

BUITENGEWONE
OFFISIËLE KOERANT
 VAN SUIDWES - AFRIKA.
OFFICIAL GAZETTE
 EXTRAORDINARY
 OF SOUTH WEST AFRICA.



UITGAWE OP GESAG.

PUBLISHED BY AUTHORITY.

1/- Vrydag, 17 Mei 1957.

WINDHOEK

Friday, 17th May, 1957.

No. 2081.

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

C. F. MARAIS,

Waarnemende Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
 Windhoek.

The following Draft Ordinance, which will be introduced during the next Session of the Legislative Assembly, are published for general information.

C. F. MARAIS,

Acting Secretary for South West Africa.

Administrator's Office,
 Windhoek.

Bladsy

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ONTWERPORDONNANSIE

Ter wysiging van die wet op die afleiding, bewaring en gebruik van water.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika met die toestemming van die Goewerneur-generaal; dermate sodanige toestemming nodig is vooraf verkreeë, en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel *ses-en-twintig* van die „Zuidwest Afrika Konstitutie Wet 1925” soos gewysig by artikel *sestien* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 van die Parlement van die Unie van Suidwes-Afrika, VERORDEN:—

DRAFT ORDINANCE

To amend the law relating to the diversion, storage and use of water.

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, as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949, of the Parliament of the Union of South Africa as follows:—

1. Die Waterordonnansie 1932 (Ordonnansie 13 van 1932) — hierna heet dit die hoofordonnansie — word hierby gewysig deur die invoeging van die onderstaande artikel na artikel *sewentien*:—

- „17 bis (1) (a) Nieteenstaande andersluidende bepalings in hierdie Ordonnansie of in enige ander wet kan die Administrateur uit gelde wat die Wetgewende Vergadering daarvoor bewillig, enige werke in, of in die omgewing van 'n waterloop bou, beheer, uitbrei, verander, in stand hou of herstel, en kan hy boorgate en putte slaan, water uit ondergrondse bronne haal, die aldus verkreë water bewaar, en kan hy die aldus verkreë water teen betaling of daarsonder aan 'n plaaslike bestuur of persoon verskaf of lewer vir gebruik met watter doel ook al.
- (b) Die Administrateur kan van tyd tot tyd regulasies uitvaardig oor die sake wat paragraaf (a) noem, asook regulasies wat geldetariëwe bepaal.
- (2) Ter uitvoering van enige bevoegdheid wat sub-artikel (1) noem, kan die Administrateur, as hy dit in die openbare belang ag, na oorleg met die Raad enige grond of bestaande werke teen skadevergoeding ont-eien.
- (3) Geskille oor die vergoedingsbedrag wat vir sodanige onteiene grond of werke betaal moet word, word deur arbitrasie besleg”.

2. Die hoofordonnansie word hierby gewysig deur die invoeging van die onderstaande artikel na artikel *negentien*:—

- „19bis. (1) Geen hofspraak mag aanhangig gemaak of gevoer word, en geen geregtelike stappe mag in enige gereghof ingestel word teen —
- (a) die Administrateur, die Administrasie, die Departement of enige amptenaar van die Administrasie vir, of weens, of ten opsigte van enige regstreekse of onregstreekse skade of verlies wat veroorsaak word deur die bou, beheer, uitbreiding, verandering, instandhouding of herstel van enige werke deur die Administrasie of die Departement of enige amptenaar van die Administrasie nie;
- (b) die Administrateur, die Administrasie, die Departement of enige amptenaar van die Administrasie vir regstreekse of onregstreekse skade of verlies wat ontstaan uit die loslating van water wat die Administrasie bewaar of gekeer het nie, ongeag of die loslating veroorsaak is deurdat enige Administrasiewerke gebreek het of nie”.
- (2) Nieteenstaande andersluidende bepalings in hierdie Ordonnansie moet die Administrateur uit geld wat die Wetgewende Vergadering daartoe bewillig, aan diegene wat regstreekse skade of verlies gely het weens die uitoefening van enige van die bevoegdhede genoem in artikel *sewentien bis* die geldbedrae betaal wat hy in sy diskresie behoorlik ag. Die Administrateur mag enige stappe doen wat hy nodig ag om die bogenoemde diskresie uit te oefen, insluitende die uitvaardiging van regulasies en die instelling van 'n komitee bestaande uit 'n regter van die Hoë Hof van Suidwes-Afrika en twee lede wat die Administrateur aanstel vir die verhoor van getuïenis.

3. Hierdie Ordonnansie heet die Verdere Waterwysigingsordonnansie 1957.

1. The Water Ordinance, 1932 (Ordinance 13 of 1932), hereinafter called the principal Ordinance, is hereby amended by the insertion of the following section after section seventeen:—

- “17 bis (1) (a) Notwithstanding anything to the contrary in this Ordinance or any other law contained, the Administrator may, out of monies provided by the Legislative Assembly for the purpose, construct, control, extend, alter, maintain or repair any works in or in the vicinity of a water course, and may sink boreholes and wells, obtain supplies of water from underground sources, conserve water so obtained, and may supply or deliver any water so obtained to any local authority or person for use for any purpose without payment or upon payment of charges.
- (b) The Administrator may make regulations from time to time as to the matters referred to in paragraph (a), including regulations fixing scales of charges.
- (2) For the purpose of carrying out any of the powers mentioned in sub-section (1), the Administrator may, after consultation with the Board and if he deems it in the public interest and subject to compensation, expropriate any land or existing works.
- (3) Any disagreement regarding the amount of compensation to be paid for such expropriated land or works, shall be settled by arbitration”.

2. The principal Ordinance is hereby amended by the insertion of the following section after section *nineteen*:—

- “19bis. (1) No action shall lie against or be maintainable against and no proceedings shall be instituted in any court of law against:—
- (a) the Administrator, the Administration, the Department or any officer of the Administration for or on account of or in respect of any damage or loss, direct or indirect, caused by the construction, control, extension, alteration, maintenance or repair of any works by the Administration or the Department or any officer of the Administration;
- (b) the Administrator, the Administration, the Department or any officer of the Administration for any damage or loss, direct or indirect, arising from the release of any water stored or obstructed by the Administration, whether such release was caused by the breaking of any works of the Administration or not”.
- (2) Notwithstanding anything to the contrary in this Ordinance contained the Administrator out of monies provided by the Legislature for the purpose, shall pay to persons who have suffered direct damage or loss through the exercise of any of the powers mentioned in section *seventeen bis*, such sums of money as he may, in his discretion, deem proper. The Administrator may take any steps, including the making of regulations and the constituting of a committee consisting of a Judge of the High Court of South West Africa and two members appointed by the Administrator for the hearing of any evidence, as he may deem necessary to enable him to exercise his abovementioned discretion.

3. This Ordinance shall be called the Water Further Amendment Ordinance, 1957.