

BUITENGEWONE
OFFISIELLE KOERANT
VAN SUIDWES-AFRIKA.



OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA.

WITGawe op gesag.

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

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

Kantoor van die Administrateur,
Windhoek.

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

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

Administrator's Office,
Windhoek.

I N H O U D

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Ontwerpordonnansie op Paaie 1962

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ONTWERPORDONNANSIE

Ter wysiging en konsolidering van die Gebiedswette op paaie en ter reëling van verbandhoudende sake.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:

1. Die ordonnansies wat aangegee word in die Bylae van hierdie ordonnansie word in die mate uiteengesit in die derde kolom van daardie bylae herroep.

2. Tensy die sinsverband klaarblyklik 'n ander bedoeling aandui, beteken in hierdie ordonnansie —

(i) „aanlē” en „aanleg” ook die opmeting of afbakening van grond, die uitgraving van boomstompe, en alle ander bouwerk in verband met 'n pad of in verband met brûe, ponte en vere, driwwe, betonblaaike in die loop van so 'n pad of voorgestelde pad, en alle opritte, deurgravings, walle, duikweë, duikers, slotte, riole, damme, randstene, omheinings, weringsmure en afskuttings, motorroosterhekke, swaaihekke sowel as enige verandering, verlegging of verbetering van so 'n pad, en enige werkzaamheid of saak wat deel is van die padbouwerk of wat daar mee in verband staan;

(iv) „Afdeling Paaie” daardie afdeling van die Administrasie belas met die uitvoering van die bepalings van hierdie ordonnansie en die regulasies daar-ingevolge opgestel; (xix)

(iii) „brug” ook 'n duiker en/of 'n betonblad; (ii)

(iv) „distrik” die distrik of gedeelte daarvan wat 'n raad se regsgebied uitmaak; (v)

(v) „distrikspad” 'n geproklameerde pad waarop daar redelik veel verkeer plaasvind en wat ingevolge die bepalings van hierdie ordonnansie tot „distrikspad” geproklameer is; (vi)

(vi) „eienaar” —
(a) met betrekking tot grond waarvan die titelbewys in die Gebied se Aktekantoor geregister staan, die geregisterde eienaar;

DRAFT ORDINANCE

To amend and consolidate the laws of the Territory relating to roads and to make provision for matters incidental thereto.

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

1. The ordinances mentioned in the schedule to this ordinance are hereby repealed to the extent set out in the third column of that schedule.

2. In this ordinance, unless the context clearly indicates some other meaning —

- (i) “board” means a roads board constituted under section nine; (xviii)
- (ii) “bridge” includes a culvert and/or concrete slab;
- (iii)
- (iv) “Chief Roads Engineer” means the officer of the Roads Branch appointed as such by the Administrator; (ix)
- (v) “construct” and “construction” include the surveying or beaconing-off of land, the clearing of tree-stumps and all other construction work in connection with a road or with bridges, ponts and ferries, drifts, concrete slabs in the course of such road or proposed road and all approaches, cuttings, embankments, subways, culverts, ditches, drains, dams, kerbs, fences, parapets and partitions, motor grid gates, swing gates as well as any alteration, deviation or improvement of such a road, and any work or thing forming part of, or connected with, road construction; (i)
- (v)
- (vi) “district” means the district or part thereof under the jurisdiction of a board; (iv)
- (vii) “district road” means a proclaimed road carrying a reasonable amount of traffic and which has been proclaimed a “district road” under the provisions of this ordinance; (v)
- (viii) “farm” means a piece of land registered as a farm, portion of a farm or lot in the Deeds Office of the Territory, or government land, and for the

- (b) enige huurder van staatsgrond onverskillig of die huurkontrak waarkragtens hy die grond besit in die Gebied se Aktekantoor geregistreer staan of nie; (xv)
- (vii) „geproklameerde pad” enige pad wat ingevolge die bepalings van hierdie ordonnansie as sodanig geproklameer is: Met dien verstande dat, uitgesonderd paragrawe (d), (e) en (f) van artikel vyf en hoofstuk IV hiervan, die bepalings van hierdie ordonnansie nie binne die gebied van 'n plaaslike bestuur geld nie; (xvi)
- (viii) „grootpad” 'n geproklameerde pad wat belangrike sentra binne die Gebied met mekaar verbind en wat ingevolge die bepalings van hierdie ordonnansie tot „grootpad” geproklameer is; (xiii)
- (ix) „Hoof Paaie-Ingenieur” die amptenaar van die Afdeling Paaie as sodanig deur die Administrateur aangestel; (iii)
- (x) „hoofpad” 'n geproklameerde pad wat deel is van die padstelsel wat die Gebied as geheel met omliggende gebiede verbind en wat ingevolge hierdie ordonnansie tot „hoofpad” geproklameer is; (xxi)
- (xi) „instandhouding” en „in stand hou” ook die herstel en versorging van 'n pad en van elke aanleg in die loop daarvan, of wat deel is daarvan, asook enige werksaamheid of saak wat in verband met sodanige herstelwerk of versorging staan; (xiv)
- (xii) „landdros” die landdros van 'n landdrosdistrik, asook enige ander beampete wat volgens wet as landdros optree; (xii)
- (xiii) „pad” enige pad, brug of pont of veer (uitgesonderd private brûe of ponte of vere), en enige drift of betonblad in die loop van sodanige pad, en alle opritte, deurgrawings, walle, duikweë, duikers, slote, afleivore, damme, randstene, omheinings, weringsmure, motorroosterhekke, swaaihekke en enige ander werksaamheid of saak wat deel is van so 'n pad of wat daarmee in verband staan; (xvii)
- (xiv) „padreserwe” die deel van 'n geproklameerde pad aan weerskante van die ryvlak; (xviii)
- (xv) „plaas” 'n stuk grond geregistreer as 'n plaas, plaasdeel of perseel in die Aktekantoor van die Gebied, of staatsgrond, en, by die toepassing van hoofstuk VI hervan, omvat dit 'n naturellereservaat gestig ingevolge artikel *sestien* van die „Naturelle Administratie Proklamatie 1922” (Proklamasie 11 van 1922) soos gewysig; (vii)
- (xvi) „plaaspad” 'n geproklameerde pad wat as belangrik genoeg beskou word en wat ingevolge die bepalings van hierdie ordonnansie tot „plaaspad” geproklameer is; (viii)
- (xvii) „plaaslike bestuur” 'n munisipaliteit of 'n dorpsbestuur en ten opsigte van elke gebied wat nie onder die beheer van 'n munisipaliteit of dorpsbestuur staan nie, beteken „plaaslike bestuur” die landdros van die distrik waarin sodanige gebied lê; (xi)
- (xviii) „raad” 'n Padraad ingestel ingeval artikel *nege*; (i)
- (xix) „ryvlak” daardie gedeelte van 'n pad wat vir voertuigverkeer verbeter, gebou of bedoel is, asook die gedeeltes wat algemeen bekend staan as die skouers; (xx)
- (xx) „stedelike gebied” daardie deel van die gebied van 'n plaaslike bestuur wat deur werklike opmeting in erwe onderverdeel is of wat omring is deur opgemete erwe, asook enige publieke pad wat daaraan grens; (xxii)
- (xxi) „weigrond” 'n strook grond wat ingevolge artikel *ses-en-dertig* van hierdie ordonnansie beskou word as publieke weigrond vir trekvee; (x)
- (xxii) „wildtuin” 'n wildtuin wat ingevolge artikel *twee* of *drie* van die Ordonnansie op Wildtuine, Natuurtuine en Private Wildreserwes 1958 (Ordonnansie 18 van 1958) ingestel is. (ix)

- purposes of chapter VI hereof it includes a native reserve constituted in terms of section *sixteen* of the Native Administration Proclamation, 1922 (Proclamation 11 of 1922) as amended; (xv)
- (viii) “farm road” means a proclaimed road considered important enough to be, and which has been, proclaimed a “farm road” under the provisions of this ordinance; (xvi)
- (ix) “game park” means a game park established under section *two* or *three* of the Game Parks, Nature Parks and Private Game Reserves Ordinance, 1958 (Ordinance 18 of 1958); (xxii)
- (x) “grazing area” means a strip of land deemed to be a public grazing area for trek stock under section *thirty-six* of this ordinance; (xxi)
- (xi) “local authority” means a municipality or a Village management board and in respect of every area not under the control of a municipality or a local management board, “local authority” means the magistrate of the district in which such area is situated; (xvii)
- (xii) “magistrate” means the magistrate of a magisterial district, and includes any other officer lawfully acting as such;
- (xiii) “main road” means a proclaimed road connecting important centres within the Territory, which has been proclaimed a “main road” under the provisions of this ordinance; (viii)
- (xiv) “maintenance” and “maintain” include the repair and care of a road and of any construction in the course thereof, or forming part thereof, as well as any work or thing in connection with such repair or care; (xi)
- (xv) “owner” means —
 - (a) in respect of land of which the title deeds have been registered in the Deeds Office of the Territory, the registered owner;
 - (b) any lessee of government land, whether the contract of lease under which he is in possession of the land has been registered in the Deeds Office of the Territory or not; (vi)
- (xvi) “proclaimed road” means any road which has been proclaimed as such under the provisions of this ordinance: Provided that, saving paragraphs (d), (e) and (f) of section *five* and chapter IV hereof, the provisions of this ordinance shall not apply within the area of any local authority; (vii)
- (xvii) “road” means any road, bridge, pont or ferry (excluding private bridges or ponts or ferries) and any drift or concrete slab in the course of such road, and all approaches, cuttings, embankments, subways, culverts, ditches, drains, dams, kerbs, fences, parapets, motor grid gates, swing gates and any other work or thing forming part of, or connected with, such a road;
- (xviii) “road reserve” means that part of a proclaimed road on either side of the roadway; (xiv)
- (xix) “Roads Branch” means that branch of the Administration charged with the carrying out of the provisions of this ordinance and the regulations framed thereunder; (ii)
- (xx) “roadway” means that part of a road improved, constructed or intended for vehicular traffic and includes those portions generally known as the shoulders; (xix)
- (xxi) “trunk road” means a proclaimed road forming part of the road system connecting the Territory as a whole with surrounding territories and which has been proclaimed a “trunk road” under this ordinance;
- (xxii) “urban area” means that part of the area of a local authority which has been sub-divided into erven by actual survey or which is surrounded by surveyed erven, and includes any public road adjoining it. (xx)

HOOFSTUK I.

GEPROKLAMEERDE PAAIE.

3. Alle paaie in wildtuine wat van tyd tot tyd deur die Administrateur goedgekeur word, en alle geproklameerde paaie binne die Gebied met uitsondering van paaie wat ingevolge hoofstuk IV geproklameer is en waarop subsidie betaal word, staan onder die beheer en toesig van die Administrateur.

4. Die breedte van geproklameerde paaie, dit wil sê, van ryvlak en padreserwe saam, moet sestig meter wees: Met dien verstande dat die Administrateur die breedte kan verminder of vermeerder volgens die bepalings van subartikel (1) van artikel *veertig*.

5. By proklamasie in die *Offisiële Koerant* kan die Administrateur van tyd tot tyd —

- (a) 'n pad tot geproklameerde pad proklameer,
- (b) afkondig dat 'n geproklameerde pad oor grond sal loop waar daar voorheen geen pad bestaan het nie, of 'n geslote pad heropen en die loop van so 'n pad bepaal na ondersoek en verslag deur die betrokke raad en/of die Hoof Paaie — Ingenieur;
- (c) 'n geproklameerde pad na ondersoek en verslag deur die betrokke raad en/of Hoof Paaie-Ingenieur sluit of verlê;
- (d) na beraadslaging met die betrokke plaaslike bestuur enige pad binne die gebied en buite die grense van die stedelike gebied van so 'n plaaslike bestuur tot geproklameerde pad proklameer;
- (e) na beraadslaging met die betrokke plaaslike bestuur, afkondig dat daar 'n geproklameerde pad sal loop oor grond binne die gebied en buite die grense van die stedelike gebied van so 'n plaaslike bestuur waar daar voorheen geen geproklameerde pad bestaan het nie, of, waar so 'n pad gesluit is, dit heropen en die loop van so 'n pad bepaal;
- (f) na beraadslaging met die betrokke plaaslike bestuur, 'n geproklameerde pad wat ingevolge paragraaf (d) of (e) hiervan geproklameer is, sluit of verlê;
- (g) enige geproklameerde pad tot hoofpad, grootpad, distrikspad of plaaspad proklameer, of enige sodanige proklamasie herroep of wysig.

6. (1) Behoudens die bepalings van die Padverkeersordonnansie 1961 (Ordonnansie 21 van 1961), soos gevysig, kan die Administrateur volgens goeddunke te eniger tyd na kennisgewing 'n geproklameerde pad tydelik of blywend vir enige bepaalde soort verkeer, of vir alle verkeer, sluit; ook kan die Hoof Paaie-Ingenieur sonder kennisgewing 'n geproklameerde pad tydelik verlê en die verkeer daarop reël vir die duur van bou- of instandhouingswerk aan die pad.

(2) Elkeen wat so 'n geproklameerde pad gebruik solank dit gesluit is, is skuldig aan 'n oortreding.

7. Behoudens die bepalings van subartikel (1) van artikel *nege-en-vyftig* kan die Administrateur of sy gemagtigde ter uitoefening van die bevoegdhede en pligte wat hierdie ordonnansie aan hom ople en verleen, na kennisgewing aan die eienaar, enige stuk grond betree of in besit neem.

8. Ondanks andersluitende bepalings in enige wet betreffende plaaslike besture is die Administrateur verantwoordelik vir die aanleg en instandhouding van die deel of verlenging van 'n geproklameerde pad ingevolge hierdie ordonnansie wat binne 'n plaaslike bestuursgebied loop tot waar dit die grens van die stedelike gebied by die eerste opgemete erwe van minder as vyf hektaar elk van die betrokke plaaslike bestuursgebied oorsteek, tensy hy besluit het om nie volgens artikel *drie-en-dertig* die betrokke plaaslike bestuur te subsidieer nie, in welke geval hy ook binne die grense van die betrokke stedelike gebied verantwoordelik is vir die aanleg en instandhouding van die betrokke geproklameerde pad.

HOOFSTUK II.

SAMESTELLING, BEVOEGDHEDE EN PLIGTE VAN PADRADE.

9. Die Administrateur kan van tyd tot tyd by proklamasie in die *Offisiële Koerant* —

CHAPTER I.

PROCLAIMED ROADS.

3. All roads in game parks approved by the Administrator from time to time, and all proclaimed roads within the Territory except roads proclaimed under chapter IV and on which subsidies are paid, shall be under the control and supervision of the Administrator.

4. The width of proclaimed roads, that is, of the roadway and road reserve together, shall be sixty metres: Provided that the Administrator may reduce or increase such width in accordance with the provisions of sub-section (1) of section *forty*.

5. The Administrator may from time to time by proclamation in the *Official Gazette* —

- (a) declare any road to be a proclaimed road;
- (b) declare that a proclaimed road shall exist on land where no road was previously in existence, or re-open a road which has been closed and define the course of such road after investigation and report by the board concerned and/or the Chief Roads Engineer;
- (c) close or deviate any proclaimed road after investigation and report by the board concerned and/or the Chief Roads Engineer;
- (d) after consultation with the local authority concerned, declare any road within the area but outside the boundaries of the urban area of such local authority, to be a proclaimed road;
- (e) after consultation with the local authority concerned, declare that a proclaimed road shall exist on land within the area but outside the boundaries of the urban area of such local authority where no proclaimed road existed previously or, where such road has been closed, re-open it and define the course of such road;
- (f) after consultation with the local authority concerned, close or deviate any proclaimed road proclaimed in terms of paragraph (d) or (e) hereof;
- (g) declare any proclaimed road to be a trunk road, main road, district road or farm road, or repeal or amend any such proclamation.

6. (1) Subject to the provisions of the Road Traffic Ordinance, 1961, (Ordinance 21 of 1961) as amended, the Administrator may at any time and upon such notice as he may deem fit, close temporarily or permanently for any particular class of traffic or for all traffic, any proclaimed road, or the Chief Roads Engineer may without notice temporarily deviate any proclaimed road and regulate the traffic thereon for the duration of construction or maintenance work on such roads.

(2) Any person using such proclaimed road while it is closed, shall be guilty of an offence.

7. Subject to the provisions of sub-section (1) of section *fifty-nine* the Administrator or any person acting under his authority, may for the purpose of discharging the powers and duties conferred and imposed upon him by this ordinance, and after notice to the owner, enter upon or take possession of any piece of land.

8. Notwithstanding anything to the contrary contained in any law relating to local authorities the Administrator shall be responsible for the construction and maintenance of that portion or extension of any proclaimed road in terms of this ordinance running within the area of a local authority up to where it intersects the boundary of the urban area at the first surveyed erven of less than five hectares each, of such local authority area, unless he has decided not to subsidise such local authority in accordance with section *thirty-three* in which case he shall also be responsible for the construction and maintenance of the proclaimed road concerned within the boundaries of the urban area concerned.

CHAPTER II.

CONSTITUTION, POWERS AND DUTIES OF ROADS BOARDS.

9. The Administrator may from time to time by proclamation in the *Official Gazette* —

- (a) vir 'n streek buite 'n plaaslike bestuursgebied 'n padraad instel met 'n landdros as voorstander en nog vier lede wat die Administrateur benoem met ingeneming van die bepalings van artikel *tien*: Met dien verstande dat die Administrateur bowendien andere as *ex officio* lede van so 'n raad kan benoem, en dat sodanige *ex officio* lede hul ampte beklee solank dit die Administrateur behaag, en dat hulle sonder stemreg aan die raad se verrigtinge deelneem. Die Administrateur kan van tyd tot tyd die bedrag bepaal wat aan 'n lid, insluitende *ex officio* lede, betaal moet word ten opsigte van reis- of ander onkoste in die raad se diens;
- (b) die regsgebied van 'n raad wat by hierdie artikel ingestel word, bepaal, uitbrei, wysig of beperk, en, om redes syns insiens voldoende, so 'n raad ontbind of totaal afskaf.

10. Niemand mag as lid of *ex officio* lid van 'n raad benoem word of optree nie —

- (a) wat tot gevangenisstraf sonder die keuse van 'n boete vervoordeel is, tensy daar aan hom gracie verleen is of tensy hy sy gevangenisstraf minstens drie jaar voor die benoeming uitgedien het; of
- (b) wat geestelik gekrenk is of onder kuratele staan; of
- (c) wie se boedel in likwidiasie of trust gehou word vir sy krediteure; of
- (d) wat 'n ongerehabiliteerde bankroetier is; of
- (e) wat nie 'n Suid-Afrikaanse burger is nie; of
- (f) wat jonger as 21 jaar is.

11. 'n Lid of *ex officio* lid van 'n raad moet sy amp neerlê —

- (a) sodra een van die omstandighede waaroor artikel *tien* gaan, intree, al gebeur dit na sy benoeming; of
- (b) as die Administrateur hom ooreenkomsdig artikel *twaalf* uit sy amp ontslaan; of
- (c) as hy weens 'n oortreding van artikel *seventeen* veroordeel word; of
- (d) as sy benoeming as *ex officio* lid deur die Administrateur ingetrek word.

12. Die Administrateur kan 'n raadslid skors of uit sy amp ontslaan weens onbekwaamheid, wangedrag of ander geldige rede.

13. Buiten waar hierdie ordonnansie of die Administrateur dit anders bepaal, duur elke raadlid se ampttermyn drie jaar van sy benoeming af.

14. As 'n lid of *ex officio* lid van 'n raad gedurende sy amptyd sterf, bedank of wetlik onbevoeg word of onbevoeg bevind word, of andersins sy setel in die raad ontruim, kan die Administrateur 'n opvolger benoem om sy ampttermyn te voltooi.

15. Die voorstander en nog twee lede is 'n kworum: Met dien verstande dat waar die landdros van sy hofsetel afwesig is, hy die senior beampie van sy landdrospersoneel skriftelik kan benoem om dan as voorstander op te tree.

16. 'n Raad —

- (a) besit sodanige bevoegdhede en pligte soos hierdie ordonnansie bepaal;
- (b) moet die Administrateur hulp en raad gee in verband met alle aangeleenthede betreffende geproklameerde paaie in sy distrik;
- (c) moet al die inligting inwin en deurstuur wat die Administrateur aanvra oor die toepassing van hierdie ordonnansie of oor die regulasies wat daaruit voortvloeい;
- (d) moet oor die algemeen al daardie werksaamhede verrig wat die Administrateur van tyd tot tyd aan so 'n raad opdra.

17. (1) Geen raadslid mag stem in verband met, of deelneem aan, of in sy hoedanigheid as lid teenwoordig wees by, 'n raad se bespreking van enige saak waarby hy, of sy eggenote, of sy vennote, of sy naaste bloedverwantie 'n regstreekse of onregstreekse belang het nie.

(2) 'n Raadslid wat die bepalings van hierdie artikel opsetlik verontgaam, is skuldig aan 'n oortreding, en verbeer by veroordeling sy setel in die raad.

- (a) constitute for any area outside that of a local authority a roads board consisting of a magistrate, who shall be the chairman, and four other members appointed by the Administration subject to the provisions of section *ten*: Provided that the Administrator may in addition to such members appoint other persons *ex officio* members of such board, and that such *ex officio* members shall hold office during the pleasure of the Administrator and shall have the right to take part in the proceedings of the board but shall not have the right to vote. The Administrator may from time to time determine the amount to be paid to any member, including *ex officio* members, for travelling and other expenses on the business of the board;
- (b) determine, increase, alter or diminish the area of jurisdiction of any board constituted under this section, and, on cause being shown to his satisfaction, dissolve or abolish such board.

10. No person shall be appointed, or act as a member or an *ex officio* member of a board —

- (a) who has been sentenced to imprisonment without the option of a fine, unless he has received a free pardon or his period of imprisonment expired at least three years before his appointment; or
- (b) who is of unsound mind or is under curatorship; or
- (c) whose estate is held in liquidation or in trust for his creditors; or
- (d) who is an unrehabilitated insolvent; or
- (e) who is not a South African national; or
- (f) who is under the age of 21 years.

11. A member or an *ex officio* member of a board shall vacate his office —

- (a) as soon as any of the circumstances described in section *ten*, arise even though such circumstances occur after his appointment; or
- (b) if he has been removed from office by the Administrator in terms of section *twelve*; or
- (c) if he has been convicted of a contravention of section *seventeen*; or
- (d) if his appointment as an *ex officio* member has been cancelled by the Administrator.

12. The Administrator may suspend or remove any member of a board from his office for incapacity, misconduct or for any other valid reason.

13. Unless otherwise provided in this ordinance or determined by the Administrator, every member of a board shall hold office for a period of three years from the date of his appointment.

14. If any member or *ex officio* member of a board should during his term of office, die, resign or become or be found disqualified under any law, or otherwise vacate his seat thereon, the Administrator may appoint a successor to complete his term of office.

15. The chairman and two other members shall form a quorum: Provided that during the absence of a magistrate from the seat of his magistracy, he may appoint the senior officer on his magisterial staff in writing to act as chairman during his absence.

16. A board shall —

- (a) have such powers and duties as may be prescribed by this ordinance;
- (b) assist and advise the Administrator on all matters relating to proclaimed roads within its district;
- (c) obtain and transmit to the Administrator all information he may require in connection with the administration of this ordinance or the regulations framed thereunder;
- (d) generally carry out all such functions as the Administrator may from time to time assign to it.

17. (1) No member of a board shall vote upon, or take part in, or in his capacity as a member, be present at the discussion of any matter by the board in which he himself, his spouse, his partners or his nearest blood relations have any direct or indirect interest.

(2) Any member wilfully contravening the provisions of this section shall be guilty of an offence and shall on conviction vacate his seat on the board.

18. (1) Sy amp belet 'n raadslid geensins om hom as koper of verkoper of andersins met die Administrasie of die raad te verbind nie, nog is 'n verbintenis, aangegaan deur of namens die raad of die Administrasie, waarby 'n raadslid enigsins 'n regstreekse of onregstreekse belang het, daarom ongeldig nie.

(2) As 'n raadslid, behalwe as aandeelhouer in 'n maatskappy met beperkte aanspreeklikheid, belang het in 'n verbintenis met die raad of die Administrasie, of in 'n by-verbintenis, of 'n latere verbintenis wat uit die hoof-verbintenis voortvloeи, wat die uitgaaf of ontvangs van twee-honderd rand of meer deur die raad of die Administrasie meebring, moet die raadslid daardie feit skriftelik aan die raad en aan die Administrateur mededeel sodra hy daarvan weet, en moet die mededeling by die eersvolgende raadsvergadering genotuleer word.

(3) 'n Raadslid wat hierdie artikel verontagsaam deur te versuim om so 'n belang by enige verbintenis met die raad of die Administrasie mee te deel, is skuldig aan 'n oortreding, en is by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand, en by wanbetaling met gevangenisstraf van hoogstens twee jaar met of sonder dwangarbeid, en die vonnisvellende hof kan sy setel vakant verklaar: Met dien verstande dat die hof egter geen sodanige vonnis mag vel nie waar die raadslid bewys dat sy versuim om so 'n mededeling te doen, te wye was aan sy afwesigheid uit sy distrik, of aan siekte of aan 'n ander gegronde oorsaak.

(4) Dit is die Kontroleur en Ouditeur-generaal se plig om die Administrateur te verwittig van elke geval waar die bepalings van hierdie artikel syns insiens verontgaam is.

HOOFSTUK III.

DIE AANLEG, INSTANDHOUDING, OPENING, SLUITING EN VERLEGGING VAN GEPROKLAMEERDE PAAIE.

AANLEG EN INSTANDHOUDING:

19. Behoudens die bepalings van hierdie ordonnansie en van die Padverkeersordonnansie 1961 (Ordonnansie 21 van 1961), soos gewysig, en as die geldmiddele dit veroorloof, besit die Administrateur bevoegdheid en gesag in die onderstaande sake —

- (a) die aanleg, instandhouding en beheer oor alle hoof-, groot- en distrikspaaie, en (behoudens die bepalings van artikel vier hiervan) die breedtebepaling van alle geproklameerde paaie;
- (b) die aanskaffing en instandhouding van al die mylpale, padwysers en ander verkeerstekens wat nodig blyk ter reëling en beskerming van die verkeer op geproklameerde paaie;
- (c) die inrigting en instandhouding van putte, drinkplekke en ander geriewe vir openbare gebruik op sulke paaie;
- (d) die oprigting en instandhouding van woon- en ander geboue, in die padreserwe of elders, ter uitvoering van die bepalings van hierdie ordonnansie;
- (e) die aanplant van bome binne die gebied van 'n geproklameerde pad, of die aanbring van ander verbeterings daarin. Elkeen wat sodanige bome aldus aangeplant of ander verbeteringe aldus aanbring opsetlik beskadig, is skuldig aan 'n oortreding.

20. (1) Waar belanghebbendes verlang dat 'n geproklameerde plaaspad verbeter of herstel moet word, moet hulle, voordat enige werk daaraan gedoen is, deur die betrokke raad om die nodige verbeterings- of herstelwerk by die Administrateur aansoek doen, en daarop kan die Administrateur die verbeterings- of herstelkoste van sodanige pad laat beraam, en as die belanghebbendes self die verbeterings- of herstelwerk onderneem, kan die Administrateur, as die werk bevredigend uitgevoer is, toestem om tot die helfte van die werklike koste daarvan uit die Padfonds by te dra, of anders kan die Administrateur self die werk op koste van die Padfonds laat uitvoer as die betrokke raad aan hom bewys lewer dat die belanghebbendes die helfte van die aldus beraamde bedrag bygedra het en onderneem het om minstens die helfte van die uit-

18. (1) No member of a board shall be prohibited by reason of his office from contracting with the Administration or the board either as seller, purchaser or otherwise, nor shall any contract, entered into by or on behalf of the board or the Administration in which any member of the board is in any way directly or indirectly interested, be void on such account.

(2) Where any member of a board is interested otherwise than as a shareholder in a limited liability company in any contract with the board or the Administration or any sub-contract or subsequent contract arising from such main contract, which involves the expenditure or receipt by the board or the Administration of two hundred rand or more, such member shall immediately on being acquainted with such fact, disclose it in writing to the board and to the Administrator, and such disclosure shall be entered in the minutes of the next succeeding meeting of the board.

(3) Any member of a board who contravenes this section by omitting to disclose his interest in any contract with the board or the Administration shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred rand and in default of payment to imprisonment with or without hard labour for a period not exceeding two years, and the court convicting him may declare his seat vacant: Provided, however, that the court shall not pass such sentence if it is proved by the member that his omission to make such a disclosure was due to his absence from his district or to illness or other good cause.

(4) It shall be the duty of the Controller and Auditor-General to report to the Administrator any case in which it appears to him that there has been a failure to comply with the provisions of this section.

CHAPTER III.

CONSTRUCTION, MAINTENANCE, OPENING, CLOSING AND DEVIATION OF PROCLAIMED ROADS.

CONSTRUCTION AND MAINTENANCE.

19. Subject to the provisions of this ordinance and of the Road Traffic Ordinance, 1961 (Ordinance 21 of 1961) as amended, and when funds permit, the Administrator shall have power and authority in the following matters: —

- (a) the construction, maintenance and control of all trunk, main and district roads and (subject to the provisions of section four hereof) the determination of the width of all proclaimed roads;
- (b) the provision and maintenance of all such milestones, signposts and other traffic signs as may be found necessary for the regulation and protection of traffic on proclaimed roads;
- (c) the provision and maintenance of wells, watering places and other facilities for public use on such roads;
- (d) the erection and maintenance of dwelling houses and other buildings in the road reserve or elsewhere for the Administration of the provisions of this ordinance;
- (e) the planting of trees within the area of a proclaimed road or the making of other improvements in it. Any person wilfully damaging any trees thus planted or any improvements thus made, shall be guilty of an offence.

20. (1) Where interested persons desire that a proclaimed farm road should be improved or repaired, they shall, before any work is done to it, apply to the Administrator through the board concerned to have the necessary improvements or repairs carried out, and thereupon the Administrator may have the cost of improving or repairing such road estimated, and if the interested persons carry out such improvements or repairs themselves, the Administrator may, if the work has been done satisfactorily, consent to contribute up to half of the actual cost thereof out of the Roads Fund, or the Administrator may himself have the work carried out with moneys from the Roads Fund if the board concerned satisfies him that such interested persons have contributed half of the amount so estimated and have undertaken to pay

eindelike werklike koste te betaal, of goedgekeurde waarborg gestel het dat hulle hul deel van die werklike koste, hetsy in geld of arbeid, of andersins, soos die Administrateur goedkeur, sal bydra: Met dien verstaande dat waar die belanghebbendes om die verlegging van so 'n geproklameerde pad aansoek gedoen het, hulle aanspreeklik is vir die volle koste of verantwoordelik is vir die betrokke werk.

(2) Die applikante moet 'n aldus aangevraagde verlegging binne drie maande na die proklamasie daarvan bou: Met dien verstaande dat die Administrateur om goeie en voldoende redes die tydperk met drie maande kan verleng.

As die verlegging nie binne die bogenoemde tydperk vir publieke gebruik beskikbaar is nie, word dit gedeproklameer.

(3) Alle werk aan heinings, motorroosterhekke, of swaaihekke wat weens 'n aldus aangevraagde verlegging, verander of verskuif moet word, moet deur of op koste van die applikante uitgevoer word en geen bestaande pad mag vir die publiek gesluit word voordat die nuwe pad in die plek daarvan vir die publiek oopgestel is nie.

VERKRYGING VAN MATERIAAL:

21. Met die oog op die aanleg, instandhouding of herstelling van 'n geproklameerde pad kan die Administrateur, deur sy verteenwoordigers, beampies of ondernemers, enige grond met enige voer- of werktuig, materiaal of dier betree, en daarna, na kennigsing aan die eienaars, huurders of bewoners van sodanige grond, maar sonder vergoeding aan hom, enige materiaal daarvandaan wegvoer wat nodig blyk by sondanige aanleg, instandhouding of herstel, en vir hierdie doel kan hy enige toegangspaaie wat hy nodig ag, bou en onderhou: Met die verstaande dat —

- (a) daar niks uit enige tuin of ander gewoonlik boude grond, nog binne driehonderd jaarts van enige huis, nog binne vyftig jaarts van enige kraal, verwys word nie;
- (b) elke uitgraving so spoedig moontlik weer opgevul of behoorlik omhein word; of andersins vir mens en dier onskadelik gemaak word;
- (c) die Administrateur, sy verteenwoordigers, beampies of ondernemers by die uitoefening van hierdie bevoegdhede alle sorg dra om skade, nadeel, verlies of ongerief aan die betrokke eienaars, huurders of bewoners te verhoed.

22. Voorts kan die Administrateur deur sy verteenwoordigers, beampies, of ondernemers —

- (a) waar geen ander geleentheid hom voordoen nie, tydelike woongrond vir padwerkers en hul huisgesinne op private grond opslaan en bewaarplekke vir hulle toerusting en materiaal uitkies en waar nodig oprig: Met dien verstaande dat die woon- en bewaarplekke in oorleg met die eienaars, huurders of bewoners gekies moet word;
- (b) water neem of maatreëls ter waterverkryging tref, waar die aanleg of instandhouding van 'n geproklameerde pad dit vereis: Met dien verstaande dat geen water sonder toestemming van die betrokke eienaars, huurders of bewoners uit 'n gemaakte dam, put of boorgat geneem mag word nie, behalwe waar so 'n gemaakte dam, put of boorgat deur en op koste van die Administrateur vir paddoeleindes voorsien is;
- (c) vuurmaakhout neem: Met dien verstaande dat waar groot hoeveelhede vir die gebruik van padwerkers nodig is, dit slegs met die toestemming van die betrokke eienaars, huurders of bewoners geneem mag word;
- (d) bome of kreupelhout afkap en verwys waaraan die aanleg of instandhouding van 'n geproklameerde pad of die verkeersveiligheid dit vereis: Met dien verstaande dat sodanige bome of kreupelhout na afkapping aan die grondeienaars behoort.

23. Die regte wat die Administrateur by die twee voorafgaande artikels verkry, kan ook uitgeoefen word deur die kontrakteurs wat namens hom paaie aanlê en herstel of padbou-toerusting herstel en in stand hou: Met dien verstaande dat waar so 'n kontrakteur skade veroorsaak, vergoeding daarvoor ingevolge hierdie ordonnansie op die Administrateur verhaal kan word en dat die Administrateur op sy beurt skadeloosstelling van die kontrakteur kan eis.

at least half of the ultimate actual cost or have given approved security that they will contribute their share of the actual cost, either in cash, labour or otherwise, as the Administrator approves: Provided that where the interested persons have applied for the deviation of such a proclaimed road, they shall be liable for the full cost or responsible for all the work involved.

(2) The applicants shall construct a deviation so applied for within three months of the proclamation thereof: Provided that the Administrator may for good and sufficient reasons extend the period by three months.

If the deviation has not been provided within the abovementioned period for use by the public, it shall be depreserved.

(3) All work on fences, motor grid gates or swing gates which have to be altered or moved as a result of a deviation so applied for, shall be carried out by, or at the expense of, the applicants, and no existing road shall be closed to the public before the new one in its stead has been opened to the public.

OBTAINING MATERIALS:

21. For the purpose of the construction, maintenance or repair of a proclaimed road the Administrator may, through his representatives, officers or contractors, enter upon any land with any vehicle, tool, material or animal and thereupon, after notice to the owner, lessee or occupier of such land, but without compensation to him, remove any material therefrom which may be necessary for such construction, maintenance or repair and for this purpose he may build and maintain any approaches he may consider necessary: Provided that —

- (a) nothing shall be removed from any garden or other land usually cultivated, nor from any place within three hundred yards of any house, nor within fifty yards of any kraal;
- (b) every excavation be filled up again or properly fenced-off or otherwise made safe for human beings and animals;
- (c) the Administrator, his representatives, officers or contractors in exercising these powers take every care to prevent damage, injury, loss or inconvenience to the owner, lessee or occupier concerned.

22. The Administrator, through his representatives, officers or contractors, shall further have the right —

- (a) where no other accommodation is available, to erect temporary dwellings for road workers and their families on private land and select or, where necessary, erect storage space for their equipment and material: Provided that such dwelling and storage areas shall be selected in consultation with the owner, lessee or occupier;
- (b) to take or otherwise make provision for water necessary in the construction or maintenance of a proclaimed road: Provided that no water shall be taken from any artificial dam, well or borehole save with the consent of the owner, lessee or occupier, concerned except where such artificial dam, well or borehole has been provided by and at the expense of the Administrator for road purposes;
- (c) take firewood: Provided that where large amounts are needed for the use of roadworkers, firewood may only be taken with the consent of the owner, lessee or occupier concerned;
- (d) to cut down and remove trees or brushwood where the construction or maintenance of a proclaimed road or the safety of traffic demands it: Provided that such trees or brushwood when cut down shall belong to the landowner.

23. The rights granted to the Administrator under the preceding two sections may also be exercised by the contractors constructing and repairing roads or repairing and maintaining road construction equipment on his behalf: Provided that where any such contractor causes damage, compensation for it may be recovered from the Administrator under this ordinance, and that the Administrator may in turn claim indemnity from the contractor.

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24. (1) Ondanks andersluitende bepalings in hierdie ordonnansie kan die Hoof Paaie-Ingenieur of 'n blanke beampte of werknemer van die Afdeling Paaie enige waarskuwingstekens aanbring op enige geproklameerde pad of paddeel solank die aanleg daarvan of ander noodsaaklike werk in verband daarmee duur, en elkeen wat dan so 'n geproklameerde pad gebruik, het geen aanspraak op skadevergoeding weens 'n ongeluk of letsel nie, maar is aanspreeklik vir skade of letsel wat hy moontlik aan die pad of aan die Afdeling Paaie se personeel of toerusting veroorsaak.

(2) Elkeen wat 'n geproklameerde pad gebruik solank dit luidens 'n waarskuwingsteken gesluit is of wat die bevel op 'n waarskuwingsteken verontgaam, of wat 'n amptelike kennisgewing of versperring uitwis, beskadig, verwyder of verplaas, is skuldig aan 'n oortreding.

PONTE:

25. Die Administrateur kan —

- (a) pontdienste oor riviere instel, en anker- en aanlegplekke asook die nodige opritte sowel buite as binne die padgrense aanlê;
- (b) 'n ponttarief vorder vir die vervoer van reisigers, voertuie en vee, en kan die tarief van tyd tot tyd bepaal: Met dien verstande dat daar geen tarief gevorder word wanneer die vervoer in Administrasiendienste geskied nie;
- (c) kontrakte aangaan vir die aanleg en instandhouding, die huur en die verhuur van ponte op tariefvoorraarde wat hy goed vind;
- (d) met die administrasies van naburige gebiede saamwerk ter instelling van pontdienste oor riviere aan die Gebiedsgrense, en kan ooreenkoms met sodanige administrasies sluit betreffende die beheer, bestuur en instandhouding van sodanige dienste.

DE OPENING, SLUITING EN VERLEGGING VAN GEPROKLAMEERDE PAAIE.

(1) Wanneer —

- (a) minstens twaalf belanghebbende volwasse blanke inwoners van 'n raadsgebied die aanleg van 'n nuwe geproklameerde pad of die omsetting van 'n pad in 'n geproklameerde pad, of die sluiting of verlegging van 'n geproklameerde pad, of die statusverandering van 'n geproklameerde pad binne die raad se gebied skriftelik aan die raad voorstel; of
- (b) die eienaar, huurder of bewoner van 'n plaas skriftelik by 'n raad voorstel dat 'n bestaande distrik- of plaaspad oor sy plaas verlê of gesluit moet word; of
- (c) 'n raad self voorstel dat 'n nuwe geproklameerde pad aangelê moet word, of dat 'n pad tot geproklameerde pad omgeskep moet word, of dat enige geproklameerde pad behalwe 'n hoof- of grootpad, gesluit of verlê moet word, of dat so 'n pad se status verander moet word — moet die voorstel van die betrokke raad waar dit nodig blyk, 'n onderzoek instel, of opdra aan 'n ander raadslid, of die Afdeling Paaie versoek om dit te doen en dan 'n skriftelike verslag daaroor uitbring of laat uitbring, en vervolgens die oorspronklike voorstel, die betrokke verslag en die raadsbesluit daaroor, saam met 'n sketskaart van die betrokke streek en die raadsaanbevelings, aan die Hoof Paaie-Ingenieur besorg.

(2) Ondersteun sowel die betrokke raad as die Hoof Paaie-Ingenieur die voorstel, word dit ooreenkomsdig sub- artikel (4) hiervan geadverteer, maar keur of die raad of die Hoof Paaie-Ingenieur of albei dit af, dan moet die saak ter beslissing aan die Administrateur voorgelê word.

(3) Keur die Administrateur die voortsel goed, dan kan die voorstel ooreenkomsdig subartikel (4) hiervan geadverteer word, maar keur die Administrateur dit af, word die voorsteller dienooreenkomsdig verwittig, en kan hy versoek dat die voorstel tog geadverteer moet word,mits hy hom verbind om die advertensiekoste en die koste van 'n onderzoek ingevolge subartikel (6) hiervan te betaal as die uiteindelike beslissing die voorstel verwerp.

(4) Word daar ingevolge subartikel (2) of (3) hiervan beslissing dat die voorstel geadverteer moet word, of as die

24. (1) Notwithstanding any provisions of this ordinance to the contrary the Chief Roads Engineer or any European officer or employee of the Roads Branch may erect any warning signs on any proclaimed road or on any part of it while it is under construction or while any other necessary work in connection with it is in progress, and any person then using such a proclaimed road shall have no claim for compensation because of any accident or injury, but shall be liable for damage or injury caused by him to the road or to the staff or equipment of the Roads Branch.

(2) Any person using a proclaimed road while it is closed by a warning sign, or disregarding the instruction on a warning sign, or obliterating, damaging, removing or shifting any official notice or obstruction, shall be guilty of an offence.

PONTS:

25. The Administrator may —

- (a) establish pont services across rivers and make anchorages and landings and the necessary approaches within or beyond the limits of the road;
- (b) charge a pond tariff for the transport of travellers, vehicles and stock, and fix such tariff from time to time: Provided that no tariff shall be charged for any transport in respect of Administration services;
- (c) enter into contracts for the construction and maintenance, letting and hiring of ponts on such conditions as regards tariffs as he may think fit;
- (d) co-operate with the administrations of neighbouring territories for the provision of pont services across rivers along the Territory's borders, and enter into any agreement with such administrations about the control, management and maintenance of such services.

THE OPENING, CLOSING AND DEVIATION OF PROCLAIMED ROADS.

26. (1) Whenever —

- (a) at least twelve interested adult European inhabitants of a board area propose in writing to the board the construction of a new proclaimed road or the conversion of a road into a proclaimed road, or the closing or deviation of a proclaimed road, or the alteration of the status of a proclaimed road within that board area; or
- (b) the owner, lessee or occupier of a farm proposes in writing to a board that an existing district or farm road across his farm be deviated or closed; or
- (c) a board itself proposes that a new proclaimed road be constructed or that a road be converted into a proclaimed road, or that any proclaimed road, except a trunk or main road, be closed or deviated or that the status of such a road be altered —

the chairman of the board concerned shall, if it appears necessary, conduct an investigation or entrust such an investigation to another member of the board, or request the Roads Branch to undertake it and make or cause to be made a written report on the investigation and then provide the Chief Roads Engineer with the original proposal, the report concerned and the board's decision on it, together with a sketch of the locality concerned and the Board's recommendations.

(2) If the board concerned and the Chief Roads Engineer support the proposal, it shall be advertised as provided in sub-section (4) hereof, but if either such board or the Chief Roads Engineer, or both reject the proposal the matter shall be submitted to the Administrator for decision.

(3) If the Administrator approves the proposal, such proposal may be advertised as sub-section (4) hereof provides, but if the Administrator rejects such proposal, the proposer shall be notified accordingly, whereupon he may request that the proposal be advertised, in any case, provided that he undertakes to pay the costs of advertising and of an enquiry in terms of sub-section (6) hereof should the proposal be rejected by the final decision.

(4) It is decided in terms of sub-section (2) or (3) hereof that the proposal be advertised or if the Chief

Hoof Paaie-Ingenieur voorstel dat 'n nuwe geproklameerde pad aangelê moet word, of dat enige geproklameerde pad gesluit of verlê moet word, of dat so 'n pad se status verander moet word, moet 'n kennisgewing van die voorstel verskyn in die *Offisiële Koerant* asook in een of meer ander koerante wat in die Gebied omloop, en moet die betrokke raadsvoorsitter 'n afskrif van die advertensie in beide ampelike tale by sy kantoor opplak. Voorts moet die raadsvoorsitter ook 'n afskrif van die advertensie per aangetekende pos stuur aan al die betrokke eienaars, of huurders of bewoners stuur wie se adresse bekend is en oor wie se grond die pad loop of oor wie se grond die voorgestelde pad sal loop. So 'n kennisgewing moet alle belanghebbendes versoek om hul besware teen die voorstel binne hoogstens twee maande vanaf die datum van die kennisgewing op skrif te rig aan die beampete wat die kennisgewing noem.

(5) Op die eersvolgende vergadering van die betrokke raad na afloop van die twee maande moet daardie raad die saak weer behandel en moet die raadsvoorsitter —

- (a) enige bykomende aanbevelings;
- (b) al die ontvange besware;
- (c) 'n aanduiding of die raad 'n kommissie van ondersoek voorstaan of nie; en
- (d) in elk geval, die name van drie moontlike kommissielede uit sy gebied, met een alternatiewe naam, aan die Hoof Paaie-Ingenieur besorg, wat dit dan met sy kommentaar aan die Administrateur voorlê.

(6) Die Administrateur kan die voorstel goedkeur of afkeur, of na goeddunke 'n bevel dienaangaande verstrek, of hy kan die aanbevole kommissie of 'n ander kommissie aanstel om op die saak in te gaan en om skriftelik daaroor aan hom verslag te doen.

(7) So 'n kommissie moet ingaan op die voorstel en die besware daarteen, moet desnoods die betrokke plek besoek en getuenis afneem en moet so gou doenlik sy verslag skriftelik aan die Administrateur besorg, wat na goeddunke 'n bevel dienaangaande kan verstrek.

(8) Die kommissielede kry gelde soos by regulasie voorgeskryf, en die Administrasie bestry die kommissiekoste uit Gebiedsinkomste, maar na die ondersoek kan die Administrateur beveel dat die belanghebbendes die koste deels of geheel moet vergoed volgens 'n verhouding wat hy na billikvinde bepaal en nadat sodanige bevel geskied het, kan die aldus opeisbare bedrag in enige regsevoegde hof verhaal word.

VERKEERSBELEMMERING OP GEPROKLAMEERDE PAAIE:

27. (1) Tensy hierdie ordonnansie of 'n ander wet dit veroorloof mag niemand —

- (a) op 'n geproklameerde pad inbreuk maak deur 'n gebou of bouwerk, omheining, vore, kanale, slote, pypeleidings, drade, kabels of ander hindernisse daarop, daaroor of daaronder op te rig of aan te lê nie, nog deur opsetlik of nalatig water daaroor te laat loop nie;
- (b) versperrings wat die verkeer enigsins belemmer, hinder of in gevaar stel, of vuilnis, afval, ashope, erdewerk, glasskerwe, blikke, spykers, stukke metaal, materiaal, hout, planke, stompe, rotsblokke of klippe op 'n geproklameerde pad aanbring of laat lê nie;
- (c) 'n voertuig of voertuigdeel op 'n geproklameerde pad laat nie;
- (d) hom enigsins met die ryvlak van geproklameerde paaie, of die uitgravings, grondwalle of riole van geproklameerde paaie bemoei nie.

(2) Elkeen wat die bepalings van hierdie artikel verontgaam, is skuldig aan 'n oortreding.

28. By oortuiging dat dit geen openbare belang sal skend nie, kan die Administrateur 'n daad wat die voorafgaande artikel verbied, skriftelik magtig op voorwaardes wat hy na goeddunke stel.

29.(1) Sonder die Administrateur se skriftelike vergunning en op voorwaardes wat hy na goeddunke stel, mag niemand —

Roads Engineer proposes that a new proclaimed road be constructed or that any proclaimed road be closed or deviated or that the status of such road be altered, a notice of such proposal shall be advertised in the *Official Gazette* and in one or more newspapers circulating in the Territory and the chairman of the board concerned shall display a copy of such notice in both official languages at his office. The chairman of such board shall also send a copy of such advertisement by registered post to all owners or lessees or occupiers concerned whose addresses are known and across whose land the road runs or across whose land the proposed road is to run.

Such notice shall call upon all interested persons to address their objections to the proposal within two months of the date of the notice, at the latest, in writing to the officer mentioned in such notice.

(5) At the first meeting of the board concerned after the expiry of the two months the board shall consider the matter again and the chairman of the board shall transmit —

- (a) any additional recommendations;
- (b) all the objections received;
- (c) an indication of whether the board favours a commission of enquiry or not; and
- (d) in any case, the names of three possible members of such commission from its area, as well as the name of one alternative member —

to the Chief Roads Engineer who shall then submit it to the Administrator with his comments.

(6) The Administrator may approve or disapprove such proposal, or make such order relating to it as he may deem fit, or appoint the commission as recommended or appoint any other commission to enquire into the matter and report to him in writing thereon.

(7) Such commission shall investigate the proposal and any objections thereto, and if necessary inspect the locality concerned and take evidence, and shall thereupon with the least possible delay transmit its written report to the Administrator, who may make such order in connection therewith as he deems fit.

(8) The members of the commission shall receive such fees as may be laid down by regulation, and the costs of such commission shall be defrayed by the Administration out of the Territory's revenue, but after the enquiry the Administrator may order that such costs or portion thereof shall be paid by the interested persons in such proportion as he may deem equitable, and on such order having been made the amount so payable may be recovered in any competent court.

TRAFFIC OBSTRUCTIONS ON PROCLAIMED ROADS.

27. (1) Unless this ordinance or any other law authorises it, no person shall —

- (a) encroach on any proclaimed road by erecting or constructing any building, structure, fence, furrow, canal, ditch, pipeline, wire, cable or other obstacle on, over or under such proclaimed road, or by wilfully or negligently causing water to run over it;
- (b) put or leave any obstacles which could in any way obstruct, hinder or endanger traffic, or any rubbish, debris, ash heaps, earthenware, glass fragments, tins, nails, pieces of metal, material, wood planks, tree stumps, boulders or stones on any proclaimed road;
- (c) leave any vehicle or part thereof on a proclaimed road;
- (d) interfere in any way with the roadway of any proclaimed road, or with any cuttings, banks or drains of proclaimed roads.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

28. The Administrator may authorise in writing and upon such conditions as he may prescribe, an act prohibited under the preceding section if he is satisfied that such an act will not be prejudicial to the public interest.

29. (1) Without the Administrator's written permission, on such conditions as he may deem fit, no person shall —

- (a) 'n trein-, trem-, trolley- of koekepanspoor of -baan oor 'n geproklameerde pad aanlê nie;
 (b) 'n brug oor, of 'n duikweg of duiker onder, 'n geproklameerde pad bou nie;
 (c) elektriese of ander drade oor, of kabels oor of onder 'n geproklameerde pad aanlê nie.

(2) Elkeen wat die bepalings van hierdie artikel verontgaam is, is skuldig aan 'n oortreding.

(3) Die Administrateur word hierby gemagtig om enigets wat strydig met subartikel (1) hiervan aangebring is, sonder kennisgewing te laat verwijder, en om die koste daarvan verbonde, op die oortreder te verhaal.

(4) Vir elke vergunning wat hy ingevolge hierdie artikel toestaan, kan die Administrateur 'n jaargeld aanslaan wat hy in elke geval bepaal.

30. (1) Behoudens die wetsbepalings op die oprigting van waarskuwingstekens op geproklameerde paaie mag niemand enige raamwerk, stellasie, plaat of ander toestel waarop 'n advertensie aangebring kan word, op of oor 'n geproklameerde pad oprig nie.

(2) Elkeen wat die bepalings van hierdie artikel verontgaam is, is skuldig aan 'n oortreding.

(3) Die Administrateur word hierby gemagtig om enige advertensietoestel wat strydig met subartikel (1) hiervan aangebring is, sonder kennisgewing te laat verwijder en te vernietig, en om die koste aldus aangegaan op die oortreder te verhaal.

HOOFSTUK IV.

HOOF- EN GROOTPAAIE IN PLAASLIKE BESTUURSGEBIEDE.

31. In hierdie hoofstuk is 'n hoof- of grootpad 'n pad of paddeel wat binne die grens van die stedelike gebied van 'n plaaslike bestuur gelê is, wat 'n verlenging is van 'n hoof- of grootpad buite die grense van sodanige stedelike gebied en wat nie noodwendig 'n bepaalde minimum of maksimum breedte het nie, en omvat dit brûe en enige ander werk of saak wat deel is van so 'n pad of paddeel wat daarmee in verband staan.

32. Na beraadslaging met die betrokke plaaslike bestuur kan die Administrateur 'n hoof- of grootpad deur of binne so 'n plaaslike bestuur se gebied binne die grense van die stedelike gebied proklameer, verlê of deproklameer: Met dien verstande dat geen sodanige proklamering 'n plaaslike bestuur onthef van enige verpligting ten opsigte van die aanleg, instandhouding en beheer van sodanige pad waar daar enige wetlike verpligting in verband daarmee bestaan nie.

33. Wanneer 'n pad of paddeel binne die grense van die stedelike gebied van 'n plaaslike bestuursgebied ingevolge artikel *twee-en-dertig* tot hoof- of grootpad geproklameer is, en ten genoeë van die Administrateur op koste van die plaaslike bestuur aangelê en in stand gehou is, kan die Administrateur na goeddunke 'n subsidie, betaalbaar uit die Padfonds, aan die plaaslike bestuur toestaan vir die instandhouding van sodanige pad op 'n grondslag en voorwaardes wat hy bepaal.

34. Ondanks die bepalings van enige ander wet moet 'n plaaslike bestuur wat voornemens is om die verkeer op enige straat wat ingevolge artikel *twee-en-dertig* tot hoof- of grootpad geproklameer is, te beheer deur die daarstelling van permanente stopstrate, verkeerseilande, verkeersligte, parkeerplekke, eenrigtingstrate of enigets dergelyks moet, voordat uitvoering gegee word aan sodanige voornemens, die Hoof Paaie-Ingenieur skriftelik daarvan in kennis stel met die oog op die verkrywing van die goedkeuring van die Administrateur, en so 'n plaaslike bestuur mag nie sodanige permanente stopstrate, verkeerseilande, verkeersligte, parkeerplekke, eenrigtingstrate of enigets dergelyke sonder die goedkeuring van die Administrateur daarstel nie.

HOOFSTUK V.

PADFONDS.

35. (1) (a) Die spesiale fonds gestig ingevolge artikel *een-en-veertig* van Ordonnansie 7 van 1937 (in hierdie ordonnansie heet dit die Padfonds) word hierby in stand gehou en word gebruik —

- (a) lay any railway, tramway, trolley or cocopan lines or tracks across any proclaimed road;
 (b) construct any bridge across, or any subway or culvert under a proclaimed road;
 (c) carry any electric or other wires across, or lay any cables over or under, any proclaimed road.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

(3) The Administrator is hereby authorised to have anything which has been constructed in contravention of sub-section (1) hereof, removed without notice, and to recover the costs of removal from the offender.

(4) For every permission granted in terms of this section the Administrator may charge an annual fee he may determine in each case.

30. (1) Save as is provided in any law governing the erection of warning signs on proclaimed roads, no person shall erect on, or across, any proclaimed road any framework, scaffolding, board or other device on which any advertisement may be affixed.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

(3) The Administrator is hereby authorised to remove and destroy, without notice, any advertising device erected in contravention of sub-section (1) hereof, and to recover from the offender the expense so incurred.

CHAPTER IV.

TRUNK AND MAIN ROADS IN AREAS UNDER LOCAL AUTHORITIES.

31. In this chapter a trunk or main road means a road or portion of a road running within the boundaries of the urban area of a local authority, being an extension of a trunk or main road beyond the boundaries of such urban area which does not necessarily have a fixed minimum or maximum width, and includes bridges and any other work or thing which forms part of such a road or portion of a road connected therewith.

32. The Administrator may after consultation with the local authority concerned, proclaim, deviate or deproclaim any trunk or main road running through or within the area of such local authority and within the boundaries of the urban area: Provided that no such proclamation shall exempt any local authority from any obligation in respect of the construction, maintenance and control of such road where there is any legal obligation in this connection.

33. When a road or portion of a road within the boundaries of an urban area of a local authority area has been proclaimed a trunk or main road under section *thirty-two* and has been constructed and maintained at the cost of such local authority to the satisfaction of the Administrator, the Administrator may in his discretion grant such local authority a subsidy, payable out of the Roads Fund, for the maintenance of such road on such basis and such conditions as he may determine.

34. Notwithstanding the provisions of any other law a local authority which intends to control the traffic on any street proclaimed a trunk or main road under section *thirty-two* by the institution of permanent stop streets, traffic islands, traffic lights, parking spaces, one-way streets or the like, shall, before putting such intention into effect, inform the Chief Roads Engineer thereof in writing in order to obtain the approval of the Administrator, and such local authority shall not institute any such permanent stop streets, traffic islands, traffic lights, parking places, one-way streets or the like without the approval of the Administrator.

CHAPTER V.

ROADS FUND.

35. (1) (a) The special fund established under section *forty-one* of Ordinance 7 of 1937 (in this ordinance called the Roads Fund) is hereby retained and shall be used for —

- (i) vir die aanleg, instandhouding, herstel en beheer van geproklameerde paaie;
- (ii) vir die aanleg, instandhouding, herstel en beheer van wildtuinpaaie wat van tyd tot tyd as sodanig deur die Administrateur goedgekeur word;
- (iii) vir die uitvoering van werk deur die Afdeling Paaie vir ander afdelings van die Administrasie en plaaslike besture, en onderhewig aan die betaling van gelde vir sodanige werk wat die Administrateur van tyd tot tyd bepaal;
- (iv) vir die uitvoering van werk deur die Afdeling Paaie vir ander liggeme wat die Administrateur goedkeur en onderhewig aan die betaling van gelde vir sodanige werk wat hy van tyd tot tyd bepaal;
- (v) vir die aankoop, instandhouding en werkoste van werktuie, toerusting en materiaal bedoel vir padbou, asook vir die kampbehuising van die Afdeling Paaie se personeel en toerusting; en
- (vi) vir die betaling ingevolge artikel *drie-en-dertig* van subsidies aan plaaslike besture.

(b) Op skriftelike magtiging van die Administrateur kan geld uit die Padfonds betaal word ter bevordering van die doeleindes van hierdie ordonnansie.

(2) Inkomste uit motorvoertuiglisensiegeld, die jaarlike bydraes van die Republiek van Suid-Afrika se Departement van Spoerweë en Hawens, en bydraes verkry deur die betaling van gelde genoem in subparagraphs (iii) en (iv) van paragraaf (a) van subartikel (1) hiervan, asook gelde verkry uit die verkoop van onbruikbare of oortollige artikels wat in subparagraph (v) van paragraaf (a) van subartikel (1) hiervan genoem word, moet in die Padfonds gestort word.

(3) Voorts kan die Wetgewende Vergadering van die Gebied verdere gelde uit die Gebiedsinkomstefonds by die Padfonds aanwend, of opnuut gelde daarvoor bewillig.

(4) Het die Padfonds by die sluiting van 'n boekjaar 'n batige saldo, dan val dit nie aan algemene inkomste terug nie maar bly dit in die Padfonds.

HOOFSTUK VI.

TREK MET DIERE:

36. (1) Waar daar 'n onomheinde geproklameerde pad oor 'n plaas gaan, word daar aan weerskante van die middellyn van so 'n pad 'n strook grond van hoogstens *tweehonderd-en-vyftig* meter breed as publieke weigrond vir trekvee beskou en mag niemand 'n dier, hetby aan 'n rytuig ingespan of andersins, buitekant die genoemde strook grond, dryf of laat loop nie: Met dien verstande dat geen tuin of ander grond wat gewoonlik verbou word by daardie strook grond ingesluit word nie.

(2) Niemand behalwe 'n gelisensieerde slagter of veespekulateur, of die eienaar, huurder of bewoner van 'n plaas in die Gebied, of 'n gemagtige verteenwoordiger van werkneemer van sodanige slagter, spekulateur, eienaar, huurder of bewoner, mag op enige weigrond aan weerskante van 'n geproklameerde pad, soos by subartikel (1) hiervan bepaal, met vee trek of vervoer nie, buiten met magtiging van 'n permit uitgereik deur 'n landdros of, in die geval van inboorlinge, 'n landdros, bantoesakekommisaris, assistent-bantoesakekommisaris of superintendent van 'n naturellerereservaat. Sodanige permit moet die getal, aard en bestemming van die betrokke vee aangee, die roete wat gevolg moet word, asook die geldigheidstyd daarvan. Elkeen wat die bepalings van hierdie subartikel, of die voorwaarde van sodanige permit, verontgaam, is skuldig aan 'n oortreding, en is by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand, of by wanbetaling met gevangenisstraf van hoogstens drie maande met of sonder dwangarbeid.

(3) Die houer van 'n permit ingevolge subartikel (2) moet dit op aanvraag toon aan die eienaar, huurder of bewoner van die plaas waarop die weigrond geleë is en waarop die genoemde permithouer hom met sy vee bevind.

- (i) the construction, maintenance, repair and control of proclaimed roads;
- (ii) the construction, maintenance, repair and control of game park roads approved as such by the Administrator from time to time;
- (iii) the execution of work by the Roads Branch for other branches of the Administration and local authorities, and subject to the payment for such work of fees as determined by the Administrator from time to time;
- (iv) the execution of work by the Roads Branch for other bodies approved by the Administrator and subject to the payment for such work of fees as determined by the Administrator from time to time;
- (v) the purchase, maintenance and the payment of the operating costs of machinery, equipment and material intended for road construction, and for camp accommodation of the staff and equipment of the Roads Branch; and
- (vi) the payment under section *thirty-three* of subsidies to local authorities.

(b) On the written authority of the Administrator moneys may be paid out of the Roads Fund in furtherance of the purposes of this ordinance.

(2) Revenue derived from motor vehicle licence fees, the annual contributions of the Republic of South Africa's Department of Railways and Harbours, and contributions derived from the payment of fees referred to in subparagraphs (iii) and (iv) or paragraph (a) of sub-section (1) hereof, and moneys derived from the sale of unserviceable or redundant items referred to in subparagraph (v) of paragraph (a) of sub-section (1) hereof shall be paid into the Roads Fund.

(3) The Legislative Assembly for the Territory may further appropriate additional moneys from the Territory Revenue Fund for the Roads Fund or vote new amounts to the Roads Fund.

(4) If at the end of any financial year the Roads Fund shows a credit balance, such balance shall not revert to general revenue but shall remain in the Roads Fund.

CHAPTER VI.

TREKKING WITH ANIMALS:

36. (1) Where an unfenced proclaimed road traverses a farm, a strip of land not more than *two-hundred and fifty* metres wide on each side of the centre line of the road shall be deemed to be a public grazing area for stock on trek, and no person shall drive or graze any animal, whether inspanned to a vehicle or not, outside such strip of land: Provided that no garden or other land which is usually cultivated shall be included in such strip of land.

(2) No person except a licensed butcher or speculator in stock, or the owner, lessee or occupier of a farm in the Territory, or an authorised representative or employee of such butcher, speculator, owner, lessee or occupier may trek or be with stock on any grazing area on either side of a proclaimed road, as provided in sub-section (1) hereof, unless he is authorised by a permit issued by a magistrate, or in the case of natives, by a magistrate, a Bantu affairs commissioner, an assistant Bantu affairs commissioner or a superintendent of a native reserve. Such permit shall state the number, type and destination of the stock concerned, the route to be followed and the period for which it shall be valid. Any person who contravenes the provisions of this sub-section or the terms of such permit shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

(3) The holder of a permit under sub-section (2) shall on demand produce such permit to any owner, lessee or occupier of the farm on which such grazing area is situated and on which the said permit holder is found with his stock.

(4) (a) Elkeen, insluitende die eienaar, huurder of bewoner van 'n plaas, wat in of oor 'n afgekampte geproklameerde pad, waar die afstand tussen die heininge minder as 500 meter is, sy vee laat wei of trek, behalwe wanneer sodanige vee onder toesig trek, is skuldig aan 'n oortreding.

(b) Enige eienaar, huurder of bewoner van 'n plaas, of die Hoof Paaie-Ingenieur of sy gemagtigde verteenwoordiger, kan optree ooreenkomsdig die bepalings van die Ordonnansie op die Oortreding van Diere 1939 (Ordonnansie 16 van 1939) soos gewysig, ten opsigte van enige diere wat teenstrydig met die bepalings van paragraaf (a) toegelaat word om te wei of te trek.

37. (1) Niemand mag met vee langs 'n geproklameerde pad oor die weigrond aan weerskante daarvan waarvoor subartikel (1) van artikel *ses-en-dertig* voorsiening maak, 'n afstand van minder as vyf myl per vier-en-twintig uur afle nie, buiten met die toestemming van die eienaar, huurder of bewoner van die betrokke plaas, of tensy hy weens teenspoed, oorstromings of ander onvoorsiene omstandighede vertraag word.

(2) Die tydbeperking gestel by subartikel (1) sluit Sondae uit.

(3) Elkeen wat die bepalings van hierdie artikel verontgaam, is skuldig aan 'n oortreding en is by skuldig bevinding strafbaar met 'n boete van hoogstens tien rand of, by wanbetaling, met gevangenisstraf van hoogstens een maand met of sonder dwangarbeid.

38. (1) Elke reisiger op 'n geproklameerde pad kan sy vee laat wei en suip binne die weigrond aan weerskante van die geproklameerde pad soos by subartikel (1) van artikel *ses-en-dertig* bepaal.

(2) Het so 'n weigrond geen voldoende watervoorraad nie, kan die Administrateur redelike stappe doen ter waterverskaffing daarop, en tot tyd en wyl dit gebeur, kan 'n reisiger sy vee aan die naaste water laat suip, mits daar genoeg oorbly vir die behoeftes van die eienaar, huurder of bewoner van die betrokke plaas. Elke sodanige eienaar, huurder of bewoner wat weier om so 'n reisiger aan water vir sy vee te help wanneer daar genoeg water vir 'n sodanige reisiger en vir sy eie behoeftes is of wat so 'n reisiger enigsins belet om die water te gebruik, is skuldig aan 'n oortreding.

(3) So 'n eienaar, huurder of bewoner kan 'n tarief vir water van hoogstens een sent per stuk grootvee en tien sent per honderd stuks kleinvee aanslaan: Met dien verstaande dat hy geen betaling mag eis vir water uit 'n lopende stroom, nog vir die waterverbruik van ry- of trekkiedere van die werknemers van die Administrasie, die Departement van Bantoe-Administrasie en -ontwikkeling of Suid-Afrikaanse Polisie wat in diens optree nie, nog vir diere — maar hoogstens vyf-en-twintig — wat onder amptelike toesig van sodanige werknemers verkeer nie.

(4) So 'n eienaar, huurder of bewoner kan nog vyftig sent as kraalgeld aanslaan vir elke honderd stuks grootvee en tien sent vir elke honderd stuks kleinvee per nag as hy 'n kraal verskaf aan enige wat met vee trek of reis: Met dien verstaande dat hy geen betaling mag eis weens die verskaffing van 'n kraal vir die ry- of trekkiedere van die werknemers van die Administrasie, die Departement van Bantoe-Administrasie en -ontwikkeling of Suid-Afrikaanse Polisie wat in diens optree, nog vir diere — maar hoogstens vyf-en-twintig — wat onder die amptelike toesig van sodanige werknemers verkeer nie.

39. Uitgesonderd vee van die eienaar, huurder of bewoner, van die betrokke plaas, is alle vee wat op enige geproklameerde pad of op enige weigrond aan weerskante van 'n geproklameerde pad (soos by subartikel (1) van artikel *ses-en-dertig* bepaal) op so 'n plaas verkeer, onderhewig aan die bepalings van die Ordonnansie op die Oortreding van Diere 1939 (Ordonnansie 16 van 1939). By die toepassing van hierdie artikel word daar aangeneem dat alle vee wat op sodanige geproklameerde pad of weigrond verkeer in die besit van iemand wat ingevolge subartikel (2) van artikel *ses-en-dertig* verplig is om 'n permit uit te neem maar wat versuim het om dit te doen, op sodanige geproklameerde pad of weigrond oortree, en word daar voorts aangeneem dat alle vee wat in die besit is van iemand watstrydig met die bepalings van artikel

(4) (a) Any person, including the owner, lessee or occupier of a farm who grazes or treks with his stock in or across a fenced-off proclaimed road where the distance between the fences is less than 500 metres, shall, except where such stock is trekking under supervision, be guilty of an offence.

(b) Any owner, lessee or occupier of a farm, or the Chief Roads Engineer or his authorised representative, may act in terms of the provisions of the Trespass of Animals Ordinance, 1939 (Ordinance 16 of 1939) as amended, in respect of any animals allowed to graze or trek contrary to provisions of paragraph (a).

37. (1) No person trekking with stock shall cover a distance of less than five miles in twenty-four hours along a proclaimed road over the grazing area on either side of such road as provided for in sub-section (1) of section *thirty-six* except with the consent of the owner, lessee or occupier of the farm concerned, unless he is delayed by adversity, floods or other unforeseen circumstances.

(2) The time limit imposed in sub-section (1) shall exclude Sundays.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding ten rand, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month.

38 (1) Every traveller on a proclaimed road may graze and water his stock within the grazing area on either side of such proclaimed road as provided for in sub-section (1) of section *thirty-six*.

(2) If any such grazing area has insufficient water, the Administrator may take reasonable measures to provide sufficient water thereon, and until such time any traveller shall be entitled to water his stock at any water supply nearest to such area, provided a sufficient supply is left for the requirements of the owner, lessee or occupier of the farm concerned. Any such owner, lessee or occupier who refuses to supply such traveller with water for his stock when there is sufficient water for such traveller and for his own requirements, or who in any way prevents such traveller from using such water, shall be guilty of an offence.

(3) Any such owner, lessee or occupier may charge for water so supplied at a rate not exceeding one cent a head of large stock and ten cents for every hundred head of small stock: Provided that no charge shall be made for water supplied from a running stream, nor for water supplied to the riding or draught animals of the employees of the Administration, the Department of Bantu Administration and Development or the South African Police when on duty, nor to animals — not exceeding twenty-five in number — in the official custody of such employees.

(4) Any such owner, lessee or occupier may charge a further fifty cents for every hundred head of large stock and ten cents for every hundred head of small stock per night as kraal fees, if he provides a kraal to any person trekking or travelling with stock: Provided that no charge shall be made for kraal facilities provided for riding or draught animals of employees of the Administration, the Department of Bantu Administration and Development or the South African Police when on duty, nor for the animals — not exceeding twenty-five in number — in the official custody of such employees.

39. Any stock not being the property of the owner, lessee or occupier of the farm concerned, found on any proclaimed road or on any grazing area on either side of a proclaimed road (as provided for in sub-section (1) of section *thirty-six*) on such farm shall be subject to the provisions of the Trespass of Animals Ordinance, 1939 (Ordinance 16 of 1939). For the purposes of this section any stock on such proclaimed road or grazing area found in the possession of any person who is obliged to take out a permit under the provisions of sub-section (2) of section *thirty-six* but who has not taken out such permit, shall be deemed to have trespassed on such proclaimed road or grazing area, and all stock found in the possession of a person who, contrary to the provisions of section *thirty-seven*, covers a distance of less than five

sewe-en-dertig 'n afstand van minder as vyf myl per vier-en-twintig uur met sodanige vee langs sodanige geproklameerde pad of oor sodanige weigrond aflê, op sodanige geproklameerde pad of weigrond oortree.

HOOFSTUK VII.

OMHEINING EN HEKKE:

40. (1) By kennisgewing in die *Offisiële Koerant* en na 'n ondersoek wat hy moontlik wenslik ag en gelas, kan die Administrateur die standaardafstand van sestig meter tussen die heinings langs geproklameerde paaie, soos by artikel *vier* hiervan bepaal, verminder of vermeerder: Met dien verstande dat die afstand steeds minstens dertig meter moet wees.

(2) By afwesigheid van 'n kennisgewing ingevolge die bepalings van subartikel (1) mag geen heining nader as dertig meter van die middellyn van die pad se ryvlak af opgerig word nie, en by 'n vermeerderde of verminderde padbreedte, soos by kennisgewing ingevolge subartikel (1) bepaal, mag geen heining nader as die helfte van die geproklameerde breedte van die ryvlakmiddellyn af opgerig word nie: Met dien verstande dat die afstand tussen die ryvlakmiddellyn en die heining met die wete en toestemming van die Hoof Paaie-Ingenieur gewysig kan word tot op 'n minimum van tien meter, mits die algehele padbreedte tussen die heinings die voorgeskrewe maat bly volg.

- (3) (a) Die Administrateur kan 'n kennisgewing uitvaardig waarby hy die eienaar van 'n heining wat na Junie 1953 strydig met die bepalings van hierdie artikel opgerig is, gelas om dit te verwijder binne 'n tydperk wat die kennisgewing aandui en by versuim om sodanige lasgewing na te kom, kan die Administrateur sodanige heining verwijder en die verwyderingskoste in enige regbsbevoegde hof op die betrokke eienaar verhaal.
- (b) Waar 'n heining voor Junie 1953 strydig met die bepalings van hierdie artikel opgerig is, kan die Administrateur sodanige heining op staatskoste verwijder en dit weer laat oprig sodat dit aan die bepalings van hierdie artikel voldoen: Met indien verstande dat waar die eienaar van enige heining reeds voor die inwerkingtreding van hierdie ordonnansie kennis gekry het dat hy dit moet verwijder of versit, die Administrateur sodanige heining kan verwijder of versit en die koste in enige regbsbevoegde hof op die eienaar kan verhaal.

41. (1) Niemand behalwe die Administrateur mag 'n motorroosterhek in enige heining oor enige geproklameerde pad laat bou nie. Alle motorroosterhekke wat in grensheinings oor hoof-, groot- of distrikspaaie nodig is, word deur die Afdeling Paaie opgerig, terwyl, tensy die Administrateur anders besluit, die eienaar, huurder of bewoner van 'n plaas die koste van die daarstelling van motorroosterhekke in kampcheinings, soos die Administrateur van tyd tot tyd na goeddunke bepaal, moet betaal.

(2) Niemand mag sonder toestemming van die Administrateur bloot 'n swaaihek oor 'n hoof- of grootpad aanbring nie, maar moet ook 'n motorroosterhek daar aanbring.

(3) Wanneer 'n eienaar, huurder of bewoner van 'n plaas 'n geproklameerde pad so afkamp dat die bou van motorroosterhekke in grensheinings oor daardie pad onnodig is, kan die Administrateur na goeddunke tot sodanige afkamping bydrae: Met indien verstande dat die betrokke heinings minstens moet voldoen aan die standaarde vir grens-, kamp- of jakkalsdraadcheinings, na gelang, wat deur die Afdeling Landbou van die Administrasie van tyd tot tyd bepaal word.

(4) Elkeen wat die bepalings van hierdie artikel verontgaasam, is skuldig aan 'n oortreding.

42. (1) Behoudens die bepalings van artikel *sewe-en-twintig* van die „Omheinings Proklamatie 1921“ (Proklamasie 57 van 1921) soos gewysig, en van hierdie ordonnansie, kan enige eienaar, huurder of bewoner van 'n plaas 'n heining met 'n swaaihek dwarsoor 'n geproklameerde distrik- of plaaspad wat oor sodanige plaas loop, oprig: Met dien verstande dat waar die geproklameerde pad 'n distrikspad is, die Administrateur minstens drie maande vooruit skriftelik deur die betrokke eienaar, huurder of

miles in twenty-four hours with such stock along such proclaimed road or over such grazing area shall further be deemed to have trespassed on such proclaimed road or grazing area.

CHAPTER VII.

FENCING AND GATES:

40. (1) The Administrator may by notice in the *Official Gazette* and after such enquiry as he may consider desirable and order, decrease or increase the standard distance of sixty metres between the fences along proclaimed roads, as provided for in section *four* hereof: Provided that such distance shall always be not less than thirty metres.

(2) In the absence of a notice under the provisions of sub-section (1), no fence shall be erected nearer than thirty metres from the centre line of the roadway, and in the case of a decreased or increased road width in terms of the notice referred to in sub-section (1), no fence shall be erected nearer than half the proclaimed width from the centre line of the roadway: Provided that the distance between the centre line of the roadway and the fence may, with the knowledge and approval of the Chief Roads Engineer, be altered to a minimum distance of ten metres, provided that the total road width between the fences remains as prescribed.

(3) (a) The Administrator may issue a notice requiring the owner of any fence erected after June, 1953, contrary to the provisions of this section, to remove it within a period to be specified in such notice, and failing compliance with such requirements, the Administrator may remove such fence and may recover the cost of such removal from the owner in any competent court.

(b) If any fence was erected contrary to the provisions of this section before June, 1953, the Administrator may remove such fence at public expense and re-erect it in accordance with the provisions of this section: Provided that if the owner of any fence had received notice to remove or shift it before the commencement of this ordinance, the Administrator may remove or shift such fence and may recover the costs from the owner in any competent court.

41. (1) No person except the Administrator may cause a motor grid gate to be erected in any fence across any proclaimed road. All motor grid gates required in boundary fences across trunk, main or district roads, shall be erected by the Roads Branch, while the owner, lessee or occupier of any farm, shall unless the Administrator determines otherwise, pay the cost of the erection of any motor grid gates in camp fences, as the Administrator may from time to time in his discretion decide.

(2) No person shall, without the approval of the Administrator, erect a swing gate only across a trunk or main road, but shall also erect a motor gird gate.

(3) Whenever an owner, lessee or occupier of a farm has so fenced off a proclaimed road that the erection of motor grid gates in boundary fences across that road is no longer necessary, the Administrator may in his discretion contribute towards such fencing: Provided that such fences shall satisfy the minimum standards for boundary camp or jackalproof fences, as the case may be, set by the Agriculture Branch of the Administration from time to time.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence.

42. (1) Subject to the provisions of section *twenty-seven* of the Fencing Proclamation, 1921 (Proclamation 57 of 1921) as amended, and of this ordinance, any owner, lessee or occupier of a farm may erect a fence with a swing gate across a proclaimed district or farm road traversing such farm: Provided that where the proclaimed road is a district road, the Administrator shall be given written notice of such intention at least three

bewoner van sodanige voorneme in kennis gestel moet word.

(2) Waar die Administrateur gelas het dat 'n hoofpad afgekamp moet word om die noodsaklikheid van hekke, hetsy swaai- of motorroosterhekke, daaroor uit te skakel, moet die betrokke grens-, kamp- of jakkalsdraadheinings voldoen aan die standarde wat van tyd tot tyd deur die Afdeling Landbou van die Administrasie bepaal word. Waar die oprigting van die heinings gedoen word, of deur die eienaar, huurder of bewoner van die betrokke plaas of op las van die Administrateur, word daar nie soos by subartikel (3) van artikel *een-en-veertig* bepaal vergoeding vir die uitskakeling van hekke betaal nie, maar is die Administrateur bevoeg om voordat enige heining opgerig word, en na beraad met die betrokke eienaar, huurder of bewoner, te gelas dat die koste verbonde aan die oprigting van die betrokke heinings deur die eienaar, huurder of bewoner van die betrokke plaas en die Administrateur om die helfte gedra moet word op voorlegging van dokumentêre bewys van uitgawe.

43. Heinings wat ingevolge artikels *een-en-veertig* en *twee-en-veertig* opgerig is en enige swaaihek wat daarby ingesluit is, moet in goeie orde gehou word deur die eienaar, huurder of bewoner van die plaas waarop die heining en swaaihek opgerig is. As sodanige eienaar, huurder of bewoner versuim om dit in goeie order te hou, kan die Administrateur 'n skriftelike kennisgewing aan die betrokke persoon of persone laat bestel om die heining of swaaihek, na gelang binne die tydperk in die kennisgewing bepaal ten genoeë van die Hoof Paaie-Ingenieur te herstel en as die heining of swaaihek nie binne die aldus bepaalde tydperk bevredigend herstel word nie, kan die Hoof Paaie-Ingenieur die herstelwerk doen en die herstelkoste daarvan word deur die eienaar, huurder of bewoner van die betrokke plaas gedra. Wanneer ook al die bestelling van so 'n kennisgewing nie sonder aansienlike tydverlies uitgevoer kan word nie, kan die Administrateur die herstelwerk sonder sodanige kennisgewing uitvoer en is die koste in enige regshekking hof op die eienaar, huurder of bewoner van die betrokke plaas verhaalbaar.

44. Die Administrateur of die eienaar van 'n heining is geensins weens die aanbou, instandhouding of herstel van 'n motorroosterhek in so 'n heining ingevolge die bepalings van hierdie ordonnansie aanspreeklik vir enige verlies weens moontlike skade of letsel aan enige persoon, voertuig of vee wat deur so 'n motorroosterhek gaan of probeer gaan nie: Met dien verstande dat hierdie artikel die Administrateur nie vrystel van aanspreeklikheid vir verlies weens nalatigheid by die aanbou, herstel of instandhouding van so 'n motorroosterhek nie.

45. (1) Elkeen wat verantwoordelik is vir die oprigting en instandhouding van 'n swaaihek oor 'n geproklameerde pad —

- (a) moet aan die middel van sodanige swaaihek 'n plaat wat minstens twee voet by twee voet groot is, wat wit geskilder is en wat in die geval van grenshekke ook die name en nommers van die twee betrokke plase aangee, vasmaak en telkens weer wit skilder sodra dit nodig word; en
- (b) moet sorg dat die swaaihek so opgerig word dat voertuie aan albei kante daarvan kan stilhou; en
- (c) moet sorg dat so 'n swaaihek na albei kante en los bo die grond kan swaai; en
- (d) moet sorg dat daar geen penne of ander uistekende voorwerpe wat, na die Administrateur meen, gevaellik of skadelik vir mens, dier of ding is aan so 'n swaaihek vasgemaak is nie; en
- (e) moet sorg dat die swaaihek met 'n standaardtype swaaihek ooreenkoms, minstens veertien voet breed is, en nie 'n konsertina-hek is nie, nòg 'n hek is waayan party onderdele afsonderlik kan wegswaai nie, nòg 'n hek is wat, na die Administrateur meen, enigings gevaellik of skadelik is vir mens, dier of ding nie.

(2) Elkeen wat die bepalings van hierdie artikel verontagsaam is, is skuldig aan 'n oortreding.

46. (1) Oral waar 'n ongeproklameerde pad uit 'n geproklameerde pad wegdraai, moet die eienaar, huurder of bewoner van die betrokke plaas ooreenkomsdig die bepalings van die Padverkeersordonnansie 1961 (Ordonnansie

months beforehand by the owner, lessee or occupier concerned.

(2) Where the Administrator has directed that a trunk road shall be fenced off in order to eliminate the necessity for either swing or motor grid gates across it, the boundary, camp or jackalproof fences concerned shall satisfy the standards set from time to time by the Agriculture Branch of the Administration. Where the fences are erected either by the owner, lessee or occupier of the farm concerned or at the direction of the Administrator, compensation for the elimination of gates shall not be paid as provided in sub-section (3) of section *forty-one* but the Administrator shall, before any fence is erected, and after consultation with the owner, lessee or occupier concerned, have the power to direct that the cost connected with the erection of such fence shall be borne equally by the owner, lessee or occupier of the farm concerned and the Administrator on submission of documentary proof of expenditure.

43. Any fence erected in terms of sections *forty-one* and *forty-two* and any swing gate included therein shall be maintained in good repair by the owner, lessee or occupier of the farm on which such fence and swing gate have been erected. If such owner, lessee or occupier fails so to maintain it, the Administrator may cause written notice to be served upon the person or persons concerned to put the fence or swing gate (as the case may be) in repair to the satisfaction of the Chief Roads Engineer and within a time to be fixed by the notice, and if such fence or gate is not put into satisfactory repair within the time so fixed, the Chief Roads Engineer may execute such repairs and the cost thereof shall be borne by the owner, lessee or occupier of the farm concerned. Whenever the service of such notice cannot be effected without the loss of considerable time the Administrator may execute such repairs without such notice, and the cost shall be recoverable from the owner, lessee or occupier of the farm concerned in any competent court.

44. The Administrator or the owner of a fence shall in no way be liable for any loss through possible injury or damage to any person, vehicle or stock passing or attempting to pass through any motor grid gate, by reason of the construction, maintenance or repair of such motor grid gate in such fence under the provisions of this ordinance: Provided that nothing in this section shall exempt the Administrator from liability for any loss caused by negligence in the construction, repair or maintenance of such motor grid gate.

45. (1) Every person who is responsible for the erection and maintenance of a swing gate across a proclaimed road —

- (a) shall fasten in the centre of such swing gate a plate not less than two feet by two feet in size painted white and which in the case of boundary gates shall also bear the names and numbers of the two farms concerned, and shall repaint it white whenever necessary; and
- (b) shall ensure that the swing gate is so erected that vehicles can stop on either side of such gate; and
- (c) shall ensure that such a swing gate swings freely over the ground in either direction; and
- (d) shall ensure that no spikes or other projections which in the opinion of the Administrator are dangerous, injurious or damaging to persons, animals or things, are attached to such swing gate; and
- (e) shall ensure that the swing gate conforms to a standard type of swing gate, is at least fourteen feet in width and is not a concertina gate, not a gate of which certain parts can swing away separately, nor a gate which in the opinion of the Administrator is in any way dangerous, injurious or damaging to persons, animals or things.

(2) Any person who contravenes the provisions of this section, shall be guilty of an offence.

46. (1) At every point where an unproclaimed road turns off from a proclaimed road the owner, lessee or occupier of the farm concerned shall in accordance with the provisions of the Road Traffic Ordinance, 1961 (Ordinance 21 of 1961) as amended, erect and maintain a

21 van 1961) soos gewysig, 'n padwyser oprig en in stand hou wat die eersgenoemde pad se bestemming en die feit dat dit 'n private pad is, duidelik aangee, en as so 'n eienaar, huurder of bewoner dertig dae na ontvangs van 'n landdroskennisgewing te dien effekte nog versuim om so 'n padwyser aan te bring, is hy skuldig aan 'n oortreding.

(2) Elke eienaar, huurder of bewoner van 'n plaas waarop 'n ongeproklameerde pad gesluit is, het sy deur die oprigting van 'n heining daaroor of andersins, moet ooreenkomsdig die bepalings van die Padverkeersordinansie 1961 (Ordonnansie 21 van 1961) soos gewysig, op die plek waar so 'n pad uit 'n geproklameerde pad wegdraai, 'n padwyser oprig en minstens ses maande in stand hou wat duidelik aantoon dat so 'n pad aldus gesluit is, en as die eienaar, huurder of bewoner versuim om dit te doen na behoorlike kennisgewing ingevolge subartikel (1) is hy skuldig aan 'n oortreding.

- (3) (a) Indien die eienaar huurder of bewoner van 'n plaas waarop 'n ongeproklameerde pad geleë is, so 'n pad of 'n gedeelte daarvan wat oor die grense van sy plaas loop, wil sluit, moet hy by die voorsitter van die betrokke raad daarom aansoek doen en die voorsitter moet dan 'n kennisgewing van die aansoek by die betrokke landdroskantoor oppak en dit op koste van die applikant in een of meer koerante wat in daardie wyk in omloop is, publiseer.
- (b) So 'n kennisgewing moet alle belanghebbendes versoek om hul besware teen die voorgestelde sluiting van die ongeproklameerde pad of gedeelte daarvan binne hoogstens drie maande vanaf die datum van publikasie van die kennisgewing op skrif te rig aan die beampete wat in die kennisgewing genoem word.
- (c) Indien na afloop van die drie maande geen beswaar teen die sluiting van die pad of gedeelte daarvan ontvang is nie, kan die voorsitter die applikant skriftelik in kennis stel dat die applikant die pad of gedeelte daarvan kan sluit: Met dien verstande dat, indien daar enige besware teen die sluiting van die pad of gedeelte daarvan ontvang is, die raad die aansoek in die lig van die ontvange besware moet oorweeg, en daarop kan die raad die applikant goedkeuring verleen om die pad of gedeelte daarvan te sluit, of anders kan die raad aanbeveel dat die pad of gedeelte daarvan geproklameer word, waarna die saak volgens die bepalings van artikel *ses-en-twintig* behandel word.
- (d) Enige eienaar, huurder of bewoner van 'n plaas wat die bepalings van hierdie subartikel verontgaam, is skuldig aan 'n oortreding.

47. (1) Buiten met die Administrateur se toestemming mag niemand 'n motorroosterhek of swaaihek oor 'n geoproklameerde pad teen deurtog sluit of andersins versper nie.

(2) Elkeen wat die bepalings van hierdie artikel verontgaam, is skuldig aan 'n oortreding.

48. (1) Die Administrateur kan die verwydering gelas van —

- (a) heinings, swaaihekke, motorroosterhekke of ander versperrings oor of langs 'n geoproklameerde pad wat strydig met die bepalings van hierdie ordonnansie of die „Omheinings Proklamatie 1921“ (Proklamatie 57 van 1921) soos gewysig, aangebring is; of
- (b) enige swaaihek op 'n geoproklameerde pad wat syns insiens op 'n ongeskikte stilhouplek opgerig is.

(2) Indien sodanige lasgewing nie binne drie maande daarna uitgevoer word nie, kan die Administrateur sodanige motorroosterhek, swaaihek, heining of ander versperring laat verwijder op koste van die eienaar of opriger daarvan, wat voorts skuldig is aan 'n oortreding.

49. Die Administrateur verskaf of verskuif alle swaaihekke en motorroosterhekke wat weens die verlegging van geoproklameerde paaie, of die aanleg van nuwe geoproklameerde paaie, in bestaande heinings gemaak moet word, tensy die eienaar, huurder of bewoner van die plaas waarop die betroke heining geleë is, self om die verlegging of die nuwe pad gevra het.

signpost distinctly indicating the destination of the first-mentioned road and the fact that it is a private road and if such owner, lessee or occupier fails to erect such signpost within thirty days after the receipt of notice to that effect from the magistrate, he shall be guilty of an offence.

(2) Every owner, lessee or occupier of a farm on which an unproclaimed road has been closed, either by the erection of a fence across it or otherwise, shall in accordance with the provisions of the Road Traffic Ordinance, 1961 (Ordinance 21 of 1961) as amended, erect a signpost at the point where such road turns off from a proclaimed road and maintained such signpost for at least six months, and such signpost shall distinctly indicate the fact that such road has been so closed, and if the owner, lessee or occupier fails to do so after due notice in terms of sub-section (1), he shall be guilty of an offence.

(3) (a) If the owner, lessee or occupier of a farm on which an unproclaimed road runs, wishes to close such road or portion thereof which crosses the boundaries of his farm, he shall apply to the chairman of the board concerned to do so and the chairman shall then affix a notice of such application at the magistrate's office concerned and publish it at the applicant's expense in one or more newspapers circulating in that area.

(b) Such notice shall invite all interested persons to address their objections to the proposed closing of the unproclaimed road or portion thereof within three months at most from the date of publication of such notice in writing to the officer mentioned in the notice.

(c) If, after the expiry of three months, no objection to the closing of the road or portion thereof has been received the chairman may notify the applicant in writing that he may close the road or portion thereof: Provided that, if any objections to the closing of the road or portion thereof have been received, the board shall consider the application in the light of the objections received and thereupon the board may grant the applicant approval to close the road or portion thereof or otherwise the board may recommend that the road or portion thereof be proclaimed, whereupon the matter shall be dealt with in accordance with the provisions of section *twenty-six*.

(d) Any owner, lessee or occupier of a farm who contravenes the provisions of this sub-section, shall be guilty of an offence.

47. (1) Except with the consent of the Administrator no person shall close or otherwise bar any motor grid gate or swing gate against passage.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

48. (1) The Administrator may order the removal of —

- (a) fences, swing gates, motor grid gates or other obstructions across or alongside of any proclaimed road erected contrary to the provisions of this ordinance or of the Fencing Proclamation, 1921 (Proclamation 57 of 1921) as amended; or
- (b) any swing gate on a proclaimed road which in his opinion has been erected at an unsuitable stopping-place.

(2) If such order is not complied with within three months thereafter the Administrator may cause such motor grid gate, swing gate, fence or other obstruction to be removed at the expense of the owner or person responsible for the erection thereof, who shall further be guilty of an offence.

49. The Administrator shall provide or shift all swing gates and motor grid gates which become necessary in existing fences owing to the deviation of proclaimed roads, or the construction of new proclaimed roads, unless the owner, lessee or occupier of the farm on which the fence concerned is situated, has himself requested the deviation of the new road.

HOOFSTUK VIII.

VORE EN WATERLOPE.

50. Enigiemand wat water bo-oor of onderdeur 'n geproklameerde pad wil lei, moet dit op eie koste doen en na verkrywing van die goedkeuring van die Administrateur, wat kan besluit oor die soort duiker of ander geleiding wat gebruik moet word, en die voorwaardes waarop dit toegelaat sal word, kan bepaal.

51. (1) Niemand mag sonder die Administrateur se toestemming die waterpeil van 'n rivier, stroom of spruit by 'n geproklameerde pad, brug of drift verhoog nie.

(2) Elkeen wat die bepalings van subartikel (1) verstootsaam is skuldig aan 'n oortreding.

52. In oorleg met die eienaar, huurder of bewoner van grond kan die Administrateur stormwater van of onder geproklameerde paaie uit na sodanige grond weglei, mits daar geen geboue, boorde, tuine of ander verbeterings op sodanige grond staan of aangebring is nie, en die Administrateur is nie verantwoordelik vir skade weens sodanige afleiding nie. As dit egter nodig blyk om water af te lei op grond onder bebouing en daar gevvolglik skade ontstaan, het die betrokke eienaar, huurder of bewoner aanspraak op skadevergoeding volgens ooreenkoms of, by gebrek daaraan, skadevergoeding deur arbitrasie soos in artikel *een-en-sestig* bepaal word.

HOOFSTUK IX.

ALGEMEEN.

53. (1) Dit is verbode —

- (a) om op geteerde hoof-, groot-, of distrikspad gebruik te maak van enige voertuig wat met metaal loopbande toegerus is; en
- (b) om 'n vasevalde voertuig op 'n geproklameerde pad uit te grawe, tensy die drywer of bestuurder daarvan onmiddellik daarna die pad so goed moontlik herstel.

(2) Elkeen wat strydig met die bepalings van subartikel (1) handel, is skuldig aan 'n oortreding.

54. Met inagneming van die bepalings van hierdie ordonnansie kan die Administrateur van tyd tot tyd regulasies afkondig ter reëling of voorskrywing van enige van die volgende sake —

- (a) die bevoegdhede, pligte en werksaamhede van die rade wat by artikel *nege* ingestel word, en die bedrae wat aan raadslede (sowel *ex officio* as *ge-woon*) betaal moet word weens hul reis- of ander onkoste;
- (b) die beheer, bestuur en werking van ponte, en ponttariewe;
- (c) behoudens die bepalings van die Staatsdienswet 1957 (Wet 54 van 1957) en die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957) soos gewysig, die pligte en diensvooraardes van Administrasiebeampies of -werknelers wat belas is met die toepassing of uitvoering van die bepalings van hierdie ordonnansie of die daaruitvloeiende regulasies;
- (d) die wyse waarop kennisgewing wat ingevolge hierdie ordonnansie moet geskied, gegee of bestel moet word en die aard en typerk van sodanige kennisgewings, asook die wyse waarop die eienaars, huurders of bewoners van plase wat die opening, sluiting of verlegging van geproklameerde paaie verlang, kennisgewing van hul voorinemens moet gee en die plek en typerk van sodanige kennisgewings;
- (e) die beskerming van Administrasie-eiendom of -werke insluitende bome, boorgate, putte en verbeteringswerke binne die gebied van, onder of oor geproklameerde paaie beskadiging of bemoeiing;
- (f) die aansluiting van ongeoproklameerde paaie by geproklameerde paaie en die beheer daaroor;
- (g) die gelde betaalbaar aan kommissielede ingevolge subartikel (8) van artikel *ses-en-twintig*;
- (h) oor die algemeen, om 'n deelmatiger uitvoering van die doeleindes van hierdie ordonnansie te bevorder.

CHAPTER VIII.

FURROWS AND WATER COURSES.

50. Any person wishing to lead water over or under a proclaimed road shall do so at his own expense after having obtained the approval of the Administrator who may determine the type of culvert or other conduit which shall be used and the conditions on which it will be permitted.

51. (1) No person shall without the consent of the Administrator raise the level of the water of any river, stream or spruit at any proclaimed road, bridge or drift.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence.

52. The Administrator may in consultation with the owner, lessee or occupier of land divert storm water from or from under any proclaimed road onto such land, provided no buildings, orchards, gardens or other improvements have been built, constructed or laid out on such land and the Administrator shall not be liable for any damage caused by such diversions. If it is found necessary, however, to divert water onto land under cultivation and damage is caused thereby, the owner, lessee or occupier concerned shall be entitled to such compensation as may be agreed upon, or, failing agreement, as may be determined by arbitration as provided for in section *sixty-one*.

CHAPTER IX.

GENERAL.

53 (1) It shall not be lawful —

- (a) to make use of any vehicle fitted with metal tracks on any tarred trunk, main or district road; and
- (b) to dig out any bogged down vehicle on a proclaimed road unless the driver thereof immediately thereafter repairs the road to the best of his ability.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence.

54. The Administrator may from time to time make regulations not inconsistent with the provisions of this ordinance to regulate or prescribe any of the following matters: —

- (a) the powers, duties and functions of the boards constituted under section *nine* and the amounts to be paid to *ex officio* and ordinary members of the board for travelling and other expenses;
- (b) the control, management and operation of ponts, and pont tariffs;
- (c) subject to the provisions of the Public Service Act, 1957 (Act 54 of 1957) and the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957) as amended, the duties and conditions of service of Administration officials or employees charged with the administration or execution of the provisions of this ordinance or the regulations framed thereunder;
- (d) the manner in which any notices required by this ordinance shall be given or served and the nature and period of such notices, and the manner in which the owners, lessees or occupiers of farms desiring the opening, closing or deviation of proclaimed roads shall give notice of their intentions, and the place and period of such notices;
- (e) the protection from damage or interference of any Administration property or works, including trees, boreholes, wells and improvements within the area of under or over any proclaimed road;
- (f) the junctions or unproclaimed roads with proclaimed roads and the control thereof;
- (g) the fees payable to commission members under sub-section (8) of section *twenty-six*;
- (h) generally for the better carrying out of the objects of this ordinance.

55. Waar die publieke veiligheid die verlegging of herbouing van 'n geproklameerde pad noedsaak omdat die grond na die aanleg daarvan ondermyn of ondergrawe is, kan die Administrateur die betrokke myneienaar, mynmaatskappy of ondergrawer gelas om die oorspronklike pad te herbou, te herstel of indien nodig, te verlê, en by versuim om binne 'n redelike tyd aan hierdie lasgewing te voldoen, kan die Administrateur die werk self laat uitvoer en die koste in enige regsbevoegde hof van die betrokkenes verhaal.

56. Die Administrateur is nie verantwoordelik vir die aanleg of instandhouding van brûe of oorgange van watter aard ook al oor riele en waterlope wat vir die afvoer van stormwater of andersins ter beskerming van geproklameerde paaie aangebring is buite sodanige paaie nie, nog is hy aanspreeklik in verband daarmee nie.

57. Ondanks die bepalings van hierdie ordonnansie word alle paaie en heinings wat ingevolge bestaande wette aangelê of opgerig is, beskou as aangelê en opgerig ingevolge hierdie ordonnansie.

58. Waar daar by hierdie ordonnansie regte of bevoegdhede aan die Administrateur verleen word, word daardie regte en bevoegdhede ook verleent aan elkeen wat behoorlik deur die Administrateur gemagtig is of wat regmatig namens hom optree.

59. (1) Wanneer daar by die opening, aanleg of instandhouding van geproklameerde paaie, of die instelling van 'n pontdiens deur of namens die Administrateur enige regstreekse skade aan enige verbeterings veroorsaak word, maar in geen ander geval nie, is die betrokke eienaar gerechtig op skadevergoeding volgens ooreenkoms tussen die partye, of, by gebrek aan so 'n ooreenkoms, volgens arbitrasie ingevolge artikel *een-en-sestig*.

(2) Wanneer die Administrateur ooreenkomstig artikel *twee-en-dertig* of oor 'n plaas van 50 hektaar of minder 'n hoof- of grootpad proklameer waar daar voorheen geen pad was nie of waar 'n pad gesluit is en die loop van sodanige hoof- of grootpad bepaal het, het die eienaar van die betrokke grond nieteenstaande die bepalings van subartikel (1) van hierdie artikel die reg op vergoeding vir die grond wat die hoof- of grootpad beslaan, buiten en behalwe sy reg op skadevergoeding ingevolge die bepalings van subartikel (1) hiervan, en by onenigheid oor die vergoedingsbedrag moet dit by arbitrasie ingevolge artikel *een-en-sestig* hiervan behaal word.

60. Geen regsgeding om skadevergoeding teen die Administrasie weens die beweerde versuim of nalatigheid van 'n Administrasiebeampte of -werknaem betreffende die aanleg, instandhouding of toestand van die geproklameerde paaie, onder die beheer en toesig van die Administrasie kan ingestel word nie tensy:

- (a) skriftelik kennisgewing van die eis met duidelike en uitdruklike vermelding van die eisoorsaak binne veertig dae na die ontstaan daarvan, aan die Sekretaris van Suidwes-Afrika, bestel word; en
- (b) so 'n proses binne sestig dae nadat die Administrasie die eiser van sy besluit verwittig het, ingestel word.

61. Waar hierdie ordonnansie bepaal dat geskille by wyse van arbitrasie geskik moet word, moet daar twee arbiters aangestel word, een deur die Administrateur en die ander deur die eienaar, en waar die arbiters nie oor die geskilpunt of die geskilkoste ooreen kan kom nie, moet hulle 'n eindbeslisser benoem, en as hulle versuim, benoem die Administrateur 'n eindbeslisser wie se beslissing afdoende is en die betrokkenes verbind.

62. Elkeen wat skuldig is aan 'n oortreding van die bepaling van hierdie ordonnansie of van die regulasies wat hieruit voortvloeи, af wat versuim om 'n verpligting na te kom wat hierdie ordonnansie of die regulasies aan hom ople, is, wanneer daar geen spesifieke straf vir die oortreding bepaal is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand, en by wanbetaling met gevangenisstraf van hoogstens ses maande met of sonder dwangarbeid.

55. Whenever it becomes necessary for the safety of the public to deviate or reconstruct any proclaimed road because the ground has been undermined subsequent to construction, the Administrator may order the mine owner, mining company or person responsible for such undermining to reconstruct, repair or, if necessary, to deviate the original road, and failing compliance with such order within a reasonable time, the Administrator may cause the work to be done himself and recover the cost from the parties concerned in any competent court.

56. The Administrator shall not be responsible for, nor liable in connection with, the construction or maintenance of bridges or crossings of any description whatsoever over drains and water courses which have been made outside proclaimed roads for carrying off flood water or otherwise for the protection of such proclaimed roads.

57. Notwithstanding the provisions of this ordinance all roads and fences constructed or erected in accordance with existing laws shall be deemed to have been lawfully constructed and erected under this ordinance.

58. Wherever in this ordinance any rights or powers are given to the Administrator such rights and powers shall also be given to any person duly authorised by the Administrator or lawfully acting on his behalf.

59. (1) Whenever in the course of the opening, construction or maintenance of proclaimed roads or the establishment of a pont service by or on behalf of the Administrator, any direct damage is done to any improvements, but in no other case, the owner concerned shall be entitled to such compensation as may be agreed upon by the parties, or, failing such agreement, as may be determined by arbitration in terms of section *sixty-one*.

(2) Whenever the Administrator has proclaimed a trunk or main road in terms of section *thirty-two* or over a farm of 50 hectares or less where no road previously existed or where a road was closed, and has defined the course of such trunk or main road, the owner of such land shall, notwithstanding the provisions of sub-section (1) of this section, be entitled to compensation for the land taken up by such trunk or main road over and above his right to compensation under the provisions of sub-section (1) hereof, and in case of dispute the amount of such compensation shall be determined by arbitration in terms of section *sixty-one* hereof.

60. No action shall lie against the Administration of South West Africa for damage sustained by reason of the alleged default or neglect of an officer or employee of the Administration in connection with the construction, maintenance or state of the proclaimed roads under the control and supervision of the Administration, unless —

- (a) written notice of such claim clearly and explicitly stating the cause of action shall have been served upon the Secretary for South West Africa within forty days after the cause of action arose; and
- (b) such action is instituted within sixty days after the Administration has informed the claimant of its decision.

61. Whenever in this Ordinance it is provided that any dispute shall be settled by arbitration, two arbitrators shall be appointed, one of whom shall be appointed by the Administrator and the other by the owner, and whenever such arbitrators fail to come to an agreement on the matter of dispute, or on the question of costs, they shall appoint an umpire, and if they fail to do so, the Administrator shall appoint an umpire, whose decision shall be final and shall bind the parties in question.

62. Any person convicted of an offence under the provisions of this ordinance or the regulations framed thereunder, or failing to perform any duty prescribed by this ordinance or such regulations, shall, if no penalty is specifically provided therefor, on conviction be liable to a fine not exceeding one hundred rand, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months.

63. Alle proklamasies, kennisgewings, en regulasies wat afgekondig is ingevolge die bepalings van enige wet wat by hierdie ordonnansie herroep word, bly, solank hulle met die bepalings hiervan bestaanbaar is, van krag totdat hulle ingevolge die bepalings van hierdie ordonnansie herroep of gewysig word: Met dien verstande dat alle geproklameerde publieke paaie wat ten tyde van die inwerkingtreding van hierdie ordonnansie geproklameer is tot hoof-, groot- of distrikspaaie as sodanig bly voortbestaan terwyl alle geproklameerde publieke paaie, uitsluitende hoof-, groot- of distrikspaaie vanaf die datum van die inwerkingtreding van hierdie ordonnansie as geproklameerde plaas-paaie met die behoud van dieselfde nommers bly voortbestaan totdat die betrokke proklamasies ingevolge die bepalings van hierdie ordonnansie herroep of gewysig word.

64. Uitgesonderd die bepalings van hoofstuk VI geld geen verpligting of plig wat by hierdie ordonnansie aan 'n grondeienaar opgelê word, die Administrasie van Suidwes-Afrika, nog die Administrasie van die Suid-Afrikaanse Spoorweë en hawens nie.

65. Hierdie Ordonnansie heet die Ordonnansie op Paaie 1962.

BYLAE

Nommer en jaar van Ordonnansie	Kort titel van Ordonnansie	Mate van Herroeping
Ordonnansie 17 van 1953	Ordonnansie op Paaie 1953	Die hele.
Ordonnansie 23 van 1954	Wysigingsordonnansie op Paaie 1954	Die hele.
Ordonnansie 41 van 1957	Wysigingsordonnansie op Paaie 1957	Die hele.
Ordonnansie 28 van 1958	Wysigingsordonnansie op Paaie 1958	Die hele.
Ordonnansie 37 van 1959	Wysigingsordonnansie op Paaie 1959	Die hele.
Ordonnansie 6 van 1960	Wysigingsordonnansie op Paaie 1960	Die hele.

63. All proclamations, notices and regulations issued and framed under the provisions of any law repealed by this Ordinance shall, if not inconsistent with the provisions hereof, remain in force until revoked or amended under the provisions of this Ordinance: Provided that all proclaimed public roads which have at the time of the commencement of this ordinance been proclaimed as trunk, main or district roads, shall remain as such where as all proclaimed public roads, excluding trunk, main or district roads, shall from the date of commencement of this ordinance remain as proclaimed farm roads with the retention of the same numbers until the proclamations concerned are repealed or amended in terms of the provisions of this ordinance.

64. Saving the provisions of chapter VI no obligation or duty imposed on any landowner under this ordinance shall attach to the Administration of South West Africa or that of the South African Railways and Harbours.

65. This ordinance shall be called the Roads Ordinance, 1962.

SCHEDULE.

Number and year of Ordinance	Short title of Ordinance	Extent of repeal
Ordinance 17 of 1953.	Roads Ordinance, 1953.	The whole.
Ordinance 23 of 1954.	Roads Amendment Ordinance, 1954.	The whole.
Ordinance 41 of 1957.	Roads Amendment Ordinance, 1957.	The whole.
Ordinance 28 of 1958.	Roads Amendment Ordinance, 1958.	The whole.
Ordinance 37 of 1959.	Roads Amendment Ordinance, 1959.	The whole.
Ordinance 6 of 1960.	Roads Amendment Ordinance, 1960.	The whole.