 1952, aan my toegestaan is om

wettig aan die Voorsitter van die Raad op Boerderybelange verskuldig is, en ek onderneem om die voormelde bedrag met rente daarop teen persent per jaar terug te betaal aan die genoemde Voorsitter op sy kantoor in Windhoek, of op sodanige ander plek in die Gebied soos hy nauwys, binne jaar vanaf die datum waarop die hele of die eerste panieent van genoemde voorskot aan my op die volgende wyse uitbetaal word

tensy ek voor die tyd ingevolge artikel *vyf-en-twintig* van die genoemde Ordonnansie aangesê word om sodanige terugbetaling te doen.

En ter versekering van genoemde bedrag met rento daarop, verbind ek, onder 'n hipoteek ingevolge artikels *vyftien*, *sewentien* en *twintig* (*), die ondergenoemde roerende eiendom en/of huurkontrak:—

Hipoteekskuldennaar.

Geteken in my teenwoordigheid op hierdie dag van 19.....

Magistraat van die distrik.

* Delete whatever is inapplicable.

(*) Skrap wat ook ul nie van toepassing is nie.

No. 30 of 1952.]

ORDINANCE

To amend the Land Bank Proclamation, 1935.

(Assented to 14th June, 1952.)

(Afrikaans tekst signed by the Administrator.)

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

1. In this Ordinance the expression "the Principal Proclamation" means the Land Bank Proclamation, 1935, as amended.
2. Sub-section (2) of section four and sub-sections (3) and (4) of section sixteen are hereby repealed.
3. The following sections are substituted for sections twenty-nine to thirty-seven inclusive:—

"C. ADVANCES TO CO-OPERATIVE SOCIETIES AND COMPANIES.

29. (1) The bank may, upon written application, in such form as the board may prescribe—

- (a) by a co-operative society authorized thereto by a resolution passed in the manner prescribed in sub-section (4); or
- (b) by a co-operative company authorized thereto in terms of its memorandum, if any, and its articles of association or regulations,

and on such conditions as the board may determine, make an advance to that society or company for any lawful object of that society or company.

(2) Any such application shall be signed by the chairman and the secretary of the society or company, concerned, or by persons purporting to act in those capacities, and shall when so signed—

- (a) in the case of a society, bind the society and its members jointly and severally; and
- (b) in the case of a company, bind—

- (i) the company and (to the extent of any amount unpaid on their shares and of any contingent liability) also its members; and
- (ii) such of the agricultural produce of the members of the company as is actually in the possession of, or in transit to the company or its agents, and in respect of which application for the advance is made,

for the repayment to the bank of any advances made in pursuance of the application.

(3) Any such advance to a society shall be made upon the joint and several liability of its members and upon such additional security as the board may require, and any bond to secure such an advance to a society shall be in such form as may be prescribed by the board.

(4) Notwithstanding anything to the contrary contained in any law, a co-operative society may, subject to other provisions in its rules, regulations or articles of association, make application for an advance under this section on the authority of a resolution passed by a majority of two-thirds of the members of that society present at a duly convened meeting thereof.

No. 30 van 1952.]

ORDONNANSIE

Om die Landbank Proklamasie 1935, te wysig.

(Goedgekeur 14 Junie 1952.)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. In hierdie Ordonnansie beteken die uitdrukking „die Hoofproklamasie” die Landbank Proklamasie 1935, soos gewysig.
2. Sub-artikel (2) van artikel vier en sub-artikels (3) en (4) van artikel sestien, word hierby herroep.
3. Artikels nege-en-twintig tot en met sewe-en-dertig word hierby vervang met die volgende nuwe artikels:—

„C. VOORSKOTTE AAN KOOPERATIEWE VERENIGINGS EN MAATSKAPPYE.

29. (1) Die Bank kan op skriftelike aansoek in die vorm wat die raad voorskryf—

- (a) deur 'n kooperatiewe vereniging wat by besluit aangeneem volgens voorskryf van sub-artikel (4) daartoe gemagtig is; of
- (b) deur 'n kooperatiewe maatskappy wat volgens sy akte van oprigting (as daar is) en sy statute of regulasies, daartoe gemagtig is,

en op die voorwaardes wat die raad bepaal, aan daardie vereniging of maatskappy 'n voorskot vir enige wettige doel van die vereniging of maatskappy verstrek.

(2) So 'n aansoek moet deur die voorsitter en die sekretaris van die betrokke vereniging of maatskappy, of deur persone wat in daardie hoedanighede heet te handel, onderteken wees, en verbind, wanneer dit aldus onderteken is—

- (a) in die geval van 'n vereniging, die vereniging en sy lede gesamentlik en afsonderlik; en
- (b) in die geval van 'n maatskappy—

- (i) die maatskappy en (ten bedrae van enige onbetaalde bedrag op hul aandele en van enige voorwaardelike aanspreeklikheid) ook sy lede; en
- (ii) enige landbouprodukte van lede van die maatskappy wat werklik in besit is van of onderweg is na die maatskappy of sy agente, en ten opsigte waarvan aansoek om die voorskot gedoen word,

vir die terugbetaling aan die Bank van enige voorskot wat ingevolge die aansoek verstrekk word.

(3) So 'n voorskot aan 'n vereniging word verstrekk op die gesamentlike en afsonderlike aanspreeklikheid van sy lede en teen die bykomende sekuriteit wat die raad moontlik eis, en 'n verband om so 'n voorskot aan 'n vereniging te versker, moet in die vorm wees wat die raad voorskryf.

(4) 'n Kooperatiewe vereniging kan, ondanks andersluidende bepalinge in een of ander wet, maar behoudens ander bepalinge van sy reëls, regulasies of statute, om 'n voorskot kragtens hierdie artikel aansoek doen op gesag van 'n besluit wat deur 'n meerderheid van twee-derdes van die aanwesige lede van die vereniging op 'n behoorlik belegde vergadering daarvan aangeneem is.

30. (1) An advance made in pursuance of an application under section *twenty-nine*, may be made in the form of—

- (a) a cash credit account; or
- (b) a loan repayable within such period, not exceeding forty years, and in such instalments as the board may determine.

(2) The society or company to which an advance has been made in the form of—

- (a) a cash credit account, shall pay to the bank, on the daily amount outstanding on that account, interest at such a rate as the board may determine;
- (b) a loan, shall pay to the bank interest thereon, which shall become due periodically in arrear, at such rate and upon such dates as the board may prescribe.

(3) The board may at any time reduce the maximum amount of any cash credit account or close that account, and—

- (a) if such amount is reduced, the amount owing to the bank in excess of the reduced amount; or
- (b) if such account is closed, the whole amount owing to the bank in respect of that account,

shall forthwith be payable to the bank by the society or company concerned, and the board may, in default of payment thereof within fourteen days after demand by registered letter addressed to the secretary of that society or company at its address as recorded in the books of the bank, exercise any powers conferred upon the bank by this Proclamation for the recovery of moneys due to it.

31. Notwithstanding anything to the contrary contained in any law, every member of a co-operative society shall remain liable after his withdrawal from the society for every debt or obligation to the bank which was incurred by the society while he was a member thereof and was undischarged at the date of his said withdrawal until the board is satisfied that the society and its remaining members are capable of discharging the debt or obligation.

32. (1) A company to which any advance has been made under section *twenty-nine*, may, notwithstanding anything to the contrary contained in its memorandum, if any, and articles of association or regulations, as security for that advance, cede to the bank all the company's right and title to—

- (a) the amount of subscribed but unpaid capital and to the amount of any contingent liability attaching to its shares; and
- (b) the amount of any debts owing or which may thereafter be owing to the company.

(2) Such cession shall be in such form as the board may determine, shall be exempt from stamp duty, and shall—

- (a) if the board so directs, be accompanied by a list, verified by the chairman and the secretary of the company, or by persons purporting to act in those capacities, showing as at the date of the cession—
 - (i) the names and addresses of all persons holding shares in the company;
 - (ii) the number of shares registered in the name of each such person and the amount paid up in respect thereof;
 - (iii) the nominal value of such shares; and
 - (iv) the amount of any contingent liability attaching to the shares; and
- (b) bind such of the agricultural produce of the members of the company as was actually in the possession of, or in transit to the company or its agents, and in respect of which the advance was made.

(3) Every list mentioned in paragraph (a) of subsection (2), shall, when certified as in that paragraph prescribed, be evidence in favour of the bank, that the persons mentioned therein are liable to pay the amount stated therein, and the board may enforce payment of that liability as if it were a liability mentioned in subsection (2) of section *sixty*.

30. (1) 'n Voorskot wat ingevolge 'n aansoek kragtens artikel *nege-en-twintig* verstrekk word, kan in die vorm wees van—

- (a) 'n kaskredietrekening; of
- (b) 'n lening wat terugbetaalbaar is binne sodanige tydperk, maar hoogstens veertig jaar, en in die jaaltemente wat die raad bepaal.

(2) Die vereniging of maatskappy waaraan 'n voorskot verstrekk is in die vorm van—

- (a) 'n kaskredietrekening, moet op die daaglikse saldo van die bedrag op die rekening verskuldig, aan die bank rente betaal teen die koers wat die raad bepaal;
- (b) 'n lening, moet aan die bank rente, wat periodiek agteruit-betaalbaar is, daarop betaal teen die koers en op die datums wat die raad voorskryf.

(3) Die raad kan te eniger tyd die maksimale bedrag van 'n kaskredietrekening verminder of daardie rekening sluit, en—

- (a) as bedoelde bedrag verminder word, moet die bedrag aan die bank verskuldig, vir sover dit die verminderde bedrag oorskryf; of
- (b) as bedoelde rekening gesluit word, moet die hele bedrag ten opsigte van daardie rekening aan die bank verskuldig.

onverwylde deur die betrokke vereniging of maatskappy aan die bank betaal word, en die raad kan, indien betaling daarvan nie binne veertien dae na aanvraag per geregistreerde brief gerig aan die sekretaris van daardie vereniging of maatskappy aan sy adres, soos in die bank se boeke opgeteken, geskied nie, al die bevoegdhede uitoefen wat by hierdie Proklamasie aan die bank verleen word vir die verhaal van gelde wat aan hom verskuldig is.

31. Ondanks andersluidende bepalings van een of ander wet, bly elke lid van 'n kooperatiewe vereniging na sy uittrekking uit daardie vereniging aanspreeklik vir alle skulde of verpligtings teenoor die bank, wat die vereniging aangegaan het onderwyl hy lid daarvan was en wat tydens sy uittrekking onvoldaan was, totdat die raad oortuig is dat die vereniging en sy oorblywende lede in staat is om aan daardie skulde of verpligtings te voldoen.

32. (1) 'n Maatskappy waaraan 'n voorskot kragtens artikel *nege-en-twintig* verstrekk is, kan, ondanks andersluidende bepalings in sy akte van oprigting (as daar is) en statute of regulasies, as sekuriteit vir daardie voorskot al sy regte en aanspraak aan die bank seker op—

- (a) die bedrag van ingeskrewe maar onbetandele kapitaal en die bedrag van enige voorwaardelike aanspreeklikheid wat aan sy aandele verbonde is; en
- (b) die bedrag van skulde wat aan hom verskuldig is of moontlik later verskuldig word.

(2) So 'n sessie moet in die vorm wees wat die raad voorskryf en is nie aan sekerrege onderhewig nie, en—

- (a) moet, as die raad dit gelas, vergesel gaan van 'n lys, wat gesertifiseer is deur die voorsitter en die sekretaris van die maatskappy, of deur persone wat in daardie hoedanighede heet te lundel, en waarvan—
 - (i) die nume en adresse van alle persone wat aandele in die maatskappy het;
 - (ii) die aantal aandele wat in die naam van elke sodanige persoon geregistreer is en die bedrag wat daarop betaal is;
 - (iii) die nominale waarde van die aandele; en
 - (iv) die bedrag van enige voorwaardelike aanspreeklikheid wat aan die aandele verbonde is, op die datum van die sessie vermeld word; en

(b) verbind landbouprodukte van lede van die maatskappy wat werklik in besit was van, of onderweg was na, die maatskappy of sy agente, en ten opsigte waarvan die voorskot verstrekk is.

(3) Elke lys bedoel in paragraaf (a) van sub-artikel (2) is, wanneer dit volgens voorskryf van daardie paragraaf gesertifiseer is, bewys ten gunste van die bank dat die daarin genoemde persone vir die betaling van die daarin genoemde bedrae aanspreeklik is, en die raad kan betaling van die aanspreeklikheid afdwing soos dit 'n sub-artikel (2) van artikel *sestig* bedoelde aanspreeklikheid was.

(4) The bank may require lists similar to those mentioned in sub-section (2), to be furnished to it from time to time in respect of any further shares which may be issued by the company concerned, and the cession referred to in sub-section (1) shall be deemed to include the shares appearing in such lists.

(5) When a company has in terms of sub-section (1) ceded its right to an amount mentioned in paragraph (a) of that sub-section, the board may, by notice in writing addressed to the secretary of the company at the place at which it has mentioned to the board or to the bank as its address, prohibit the company from effecting or registering, without the board's consent in writing, the transfer of any share in the company which is not paid up 'in full or to which any contingent liability attaches, and thereafter while the company owes the bank any money by virtue of the advance which was secured by the cession in question, the company shall not effect or register the transfer of any such share as aforesaid without the board's consent in writing.

(6) While a company owes the bank any money by virtue of an advance mentioned in sub-section (1)—

- (a) all agricultural produce and all products manufactured by the company from any agricultural produce; and
- (b) all articles or substances purchased by the company with money so advanced to it,

which are in the possession of or in transit to the company or an agent of the company, shall be deemed to have been pledged to the bank as effectually as if they had been expressly pledged and delivered to the bank, and any disposal thereof by or on behalf of the company, without the consent in writing of the board, shall be null and void.

(7) The board may require a company to furnish such further security for any advance aforesaid as the board may deem necessary in order that the advance may be adequately secured.

33. Notwithstanding anything contained in any law or in the regulations of a co-operative society or co-operative company, any produce delivered to that society or company, and any product manufactured therefrom by the society or company shall, while such society or company is indebted to the bank in respect of an advance in the form of a cash credit account, be realisable only by the society or company in the ordinary course of its business or by the bank in the exercise of the powers conferred on it by this Proclamation, and such produce or product, or the proceeds thereof, shall not, while such debt with interests and costs remains unpaid, be attached in execution by any person other than the bank, except with the written consent of the bank.

34. (1) If an advance in the form of a cash credit account has been made by the bank to any co-operative company—

- (a) every member of that company shall, in addition to any other amount for which he may have become liable to the bank in respect of such advance, be liable to the bank as surety for the repayment of the advance, with interest and costs, by the company, in an amount equal to the amount which he has received from the company out of the advance or which has been paid out of the advance for any goods supplied or in respect of any services rendered to him by the company;
- (b) such company shall, whenever required by the bank to do so, furnish to the bank a list, certified by the chairman and the secretary of the company, or by persons purporting to act in these capacities, showing the name and address of every member of the company who is liable to the bank in terms of paragraph (a) the amount in which he is so liable, and any other particulars which the bank may require.

(4) Die bank kan eis dat lyste soos dié waarop sub-artikel (2) dui, van tyd tot tyd aan hom verstrekk moet word ten opsigte van enige verdere aandele wat moontlik deur die betrokke maatskappy uitgegee word, en die in sub-artikel (1) bedoelde sessie word geag die aandele wat in sodanige lyste verskyn, in te sluit.

(5) Wanneer 'n maatskappy ooreenkomstig sub-artikel (1) sy reg tot 'n bedrag bedeel in paragraaf (a) van daardie sub-artikel gesedeer het, kan die raad, by skriftelike kennisgewing gerig aan die sekretaris van die maatskappy op die plek wat die maatskappy aan die raad of die bank as sy adres aangegee het, die maatskappy verbied om, sonder skriftelike toestemming van die raad, die oordrag van 'n aandeel in die maatskappy wat nie ten volle betaal is nie of waarvan 'n voorwaardelike aanspreklikeheid verbode is, uit te voer of te registreer, en daarna mag die maatskappy, solank lye aan die bank geld skuld ten opsigte van die voorskot wat deur die betrokke sessie verseker is, geen oordrag van 'n aandeel soos voormeld sonder skriftelike toestemming van die raad uitvoer of registreer nie.

(6) Solank 'n maatskappy aan die bank geld skuld weens 'n voorskot bedeel in sub-artikel (1), word—

- (a) alle landbouprodukte en alle produkte wat deur die maatskappy uit landbouprodukte vervaardig word; en
- (b) alle artikels of stowwe deur die maatskappy gekoop met geld wat aldus aan hom voorgesket is,

en wat in besit is van, of onderweg is na, die maatskappy of 'n agent van die maatskappy, geag net so daadwerklik aan die bank verpand te wees asof dit uitdruklik aan die bank verpand en oorhandig was, en is afstand daarvan deur of namens die maatskappy, sonder skriftelike toestemming van die raad, nietig.

(7) Die raad kan eis dat 'n maatskappy vir 'n voorskot soos vermeld die verdere sekuriteit verstrekk, wat die raad nodig ag ten einde die voorskot voldoende te verseker.

33. Ondanks andersluidende bepalings van een of ander wet, of van die reëlnissies van 'n kooperatiewe vereniging of kooperatiewe maatskappy, mag, solank daardie vereniging of maatskappy op kas kredietrekening geld aan die bank skuld, produkte wat aan die vereniging of maatskappy gelewer is en produkte wat deur die vereniging of maatskappy daarvan vervaardig is, te gelde gemaak word alleen deur die vereniging of maatskappy in die gewone loop van sy sake of deur die bank by die uitoefening van die bevoegdheid kragtens hierdie Proklamasie aan hom verleen, en kan aldus gelewerde of vervaardigde produkte of die opbrengs daarvan nie onderwyl daardie skuld met rente en koste nog onbetaal is sonder skriftelike toestemming van die bank, deur iemand anders as die bank in beslag ten uitvoerlegging geneem word nie.

34. (1) Indien 'n voorskot in die vorm van 'n kas-kredietrekening deur die bank aan 'n kooperatiewe maatskappy verstrekk is—

- (a) is elke lid van daardie maatskappy, benevens enige ander bedrag waarvoor hy moontlik ten opsigte van daardie voorskot teenoor die bank aanspreklike geword het, teenoor die bank aanspreklike as borg vir die terugbetaling van die voorskot, met rente en koste, deur die maatskappy, tot 'n bedrag gelyk aan die bedrag wat hy uit die voorskot van die maatskappy ontvang het of wat deur die maatskappy uit die voorskot betaal is vir goedere wat aan hom verskaf of vir dienste wat aan hom gelewer is;
- (b) moet die maatskappy telkens as die bank dit vereis, die bank voorsien van 'n lys wat gesertifiseer is deur die voorsitter en die sekretaris van die maatskappy of deur persone wat in daardie hoedanighede heet te handel, waarin vermeld word die naam en adres van elke lid van die maatskappy wat volgens paragraaf (a) teenoor die bank aanspreklike is, die bedrag waarvoor hy aldus aanspreklike is, en alle ander besonderhede wat die bank moontlik vereis.

(2) Every such list so certified shall be evidence in favour of the bank that each person mentioned therein is so liable in the amount stated therein.

(3) If any list required by the bank under paragraph (b) of sub-section (1) is not furnished to the bank within thirty days after the date upon which the company concerned was required to furnish such list, the members of the company shall be jointly and severally liable to the bank in respect of the advance made to the company.

(4) The board shall—

(a) in respect of the liability of any member of a co-operative company under the provisions of sub-section (1) of this section, have the same powers of recovery and obligations incidental thereto as it has in terms of section sixty in respect of any contingent liability attaching to shares; and

(b) in respect of the liability of any such member under the provisions of sub-section (3) of this section, have the powers of recovery and obligations incidental thereto which it would have had under this Proclamation had such company been a co-operative society.

35. (1) A co-operative company which exports agricultural produce overseas, may, if authorized in the manner prescribed by its constitution, apply to the bank in a form prescribed by the board, for an advance from the bank in the form of a cash credit account, on such security as is hereinafter described, to enable the company to meet the cost incidental to such export.

(2) Such cost shall include the moneys expended or to be expended on packing materials, railage, port charges, shipping freight and all other expenditure reasonably incurred or to be incurred in placing and selling the produce on a market overseas.

(3) The application for the advance shall be signed by the chairman and the secretary of the company, or by persons purporting to act in those capacities, and when so signed shall bind the company for the repayment of the advance and interest due to the bank and all charges incurred by the bank in recovering such advance and interest.

(4) The board may grant such application on such conditions as it may determine, the rate of interest being such as is lawfully charged for the time being by the board for advances on cash credit accounts.

(5) No such advance shall be made except in respect of produce which is to be or has been exported overseas, and which is consigned to or the sale whereof is controlled by, a co-operative organisation overseas approved by the board.

(6) Every such advance and the interest thereon shall be repayable to the bank within one year from the date thereof, and no further advance shall be made under this section to any company as long as any prior advance thereunder and the interest thereon remain unpaid.

(7) Any such advance may be made on the security only of produce of any of the members of the company, if the board is satisfied that such produce is to be exported, and, in accordance with the company's constitution, is being sold through the company: Provided that the board may, before making any such advance, require the company to furnish other and additional security which it may think necessary adequately to secure the advance.

(8) As from the date of the advance and until the amount thereof and the interest due thereon and the aforesaid charges for the recovery thereof have been repaid to the bank, the ownership of the produce in respect of which the advance is made, shall, notwithstanding that there has been no delivery thereof to the bank, become divested from the owner thereof and be vested in the bank as if it had been actually delivered to it.

(2) Elke aldus gesertifiseerde lys is bewys ten gunste van die bank dat elke daarin genoemde persoon aldus aanspreeklik is vir die bedrag wat daarin vermeld word.

(3) Indien 'n lys wat kragtens paragraaf (b) van sub-artikel (1) deur die bank vereis is, nie binne dertig dae na die datum waarop daardie lys van die betrokke maatskappy vereis is, aan die bank besorg word nie, is die lede van die maatskappy gesamentlik en afsonderlik teenoor die bank aanspreeklik ten opsigte van die voorskot wat aan die maatskappy verstrekk is.

(4) Die raad het—

(a) Ten opsigte van die aanspreeklikheid van 'n lid van 'n koöperatiewe maatskappy ingevolge die bepalings van sub-artikel (1) van hierdie artikel, dieselfde bevoegdheid tot verhaal en dieselfde verbandhoudende verpligtings soos hy volgens artikel sesstig ten opsigte van voorwaardelike aanspreeklikheid verbode aan aandeel het; en

(b) Ten opsigte van die aanspreeklikheid van so 'n lid ingevolge die bepalings van sub-artikel (3) van hierdie artikel, dieselfde bevoegdheid tot verhaal en dieselfde verbandhoudende verpligtings soos hy kragtens hierdie Proklamasie sou gehad het as daardie maatskappy 'n koöperatiewe vereniging was.

35. (1) 'n Koöperatiewe maatskappy wat landbou-produkte oorsese uitvoer, kan, indien hy volgens voorskrif van sy konstitusie daartoe gemagtig is, op 'n deur die raad voorgeskrewe vorm by die bank aansoek doen om 'n voorskot van die bank in die vorm van 'n kaskrediet-rekening, teen die sekuriteit wat hieronder beskryf word, ten einde die maatskappy in staat te stel om die koste verbode aan die uitvoer te bestry.

(2) Bedoelde koste sluit in gelde wat aan verpakkingsmateriaal, spoorvrug, hawegelde en skeepsvrug uitgegee is of gaan word en alle ander onkoste wat redelikerwys beloop is of gaan word om die produkte op 'n oorsese mark te plaas en te verkoop.

(3) Die aansoek om die voorskot moet onderteken wees deur die voorsitter en die sekretaris van die maatskappy of deur persone wat in daardie hoedanighede leet te handel, en verbind, wanneer dit aldus onderteken is, die maatskappy tot terugbetaling van die voorskot en rente aan die bank verskuldig en alle koste wat deur die bank gemaak word om die voorskot en rente te verhaal.

(4) Die Raad kan so 'n aansoek toestaan op die voorwaardes wat hy bepaal, en rente moet daarop betaal word teen die koers wat dan wettig deur die raad vir voorskotte op kaskredietrekening bereket word.

(5) So 'n voorskot word nie verstrekk nie behalwe ten opsigte van produkte wat oorsese uitgevoer is of gaan word en wat aan 'n deur die raad goedgekeurde oorsese koöperatiewe organisasie versend, of waarvan die verkoop deur so 'n organisasie beheer word.

(6) Elke sodanige voorskot, en die rente daarop, is aan die bank terugbetaalbaar binne een jaar vanaf die datum daarvan, en geen verdere voorskot word kragtens hierdie artikel aan 'n maatskappy toegestaan solank enige vorige voorskot uit hoofde daarvan en die rente daarop, nie terugbetaal is nie.

(7) So 'n voorskot kan verstrekk word uitsluitend teen sekuriteit van produkte van een of meer lede van die maatskappy, indien die raad bevind dat daardie produkte uitgevoer gaan word, en ooreenkomstig die konstitusie van die maatskappy deur tussenkoms van die maatskappy van verkoope word: Met dien verstande dat die raad, voordat hy so 'n voorskot verstrekk verdere en hoër sekuriteit, wat by moontlik nodig ag om die voorskot voldoende te versker, van die maatskappy kan vereis.

(8) Vanaf die datum van die voorskot, en totdat die bedrag daarvan en die daarop verskuldigde rente en voorrekenelde koste vir die verhaal daarvan, aan die bank terugbetaal is, word die eiendomsreg op die produkte ten opsigte waarvan die voorskot verstrekk is, hoewel dit nie aan die bank gelewer is nie, aan die eienaar daarvan onttrek en in die bank gevestig, asof dit werklik aan die bank gelewer was.

(9) The proceeds of the sale of such produce oversea shall also be deemed, as from the date of sale, to be vested in the bank or its agent or representative oversea, and it shall be a breach of the conditions of the advance for the company to direct or permit any such proceeds to be paid over without the board's consent to any person other than the bank or such agent or representative.

(10) Nothing in this section contained shall be construed as rendering the bank liable, either to the said owner, the company, the purchaser or any other person, in respect of any contract of sale of the produce or in respect of any obligation for which a person is liable by reason of ownership.

(11) If the company fails to pay, when due, any amount for which it has become liable under this section, or to observe any of the conditions of the advance thereunder, the board may, after giving seven days' notice by registered letter addressed to the secretary of the company at the address recorded in the bank's books, without recourse to a court of law, seize and sell either by public auction or private treaty, any of the produce aforesaid forming the security for the advance, or so much thereof as will suffice to pay the amount then owing to the bank by the company, and shall apply the proceeds of the sale to the liquidation or reduction of that amount and any expenses incurred by the board in connection with the seizure and sale.

(12) If part of the security is a cession in favour of the bank of all the company's right and title to the amount of subscribed but unpaid capital and to the amount of any contingent liability attaching to shares and the amount of any debts owing or which may thereafter be owing to the company, the provisions of section sixty shall *mutatis mutandis* apply in respect of the realization thereof.

GUARANTEE OF CONTRACTS OF CO-OPERATIVE SOCIETIES AND COMPANIES.

36. (1) The board may guarantee the performance of any contract, entered into or to be entered into—

- (a) by any co-operative society or company, whether jointly with any other society or company, or otherwise; or
- (b) by any person or co-operative society or company approved by the board and acting on behalf of any one or more co-operative societies or companies,

and relating to the supply of produce or to payment for grain bags and farming requisites generally or to the repayment of loans or to any other business which the society or company concerned may lawfully perform: Provided that any such guarantee in respect of a contract referred to in paragraph (b) shall be limited to the extent to which a co-operative society or company is interested in the performance of that contract.

(2) In the event of the failure of any such person, society or company to carry out the terms of any such contract in so far as that person, society or company is subject to do so or to conduct the business which is the subject of that contract to the satisfaction of the board, the board may complete the contract or abandon the same on such terms as it may be able to arrange or (in the case of a contract referred to in paragraph (b) of sub-section (1)) as it may determine, and—

- (a) in the case of any such contract referred to in paragraph (a) of sub-section (1) recover from the society or company which is in default, and its members any loss sustained by the bank; or
- (b) in the case of any such contract referred to in paragraph (b) of that sub-section, recover from every society or company on whose behalf the relevant guarantee was given, and its members, its share of any such loss, in the same manner as an advance in the form of a cash credit account made by the bank to a co-operative society or company may be recovered from the society or company

(9) Die opbrengste van verkoop van daardie produkte oorsê word ook gegag vanaf die datum van verkoping in die bank of sy oorsêse agent of verteenwoordiger gevestig te wees, en die maatskappy maak hom aan verbrekking van die voorwaardes van die voorskot skuldig indien hy gelas of toelaat dat daardie opbrengste sonder die raad se toestemming aan iemand anders as die bank of sy agent of verteenwoordiger oorbetal word.

(10) Die bepalings van hierdie artikel lê geensins aan die bank aanspreklikeheid op nie, hetsy teenoor die genoemde eienaar, die maatskappy, die koper of iemand anders ten opsigte van enige kontrak in verband met die verkoop van die produkte of ten opsigte van enige verpligting waarvoor iemand weens sy eiendomsreg aanspreklike is.

(11) Indien die maatskappy verstium om 'n bedrag waarvoor hy ingeвоel hierdie artikel aanspreklike geword het op die vervaldag te betaal, of om aan 'n voorwaarde van die voorskot met hoofde daarvan te voldoen, kan die raad sewe dae nadat hy per aangetekende brief gerig aan die sekretaris van die maatskappy aan die adres in die boeke van die bank aangeteken kennis gegee het, sonder geregtelike proses voormelde produkte wat as sekuriteit vir die voorskot dien, of soveel daarvan soos voldoen ter vereffening van die bedrag wat die maatskappy dan aan die bank skuld in beslag neem en by publieke veiling of uit die hand verkoop en die opbrengste van die verkoping aanwend om daardie bedrag en enige onkoste van die raad in verband met die beslaglegging en verkoop, af te betaal of te verminder.

(12) Indien deel van die sekuriteit bestaan uit 'n sessie ten gunste van die bank van al die maatskappy se reg en aanspraak op die bedrag van ingeskrewe maar onbetaalde kapitaal en op die bedrag van enige voorwaardelike aanspreklikeheid verbonde aan aandele en die bedrag van skulde wat aan die maatskappy verskuldig is of daarna verskuldig mag word, geld die bepalings van artikel seslig ten opsigte van die tegelennaking daarvan *mutatis mutandis*.

WAARBORG VAN KONTRAKTE VAN KOOPERATIEWE VERENIGINGS EN MAATSKAPPE.

36. (1) Die raad kan die nakoming waarborg van 'n kontrak aangegaan of aangegaan te word—

- (a) deur 'n kooperatiewe vereniging of maatskappy, hetsy saam met 'n ander vereniging of maatskappy of andersins; of
- (b) deur 'n persoon of kooperatiewe vereniging of maatskappy wat deur die raad goedgekeur is en wat namens een of meer kooperatiewe verenigings of maatskappye optree,

en wat betrekking het op die lewering van produkte of betaling vir graansakke en landboubenodighede in die algemeen of die terugbetaling van lenings of op ander sake wat die betrokke vereniging of maatskappy wettig kan verrig: Met dien verstande dat so 'n waarborg ten opsigte van 'n kontrak in paragraaf (b) bedoel, beperk word tot die mate waarin 'n kooperatiewe vereniging of maatskappy by die nakoming van daardie kontrak belang het.

(2) Bly so 'n persoon, vereniging of maatskappy in gebreke om die bepalings van so 'n kontrak na te kom vir sover daardie persoon, vereniging of maatskappy daartoe verplig is, of, om die saak wat die onderwerp van die kontrak is ten genoë van die raad te dryf, kan die raad die kontrak uitvoer of laat vervul op die voorwaardes wat hy in staat is om te reël of (in die geval van 'n kontrak in paragraaf (b) van sub-artikel (1) bedoel) wat hy moontlik bepaal, en—

- (a) by 'n kontrak in paragraaf (a) van sub-artikel (1) bedoel, op die vereniging of maatskappy wat in gebreke gebly het en sy lede, enige verlies verhaal wat die bank gely het; of
- (b) by geval van 'n kontrak in paragraaf (b) van daardie sub-artikel bedoel, op elke vereniging of maatskappy ten behoewe waarvan die betrokke waarborg gegee is en sy lede, sy aandeel van daardie verlies verhaal,

op dieselfde wyse as wat 'n voorskot in die vorm van 'n kaskredietrekening deur die bank aan 'n kooperatiewe vereniging of maatskappy verstrekk, kragtens die bepalings van hierdie Proklamasie op die vereniging of maatskappy

and its members under the provisions of this Proclamation, and any such provisions relating to the recovery of any such advance shall *mutatis mutandis* apply in respect of the recovery of any such loss.

(3) The co-operative society or company shall in respect of any guarantee given under this section indemnify the bank to the extent of its interest in the contract, and any such indemnity shall, subject to the provisions of sub-sections (1) and (2) if signed by persons purporting to act as the chairman and the secretary, respectively, of the society or company, bind the society or company and all the members thereof.

(4) The society or company shall in respect of any guarantee given under this section, pay to the bank a fee to be determined by the board, not exceeding one-fifth of one per cent, on the amount guaranteed, but no other charge or fee shall be payable in respect of such guarantee and no stamp duty shall be payable in respect of such guarantee or of any indemnity given under sub-section (3).

37. (1) The board shall at all reasonable times have full access to all accounts, documents, papers and books of any co-operative society or company to which an advance has been made by the bank or for which a contract has been guaranteed by the bank or of any society or company from which an application for an advance or a guarantee has been received, and may cause all such accounts, documents, papers or books to be examined by a member of the staff or by any person appointed thereto.

(2) The board shall not make an advance to or guarantee a contract of a co-operative society or company unless satisfied that all such accounts, documents, papers or books are in order."

4. Section *fifty-one* of the principal Proclamation is hereby amended—

- (a) by the insertion in sub-section (1) of the words "is over 21 years of age, who" after the word "who" where it occurs for the first time;
- (b) by the substitution in sub-section (2) of the words "six hundred" for the words "two hundred and fifty";
- (c) by the addition at the end of sub-section (5) of the words "It will further be obligatory on the debtor to mark such stock as well as the progeny thereof, with an easily distinguishable mark over and above the brand or mark which has been determined by the board"; and
- (d) by the insertion in paragraph (c) of sub-section (9) of the following new sub-paragraph:—
 - (iv) fails to mark the livestock or the progeny thereof as prescribed in sub-section (5), with an easily distinguishable mark;
 - (v) fails to notify the bank of any change of residence or address within seven days of such change."

5. Section *fifty-eight* of the principal Proclamation is hereby amended by the repeal of sub-section (3) and the insertion of the following sub-sections; the existing sub-section (4) becoming sub-section (5):—

- "(3) The board in having recourse to the remedies provided by this section shall in every case sell as aforesaid movable property before selling immovable property, and the provisions of paragraph (iii) of sub-section (1) of section *fifty-seven* shall apply to any movable property so sold.
- (4) Nothing in this section contained shall be construed as taking away or diminishing the right of any one debtor who has paid more than his *pro rata* share in satisfying his liability under this Proclamation to proceed at common law against his co-principal debtor upon the joint and several liability aforesaid."

6. This Ordinance shall be called the Land Bank Amendment Ordinance, 1952.

en sy lede verhaal kan word, en al die bedoelde bepaling met betrekking tot die verhaal van so 'n voorskot is *mutatis mutandis* ten opsigte van die verhaal van so 'n verlies van toepassing.

(3) Die kooperatiewe vereniging of maatskappy moet die bank ten opsigte van 'n waarborg kragtens hierdie artikel gegee, vrywaar in die mate waarin hy by daardie kontrak belang het, en so 'n vrywaring wat onderteken is deur persone wat onderskeidelik as voorsitter en sekretaris van die vereniging of maatskappy heet op te tree, verbind, behoudens die bepaling van sub-artikels (1) en (2), die verhouding of maatskappy en al sy lede.

(4) Die vereniging of maatskappy moet ten opsigte van 'n waarborg wat kragtens hierdie artikel gegee word, aan die bank die gelde betaal wat die raad vasstel, maar hoogstens een-vyftde van een persent van die gewaarborgde bedrag, en geen ander koste of gelde is ten opsigte van so 'n waarborg betaalbaar nie, en geen seëlregte is ten opsigte van so 'n waarborg of 'n vrywaring wat volgens sub-artikel (3) verstrek word, betaalbaar nie.

37. (1) Die raad het op alle redelike tye volkome toegang tot alle rekenings, dokumente, papiere en boeke van 'n kooperatiewe vereniging of maatskappy waarvan deur die bank 'n voorskot verstrek is of ten beloeve waarvan 'n kontrak deur die bank gewaarborg is, of 'n vereniging of maatskappy waarvan 'n aansoek om 'n voorskot of 'n waarborg ontvang is, en kan al daardie rekenings, dokumente, papiere of boeke deur 'n lid van die personeel of 'n daartoe aangestelde persoon laat nagaan.

(2) Die raad verstrek geen voorskot aan 'n kooperatiewe vereniging of maatskappy, en waarborg geen kontrak ten behoeve van so 'n vereniging of maatskappy nie, tensy die raad oortuig is dat al die bedoelde rekenings, dokumente, papiere of boeke in orde is."

4. Artikel *een-en-vyftig* van die Hoofproklamasie word hierby gewysig—

- (a) deur in sub-artikel (1) daarvan die woorde „wat oor 21 jaar oud is,” in te voeg na die woord „boer”;
- (b) deur in sub-artikel (2) daarvan die woorde „tweehonderd-en-vyftig” te vervang met die woord „seshonderd”;
- (c) deur aan die einde van sub-artikel (5) daarvan die woorde „Dit is voorts die skuldenaar se plig om sodanige vee, en die nakroos daarvan, met 'n maklik onderskeibare merk te merk buiten en behalwe die brandmerk of merk wat deur die raad bepaal word” by te voeg; en
- (d) deur in paragraaf (e) van sub-artikel (9) die volgende nuwe paragrafe in te voeg:—
 - (iv) versium om die lewende laawe of die nakroos daarvan ooreenkomstig sub-artikel (5) met 'n maklik onderskeibare merk te merk;
 - (v) versium het om binne sewe dae na enige verandering in woonplek of adres aan die Bank kennis te gee van sodanige verandering."

5. Artikel *agt-en-vyftig* van die Hoofproklamasie word hierby gewysig deur sub-artikel (3) daarvan te herroep en dit met die volgende nuwe sub-artikels (3) en (4) te vervang; die bestaande sub-artikel (4) word dan sub-artikel (5):—

- "(3) Die raad moet, wanneer hy hom beroep op die regsmiddels waarvoor hierdie artikel voorsiening maak, in elke geval eers roerende goed soos voor-meld verkoop voordat hy tot die verkoping van onroerende goed oorgaan, en die bepaling van paragraaf (iii) van sub-artikel (1) van artikel *sewen-en-vyftig* is op aldus verkoopte onroerende goed van toepassing.
- (4) Die bepaling van hierdie artikel doen geen afbreuk aan die reg van 'n skuldenaar, wat meer as sy ewerdige deel ter voldoening van aansprekdelikheid onder hierdie Proklamasie betaal het, om volgens die gemeenerg teen sy medehoofskuldenaar op grond van voormelde gesamentlike en afsonderlike aansprekdelikheid aksie in te stel nie."

6. Hierdie Ordinasie heet die Landbank-Wysigings-ordonnansie 1952.

No. 31 of 1952.]

ORDINANCE

To amend the law relating to the registration of deeds.

*(Assented to 14th June, 1952.)**(Afrikaans text signed by the Administrator.)*

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

1. Section *eighty-seven* of the Deeds Registry Proclamation, 1939 (Proclamation 37 of 1939), is hereby amended:—

(i) By the insertion in sub-section (2) after the words "the Territory" of the words "or the Union of South Africa", and

(ii) By the addition of the following new sub-section:—

"(5) Registration of an antenuptial contract in any deeds registry in the Union of South Africa shall be effective as registration for the Territory: Provided that if any transaction in connection with which evidence of such contract is necessary takes place in the deeds registry in the Territory, a copy of such contract certified by the registrar of the place of registration or a notary public shall be filed in such deeds registry of the Territory."

2. The provisions of this Ordinance shall be deemed to have come into operation as from the first day of October, 1939.

3. This Ordinance shall be called the Deeds Registry Amendment Ordinance, 1952.

No. 32 of 1952.]

ORDINANCE

To amend the law relating to totalisators.

*(Assented to 14th June, 1952.)**(English text signed by the Administrator.)*

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

1. In this Ordinance the "principal law" means the Licensing of Totalisators Ordinance, 1938 (Ordinance 5 of 1938).

2. The long title to the principal law is hereby amended by the repeal of all the words after the word "totalisator".

3. Section *one* of the principal law is hereby amended by the addition of the following words to the definition of "totalisator":

"or any scheme for enabling any number of persons to make bets on any event or contingency whatsoever, with one another on principles of a like nature".

This section shall be deemed to have come into operation on the 25th April, 1938."

4. Section *two* of the principal law is hereby amended by the addition at the end thereof of the following words:—

"There shall be payable for each licence issued the sum of two pounds."

5. Section *three* of the principal law is hereby repealed.

No. 31 van 1952.]

ORDONNANSIE

Om die wet betreffende die registrasie van aktes te wysig.

*(Goedgekeur 14 Junie 1952.)**(Afrikaanse teks deur die Administrateur geteken.)*

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Artikel *sewe-en-tagtig* van die Registrasie van Aktes Proklamasie 1939 (Proklamasie 37 van 1939) word hierby gewysig:—

(i) Deur die invoeging van die woorde „of die Unie van Suid-Afrika" na die woorde „die Gebied" in sub-artikel (2).

(ii) Deur die byvoeging van die volgende nuwe sub-artikel:—

„(5) Die registrasie van huweliksvoorwaardes in enige registrasiekantoor in die Unie van Suid-Afrika, is geldig as registrasie vir die Gebied: Met dien verstande dat as daar in die registrasiekantoor van die Gebied 'n verrigting plaasvind in verband waarmee bewys van huweliksvoorwaardes nodig is, 'n afskrif van die huweliksvoorwaardes, deur die registrateur van die plek van registrasie of deur 'n notaris gesertifiseer, by die registrasiekantoor van die Gebied, ingedien moet word."

2. Die bepaling van hierdie Ordonnansie word gelou vir in werking vanaf die eerste dag van Oktober 1939.

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Registrasie van Aktes 1952.

No. 32 van 1952.]

ORDONNANSIE

Ter wysiging van die wet op totalisators.

*(Goedgekeur 14 Junie 1952.)**(Engelse teks deur die Administrateur geteken.)*

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. In hierdie Ordonnansie beteken „hoofordonnansie" die Ordonnansie op die Lisensiering van Totalisators 1938 (Ordonnansie 5 van 1938).

2. Die lang titel van die hoofordonnansie word hierby gewysig deur die herroeping van al die woorde in die woorde „bekend is".

3. Artikel *een* van die hoofordonnansie word hierby gewysig deur die byvoeging van die volgende woorde, aan die einde van die woordbepaling van „totalisator":

„of enige skema wat enige getal persone in staat stel om weddenskappe onder mekaar aan te gaan ten opsigte van enige wedren of gebeurlikheid hoegenaamd op soortgelyke beginsels".

Hierdie artikel word geag in werking te tree op 25 April 1938."

4. Artikel *twee* van die hoofordonnansie word hierby gewysig deur die byvoeging van die onderstaande woorde aan die slot daarvan:—

„Vir elke lisensie wat uitgereik word, is daar die bedrag van twee pond betaalbaar."

5. Artikel *drie* van die hoofordonnansie word hierby herroep.

6. Section *four* of the principal law is hereby amended—

- (a) by the repeal in paragraph (a) of the word "or" where it occurs for the second time;
- (b) by the repeal of paragraph (b) thereof; and
- (c) by the repeal of all the words after the expression "twelve months".

7. Section *five* of the principal law is hereby repealed.

8. This Ordinance shall be called the Licensing of Totalisators Amendment Ordinance, 1952.

No. 33 of 1952.]

ORDINANCE

To amend the law relating to Income Tax.

(Assented to 14th June, 1952.)

(English text signed by the Administrator.)

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

1. In this Ordinance the expression „the principal Ordinance” means the Income Tax Ordinance, 1942 (Ordinance 15 of 1942), as amended.

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

- (a) by the deletion in paragraph (a) of the words "all public companies" and the substitution thereof of the words "public companies other than those specified in paragraph (b)";
- (b) by the deletion in the existing paragraph (b) of the expression "paragraph (a)" and the substitution thereof of the words "paragraphs (a) and (b)", and
- (c) by the insertion of the following paragraph, the existing paragraph (b) becoming paragraph (c)—
 - (b) in the case of mining companies, for each £ of taxable income—

(i) where the ratio of net profit to allowable business expenditure is 20 per cent. or less, the rate of tax payable shall be 3 per cent. plus .75 per cent. in respect of every 1 per cent. by which such ratio exceeds 3 per cent.;

(ii) where such ratio is more than 20 per cent. but not exceeding 75 per cent., the rate of tax payable shall be 17.5 per cent. plus .14 per cent. for every additional 1 per cent. by which such ratio exceeds 20 per cent.;

(iii) where such ratio exceeds 75 per cent. the rate of tax payable shall be 25 per cent., plus .11 per cent. for every 1 per cent. by which such ratio exceeds 75 per cent. Provided that—

(a) in the case of mining companies other than Diamond Mining Companies the maximum rate of tax shall not exceed 25 per cent. of the taxable income, and

(b) in the case of diamond mining companies the rate of tax shall not exceed 30 per cent. of the taxable income.

3. Section *eleven* of the principal Ordinance is hereby amended by the addition to sub-section (2) of the following paragraph:

6. Artikel *vier* van die hoofordonnansie word hierby gewysig—

- (a) deur die herroeping van die woord „of” waar dit ten tweede male in paragraaf (a) voorkom;
- (b) deur die herroeping van paragraaf (b) daarvan; en
- (c) deur die herroeping van al die woorde na die woorde „twaalf maande”.

7. Artikel *vyf* van die hoofordonnansie word hierby herroep.

8. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Lisensiering van Totalisators 1952.

No. 33 van 1952.]

ORDONNANSIE

Om die wet betreffende Inkomstebelasting te wysig.

(Goedgekeur 14 Junie 1952.)

(Engelse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. In hierdie Ordonnansie beteken die uitdrukking „die Hoofordonnansie” die Inkomstebelasting-ordonnansie 1942 (Ordonnansie 15 van 1942), soos gewysig.

2. Artikel *ses* van die Hoofordonnansie word hierby gewysig—

- (a) deur die woorde „alle publieke maatskappye” in paragraaf (a) te skrap en te vervang met die woorde „alle publieke maatskappye buite die genoem in paragraaf (b)”;
- (b) deur in die bestaande paragraaf (b) die uitdrukking „paragraaf (a)” te vervang met die woorde „paragrafe (a) en (b)”; en
- (c) deur die volgende paragraaf in te voeg sodat die bestaande paragraaf (b) nou paragraaf (c) word—

(b) in die geval van mynmaatskappye vir elke £ van belastbare inkomste—

(i) waar die verhouding van nettowins teenoor toelaatbare bedryfsuitgawes 20% of minder is, sal die skaal van belasting betaalbaar 3% wees, plus .75% ten opsigte van elke bykomende 1% wat deur so ’n verhouding 3% te bowe gaan;

(ii) waar so ’n verhouding meer as 20% is maar nie 75% te bowe gaan nie, sal die skaal van belasting betaalbaar 17.5% wees, plus .14% ten opsigte van elke bykomende 1% wat deur so ’n verhouding 20% te bowe gaan, en

(iii) waar so ’n verhouding 75% te bowe gaan sal die skaal van belasting betaalbaar 25% wees, plus .11% vir elke bykomende 1% wat deur so ’n verhouding 75% te bowe gaan: Met dien verstande dat—

(a) in die geval van mynmaatskappye behalwe maatskappye wat diamantmyne bewerk sal die maksimum skaal van belasting betaalbaar nie 25% te bowe gaan nie, en

(b) in die geval van maatskappye wat diamantmyne bewerk sal die maksimum skaal van belasting betaalbaar nie 30% te bowe gaan nie.

3. Artikel *elf* van die Hoofordonnansie word hierby gewysig deur die byvoeging van die onderstaande paragraaf tot sub-artikel (2):

"(k) Any sum contributed during the year of assessment by way of current contribution to any duly established superannuation, pension, widows or orphans fund, by any person holding any office or employment where the making of such a contribution is a condition of the holding of such office or employment."

4. (1) Section 13 (1) (a) of the principal Ordinance is hereby amended by the deletion of the words "paragraph (a)" and the substitution thereof of the words "paragraphs (a) and (b)".

(2) Section 13 (1) (b) of the principal Ordinance is hereby amended by the deletion of the words "paragraph (b)" and the substitution thereof of the words "paragraph (c)".

5. Section *fourteen* of the principal Ordinance is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (6) for the amount "£500" of the amount "£750"; and

(b) by the substitution in sub-paragraph (i) of paragraph (b) of the said sub-section (6) for the amount "£500" of the amount "£750";

(c) by the addition to sub-section (7) of the following proviso, the existing proviso becoming the second proviso to that sub-section:

"Provided that if the disposal of all the cattle breeding stock or sheep breeding stock, as the case may be, takes place in any one year of assessment, and the purchase of the sheep breeding stock or cattle breeding stock, as the case may be, takes place in the following year of assessment, the whole transaction shall, for the purpose of this sub-section be deemed to have taken place in the said following year of assessment."

(d) by the deletion in paragraph (a) of sub-section (8) of the expression "the first proviso to sub-section (5)" and the substitution thereof of the words "sub-section (5)"; and

(e) by the deletion in paragraph (b) of sub-section (8) of the expression "the first proviso to sub-section (5)" wherever it occurs and the substitution thereof of the words "sub-section (5)".

6. Section *twenty-eight* of the principal Ordinance is hereby amended by the deletion in paragraph (a) of sub-section (1) of both provisos thereto.

7. (1) Section 37 (2) (b) of the principal Ordinance is hereby amended by the deletion of the words "paragraph (a)" where they appear in the third line and the substitution thereof of the words "paragraphs (a) and (b)".

(2) Section 37 (2) (c) of the principal Ordinance is hereby amended by the deletion of the words "paragraph (a)" where they appear in the third line and the substitution thereof of the words "paragraphs (a) and (b)".

8. This Ordinance shall be called the Income Tax Amendment Ordinance, 1952.

“(k) Enige bedrag bygedra gedurende die jaar van aanslag by wyse van ’n lopende bydrae tot enige behoorlik gestigte ouderdoms-, pensioen-, weduwe- of weesfonds deur enigiemand wat enige amp bekleed of aanstelling hou, waarby die betaling van so ’n bydrae ’n voorwaarde is om so ’n amp te bekleed of aanstelling te hou.”

4. (1) Artikel 13 (1) (a) van die Hoofordonnansie word hierby gewysig deur die skraping van die woorde „paragraaf (a)”, en die vervanging daarvan deur die woorde „paragraawe (a) en (b)”.

(2) Artikel 13 (1) (b) van die Hoofordonnansie word hierby gewysig deur die skraping van die woorde „paragraaf (b)” en die vervanging daarvan deur die woorde „paragraaf (c)”.

5. Artikel *veertien* van die Hoofordonnansie word hierby gewysig—

(a) deur in paragraaf (a) van sub-artikel (6) die bedrag „£500” te vervang met die bedrag „£750”; en

(b) deur in sub-paragraaf (i) van paragraaf (b) van die genoemde sub-artikel (6) die bedrag „£500” te vervang met die bedrag „£750”;

(c) deur die onderstaande voorbehoudsbepaling by te voeg tot sub-artikel (7), sodat die bestaande voorbehoudsbepaling nou die tweede voorbehoudsbepaling van sodanige sub-artikel word:

„Met dien verstande dat indien die verkoping van al die aanteelsteerte of aanteelstake, na gelang, binne enige jaar van aanslag plaasvind, en die aankoop van die aanteelstake of aanteelsteerte, na gelang, binne die volgende jaar van aanslag plaasvind, die hele transaksie vir die doeleindes van hierdie sub-artikel beskou moet word as plaasgevind gedurende die genoemde volgende jaar van aanslag.”

(d) deur in paragraaf (a) van sub-artikel (8) die uitdrukking „die eerste voorbehoudsbepaling tot sub-artikel (5)” te skrap en te vervang met die woorde „sub-artikel (5)”; en

(e) deur in paragraaf (b) van sub-artikel (8) die uitdrukking „die eerste voorbehoudsbepaling tot sub-artikel (5)” te skrap waar dit ookal daarin voorkom en te vervang met die woorde „sub-artikel (5)”.

6. Artikel *agt-en-twintig* van die Hoofordonnansie word hierby gewysig deur in paragraaf (a) van sub-artikel (1) al twee voorbehoudsbepalings te skrap.

7. (1) Artikel 37 (2) (b) van die Hoofordonnansie word hierby gewysig deur die skraping van die woorde „paragraaf (a)” waar hulle in die derde lyn voorkom, en die vervanging daarvan deur die woorde „paragraawe (a) en (b)”.

(2) Artikel 37 (2) (c) van die Hoofordonnansie word hierby gewysig deur die skraping van die woorde „paragraaf (a)” waar hulle in die derde lyn voorkom, en die vervanging daarvan deur die woorde „paragraawe (a) en (b)”.

8. Hierdie Ordonnansie heet die Wysigingsordonnansie op Inkomstebelasting 1952.