

BUITENGEWONE
OFFISIËLE KOERANT
 VAN SUIDWES - AFRIKA.
OFFICIAL GAZETTE



UITGAWE OP GESAG.

EXTRAORDINARY
 OF SOUTH WEST AFRICA.

PUBLISHED BY AUTHORITY.

1/- Woensdag, 26 Junie 1957. WINDHOEK Wednesday, 26th June, 1957. No. 2093.

INHOUD

CONTENTS

	<i>Bladsy</i>		<i>Page</i>
GOEWERMENSKENNISGEWING—		GOVERNMENT NOTICE—	
No. 158. Ordonnansies 1957: Uitvaarding van	666	No. 158. Ordinances, 1957: Promulgation of	666

Goewermentskennisgewing.

Government Notice.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

The following Government Notice is published for general information.

C. F. MARAIS,
Waarnemende Sekretaris van Suidwes-Afrika.

C. F. MARAIS,
Acting Secretary for South West Africa.

Kantoor van die Administrateur,
 Windhoek.

Administrator's Office,
 Windhoek.

No. 158.]	[26 Junie 1957.	No. 158.]	[26th June, 1957.
ORDONNANSIE, 1957: UITVAARDIGING VAN.		ORDINANCE, 1957: PROMULGATION OF.	

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twee-en-dertig* van „De Zuidwest-Afrika Konstitutie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansie wat hiermee vir algemene inligting gepubliseer word, ooreenkomstig artikel *vier-en-dertig* van gemelde Wet:—

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 Ordinance which is hereby published for general information in terms of section *thirty-four* of the said Act:—

	<i>Bladsy</i>		<i>Page</i>
No. 48. Munisipale Wysigingsordonnansie 1957	667	No. 48. Municipal Ordinance Amendment Ordinance, 1957	667

No. 48 van 1957.]

ORDONNANSIE

Ter wysiging van die wet op munisipaliteite.

(Goedgekeur 13 Junie 1957.)

(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *veertien* van die Munisipale Ordonnansie 1949 (Ordonnansie 3 van 1949) — hierna heet dit die hoofordonnansie — word hierby vervang deur die onderstaande artikel:—

„Diskwalifikaasies.

14. (1) Niemand wat nie 'n blanke is nie, of wat 'n lid is van die raad van enige ander munisipaliteit of 'n lid is van 'n dorpsbestuur, niemand wie se boedel ten behoeve van sy skuldeisers afgestaan is, geen insolvent wat nie gerehabiliteer is nie, niemand wat te eniger tyd aan enige oortreding skuldig bevind is, en wat gestraf is met gevangenis sonder die keuse van 'n boete, tensy sy gevangenisstraf minstens vyf jaar voor sy verkiesing verstryk het, geen kranksinnige persoon, niemand wat reeds drie maande lank agterstallig is met die betaling van sy stadsbelasting, gelde of bedrae (insluitende rente) wat hy aan die munisipaliteit skuld, niemand wat by hierdie wet onbevoeg of gediskwalifiseer is, kan as raadslid van 'n munisipaliteit gekies word of aanbly nie, en as 'n aldus gediskwalifiseerde persoon vir verkiesing benoem word, is die benoeming ongeldig, en moet die kiesbeampte dit verwerp: Met dien verstande dat enige kieser geregtig is om die optrede van die kiesbeampte by die Hoë Hof van Suidwes-Afrika in hersiening te bring.

(2) Waar 'n raadslid langer as drie maande in gebreke bly met die betaling van die stadsbelasting, gelde of bedrae (insluitende rente) wat hy aan die munisipaliteit skuld, moet die stadsklerk hierdie feit aan die burgemeester rapporteer, en die burgemeester laat die stadsklerk 'n skriftelike kennisgewing per aangetekende pos aan sodanige raadslid bestel, waarin vermeld word dat sodanige raadslid aldus in gebreke bly en waarin sodanige Raadslid gewaarsku word dat, tensy sodanige agterstallige belasting, gelde of bedrae (insluitende rente) binne 'n tydperk van veertien dae na die datum van die kennisgewing betaal word, die burgemeester sodanige raadslid ontsetel en sy amp vakant sal verklaar.

Versuim sodanige raadslid om sodanige agterstallige stadsbelasting, gelde of bedrae (insluitende rente) binne voormelde tydperk van veertien dae ten volle te betaal, verklaar die burgemeester sodanige raadslid as ontsetel en sy amp vakant.”

No. 48 of 1957.]

ORDINANCE

To amend the law relating to Municipalities.

(Assented to 13th June, 1957.)

(English text signed by the Administrator.)

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

1. The following section is hereby substituted for section *fourteen* of the Municipal Ordinance, 1949 (Ordinance 3 of 1949), hereinafter called the principal Ordinance:—

“Disqualifications.

14. (1) No person who is not a European or who is a member of the council of any other municipality or is a member of any village management board, no person whose estate is under assignment in trust for his creditors, no insolvent who has not obtained his rehabilitation, no person convicted at any time of any offence for which imprisonment without option of a fine has been imposed as a punishment unless his period of imprisonment has expired at least five years prior to his election, no person of unsound mind, no person who shall be in arrear for a period of three months in respect of rates, fees or monies, (including interest), due to the municipality, no person who is not qualified or who is disqualified by this law shall be capable of being elected or of continuing a councillor of any municipality, and in case any person so disqualified is nominated for election the nomination shall be void and shall be rejected by the returning officer: Provided that it shall be competent for any voter to bring the action of the returning officer on review before the High Court of South West Africa.

(2) Where a councillor remains in default with the payment of rates, fees or monies, (including interest), due by him to the municipality for more than three months, this fact shall be reported by the town clerk to the mayor who shall cause the town clerk to serve on such councillor a notice in writing under registered cover stating that the said councillor is so in default and warning such councillor that unless such arrear rates, fees or monies, (including interest), are paid within a period of fourteen days from the date of such notice, such councillor shall be declared by the mayor to be unseated and his seat vacant.

Should such councillor fail within such period of fourteen days aforesaid to pay in full such arrear rates, fees or monies, (including interest), the mayor shall declare such councillor to be unseated and his seat vacant.”

2. Artikel *sestien* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Kontrakte waarby raadslede belang het.

16. (1) Geen raadslid of sy gade mag, hetsy om eie ontwil of dié van sy gade, of ten behoeve van 'n vennootskap, firma of maatskappy of ander handelsliggaam met regspersoonlikheid waarin hy of sy gade belange het, 'n kontrak met die raad aangaan of, met die oog op so 'n kontrak met die raad, onderhandel nie, as hy of sy gade regstreeks of onregstreeks geldelike belange in so 'n kontrak het of sal kry nie; nóg mag hy, as hy 'n advokaat of prokureur is, regstreeks of onregstreeks as advokaat of prokureur optree teen die raad vir enige-mand in enige siviele of strafregtelike saak of geding wat die raad teen so 'n persoon, of so 'n persoon teen die raad, ahangig maak het nie, tensy sodanige raadslid, waar dit oor 'n strafregtelike saak gaan, vooraf die raad se eenparige toestemming daartoe verkry het, met dien verstande dat die onderstaande soorte kontrakte uitgesonderd word:—

- (i) toevallige aankope teen 'n waarde van hoogstens £15 per maand of 'n enkele transaksie van hoogstens £100 een keer per finansiële jaar as die burgemeester so 'n enkele transaksie skriftelik gemagtig het, en dit aan die raad meedeel is;
- (ii) 'n kontrak met 'n beperkte maatskappy soos bepaal by die Maatskappyordonnansie 1928 (Ordonnansie 19 van 1928) of enige ander handelsliggaam met regspersoonlikheid waarin die raadslid of sy gade geen belange het nie buiten dié van 'n gewone aandeelhouer, as hulle saam hoogstens 33 $\frac{1}{3}$ % van so 'n maatskappy se aandele hou, of met 'n vereniging wie se winste nie aangewend word tot geldelike voordeel van sy lede nie;
- (iii) 'n kontrak vir die lewering deur die raad van 'n diens of artikel teen die gewone openbare tariefgelde;
- (iv) die verkoop of koop van eiendom per openbare veiling of deur openbare tender.

(2) Wanneer die stadsklerk opdrag ontvang van die Sekretaris van Suidwes-Afrika, nadat laasgenoemde 'n skriftelike verslag of klagte ontvang het waaruit dit vir hom blyk dat daar bewys *prima facie* bestaan dat 'n raadslid die bepalings van hierdie artikel oortree het, of waar dit middels 'n skriftelike verslag of klagte onder die stadsklerk se aandag gebring word, of waar hy rede het om aan te neem dat daar bewys *prima facie* bestaan dat 'n raadslid die bepalings van hierdie artikel oortree het, moet die onderstaande prosedure gevolg word:—

- (a) die stadsklerk moet die omstandighede onmiddellik aan die burgemeester meedeel;
- (b) binne sewe dae na ontvangs van die bogenoemde verslag of klagte moet die stadsklerk 'n vergadering van die raad byeenroep;
- (c) by sodanige vergadering moet die raad op die saak ingaan en binne veertien dae na die datum van sodanige vergadering moet die raad sy bevindings en aanbevelings skriftelik aan die Administrateur voorlê: Met dien verstande dat geen bepaling in hierdie sub-artikel die Administrateur belet om 'n komitee van ondersoek *ex mero motu* aan te stel nie;

2. The following section is hereby substituted for section *sixteen* of the principal Ordinance:—

“Contracts in which councillors are interested.

16. (1) No councillor or his spouse shall, either on his own behalf or that of his spouse, or on behalf of any partnership, firm or company or other corporate trading body in which he or his spouse is interested, enter into or negotiate for any contract with the council, if he or his spouse has or would derive any direct or indirect pecuniary interest in such contract; nor, being an advocate or attorney shall he directly or indirectly act as such advocate or attorney against the council for any person in any civil or criminal matter or case instituted by the council against such person or by such person against the council, unless such councillor, where it concerns a criminal case, has previously obtained the council's unanimous permission, provided that contracts of the following kinds shall be excepted:

- (i) casual purchases up to £15 per month or any single transaction not exceeding £100 once in every financial year, if such single transaction shall have been authorised in writing by the mayor and is reported to the council;
- (ii) a contract with a limited company as defined by the Companies Ordinance 1928 (Ordinance 19 of 1928), or any other corporate trading body in which the councillor or his spouse has no other interest than that of an ordinary shareholder, if between them they hold not more than 33 $\frac{1}{3}$ % of the shares in such company or with an association whose profits are not applied to the pecuniary benefit of its members;
- (iii) a contract for the supply by the council of a service or thing at the ordinary public tariff charges;
- (iv) a sale or purchase of property by public auction or public tender.

(2) Where the town clerk is instructed by the Secretary for South West Africa after the latter has received a written report or complaint from which it appears to him that there is *prima facie* proof that the provisions of this section have been contravened by a councillor or where it is brought to the notice of the town clerk by means of a written report or complaint or where he has reason to believe that there is *prima facie* proof that the provisions of this section have been contravened by a councillor, the following procedure shall be adopted:—

- (a) The town clerk shall immediately report the circumstances to the mayor;
- (b) within seven days of the receipt of the aforementioned report or complaint the town clerk shall convene a meeting of the council;
- (c) at this meeting the council shall investigate the matter and shall within fourteen days of the date of such meeting, submit its findings and recommendations to the Administrator in writing: Provided that nothing in this sub-section contained shall prevent the Administrator from instituting *ex mero motu* a committee of enquiry;

(d) die Administrateur oorweeg die verslag en aanbevelings van die raad sodra moontlik, asook die verslag van die komitee van ondersoek, as daar so 'n verslag is, en, met betrekking tot die bepalings van hierdie artikel, bevind hy dat die betrokke raadslid —

- (i) die bepalings van hierdie artikel nie oortree het nie, en dan behou die raadslid sy amp; of
- (ii) die genoemde bepalings wel oortree het, maar dat sy optrede onopsetlik en in die openbare belang was, en dan behou die raadslid sy amp; of
- (iii) hierdie artikel oortree het en dat die versagtende omstandighede wat paragraaf (ii) noem, afwesig is, en dan verbeur die raadslid sy amp.

Die Administrateur stel die stadsklerk onmiddellik skriftelik in kennis van sy beslissing, en die stadsklerk moet die beslissing onverwyld aan die betrokke raadslid oordra. Waar die beslissing ooreenkomstig sub-paragraaf (iii) geskied, moet hy onmiddellik kragtens hierdie Ordonnansie stappe doen om die vakature te vul wat aldus geskep word.

(3) Waar 'n raadslid of sy gade geldelike belange het — hetsy om sy eie ontwil of die van sy gade, of ten behoeve van enige vennootskap, firma of maatskappy of ander handelsliggaam met regs persoonlikheid, waarin hy of sy gade regstreekse of onregstreekse geldelike belange het of kan verkry — in 'n kontrak met die munisipaliteit vir die lewering van 'n diens of goedere, hetsy ingevolge so 'n kontrak die raad of dan wel die ander kontraktant sodanige diens of goedere lewer, is dit die plig van so 'n raadslid om voor of op die raadsvergadering waarop sodanige kontrak goedgekeur word as sy belange dan bestaan, of as hulle daarna verwerf word, dan binne 'n redelike tydperk, maar in elk geval hoogstens een maand na die verwerwing van sodanige belange, dit aan die raad te openbaar, en as sodanige openbaarmaking nie op 'n vergadering van die raad geskied nie, moet dit middels 'n brief wat aan die stadsklerk gerig en afgelewer moet word, gedoen word, en die stadsklerk moet op die eerste vergadering na ontvangs van sodanige brief verslag daaroor aan die raad doen, en enige sodanige openbaarmaking moet aangeteken word in die notule van daardie raadsvergadering waarop die raadslid sy openbaarmaking gedoen het of die stadsklerk sodanige openbaarmaking gerapporteer het, en die raad moet dit onmiddellik skriftelik aan die Administrateur rapporteer.

(4) 'n Raadslid wat hierdie artikel oortree deur te versuim om sy belange in 'n kontrak met die munisipaliteit te openbaar soos hierby vereis word, is by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond, en die hof wat hom veroordeel, kan beveel dat hy rekenskap gee van enige winste wat hom ten opsigte van so 'n kontrak toeval, en hulle aan die raad uitbetaal, en dat hy sy amp moet ontruim, en daarop word sy amp vakant: Met dien verstande egter dat die hof nie so 'n bevel doen nie as daar bewys word dat 'n raadslid se versuim om so 'n openbaarmaking te doen, te wyte was aan siekte, afwesigheid buite die munisipaliteit, vergissing, onopsetlikheid of 'n ander dergelike oorsaak, en nie aan kwade trou nie."

(d) The Administrator shall as soon as possible consider the report and recommendations of the council as well as the report, if any, of such committee of enquiry and shall find, relative to the provisions of this section, that the councillor in question —

- (i) has not contravened the provisions of this section, in which case the councillor shall retain his seat; or
- (ii) has contravened the said provisions, but that the action of the councillor was inadvertent or was in the public interest, in which case the councillor shall retain his seat; or
- (iii) has contravened this section and that the mitigating circumstances mentioned in sub-paragraph (ii) are absent, in which case the councillor shall forfeit his seat.

The Administrator shall forthwith notify the town clerk of his decision in writing and the latter shall immediately inform the councillor in question thereof and in the case of sub-paragraph (iii) he shall take immediate steps in terms of this Ordinance to fill the vacancy so created.

(3) Where any councillor or his spouse is pecuniarily interested either on his own behalf or on that of his spouse, or on behalf of any partnership, firm or company or other corporate trading body in which he or his spouse has or would derive any direct or indirect pecuniary interest in any contract with the municipality for the performance of any service or the supply of any material, whether under such contract such service is to be performed or such material is to be supplied by the council or the other party to the contract, it shall be the duty of such councillor, before or at the meeting of the council at which such contract is approved, if his interest then exists, or if his interest is subsequently acquired, then within a reasonable time and in any case not later than one month after the acquisition of such interest, to disclose the same to the council, and such disclosure, if not made at a meeting of the council, shall be made by letter addressed and delivered to the town clerk, which shall be reported by him to the council at the first meeting held after the receipt of such letter, and any such disclosure shall be entered in the minutes of the meeting of the council at which the same is made by the councillor or reported by the town clerk, and shall forthwith be reported in writing by the council to the Administrator.

(4) Any councillor who contravenes this section by omitting to disclose his interest in any contract with the council as hereby required shall be liable on conviction to a fine not exceeding fifty pounds, and the court before which he is convicted may order that he shall account for and pay over to the council any profits which may accrue to him in respect of such contract, and that he shall vacate his seat and his seat shall thereupon become vacant: Provided, however, that the court shall not make such order if it is proved that the omission of any councillor to make such disclosure was due to illness, absence from the municipality, mistake, inadvertence or some other like cause, and was not due to any want of good faith."

3. Artikel *sewentien* van die hoofordonnansie word hierby gewysig deur die voorbehoud daarvan te vervang deur die onderstaande voorbehoud:—

„Met dien verstande dat waar raadslede ingevolge 'n besluit van die raad gemagtig is om weens raadsake te reis die onderhoudstoelae aan hulle betaal kan word wat die Administrateur van tyd tot tyd in die *Offisiële Koerant* voorskryf: Met dien verstande voorts dat die raad besluit watter soort vervoer so 'n raadslid moet gebruik, en dat die raad of self sodanige vervoer kan verskaf of die raadslid kan vergoed vir die nodige uitgawes wat hy in verband met sodanige vervoer aangegaan het.”

4. Artikel *twee-en-twintig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Bedanking
deur raadslede.

22. Elkeen wat tot die amp van burgemeester, onderburgemeester, raadslid of adviseur van 'n komitee van 'n raad gekies of aangestel is, kan middels 'n skriftelike mededeling aan die stadsklerk uit sodanige amp bedank, en van die datum waarop die stadsklerk sodanige mededeling ontvang het, of van die datum wat in sodanige mededeling genoem word, na gelang, hou so iemand op om burgemeester, onderburgemeester, raadslid of adviseur, na gelang, te wees.”

5. Artikel *drie-en-twintig* van die hoofordonnansie word hierby gewysig deur —

(a) die vervanging van sub-artikel (2) deur die onderstaande sub-artikel:—

„(2) Wanneer ook al sodanige buitengewone vakature ontstaan, moet die stadsklerk sodra moontlik daarna verslag daarvan doen by die burgemeester of die Administrateur, na gelang, en daarop verklaar die burgemeester of die Administrateur, na gelang, sodanige raadslid se amp vakant.”

(b) die vervanging van sub-artikel (3) deur die onderstaande sub-artikel:—

„(3) Vakatures wat ontstaan weens die redes genoem in paragrawe (a) en (b) van sub-artikel (1) hiervan, word deur die burgemeester as sodanig verklaar, of as hy versuim om dit binne 'n redelike tyd te doen, deur die Administrateur.

Vakatures wat ontstaan weens die redes genoem in paragrawe (c), (d), (e) en (f) van sub-artikel (1) kan, onderhewig aan 'n beroep op die Hoë Hof van Suidwes-Afrika, deur die Administrateur as sodanig verklaar word, na sodanige ondersoek soos hy nodig en behoorlik ag, of deur die genoemde Hoë Hof in enige proses waarin sodanige onbevoegdheid of diskwalifikasie bewys word, of deur enige hof wat weens enige oortreding 'n diskwalifiserende vonnis vel. By 'n beroep teen die optrede van die Administrateur hieringevolge, kan die Sekretaris van Suidwes-Afrika, of persoonlik of deur 'n advokaat, namens die Administrasie verskyn.”

6. Artikel *vyf-en-veertig* van die hoofordonnansie word hierby herroep.

7. Artikel *ses-en-veertig* van die hoofordonnansie word hierby gewysig deur die woord „ontstaan” waar ook al dit voorkom, te vervang deur die woorde „verklaar word.”

8. Artikel *ses-en-veertig bis* van die hoofordonnansie word hierby gewysig deur die woord „ontstaan” waar dit vir die eerste keer voorkom, te vervang deur die woorde „verklaar word”, en die woorde „Ontstaan so 'n vakature egter” te vervang deur die woorde „Word so 'n vakature egter verklaar.”

3. Section *seventeen* of the principal Ordinance is hereby amended by the substitution of the following proviso for the proviso thereto:—

“Provided that councillors authorised by resolution of the council to travel on council business may be paid such subsistence allowance as the Administrator may by notice in the *Official Gazette* from time to time prescribe: Provided further that the council shall decide on the form of transport to be used by such councillor and that the council may either provide such transport or reimburse such councillor for any necessary expenditure incurred by him in connection with such transport.”

4. The following section is hereby substituted for section *twenty-two* of the principal Ordinance:

“Resignation
of
councillors.

22. Any person elected or appointed to the office of mayor, deputy mayor, councillor or adviser of a committee of a council may resign such office by written communication addressed to the town clerk, and such person shall cease to be mayor, deputy mayor, councillor or adviser as the case may be, from the date of the receipt of such communication by the town clerk or from any date specified in such communication as the case may be.”

5. Section *twenty-three* of the principal Ordinance is hereby amended by:

(a) the substitution of the following sub-section for sub-section (2):—

“(2) Whenever such extraordinary vacancy occurs the town clerk shall as soon as possible thereafter report the same to the mayor or the Administrator, as the case may be, and the mayor or the Administrator, as the case may be, shall thereupon declare the seat of such councillor vacant.”

(b) the substitution of the following sub-section for sub-section (3):—

“(3) Vacancies on the grounds mentioned in paragraphs (a) and (b) of sub-section (1) hereof shall be declared by the mayor, or in his default, within a reasonable time, by the Administrator.

Vacancies on the grounds mentioned in paragraphs (c), (d), (e) and (f) of sub-section (1) may, subject to an appeal to the High Court of South West Africa, be declared by the Administrator after such inquiry as he may deem necessary and proper, or by the said High Court in any proceedings in which any such disqualification is established or by any court passing any disqualifying sentence for any offence. In the case of an appeal against the Administrator's action hereunder the Secretary for South West Africa may appear on behalf of the Administration either personally or through counsel.”

6. Section *forty-five* of the principal Ordinance is hereby repealed.

7. Section *forty-six* of the principal Ordinance is hereby amended by the substitution of the words “is declared” for the words “occurs” and “occur” wherever they appear.

8. Section *forty-six bis* of the principal Ordinance is hereby amended by the substitution of the words “is declared” for the word “occurs” wherever it appears.

9. Artikel *agt-en-veertig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Kennisgewing van verkiesing.

48. (1) Behoudens die bepalings van artikels *ses-en-veertig* en *ses-en-veertig bis* moet die kiesbeampte binne sewe dae van die verklaring van 'n vakature in die raad, hetsy sodanige vakature deur verloop van tyd ontstaan het of 'n buitengewone vakature is, 'n kennisgewing plaas in een of meer nuusblaai wat binne die munisipaliteit omloop, en sodanige kennisgewing buite die kantoor van die raad aanplak en aangeplak hou, en in sodanige kennisgewing moet hy 'n dag bepaal, hoogstens *een-en-twintig* en minstens veertien dae na die datum van sodanige kennisgewing, as die nominasiedag vir die verkiesing van kandidate, en hy moet vereis dat alle sodanige kandidate voor elfuur voormiddag op die nominasiedag op 'n plek binne die munisipaliteit wat sodanige kennisgewing aangee en op die wyse hieronder beskryf, benoem moet word: Met dien verstande dat waar 'n munisipaliteit in wyke verdeel is, waar al die raadslede saam weens verloop van tyd aftree, die kiesbeampte die kennisgewings wat hierdie artikel en artikel *drie-en-veertig* vereis, lank genoeg voor die werklike aftreedatum van sodanige raadslede kan publiseer, om toe te laat dat die verkiesing van hul opvolgers, as daar 'n verkiesing moet plaasvind, binne sewe dae na die datum van hul aftrede gehou word. As hierdie prosedure gevolg word, en die getal benoemde kandidate minder is as, of gelyk is aan, die getal vakatures, word die aldus benoemde kandidate as verkose verklaar van die datum waar- op hul voorgangers aftree.

By 'n eerste verkiesing van raadslede in 'n munisipaliteit wat na die inwerking-treding van hierdie Ordonnansie gestig is, word die kennisgewing wat hierin genoem word, deur die magistraat van die distrik gepubliseer, en moet hy dit ook buite sy kantoor aanplak en aangeplak hou.

(2) 'n Raadslid wat verkies word om 'n buitengewone vakature te vul, aanvaar die amp onmiddellik na so 'n verkiesing en beklee die amp vir die onverstreke gedeelte van die tydperk waarvoor die raadslid wie se plek hy inneem, verkies was.

(3) By die toepassing van hierdie hoofstuk beteken 'n „buitengewone vakature” enige vakature in die amp van raadslid buiten 'n vakature wat deur verloop van tyd ontstaan het.”

10. Artikel *nege-en-veertig* van die hoofordonnansie word hierby gewysig deur die woorde „Voor vier uur in die namiddag van die dag voor die nominasiedag” te vervang deur die woorde „Voor elfuur voormiddag op die nominasiedag.”

11. Artikel *drie-en-veertig* van die hoofordonnansie word hierby gewysig deur die onderstaande woorde in te voeg na die woorde „stemplek aangegee word.”:—

„Die dag wat vir die verkiesing bepaal word, moet minstens veertien dae en hoogstens een-en-twintig dae na die nominasiedag wees.”

12. Artikel *ses-en-veertig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Pligte van kiesbeampte.

56. Die kiesbeampte moet orde hou by die stemplek, moet reël hoeveel kiesers tegelyk toegelaat moet word, en moet alle ander persone, buiten die beamptes, die kandidate, die diensdoende konstabels en een agent vir elke kandidaat op een tydstep, uitsluit.”

9. The following section is hereby substituted for section *forty-eight* of the principal Ordinance:—

“Notice of election.

48. (1) Subject to the provisions of sections *forty-six* and *forty-six bis*, within seven days of the declaration of a vacancy on the council, whether such vacancy be by effluxion of time or an extraordinary one, the returning officer shall publish a notice in one or more newspapers circulating within the municipality and shall post such notice and keep it posted outside the offices of the council, and in such notice he shall specify a day, being not more than twenty-one and not less than fourteen days from the date of such notice, as the day of nomination of candidates for the election, and he shall require that all such candidates shall be nominated before 11 a.m. on the day of nomination at some place within the municipality to be fixed in such notice in the manner hereinafter provided: Provided that in the case of a municipality divided into wards where all the councillors retire together by effluxion of time, the returning officer may publish the notices required by this section and section *fifty-three* sufficiently far in advance of the actual date of retirement of the councillors as to permit of the election, if any, of their successors being held within seven days from the date of retirement. In the event of this procedure being adopted and the number of nominated candidates being less than or equal to the number of vacancies, the candidates thus nominated, shall be declared elected from the date of retirement of their predecessors.

In the case of a first election of councillors in any municipality constituted after the commencement of this Ordinance, the notice herein referred to shall be published by the Magistrate of the district, and shall be posted by him and kept posted outside his office.

(2) A councillor who has been elected to fill an extraordinary vacancy, shall assume office immediately after such election and he shall hold office for the unexpired portion of the period for which the councillor, whose place he has taken, had been elected.

(3) For the purposes of this chapter an “extraordinary vacancy” means any vacancy in the office of a councillor other than one occasioned by the effluxion of time.”

10. Section *forty-nine* of the principal Ordinance is hereby amended by the substitution of the words “Before 11 a.m. on the day of nomination” for the words “Before four o'clock in the afternoon of the day before the day of nomination”.

11. Section *fifty-three* of the principal Ordinance is hereby amended by the insertion of the following words after the words “polling place.”:—

“The day appointed for the holding of the election shall be not less than fourteen and not more than twenty-one days from the day of nomination.”

12. The following section is hereby substituted for section *fifty-six*:—

“Duties of returning officer.

56. The returning officer shall keep order at the polling place, shall regulate the number of voters to be admitted at a time and shall exclude all other persons except the officials, the candidates, the constables on duty, and one agent of each candidate at a time.”

13. Paragraaf (a) van sub-artikel (2) van artikel *eenhonderd sewen-en-veertig* van die hoofordonnansie word hierby gewysig deur —

- (a) die woord „inkomste” waar dit in die vyfde, negende en sestiende reël voorkom, te vervang deur die woord „uitgawe”;
- (b) die onderstaande woorde aan die slot daarvan in te voeg:—

„By die toepassing van hierdie sub-artikel beteken die uitgawe van 'n munisipaliteit die goedgekeurde beraamde uitgawe van die voorafgaande jaar uit inkomstefondse.”

14. Artikel *eenhonderd-agt-en-veertig* van die hoofordonnansie word hierby vervang deur die onderstaande artikels:—

„Stadsklerk en amptenare.

148. (1) Die raad stel van tyd tot tyd 'n stadsklerk en die nodige amptenare aan, mits daar voorsiening gemaak is vir sodanige betrekkings in die lopende begroting en in die vaste diensstaat van die raad en mits die Administrateur sowel die begroting en die vaste diensstaat, as die salarisskale van sodanige betrekkings skriftelik goedgekeur het.

(2) Elke vaste aanstelling in die betrekking van 'n hoof van 'n departement of teen 'n salarisskaal met 'n maksimum van £1200 per jaar, of meer of teen 'n vaste salaris van £1200 per jaar of meer is onderworpe aan die voorafverkreë goedkeuring van die Administrateur sowel wat betref die keuse van die amptenaar as die voorwaardes waarop hy aangestel word: Met dien verstande dat die raad geen sodanige amptenaar wat met die Administrateur se goedkeuring aangestel is, sonder die Administrateur se voorafverkreë skriftelike goedkeuring mag ontslaan of sy besoldiging mag verminder of tot meer as sy normale skaalverhoging mag vermeerder nie.

(3) Die raad kan persone tydelik in diens neem mits die Administrateur die betrokke uitgawe skriftelik goedgekeur het, en, as die grondloon of -salaris van so 'n tydelike werknemer hoër as £300 per jaar is, die Administrateur sodanige salaris of loon skriftelik goedgekeur het.

(4) 'n Amptenaar wat nie ingevolge hierdie artikel met die Administrateur se goedkeuring aangestel is nie, en wat deur die raad ontslaan word, kan hom skriftelik op die Administrateur beroep teen so 'n ontslag, mits sodanige beroep binne sewe dae na die ontslag gedoen word. Enige amptenaar wat hom aldus beroep moet terselfder tyd 'n afskrif van die beroep aan die stadsklerk van die betrokke munisipaliteit stuur, en die stadsklerk moet die afskrif met die eerste geleentheid aan die raad voorlê.

(5) Niemand mag as amptenaar van 'n munisipaliteit aangestel word as hy in die ses maande onmiddellik voor sodanige aanstelling 'n raadslid van daardie munisipaliteit was nie.

(6) Niemand mag ingevolge die bepalinge van hierdie artikel in 'n vaste hoedanigheid of op proef aangestel word nie, tensy hy van goeie karakter is, en vry is van enige geestelike of liggaamlike gebrek, siekte of swakheid wat die uitvoering van sy pligte waarskynlik kan belemmer of sy aftrede uit so 'n betrekking vroeër as op die voorgeskrewe aftree-ouderdom kan genoodsaak, en tensy hy minstens een jaar lank in die Unie of in die Gebied gewoon het: Met dien verstande dat iemand wat nie die bogenoemde woon-kwalifikasies het nie, aangestel kan word as die Administrateur oortuig is dat so

13. Paragraph (a) of sub-section (2) of section *one hundred and forty-seven* of the principal Ordinance is hereby amended by:—

- (a) the substitution of the word “expenditure” for the word “income” wherever it appears;
- (b) the insertion of the following words at the end thereof:—

“For the purposes of this sub-section the expenditure of a municipality shall mean the approved estimated expenditure of the previous year from revenue funds.”

14. The following sections are hereby substituted for section *one hundred and forty-eight* of the principal Ordinance:—

“Town clerk and officers.

148. (1) The council shall from time to time appoint a town clerk and such officers as may be necessary provided that provision has been made for such posts in the current estimates and on the fixed establishment of the council and that both the estimates and the fixed establishment, as well as the salary scales appertaining to such posts, have been approved by the Administrator in writing.

(2) Every appointment of a permanent nature in the post of a head of a department or on a salary scale with a maximum of £1,200 *per annum* or more, or at a fixed salary of £1,200 *per annum* or more, shall be subject to the prior approval of the Administrator both in regard to the selection of the officer and to the terms on which he is appointed: Provided that no such officer appointed with the approval of the Administrator shall be dismissed by the council or his emoluments reduced or increased beyond his normal scale increment, without the prior written approval of the Administrator.

(3) The council may employ persons on a temporary basis provided that the Administrator has in writing approved of the expenditure concerned and that, if the basic wages or salary of any person so temporarily employed is in excess of £300 *per annum*, such salary or wages have been approved in writing by the Administrator.

(4) Any officer who has not been appointed with the approval of the Administrator in terms of this section and who is dismissed by the council may appeal in writing to the Administrator against such dismissal provided that such appeal is made within seven days of such dismissal. Any officer so appealing shall at the same time forward a copy of such appeal to the town clerk of the municipality concerned and the latter shall lay such copy before the council at the earliest opportunity.

(5) No person shall be appointed as an officer of a municipality who has been a councillor of that municipality during the six months immediately preceding such appointment.

(6) No person shall be appointed under the provisions of this section in a permanent capacity or on probation unless such person is of good character and free from any mental or physical defect, disease or infirmity, which is likely to interfere with the performance of his duty or may render necessary his retirement therefrom earlier than the prescribed age of retirement, and unless he has resided for not less than one year in the Union or in the Territory: Provided that a person may be appointed who has not the aforesaid residential qualifications if the Administrator is satisfied that

'n aanstelling weens tegniese of professionele kwalifikasies of om 'n ander spesiale rede nodig of wenslik is: Met dien verstande voorts dat geen so 'n aanstelling gedoen mag word nie, tensy die Administrateur die raad skriftelik meegedeel het dat hy aldus oortuig is.

(7) Die amptenare in die diens van die raad is nie onderworpe aan opdragte of bevels van enige raadslid buiten die burge-meester of, by sy afwesigheid, die onderburge-meester nie. Sodanige opdragte of bevels moet sover moontlik middels die stadsklerk aan die departementele hoof of betrokke amptenaar oorgedra word, en hulle mag nie onbestaanbaar wees met staande besluite of met die verklaarde beleid van die raad nie, nóg mag hulle uitgawes meebring waarvoor daar geen voorsiening in die goedgekeurde begroting van die raad gemaak is nie. Die bepalings van sub-artikel (2) van artikel *eenhonderd-agt-en-veertig bis* geld met die nodige veranderinge ook hierdie sub-artikel.

(8) Die Raad kan vervoertoelae betaal teen 'n tarief per myl wat die Administrateur goedkeur, aan sodanige van sy werknemers wat hul private voertuie in die diens van die raad moet gebruik. Onderhewig aan die Administrateur se goedkeuring in elke besondere geval kan die raad ook toelae betaal aan sy werknemers ten opsigte van bykomende pligte wat sodanige werknemers verrig wanneer hulle 'n hoër betrekking waarneem, of om ander redes wat die Administrateur genoegsaam ag.

(9) By die toepassing van hierdie en die eersvolgende drie artikels beteken „hoof van 'n departement” die stadsklerk, die stadstoesourier, die stadsingenieur, die elektrotegniese stadsingenieur, die amptenaar wat toesig het oor die munisipaliteit se openbare gesondheidsdepartement, en die amptenaar wat toesig het oor die munisipaliteit se departement vir nie-blanke sake; beteken „amptenaar” 'n werknemer op die vaste diensstaat van die munisipale diens; en beteken „vaste diensstaat” die betrekkinge wat die raad as nodig bepaal vir die normale en gereelde vereistes van die munisipale diens, maar sluit uit enigeen wie se basiese salaris minder is as £300 per jaar.

(10) Die bepalings van hierdie artikel geld nie beamptes en ander persone wat uit die Naturelle-inkomsterekening besoldig word nie.

148bis. (1) Die stadsklerk is die uitvoerende en administratiewe hoofamptenaar van die raad. Hy is verantwoordelik vir, en het die toesig oor, al die stukke en aantekeninge van die raad, en hy voer die algemene korrespondensie van die raad. Alle mededelings wat onder die raad se aandag gebring moet word, moet aan hom gerig word, en hy lê hulle voor die raad of die betrokke komitee, na gelang. Hy is ook die gewone instansie waardeur die opdragte van die raad aan die ander hoofde van departemente en aan die personeel van die munisipaliteit moet gaan.

(2) Is enige besluit of opdrag wat die raad op 'n raadsvergadering of 'n komitee van die raad geneem of uitgereik het, syns insiens onwettig of onreëlmstig, moet die stadsklerk onmiddellik sodanige raad of komitee in kennis stel dat so 'n opdrag onwettig of onreëlmstig is. As die raad of komitee desondanks by so 'n besluit of opdrag bly, moet die stadsklerk hierdie feit in die notule van die vergadering waarop dit geopper is, aanteken, en moet die voorsitter van die ver-

it is necessary or desirable to make such appointment on account of technical or professional qualifications or for some other special reason: Provided further that no such appointment shall be made unless the Administrator has signified in writing to the council that he is so satisfied.

(7) The officers in the employ of the council shall not be subject to the instructions or orders of any councillor except the mayor or, in his absence, the deputy mayor. Such instructions or orders shall as far as possible be conveyed to the departmental head or officer concerned through the town clerk, and these shall not conflict with standing resolutions or with the stated policy of the council nor shall they involve expenditure for which no provision has been made on the approved estimates of the council. The provisions of sub-section (2) of section *one hundred and forty-eight bis* shall apply *mutatis mutandis* to this sub-section.

(8) The council may pay transportation allowances at rates per mile approved by the Administrator, to such of its employees who are required to use their private vehicles in the service of the council. The council may also, subject in each case to the approval of the Administrator, pay allowances to its employees in respect of additional duties performed by such employees when acting in a higher post or for some other reason which the Administrator deems sufficient.

(9) For the purposes of this section and the next succeeding three sections “head of a department” shall mean the town clerk, town treasurer, town engineer, town electrical engineer, the officer in charge of the public health department of the municipality and the officer in charge of the non-European affairs department of the municipality, “officer” shall mean an employee on the fixed establishment of the municipal service, and “fixed establishment” shall mean the posts determined by the council as necessary for the normal and regular requirements of the municipal service, but shall not include any persons whose basic salary is less than £300 *per annum*.

(10) The provisions of this section shall not apply to officials and persons paid from the Native Revenue Fund.

148bis. (1) The town clerk shall be the chief executive and administrative officer of the council. He shall be responsible for and have charge of all the documents and records of the council and he shall conduct the general correspondence of the council. All communications required to be brought to the attention of the council shall be addressed to him and he shall lay them before the council or committee concerned, as the case may be. He shall also be the normal channel through which the instructions of the council are conveyed to other heads of departments and to the staff of the municipality.

(2) Should any resolution taken or instruction issued by the council at any meeting of the council or committee of the council, be in the opinion of the town clerk illegal or irregular he shall forthwith make known to the council or committee that such resolution or instruction is illegal or irregular. Should the council or committee in spite hereof persist in such resolution or instruction the town clerk shall note these facts in the minutes of the meeting at which it arose

Stadsklerk se pligte.

Town clerk's duties.

gadering of komitee die besluit of opdrag voor die afsluiting van die vergadering skriftelik aan die stadsklerk oordra.

(3) Die stadsklerk of in sy afwesigheid, 'n amptenaar wat hom verteenwoordig moet elke vergadering van die raad en elke vergadering van 'n komitee bywoon, tensy hy of sy verteenwoordiger die vergadering nie kan bywoon nie, of tensy hy of sy verteenwoordiger deur die voorsitter van die vergadering versoek word om hom daaraan te onttrek.

(4) Daar moet notule van die vergaderings van die raad of komitees van die raad gehou word, en die notules moet in boeke gebind word wat die stadsklerk vir daardie doel aanhou. Die notule van elke sodanige vergadering moet aan die eersvolgende gewone vergadering van die raad of komitee, na gelang, voorgelê word ter bekragtiging en ter ondertekening deur die voorsitter van sodanige vergadering, sowel as deur die stadsklerk, of, in sy afwesigheid, deur sy verteenwoordiger. Waar die notules op los blaaië aangeteken word en later in boekvorm gebind word, moet elke los blad deur die bogenoemde ondertekenaars onderteken word.

(5) Waar die stadsklerk of sy verteenwoordiger in die omstandighede wat subartikel (3) uiteensit, van 'n vergadering afwesig is, moet die voorsitter op daardie vergadering die besluite wat in die afwesigheid van die stadsklerk of sy verteenwoordiger geneem word, notuleer, en die notule by afloop van die vergadering of sodra daarna soos die stadsklerk of sy verteenwoordiger beskikbaar is, aan hom oorhandig. As die stadsklerk of sy verteenwoordiger op versoek van die voorsitter van 'n vergadering afwesig is, moet die voorsitter hierdie feit notuleer.

(6) Elke inskrywing in die notule van die raad of van 'n komitee daarvan, wat bekrachtig en onderteken is soos hierdie artikel vereis, of enige gewaarmerkte afskrif daarvan of uittreksel daaruit, wat die burgemeester en die stadsklerk behoorlik as sodanig verklaar en onderteken het, word in alle gereghouse aanvaar as die amptelike notule van die raad of 'n komitee daarvan, en ten opsigte van alle sake in verband met 'n vergadering waarvan die vermelde notule na bewering 'n verslag is, word daar vermoed dat hulle behoorlik en reëlmstig geskied het, tensy die teenoorgestelde bewys word."

15. Artikel *eenhonderd een-en-vyftig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Vergaderings van die raad.

151. Die raad hou so dikwels soos nodig, maar minstens elf keer per jaar bereken van die eerste dag van Januarie met tussenposes van hoogstens agt weke, gewone vergaderings vir die afhandeling van sy werksaamhede. Die burgemeester kan, en moet, op 'n skriftelike versoek, onderteken deur minstens een-derde van die raadslede, waarin die doel van so 'n vergadering genoem moet word, te eniger tyd 'n spesiale vergadering byeenroep."

16. Artikel *eenhonderd drie-en-vyftig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Kworum.

153. Een helfte van die raadslede is 'n kworum, en by staking van stemme het die voorsitter benewens sy gewone stem ook 'n beslissende stem."

17. Artikel *eenhonderd ses-en-vyftig* van die hoofordonnansie word hierby gewysig deur die onderstaande voorbehoud aan die slot daarvan in te voeg:—

and the resolution or instruction shall be conveyed to the town clerk in writing by the chairman of the meeting or committee before the conclusion of the meeting.

(3) Every meeting of the council and every meeting of a committee of the council shall be attended by the town clerk or in his absence by some officer representing him, unless he or his representative is unable to attend or he or his representative has been requested by the chairman of the meeting to withdraw therefrom.

(4) Minutes of the meetings of the council or committee of the council shall be drawn up and bound in books kept for that purpose by the town clerk. The minutes of each such meeting shall be submitted for confirmation at the next ordinary meeting of the council or committee, as the case may be, and for signature by the chairman of such meeting and also by the town clerk or in his absence by his representative. If the minutes are kept on loose leaves, to be later bound into book form, each loose leaf shall be signed by the abovementioned signatories.

(5) Where the town clerk or his representative is absent from a meeting in the circumstances set out in sub-section (3), the resolutions taken in the absence of the town clerk or his representative shall be minuted by the chairman of that meeting and he shall hand the minutes to the town clerk or his representative at the conclusion of the meeting or so soon after as the town clerk or his representative is available. If the town clerk or his representative is absent from a meeting at the request of the chairman this fact shall be minuted by the chairman.

(6) Every entry contained in the minutes of the council or any committee thereof confirmed and signed as in this section required, or any authenticated copy thereof or extract therefrom, duly signed and attested as such by the mayor and town clerk, shall be received in all courts of law as the official minutes of the council or any committee thereof, and all matters relating to any meeting of which the said minutes purport to be the record, shall be presumed to have been properly and regularly done, until the contrary is proved."

15. The following section is hereby substituted for section *one hundred and fifty-one* of the principal Ordinance:—

"Meetings of council.

151. The council shall hold an ordinary meeting for the dispatch of business as often as may be necessary but not less than eleven times a year, calculated from the first day of January, at intervals of not more than eight weeks. The mayor may, and in the event of a written request signed by at least one-third of the councillors, specifying the object of such meeting, shall, call a special meeting at any time."

16. The following section is hereby substituted for section *one hundred and fifty-three* of the principal Ordinance:—

"Quorum.

153. One half of the councillors shall form a quorum and in the event of an equality of votes the chairman, in addition to his ordinary vote shall have a casting vote."

17. Section *one hundred and fifty-six* of the principal Ordinance is hereby amended by the insertion of the following proviso at the end thereof:—

„Met dien verstande dat die raad, niesteenstaande andersluidende bepalings in hierdie artikel, 'n geldsake-komitee moet aanstel vir die reëling van, en die beheer oor, die geldsake van die raad.”

18. Artikel *eenhonderd sewen-en-vyftig* van die hoofordonnansie word hierby gewysig deur die onderstaande woorde aan die slot daarvan in te voeg:—

„Sodanige raadgevers het egter geen stemreg nie.”

19. Sub-artikel (1) van artikel *eenhonderd nege-en-vyftig* van die hoofordonnansie word hierby gewysig deur —

(a) die onderstaande paragraaf na paragraaf 17 in te voeg:—

„17bis. Die reëling, inspeksie en registrasie van, en die toesig en beheer oor, huurruite, en die voorskryf van standaarde en voorwaardes waaraan hulle moet voldoen; die reëling van, toesig en beheer oor, en beperking op, die getal passasiers en die hoeveelheid bagasie wat sodanige rytuie kan vervoer, insluitende die reg om te onderskei tussen die verskeie soorte sodanige rytuie; die reëling van, en beperking en verbod op, die gebruik van sodanige rytuie deur verskillende rasse, insluitende die reg om te onderskei tussen die verskillende rasse wat deur verskillende tipes rytuie vervoer kan word; die reëling van, en beheer en toesig oor, die parkering van sodanige rytuie in parkeer- of ander gebiede wat die raad bepaal; die voorskryf van vereistes om te verseker dat sodanige rytuie skoon en in goeie werkende orde gehou word, en die opstel van regulasies om die verspreiding van besmetlike, aansteeklike of aanstootlike siektes deur sodanige rytuie te verhoed;

(b) die onderstaande paragraaf na paragraaf 19 in te voeg:—

19bis. Wanneer die raad, na behoorlike ondersoek en by vertoning van 'n sertifikaat te dien effekte deur die stadsingenieur, gesondheidsinspekteur of 'n ander behoorlik gekwalifiseerde persoon, 'n gebou of perseel weens gebrekkige of ondoelmatige konstruksie, vervalte toestand, gebrek aan lig, lug of belugting, of om enige ander rede beskou as gevaarlik of nadelig vir die bewoners daarvan, of vir persone of ander geboue of persele in die buurt, die reg om die eienaar daarvan aan te sê om sodanige gebou te ontruim of te sluit, en, met die Administrateur se goedkeuring, om dit te sloop, of die nodige veranderings daaraan aan te bring, of sodanige gebou of perseel skoon te maak of te ontsmet. Versuim die eienaar om aan so 'n lasgewing te voldoen, kan die raad alle werk daaraan wat hy nodig ag uitvoer en die koste daarvan van die eienaar verhaal.”;

(c) die onderstaande paragraaf na paragraaf 36 in te voeg:—

„36bis. Die instelling van behuisingskemas onderhewig aan die Administrateur se goedkeuring en aan die waarborge en voorwaardes wat hy goed vind. Sodanige behuisingskemas kan, onder andere, die aankoop, oprigting en instandhouding van woonhuise, die verhuur van sodanige huise teen gangbare huurgedeltes, die verkoop van sodanige huise teen pryse en op voorwaardes wat die Administrateur goedkeur, en die voorskiet van geld, met vaste eiendom as sekuriteit, aan persone wat in die munisipaliteit woon (insluitende werknemers van die raad) om grond in die munisipaliteit aan te skaf of huise daarin te bou, asook verbandhoudende sake insluit. Die bepalings van artikel *eenhonderd twee-en-seventig* geld nie 'n huurkontrak wat ingevolge die bepalings van 'n goedgekeurde behuisingskema aangegaan is nie.

36ter. Die uitvoering of onderneming van enige werk of diens binne 'n munisipaliteit, wat nie spesiaal by hierdie Ordonnansie of enige ander wet gemagtig word nie, wat die Administrateur goedgekeur het omdat dit in die belang van die raad of van die inwoners van die munisipaliteit is, en die opstel van regulasies in verband daarmee.”;

“Provided that notwithstanding anything to the contrary in this section contained the council shall appoint a finance committee for regulating and controlling the finances of the council.”

18. Section *one hundred and fifty-seven* of the principal Ordinance is hereby amended by the insertion of the following words at the end thereof:—

“Such advisers shall, however, have no vote.”

19. Sub-section (1) of section *one hundred and fifty-nine* of the principal Ordinance is hereby amended by:—

(a) the insertion of the following paragraph after paragraph 17:—

“17bis. The regulation, inspection, registration, supervision and control of vehicles plying for hire and the prescribing of standards and conditions to which they must conform; the regulation, supervision, control and limitation of the number of passengers and amount of luggage to be conveyed by such vehicles, including the right to differentiate between various kinds of such vehicles; the regulation, limitation and the prohibition of the use of such vehicles by different races, including the right to differentiate between the various races which different types of such vehicles may carry; the regulation control and supervision of the parking of such vehicles in parking areas or areas defined by the council; the prescribing of requirements for ensuring that such vehicles are kept clean and in good running order and the making of regulations for preventing the spreading of contagious, infectious or obnoxious diseases by means of such vehicles;”

(b) the insertion of the following paragraph after paragraph 19:—

“19bis. The right where any buildings or premises are, in consequence of defective or unsuitable construction, bad state of repair, want of light, air, or ventilation or any other reason considered by the council after due investigation and upon production of a certificate to that effect by the town engineer, health inspector or some other suitably qualified person to be dangerous or injurious to the inhabitants thereof or to persons or other buildings or premises in the neighbourhood, to require the owner to vacate, or close, and with the approval of the Administrator, to demolish such building or premises, or to carry out such alterations as may be necessary or to cleanse or disinfect such building or premises. Upon failure by the owner so to do the council may carry out such work as it considers necessary and recover the cost thereof from the owner;”

(c) the insertion of the following paragraphs after paragraph 36:—

“36bis. The provision of housing schemes subject to these being approved of by the Administrator and subject to such safeguards and conditions as he may deem fit. Such schemes may *inter alia* include the purchase, erection and maintenance of dwelling houses, the lease of such houses at current rentals, the sale of such dwellings at prices and conditions approved of by the Administrator, and the making of advances of money on the security of immovable property for the purpose of persons living in the municipality (including employees of the council) acquiring land or building houses in the municipality and for matters incidental thereto. The provisions of section *one hundred and seventy-two* shall not apply to any lease entered into under the provisions of an approved housing scheme.

36ter. The carrying on or undertaking of any work or service within a municipality, not specially authorised by this Ordinance or any other law, which the Administrator has approved of as being in the interest of the council or the inhabitants of the municipality, and the making of regulations in connection therewith.”;

(d) die onderstaande paragraaf na paragraaf 37 in te voeg:—

„37bis. Die uitvoering, met die Administrateur se goedkeuring, van alle werksaamhede wat nodig of dienstig is ter behoorlike uitoefening of nakoming van die bevoegdheede en pligte wat by hierdie Ordonnansie toegelaat of opgelê word.”

(d) the insertion of the following paragraph after paragraph 37:—

“37bis. The doing with the approval of the Administrator of all things necessary or expedient for the proper carrying out of the powers and duties imposed by or permitted under this Ordinance.”

20. Sub-artikels (2) en (3) van artikel *eenhonderden-sestig* van die hoofordonnansie word hierby vervang deur die onderstaande sub-artikels:—

„(2) Nadat die raad 'n besluit vir die uitvaardiging van 'n regulasie aangeneem het, moet 'n afskrif van so 'n regulasie in die kantoor van die stadsklerk ingelewer word, alwaar dit veertien dae lank en te alle redelike tye ter insae van enigen moet lê, en moet daar 'n kennisgewing geplaas word in 'n nuusblad wat algemeen in die munisipaliteit omloop, asook aangeplak word op die plek of plekke in die munisipaliteit wat die raad bepaal, waarin die algemene strekking van die beoogde regulasie uiteengesit word, en waarin vermeld word dat 'n afskrif daarvan soos voormeld ter insae lê.

(3) Enigeen wat meen dat sy of die algemene publiek se belange nadelig beïnvloed sal word deur so 'n regulasie, kan binne die voormelde tydperk 'n skriftelike beswaar teen die beoogde regulasie by die stadsklerk indien. As die stadsklerk by verstryking van die voormelde tydperk nog geen besware ontvang het nie, moet die beoogde regulasie onmiddellik aan die Administrateur voorgelê word vir sy goedkeuring, wysiging of ander besluit; as daar egter wel besware ontvang word, moet hulle aan die raad voorgelê word vir oorweging, en dan saam met die beoogde regulasie en die raad se kommentaar, as hy kommentaar gelewer het, aan die Administrateur voorgelê word vir sy goedkeuring van die regulasie of enige ander besluit. As die regulasie goedgekeur word, moet dit in die *Offisiële Koerant* gepubliseer word, en daarop het sodanige regulasie regs krag in die munisipaliteit, en is dit nie bloot weens die feit dat die formaliteite wat by sub-artikel (2) hiervan uiteengesit is, nie in elke besonderheid nagekom is nie ongeldig nie, tensy daar tot oortuiging van 'n bevoegde hof bewys word dat werklike en wesenlike nadeel gely is weens die nie-nakoming van sodanige formaliteite: Met dien verstande dat waar so 'n regulasie in sy aard verdeelbaar is, die Administrateur 'n deel daarvan kan goedkeur, en sy goedkeuring van 'n deel daarvan kan weerhou of dit wysig.”

20bis. Die onderstaande artikel word hierby ingevoeg na artikel *eenhonderden-sestig* van die hoofordonnansie:—

„Raad moet regulasies toepas. 160bis. Die raad is verplig om binne die munisipaliteit alle regulasies wat ingevolge die bepalings van hierdie Ordonnansie of enige ander wet uitgevaardig is, toe te pas.”

21. Artikel *eenhonderd drie-en-sestig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Geldtoekennings ten behoeve van liefdadigheid en openbare belange, ens. 163. (1) Die raad kan in sy jaarlikse begroting voorsiening maak vir geldtoekennings aan enige persoon, vereniging of groep persone wat binne die munisipaliteit liefdadigheidsbelange, openbare belange, openbare welsyn, sport en sportbelange, opvoedkundige werksaamhede en vierings van 'n volksaad bevorder of daarby behulpsaam is.

(2) Die raad kan van tyd tot tyd aan enige persoon, vereniging of groep persone wat in sub-artikel (1) genoem word, enige munisipale diens gratis of teen 'n verminderde tarief lewer, mits die waarde van sodanige dienste verreken word teen die voorsiening wat in sub-artikel (1) genoem word.”

20. The following sub-sections are hereby substituted for sub-sections (2) and (3) of section *one hundred and sixty* of the principal Ordinance:—

“(2) After any resolution for passing any regulation has been agreed to by the council, a copy of such regulation shall be deposited at the office of the town clerk, and shall there be open for inspection, for a period of fourteen days, by any person at all reasonable times, and a notice shall be published in a newspaper generally circulating in the municipality and shall furthermore be posted at such place or places in the municipality as the council may determine, setting forth the general purport of the proposed regulation, and stating that a copy is open for inspection as aforesaid.

(3) Any person who considers that his or the general public's interests will be adversely affected by such regulation may during the aforesaid period lodge a written objection with the town clerk against the proposed regulation. If, at the expiry of the aforementioned period no objections are received by the town clerk, the proposed regulations shall forthwith be submitted to the Administrator for approval, amendment or otherwise; in the event, however, of any objections being received, they shall be laid before the council for consideration, and shall be submitted, together with the proposed regulations and with the council's comments, if any, to the Administrator for approval or amendment or otherwise of the proposed regulations, which, if approved, shall be published in the *Official Gazette*, and thereupon such regulation shall have the force of law in the municipality and shall not be deemed to be invalid merely by reason of the fact that the formalities set out under sub-section (2) hereof have not been observed in every detail, unless it be shown to the satisfaction of any competent Court that real and substantial prejudice has in fact been suffered through the non-observance of such formalities: Provided that where any such regulation is in its nature divisible, the Administrator may approve part thereof and may withhold his approval from any part or may amend such regulation.”

20bis. The following section is hereby inserted after section *one hundred and sixty* of the principal Ordinance:—

“Council obliged to enforce regulation. 160bis. It shall be obligatory upon the council to enforce, within the municipality, all regulations made under the provisions of this Ordinance or of any other law.”

21. The following section is hereby substituted for section *one hundred and sixty-three* of the principal Ordinance:—

“Grants of money to charitable and public interests etc. 163. (1) The council may make provision in its annual estimates for grants of money to any person, society or group of persons who, within the municipality promote or assist in promoting charitable interests, public interests, public welfare, sport and sporting interests, educational activities and for celebrations of a national character.

(2) The council may from time to time grant and render to any person, society or group of persons mentioned in sub-section (1) any municipal service without charge or at a reduced charge, provided that the value of such services is debited against the provision referred to in sub-section (1).”

22. Artikel *eenhonderd vier-en-sestig* van die hoofordonnansie word hierby gewysig deur na die woord „pleine” in sub-paragraaf (i) die onderstaande woorde in te voeg:—

„of 'n kaart wat 'n pad, straat of plein voorstel wat geheg is aan 'n transportakte wat sodanige pad, straat of plein of deel daarvan aan 'n raad oordra uit hoofde van 'n onderverdeling van eiendom.”

23. Die onderstaande artikel word hierby na artikel *eenhonderd een-en-sewentig* van die hoofordonnansie ingevoeg:—

„Bevoegdheid van Administrateur om strate te open.

171bis. Nieteenstaande andersluidende bepalings in hierdie Ordonnansie of enige ander wet, kan die Administrateur 'n straat wat ingevolge hierdie Ordonnansie gesluit of verlê is, heropen of herverlê as hy, na behoorlike ondersoek, meen dat sodanige heropening of herverlegging in die openbare belang is, en in so 'n geval geld die voorwaardes en beperkings wat artikel *eenhonderd een-en-sewentig* noem met die nodige veranderinge.”

24. Artikel *eenhonderd twee-en-sewentig* van die hoofordonnansie word hierby gewysig deur —

(a) die onderstaande voorbehoud aan die slot van paragraaf (a) van sub-artikel (2) in te voeg:—

„Met dien verstande dat wanneer ook al die Administrateur ingevolge die Dorpe-Ordonnansie 1928 (Ordonnansie 11 van 1928) sy verlof gegee het tot 'n onderverdeling van grond of erwe in 'n munisipaliteit, geen sodanige goedkeuring nodig is ten opsigte van grond wat as voorwaarde by sodanige onderverdeling aan die munisipaliteit oorgedra word nie, nóg is sodanige goedkeuring nodig waar daar geen koopprys betaal of waardevolle teenprestasie geskied ten opsigte van die grond wat deur 'n munisipaliteit ontvang of aangeskaf word nie.”;

(b) sub-artikel (4) deur die onderstaande sub-artikel te vervang:—

„(4) (i) Alle gelde wat die raad uit die verkoop van vaste eiendom ontvang het en wat nie andersins deur die reg toegeëien word nie, insluitende rente op onbetaalde paaielemente van die koopprys van enige sodanige eiendom, en enige gelde wat volgens die Administrateur se lasgewing aldus inbetaal moet word, moet inbetaal word in 'n fonds wat die „Vaste Eiendomsfonds” heet: Met dien verstande dat die raad onderhewig aan die Administrateur se goedkeuring en aan ander bepalings en voorwaardes wat hy oplê, van tyd tot tyd die gebruik van die helfte van die gelde wat in die Vaste Eiendomsfonds gestort word, vir die oprigting, verbetering of uitbreiding van permanente werke kan magtig, insluitende werke in verband met 'n onderneming wat hy gemagtig is om in te stel: Met dien verstande voorts dat die Raad, onderhewig aan die Administrateur se goedkeuring en aan ander bepalings en voorwaardes wat hy oplê, die gebruik van die oorblywende gelde waarmee die Vaste Eiendomsfonds gekrediteer is, vir die reeds vermelde doeleindes kan magtig, asook vir die terugbetaling van lenings wat ingevolge artikel *eenhonderd ses-en-tagtig* aan munisipaliteite toegeken is, mits die gelde wat aldus gebruik word met of sonder rente aan die Vaste Eiendomsfonds terugbetaal moet word uit die raad se inkomstefondsrekening of uit die inkomste van ander betrokke fondse by wyse van gelyke jaarlikse paaielemente oor 'n tydperk van hoogstens vyftig jaar, na die raad bepaal, en met inagneming van die duursaamheid van die werke waarop die uitgawes gemaak word.

(ii) Alle gelde wat kragtens die Dorpe-Ordonnansie 1928 (Ordonnansie 11 van 1928) aan die raad verskuldig word by wyse van vryetoekennings moet in 'n spesiale rekening inbetaal word, en so-

22. Section *one hundred and sixty-four* of the principal Ordinance is hereby amended by the insertion in sub-paragraph (i) of the following words after the word “squares”:—

“or a diagram representing a road, street or square annexed to a deed of transfer conveying such road, street or square or portion thereof to a council in pursuance of any sub-division of property.”

23. The following section is hereby inserted after section *one hundred and seventy-one* of the principal Ordinance:—

“Powers of Administrator to open streets.

171bis. *Notwithstanding* anything to the contrary in this Ordinance or in any other law contained, the Administrator may, where a street has been closed or diverted in terms of this Ordinance, re-open or re-divert any such street if he, after due inquiry, is of opinion that such re-opening or re-diverting is in the interests of the public, in which case the conditions and restrictions mentioned in section *one hundred and seventy-one* shall *mutatis mutandis* apply.”

24. Section *one hundred and seventy-two* of the principal Ordinance is hereby amended by:—

(a) the insertion of the following proviso at the end of paragraph (a) of sub-section (2):—

“Provided that whenever the Administrator in terms of the Townships Ordinance 1928, (Ordinance 11 of 1928), has approved of any sub-division of land or erven in a municipality, no such sanction shall be necessary for any land transferred as a condition of such sub-division to such municipality, nor shall such sanction be necessary where no purchase price is paid or no valuable consideration passes in respect of land received or acquired by a municipality.”;

(b) the substitution of the following sub-section for sub-section (4):—

“(4) (i) All monies received by the council from the sale of immovable property, not otherwise appropriated by law, including interest on unpaid instalments of the purchase price of any such property, and any monies which the Administrator directs to be so paid shall be paid into a fund to be called the “Fixed Property Fund”: Provided that subject to the approval of the Administrator, and subject to such other terms and conditions as he may impose, the council may from time to time authorise the use of one half of the monies paid into the Fixed Property Fund for the construction, improvement or extension of any permanent works, including those of any undertaking which it is empowered to establish: Provided further that, subject to the approval of the Administrator and subject to such other terms and conditions as he may impose, the council may authorise the use of the remaining monies standing to the credit of the Fixed Property Fund for the purposes already mentioned, and to repay loans granted to municipalities in terms of section *one hundred and eighty-six*, provided that the monies so used shall be repaid to the Fixed Property Fund with or without interest from the council's revenue fund account or from the revenues of the other funds concerned, by equal annual instalments extending over a period not exceeding fifty years as the council may determine, regard being had to the durability of the works upon which expenditure is to be incurred.

(ii) Any monies which may become due to the council in terms of the Townships Ordinance, 1928 (Ordinance 11 of 1928), by way of endowments shall be paid into a special account and

danige gelde kan net gebruik word vir die oprigting, verbetering of uitbreiding van werke van 'n permanente aard.

(iii) Alle gelde wat die raad uit enige ander vorm van vervreemding van vaste eiendom ontvang moet angewend word soos die Administrateur gelas.”;

- (c) in sub-artikel (5) die woorde „asook die opmetingskoste van grond wat die raad aangeskaf het” in te voeg na die woorde „aangekoop is.”;
- (d) sub-artikel (6) deur die onderstaande sub-artikel te vervang:—
 - (6) By die verkoop of verhuur van vaste eiendom kan die raad met die skriftelike toestemming van die Administrateur in die koop- of huurvoorwaardes die onderstaande bepaal:—
 - (a) die klas of waarde van die geboue wat daarop opgerig moet word;
 - (b) die tyd waarbinne sodanige geboue opgerig moet word;
 - (c) die inkorting van of beperking op, die gebruik van sodanige eiendom tot net woon- of sake-doeleindes of tot albei;
 - (d) die oprigting van stutmure deur, en op koste van, die eienaar, koper of huurder, na gelang, van sodanige eiendom, om te verhoed dat enige deel daarvan op die straat afval of andersom, as die raad enige straatoppervlakte verhoog of verlaag;
 - (e) die beperking van die bewoning en gebruik van enige sodanige eiendom tot blankes of nie-blankes en hul *bona fide* huisbediendes;
 - (f) die aanlê van water-, elektrisiteits-, riool- of vloedwater-hoofleidings oor enige sodanige eiendom sonder dat hy vergoeding aan die eienaar of bewoner daarvan hoef te betaal;

en kan hy ook bepaal dat die voorwaardes wat nodig is om volle krag en werking te gee aan enige van die bepalings wat in hierdie sub-artikel genoem word, in die transportaktes of huurkontrakte van enige sodanige eiendom ingevoeg moet word, sodat titelopvolgers ook daaraan gebonde is.”

25. Artikel *eenhonderd vyf-en-sewentig* van die hoofordonnansie word hierby gewysig deur in die laaste paragraaf van sub-artikel (2) die woord „kalenderjaar” te vervang deur die woord „boekjaar”.

26. Artikel *eenhonderd ses-en-sewentig* van die hoofordonnansie word hierby gewysig deur —

- (a) sub-artikel (1) deur die onderstaande sub-artikel te vervang:—
 - „(1) Die raad van elke munisipaliteit moet ten opsigte van elke boekjaar en onderhewig aan die Administrateur se goedkeuring belastings opleë en hef op alle belasbare vaste eiendom, insluitende tydelike oprigtings, binne die munisipaliteit. Sodanige belastings kan die onderstaande wees:—
 - (a) 'n belasting op die liggingswaarde van enige sodanige eiendom — dit heet 'n liggingswaardebelasting” van hoogstens een sjieling in die pond; of
 - (b) 'n belasting op die waarde van die verbeterings op enige sodanige eiendom — dit heet die „verbeteringsbelasting”; of
 - (c) beide 'n liggingswaardebelasting en 'n verbeteringsbelasting; of
 - (d) 'n belasting op die totaalwaarde van enige sodanige eiendom — dit heet 'n „algemene belasting”.

Die raad kan die belastings wat ten opsigte van 'n boekjaar gehef is, in gelyke paaielemente en so dikwels soos hy bepaal, invorder, en wel na kennisgewing van die betaaldag ingevolge sub-artikel (1) van artikel *eenhonderd sewe-en-sewentig*: Met dien verstande dat die raad, niestannde andersluidende bepalings in hierdie Ordonnansie of enige ander wet, ten opsigte van elke boekjaar belastings

such monies shall only be used for the construction, improvement or extension of works of a permanent nature.

(iii) All monies received by the council from any other form of alienation of immovable property, shall be disposed of as directed by the Administrator.”

- (c) by the insertion in sub-section (5) of the words “including survey costs, of land acquired by the council” after the word “council” where it appears for the second time;
- (d) by the substitution of the following sub-section for sub-section (6):—
 - “(6) In selling or letting any immovable property the council may, with the written consent of the Administrator, make provision in the conditions of sale or lease for:
 - (a) the class or value of the buildings to be erected thereon;
 - (b) the time within which such buildings are to be erected;
 - (c) the restriction or limitation of the use of such property solely for the purposes of residence or business or both;
 - (d) the erection of retaining walls by and at the expense of the owner, buyer or lessee, as the case may be, of any such property to prevent any portion thereof from falling into the street or *vice versa*, should the level of any street be raised or lowered by the council;
 - (e) the restriction of the occupation and use of any such property to Europeans or non-Europeans and their *bona fide* domestic servants;
 - (f) the conducting of water-, electricity-, sewerage- or stormwater-mains over any such property without having to pay compensation to the owner or occupier thereof;

and for the insertion in the title deeds or leases of any such property of the conditions necessary to give full force and effect to any of the provisions mentioned in this sub-section so that successors in title will also be bound thereby.’

25. Section *one hundred and seventy-five* of the principal Ordinance is hereby amended by the substitution in the last paragraph of sub-section (2) of the word “financial” for the word “calendar”.

26. Section *one hundred and seventy-six* of the principal Ordinance is hereby amended by:—

- (a) the substitution of the following sub-section for sub-section (1):—
 - “(1) The council of every municipality shall, in respect of each financial year make and levy, subject to the approval of the Administrator, rates upon all rateable immovable property, including temporary structures, within the municipality. Such rates may be:
 - (a) a rate upon the site value of any such property, to be known as a “site value rate”, not exceeding one shilling in the pound; or
 - (b) a rate upon the value of the improvements upon any such property, to be known as an “improvements rate”; or
 - (c) both a site value rate and an improvements rate; or
 - (d) a rate upon the total value of any such property, to be known as a “general rate”.

The council may collect the rates levied in respect of the financial year in equal instalments as often as it may decide, after giving notice of the due date in terms of sub-section (1) of section *one hundred and seventy-seven*: Provided that, notwithstanding anything to the contrary in this Ordinance or any other law contained, the council shall in respect of each financial year make and

soos hierdie artikel bepaal, moet oplê en hef teen kwartarief op alle belasbare vaste eiendom wat binne die dorpsgrond of meent van die munisipaliteit geleë is maar buite die geproklameerde dorpsgebied, en wat te goeder trou vir die landbou gebruik word."

- (b) subartikel (3) te vervang deur die onderstaande sub-artikel:—

„(3) Elke bedrag wat aan die raad verskuldig en betaalbaar is ten opsigte van sanitêre dienste of vuilgoed- of ander verwyderings, en water, waar spoelriolering ingerig is, is gesamentlik en afsonderlik verhaalbaar van die eienaar of bewoner van die eiendom ten tyde wanneer sodanige diens of lewering geskied het, of wanneer sodanige belasting gehef is.

Elke bedrag wat aan die raad verskuldig en betaalbaar is ten opsigte van die lewering van elektrisiteit of gas of water, waar geen spoelriolering ingerig is nie, is verhaalbaar van die bewoner of persoon wat om sodanige diens of lewering aansoek gedoen het.

As 'n eienaar, ten gevolge van die bepaling van hierdie artikel, gelde betaal het aan die raad ten opsigte van sanitêre dienste of water, het hy, by gebrek aan enige strydige ooreenkoms, die reg om sodanige bedrag van die bewoner te verhaal.”;

- (c) die woorde „engelyk moet wees” in sub-artikel (5) te skrap.

27. Artikel *eenhonderd sewen-en-sewentig* van die hoofordonnansie word hierby gewysig deur —

- (a) sub-artikel (1) te vervang deur die onderstaande sub-artikel:—

„(1) (a) Elke liggingswaardebelasting, verbeteringsbelasting, spesiale belasting en algemene belasting wat ingevolge hierdie Ordonnansie opgelê is, moet aan die Registrateur van Aktes bekend gemaak word, en elke belasting en paaient daarvan word betaalbaar en opeisbaar by die raad se kantoor op 'n dag wat die raad bepaal, en die raad moet by wyse van 'n advertensie in 'n nuusblad wat in die munisipaliteit omloop, minstens dertig dae kennis gee van die dag waarop die paaient van die belasting betaalbaar en opeisbaar word en watter paaiente betaal moet word. Elkeen wat so 'n paaient van sodanige belasting betaal binne dertig dae na die datum waarop dit betaalbaar en opeisbaar word, is geregtig op 'n korting van tien persent, mits alle agterstallige belastings saam met betaalbare rente betaal is. Die raad kan, na goeddunke, rente teen hoogstens ses persent per jaar, maar teen 'n minimale bedrag van twee sjelings en ses pennies, bereken van die datum waarop die belasting betaalbaar is tot die dag waarop dit betaal word invorder ten opsigte van alle belastings wat nie binne sestig dae van die datum waarop hulle betaalbaar geword het, betaal is nie.

(b) Die raad het die reg om belastings te hef op alle vaste belasbare eiendom wat gewaardeer is, en waarvan die waardasies verskyn op die voorlopige of op die hoofwaardasie lyste: Met dien verstande dat enige belasting wat gehef word op grond van waardasies wat op die voorlopige waardasielyste verskyn, 'n voorlopige aanslag is, en aangesuiwer moet word in ooreenstemming met die veranderinge en wysigings wat die waardasiehof aan die waardasielys maak.

(c) Enige belasting wat ooreenkomstig die bepalinge van artikel *eenhonderd ses-en-sewentig* gehef word op die verbeterings, moet gehef word in verhouding met daardie gedeelte van die boekjaar waarin die verbeterings in hul geheel of ten dele bestaan het, as sodanige deel nuttig gebruik is of kon gebruik gewees het vir die doeleindes waarvoor sodanige verbeterings geskik was.

Die belastings wat ingevolge artikel *eenhonderd ses-en-sewentig* gehef is, is opeisbaar eers van die begin van die jaar, halfjaar of kwartaal, na

levy rates, as set out in this section, at quarter rates on all rateable immovable property which is situated within the townlands or commonage of the municipality but outside the proclaimed township area, and which are *bona fide* used for agricultural purposes.”

- (b) the substitution of the following sub-section for sub-section (3):—

“(3) Every amount which is due and payable to the council in respect of sanitary services, rubbish or other removable, and water where waterborne sewerage is installed, shall be recoverable jointly and severally from the owner or occupier of the property at the time such service was rendered or supply given, or when such rate was levied.

Every amount which is due and payable to the council in respect of the supply of electricity or gas or water where no waterborne sewerage has been installed, shall be recoverable against the occupier or person who applied for such service or supply.

Where as a consequence of the provisions of this section, an owner has paid to the council any monies in respect of sanitary services or water, he shall have the right, in the absence of any agreement to the contrary, to recover such amount from the occupier.”;

- (c) the deletion in sub-section (5) of the word “equally”.

27. Section *one hundred and seventy-seven* of the principal Ordinance is hereby amended by:—

- (a) the substitution of the following sub-section for sub-section (1):—

“(1) (a) Every site value rate, improvements rate, special rate and general rate imposed under this Ordinance, shall be notified to the Registrar of Deeds and every rate or instalment thereof shall become due and payable at the offices of the council upon a day to be fixed by the council, of which day and of which instalment of the rates the council shall give at least thirty days notice by advertisement in a newspaper circulating in such municipality. Every person who pays any such instalment of such rate within thirty days of the day on which it becomes due and payable shall be entitled to a reduction of ten *per cent*, provided that all arrear rates together with any interest due thereon have been paid. Interest not exceeding the rate of six *per cent per annum*, with a minimum amount of two shillings and six pence, may in the discretion of the council, be charged as from the date on which the rates fall due to the date of payment on all rates which have not been paid within sixty days of the date upon which they fell due.

(b) The council shall have the right to levy rates on all immovable rateable properties which have been valued, the valuations of which properties appear on the provisional or on the main valuation rolls, provided that any rates levied on the basis of valuations appearing on the provisional valuation roll, shall be a provisional assessment, and shall be adjusted in accordance with the alterations and amendments made to the valuation roll by the valuation court.

(c) Any rates levied in accordance with the provisions of section *one hundred and seventy-six* on improvements shall be levied in proportion to that portion of the financial year during which the improvements existed totally or in part, where such part was used or was capable of being used beneficially for the purpose for which such improvements were suitable.

The rates levied in terms of section *one hundred and seventy-six* shall be payable only from the beginning of the year, half year or quarter,

gelang, waarin die waardering geskied het, of van die datum waarop die eiendom belasbaar geword het, watter van hierdie datums ook al die jongste is.

As daar niteenstaande andersluidende bepalinge in hierdie Ordonnansie of enige ander wet, weens 'n fout in die waardasielys of weens enige ander fout, geen belastings gehef is nie, kan sodanige foute herstel word deur die heffing van die belasting wat sub-artikel (d) van hierdie artikel bepaal, en wel met terugwerkende krag vir 'n tydperk van hoogstens twee jaar.

(d) Behoudens die bepalinge van die voorafgaande sub-artikel is die belasting wat ingevolge die bepalinge van artikel *eenhonderd ses-en-sewentig* betaal moet word op eiendomme waarvan die waardering geskied na die vervaldag van enige paalement van so 'n belasting, betaalbaar en opeisbaar op die datum wat bepaal word as die vervaldag van die eersvolgende paalement van sodanige belasting."

(b) sub-artikel (5) deur die onderstaande sub-artikel te vervang:—

„(5) Elke sodanige belasting is verhaalbaar van die eienaar ten tyde wanneer dit gewoonlik opeisbaar is, al is daar 'n spesiale vereffeningsbewys ingevolge artikel *eenhonderd agt-en-sewentig* uitgereik.”;

(c) die woord „jaar” in sub-artikel (7) te vervang deur die woord „boekjaar.”

28. Artikel *eenhonderd nege-en-sewentig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Rente op agterstallige gelde.

179. Die raad kan rente bereken en invorder teen 'n koers van hoogstens ses persent per jaar op agterstallige gelde vir die lewering van water, elektrisiteit of gas of vir sanitêre dienste, of die raad kan, in stede van sodanige gelde te bereken, 'n bepaalde boete teen hoogstens twee sjielings en ses pennies oplê en invorder —

- (a) ten opsigte van gelde wat maandeliks agteruitbetaalbaar is, as sodanige gelde nie op of voor die vyftiende dag van die maand wat volg op die maand waarin die bedrag betaalbaar ten opsigte van die verbruik van water, elektrisiteit of gas of vir die lewering van sanitêre dienste bepaal word, betaal is nie;
- (b) ten opsigte van gelde wat maandeliks vooruitbetaalbaar is, as sodanige gelde nie op of voor die vyftiende dag van die maand waarin die bedrag bepaal word, wat betaalbaar is vir die water, elektrisiteit of gas wat verbruik sal word of die sanitêre dienste wat gelewer sal word, betaal is nie;
- (c) ten opsigte van gelde wat kwartaal- agteruitbetaalbaar is, as sodanige gelde nie op of voor die vyftiende dag van die maand wat volg op die kwartaal waarin die bedrag bepaal word, wat betaalbaar is ten opsigte van water-, elektrisiteits- of gasverbruik of die lewering van sanitêre dienste, betaal is nie;
- (d) ten opsigte van gelde wat kwartaal- vooruitbetaalbaar is, as sodanige gelde nie op of voor die vyftiende dag van die eerste maand van die kwartaal waarin die bedrag bepaal word, wat betaalbaar is ten opsigte van water, elektrisiteit of gas wat verbruik sal word, of sanitêre dienste wat gelewer sal word, betaal is nie.”

29. Artikel *eenhonderd een-en-tagtig* van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

as the case may be, during which the valuation was made or as from the date on which the property became rateable, whichever date is the later.

Notwithstanding anything to the contrary in this Ordinance or any other law contained, where rates were not levied as the result of an error in the valuation roll or because of any other error, such errors may be rectified by levying the rate as provided for in sub-section (d) of this section retrospectively for a period of not exceeding two years.

(d) Subject to the provisions of the previous sub-section, the rates which shall be payable in terms of the provisions of section *one hundred and seventy-six* in respect of properties of which the valuation shall be made after the due date of any instalment of such rates, shall be due and payable at the date determined to be the due date of the next succeeding instalment of such rates.”

(b) the substitution of the following sub-section for sub-section (5):—

“(5) Every such rate shall be recoverable against the owner at the time such rate is normally payable, notwithstanding that a special clearance certificate may have been issued in terms of section *one hundred and seventy-eight*.”;

(c) the insertion in sub-section (7) of the word “financial” before the word “year”.

28. The following section is hereby substituted for section *one hundred and seventy-nine* of the principal Ordinance:—

“Interest on arrear fees.

179. The council may charge and recover interest at a rate not exceeding six *per cent per annum* on arrear fees for the supply of water, electricity or gas or for sanitary services, or the council may in lieu of charging such interest, impose and recover a fixed penalty not exceeding two shillings and six pence —

- (a) in respect of fees which are payable monthly in arrear, if such fees are not paid on or before the fifteenth day of the month following the month during which the amount due in respect of the consumption of water, electricity or gas or in respect of the rendering of sanitary services is determined;
- (b) in respect of fees which are payable monthly in advance, if such fees are not paid on or before the fifteenth day of the month during which the amount due in respect of the consumption of water, electricity or gas which will take place or the sanitary services which will be rendered is determined;
- (c) in respect of fees which are payable quarterly in arrear if such fees are not paid on or before the fifteenth day of the month following the quarter during which the amount due in respect of the consumption of water, electricity or gas or the rendering of sanitary services is determined;
- (d) in respect of fees which are payable quarterly in advance if such fees are not paid on or before the fifteenth day of the first month of the quarter during which the amount in respect of the consumption of water, electricity or gas which will take place or the sanitary services which will be rendered is determined.”

29. The following section is hereby substituted for section *one hundred and eighty-one* of the principal Ordinance:—

„Waardasielys.

181. (1) Een keer in elke vyf jaar moet daar 'n waardering van vaste eiendom in elke munisipaliteit plaasvind, en te eniger tyd wanneer nodig, 'n voorlopige waardering van sodanige eiendom met inagneming van die verdere bepalings van hierdie artikel.

(2) (a) Onderhewig aan die Administrateur se goedkeuring stel elke munisipaliteit 'n bevoegde persoon aan — hierna heet hy die „waardeerder” — wat 'n amptenaar van die munisipaliteit kan wees, teen besoldiging en vir 'n tydperk wat die raad bepaal, en hy is verantwoordelik vir die waardering van alle belasbare vaste eiendom binne die munisipaliteit op 'n hoofwaardasielys, en hierdie lysie moet die onderstaande inligting aangee:—

- (i) 'n beskrywing van die eiendom;
- (ii) die naam van die eienaar;
- (iii) die grootte en omvang van die eiendom;
- (iv) die waardasie van die grond; en
- (v) die waardasie van enige verbeterings op die grond.

(b) Die waardeerder moet alle openbare sittings van die waardasiehof bywoon asook dié van enige appélhof waarby sy teenwoordigheid nodig is.

(c) By vertoning van 'n sertifikaat van die stadsklerk dat hy die aangestelde waardeerder is, het die waardeerder die reg om enige eiendom te betree wat vir die doeleindes van hierdie artikel geïnspekteer moet word, en enige eienaar of bewoner van sodanige eiendom, of iemand wat daarvoor toesig het, moet op versoek van die waardeerder al die nodige geleentheid aan hom verskaf om hom in staat te stel om die eiendom te betree, asook die inligting wat hy vir die doeleindes van hierdie artikel nodig het.

(d) Die waardeerder kan uit sy amp ontslaan word om enige rede wat die Administrateur goed en genoegsaam beskou.

(3) (a) Die waardeerder waardeer alle belasbare vaste eiendomme in die munisipaliteit —

- (i) wat ingevolge sub-artikel (1) gewaardeer moet word;
- (ii) wat uit die vorige waardasielys uitge laat is, of ten opsigte waarvan 'n fout gemaak is;
- (iii) waarvan die waarde sedert die vorige waardering wesenlik vermeerder of verminder het weens 'n oorsaak wat uitsluitlik in verband staan met sodanige eiendom.

Die grondslag van die waardering is die geskatte prys wat 'n koper gewillig sou wees om te betaal en 'n verkoper gewillig sou wees om te aanvaar by 'n vrywillige verkoop ten tyde van die waardering;

(b) Die waardasie van sodanige eiendomme word opgeneem in die voorlopige waardasielys wat in sub-artikel (2) genoem word;

(c) Die voorlopige waardasielys moet in die betrokke munisipaliteit se kantoor gehou word en moet gedurende die gewone kantoorure van die munisipaliteit vir enigeen ter insae lê;

(d) Die voorlopige waardasielys staan onderhewig aan hersiening en wysiging deur die waardasiehof, en wanneer daardie hof die voorlopige waardasielys goedgekeur het, word dit dadelik deel van die hoofwaardasielys.

„Valuation roll

181. (1) There shall be a valuation of rateable immovable property in every municipality once in every five years and a provisional valuation of such property at any time necessary, subject to the further provisions of this section.

(2) (a) Every municipality shall, subject to the approval of the Administrator, appoint a competent person, hereinafter called “the valuer”, who may be an officer of such municipality, at a remuneration and for a period to be determined by the council, and he shall be responsible for valuing all rateable immovable property within the municipality on a main valuation roll and for compiling the provisional valuation roll which rolls shall give:—

- (i) a description of the property;
- (ii) the name of the owner;
- (iii) the size and extent of the property;
- (iv) the valuation of the land; and
- (v) the valuation of any improvements on such land.

(b) The valuer shall attend all public sittings of the valuation court and of any court of appeal at which the presence of the valuer may be necessary;

(c) The valuer shall, upon production of a certificate by the town clerk to the effect that he is the appointed valuer, have the right of access to any property to be inspected for the purposes of this section and any owner, occupier or person in charge of such property shall upon the request of the valuer, furnish him with such facilities as are necessary to enable him to enter the property, and, with such information as he may require for the purposes of this section;

(d) The valuer may be removed from office for any reason which the Administrator deems good and sufficient.

(3) (a) The valuer shall value all rateable immovable properties within the municipality —

- (i) which require to be valued in terms of sub-section (1);
- (ii) which were omitted from the previous valuation roll or in respect of which an error had been made;
- (iii) which have materially increased or decreased in value due to any cause particular to such property since the last valuation thereof.

The basis of the valuation shall be the estimated price which a buyer would be willing to give and a seller would be willing to accept at a voluntary sale at the time of valuation.

(b) The valuation of such properties shall be included in the provisional valuation roll referred to in sub-section (2);

(c) The provisional valuation roll shall be kept at the offices of the municipality concerned, and shall be open for inspection by any person during the ordinary office hours of the municipality;

(d) The provisional valuation roll shall be subject to review and amendment by the valuation court, and on being approved by the said court, the provisional valuation roll shall forthwith become a portion of the main valuation roll.

(4) Minstens dertig dae voor die datum wat vir 'n sitting van die waardasiehof bepaal is, moet die raad in 'n nuusblad wat in daardie munisipaliteit omloop, 'n kennisgewing laat publiseer dat die lys ter insae lê vir openbare inspeksie en vir die indiening van besware daarteen, wat binne een-en-twintig dae na die verskyning van sodanige kennisgewing moet geskied; die kennisgewing moet ook die datum en plek van die sitting van die waardasiehof aangee. Enige sodanige besware moet skriftelik geskied en moet die gronde van die besware aangee.

(5) (a) Die waardasiehof bestaan uit drie lede waarvan een (die voorsitter) die magistraat, of addisionele of assistent-magistraat, moet wees, een 'n lid moet wees wat die Administrateur aangestel het, en een 'n lid wat die plaaslike bestuur benoem het, maar wat nie 'n raadslid of 'n werknemer van die raad mag wees nie. Twee lede van die waardasiehof is 'n kworum, mits een van hulle die voorsitter is.

(b) Op die bepaalde datum oorweeg die waardasiehof die waardasielys en enige besware wat daarteen ingedien is, en die hof kan die veranderings en wysigings aanbring wat hy goed vind, en kan enige waardasie vermeerder of verminder, of daarteen beswaar ingedien is of nie, maar met inagneming van die onderstaande bepalinge:—

- (i) dat alle getuienis voor sodanige hof onder eed afgelê moet word;
- (ii) dat die hof van tyd tot tyd, wanneer hy dit doenlik vind, kan verdaag;
- (iii) dat 'n waardasie waarteen daar geen beswaar ingedien is nie, nie vermeerder mag word nie, tensy daar kennisgewing geskied het aan die eienaar, of, in sy afwesigheid, aan die bewoner van, of agent vir, die eiendom. Hierdie bepaling geld egter nie waar die hof die waardasies van alle eiendom in 'n bepaalde gebied vermeerder nie;
- (iv) dat geen lid van die hof mag deelneem aan 'n bespreking, of mag stem oor 'n vraag, waarby hy, of regstreeks of middels sy gade, vennoot of 'n naverwante, geldelike belange het nie.

(c) 'n Eienaar van vaste eiendom wat beswaar ingedien het teen 'n waardasie, of die Administrateur of die munisipaliteit, kan persoonlik of deur 'n behoorlik gemagtigde verteenwoordiger voor die waardasiehof verskyn.

(d) Die stadsklerk stel die eienaar van eiendom, wat teen die waardasie beswaar gemaak het, in kennis van die beslissing van die hof. Die verrigtinge van die waardasiehof se sittings moet behoorlik genoteleer en aangeteken word, en die beslissing oor elke geval moet opgeteken word. Die notule moet deur die voorsitter onderteken word, en is bewys *prima facie* van die verrigtinge en beslissings van die hof.

(e) Onderhewig aan die reg van appél is die beslissing van die waardasiehof afdoende.

(6) Die eienaar van vaste eiendom wat beswaar gemaak het teen 'n waardasie, of die Administrateur of die munisipaliteit kan appél aanteken by die Hoë Hof van Suidwes-Afrika. Skriftelike kennisgewing van sodanige appél moet binne een-en-twin-

(4) At least thirty days before the date determined for the sitting of the valuation court, the council shall cause to be published in a newspaper circulating in such municipality, a notice setting out that the roll is available for public inspection and for the lodging of objections thereto within a period of twenty-one days of such notice, and giving the date and place of the sitting of the valuation court. Such objections shall be in writing, and shall state the grounds on which the objections are based.

(5) (a) The valuation court shall consist of three members, one of whom shall be the magistrate (or an additional or assistant magistrate), as chairman, one member to be appointed by the Administrator and one member to be nominated by the local authority who shall not be a councillor or in the employ of the council. Two members of the valuation court shall, provided one of them is the chairman, form a quorum.

(b) The valuation court shall, on the appointed day, proceed to consider the valuation roll and the objections lodged thereto and the court shall be entitled to make such alterations and amendments as it sees fit and may increase or decrease any valuation whether it be objected to or not, subject to the following provisions:—

- (i) that all evidence given before the said court shall be on oath;
- (ii) that the court may adjourn from time to time as it may deem expedient;
- (iii) that a valuation to which no objection has been lodged shall not be increased unless notice has been given to the owner, or, in his absence, to the occupier of or the agent for the property, but this provision shall not apply where the court raises the valuation of all properties in a given area;
- (iv) that no member of the court shall take part in any discussion or shall vote on any question in which he is financially interested either directly or through his spouse, his partner or through a near relation.

(c) Any owner of fixed property who has objected against the valuation, or the Administrator or the municipality, may appear before the valuation court in person or by a duly authorised representative.

(d) The owner of property, who has objected against the valuation shall be advised by the town clerk of the decision of the court. Proper minutes and records shall be kept of the proceedings of the sitting of the valuation court, and the findings in each case shall be recorded. The minutes shall be signed by the chairman and shall be *prima facie* evidence of the proceedings and findings of the court.

(e) Subject to the right of appeal, the decision of the valuation court shall be final.

(6) An appeal may be brought before the High Court of South West Africa by the owner of immovable property who has objected to a valuation, or by the Administrator or the municipality. Written notice of such appeal shall be given within twenty-one

tig dae na die bekendmaking van die beslissing van die waardasiehof geskied, en daarin moet die gronde van sodanige appél aangegee word.

(7) Die hoofwaardasielys moet gedurende die gewone kantoorure van die munisipaliteit vir enigen ter insae beskikbaar wees.

30. Die Engelse teks van artikel *eenhonderd twee-en-tagtig* van die hoofordonnansie word hierby gewysig deur die woorde „one hundred and eighty” te vervang deur die woorde „one hundred and eighty-one”.

31. Artikel *eenhonderd vier-en-tagtig* van die hoofordonnansie word hierby gewysig deur —

(a) sub-artikel (1) te vervang deur die onderstaande artikel:—

„(1) Die raad moet behoorlik boeke laat hou en juiste en gereelde rekenings daarin laat opteken van alle geldbedrae wat op rekening van, en vir die raad, ten opsigte van elke boekjaar ontvang is en moet word, en betaal is en moet word, en van die verskeie doeleindes waarvoor sodanige geldbedrae ontvang of betaal is of ontvang of betaal moet word: Met dien verstande dat die Administrateur die wyse en vorm waarin sodanige boeke gehou moet word, kan voorskryf.”;

(b) sub-artikel (2) te vervang deur die onderstaande sub-artikel:—

„(2) Die rekeninge van die raad moet uiterlik op die dertigste dag van September van elke jaar, of teen 'n ander datum wat die Administrateur op skriftelike versoek van die betrokke munisipaliteit kan bepaal, afgesluit word, en by wyse van 'n uittreksel daaruit gepubliseer word, en vir die doeleindes van hierdie Ordonnansie beteken „boekjaar” die twaalf maande tot en met die dertigste dag van Junie in elke kalenderjaar. Vir die doeleindes van hierdie sub-artikel beteken „gepubliseer” aangeplak op 'n opvallende plek by die raad se kantoor.”;

(c) die onderstaande voorbehoud aan die slot van sub-artikel (3) by te voeg:—

„Met dien verstande dat as die Administrateur die gespesifiseerde begroting van inkomste en uitgawe om die een of ander rede nie teen die eerste dag van Julie goedgekeur het nie, die munisipaliteit vir 'n tydperk van twee maande uitgawes kan aangaan, ooreenkomstig die voorafgaande jaar se gespesifiseerde begroting van inkomste en uitgawe, ten opsigte van die roetinesake wat vir daardie voorafgaande jaar goedgekeur is.”;

(d) die onderstaande sub-artikels na sub-artikel (3) in te voeg:—

„(4) Nieteenstaande andersluidende bepalings in hierdie Ordonnansie kan die raad op enige departementele pos van sy gespesifiseerde begroting van inkomste en uitgawe, enige onderhoof van daardie pos oorskry met hoogstens twintig persent mits daar besparings by ander onderhoofde van dieselfde pos beskikbaar is om sodanige oorskrydende uitgawe te dek.

(5) Die raad kan reserwes uit surplusse skep waar die Administrateur dit goedkeur, en reëlings tref vir die inbetaling van gelde in banke, vir die betaling van rekeninge en vir die veilige bewaring van bates ooreenkomstig erkende sakepraktyk.”

32. Artikel *eenhonderd vyf-en-tagtig* van die hoofordonnansie word hierby gewysig deur —

(a) in sub-artikel (1) die woorde „wat amptenare van die Staatsdiens is” te skrap;

(b) paragraaf (e) van sub-artikel (3) te vervang deur die onderstaande paragraaf:—

days of the decision of the valuation court having been made known, and in such notice the grounds of such appeal shall be given.

(7) The main valuation roll shall be open for inspection by any person during the ordinary office hours of the municipality.

30. The English version of section *one hundred and eighty-two* of the principal Ordinance is hereby amended by the substitution of the words “one hundred and eighty-one” for the words “one hundred and eighty”.

31. Section *one hundred and eighty-four* of the principal Ordinance is hereby amended by:—

(a) the substitution of the following sub-section for sub-section (1):—

“(1) The council shall cause proper books to be kept and true and regular accounts shall be entered therein of all sums of money received or to be received and paid or to be paid in respect of each financial year on account of and for the council and of the several purposes for which such sums of money have been received and paid or are receivable and payable: Provided that the manner or form in which such books shall be kept may be prescribed by the Administrator.”;

(b) the substitution of the following sub-section for sub-section (2):—

“(2) The accounts of the council shall be made up and an extract thereof published by not later than the thirtieth day of September of each year, or such other date as the Administrator may on the written request of the municipality concerned fix, and for the purposes of this Ordinance “financial year” shall be the twelve months ending on and including the thirtieth day of June in each calendar year. For the purposes of this sub-section “published” shall mean posted up in a conspicuous place at the office of the council.”;

(c) by the addition of the following proviso at the end of sub-section (3):—

“Provided that should for any reason the detailed estimate of revenue and expenditure not have been approved by the Administrator by the first day of July, the municipality may incur expenditure for a period of two months in accordance with the previous year's detailed estimate of revenue and expenditure on such routine matters as were approved for the previous year.”;

(d) by the insertion of the following sub-sections after sub-section (3):—

“(4) Notwithstanding anything to the contrary in this Ordinance contained the council may on any departmental vote of its detailed estimate of its revenue and expenditure exceed any sub-head of that vote by not more than twenty per cent provided that savings are available on other sub-heads of the same vote to cover such excess expenditure.

(5) The council may create such reserves out of surpluses as are approved by the Administrator and may make arrangements for the banking of monies, the payment of accounts and the safe-keeping of assets in accordance with accepted business practice.”

32. Section *one hundred and eighty-five* of the principal Ordinance is hereby amended by:—

(a) the deletion in sub-section (1) of the words “being officers of the Public Service”;

(b) the substitution of the following paragraph for paragraph (e) of sub-section (3):—

„(e) die bedrae wat vir waardevermindering en veroudering van bates afgesonder is, voldoende is of ooreenkomstig is met die vereistes wat die Administrateur neergelê het;”.

33. Artikel *eenhonderd ses-en-tagtig* van die hoofordonnansie word hierby gewysig deur die onderstaande sub-artikel by te voeg; die bestaande artikel word dus sub-artikel (1):—

„(2) Voor die dertigste dag van September in elke jaar moet die stadsklerk 'n sertifikaat aan die Administrateur voorlê waarin hy vermeld of die voorwaardes wat ten opsigte van lenings aan die Raad opgelê is, nagekom is of nie.”

34. Die onderstaande artikel word hierby ingevoeg na artikel *eenhonderd ses-en-negentig* van die hoofordonnansie:—

„Onjuiste rekenings kan aangesuiwer word.

196bis. Nieteenstaande andersluidende bepalings in hierdie Ordonnansie of in enige ander wet, kan 'n rekening wat deur die munisipaliteit gelewer is en wat onjuis is, terugwerkend vir 'n tydperk van hoogstens twee jaar aangesuiwer of reggestel word.”

35. Artikel *eenhonderd nege-en-negentig* van die hoofordonnansie word hierby gewysig deur die woord „lisensies” daarin te vervang deur die woord „lisensiegelde”.

36. Goewermentskennisgewing 51 van 1920 („Waardering van Onroerend Eigendom in Municipaliteite”) word hierby herroep.

37. Hierdie Ordonnansie heet die Munisipale Wysigingsordonnansie 1957.

“(e) the amounts set aside for depreciation and obsolescence of assets are adequate or are in accordance with requirements laid down by the Administrator.”.

33. Section *one hundred and eighty-six* of the principal Ordinance is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):—

“(2) The town clerk shall before the thirtieth day of September in each year submit a certificate to the Administrator setting out whether the conditions imposed on the council in respect of loans have been complied with or not”.

34. The following section is hereby inserted after section *one hundred and ninety-six* of the principal Ordinance:—

“Incorrect accounts may be corrected.

196bis. Notwithstanding anything to the contrary in this Ordinance or in any other law contained, if any account rendered by a municipality is incorrect, the account may be corrected or adjusted retrospectively up to a period not exceeding two years.”.

35. Section *one hundred and ninety-nine* of the principal Ordinance is hereby amended by the substitution of the words “licence fees” for the word “licences”.

36. Government Notice 51 of 1920 (The Valuation of Immovable Property within Municipalities) is hereby repealed.

37. This Ordinance shall be called the Municipal Ordinance Amendment Ordinance 1957.