

# OFFICIAL GAZETTE

EXTRAORDINARY  
OF SOUTH WEST AFRICA.

BUITENGEWONE

# OFFISIËLE KOERANT



UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

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## DRAFT ORDINANCE

To amend the promotion of Farming Interest Ordinance, 1952 to provide for the remuneration payable to the members of the Farming Interest Board, who are not in the public service, as determined by the Administrator.

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

Amendment of  
section 6 of  
Ordinance 29  
of 1952.

1. Section 6 of the Promotion of Farming Interest Ordinance, 1952 (Ordinance 29 of 1952) is hereby amended by the substitution for sub-section (1) of the following sub-section:—

“(1) Every member of the Board, not being a member of the Public Service, shall receive remuneration determined by the Administrator from time to time, payable from the Fund.”

Short title.

2. This ordinance shall be called the Promotion of Farming Interest Amendment Ordinance, 1967.

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## ONTWERPORDONNANSIE

Tot wysiging van die ordonnansie op die Bevordering van Boerderybelange 1952 om voorsiening te maak vir die besoldiging van lede van die raad op Boerderybelange, wat nie in die staatsdiens is nie, soos deur die Administrateur bepaal.

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

1. Artikel 6 van die Ordonnansie op die Bevordering van Boerderybelange 1952 (Ordonnansie 29 van 1952) word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:—

Wysiging van artikel 6 van ordonnansie 29 van 1952.

„(1) Elke lid van die raad wat nie in die Staatsdiens is nie, ontvang besoldiging, soos deur die Administrateur van tyd tot tyd bepaal, wat uit die Fonds betaal word.”

2. Hierdie ordonnansie heet die Wysigingsordonnansie op die Bevordering van Boerderybelange 1967.

Kort titel.

## DRAFT ORDINANCE

To amend the Matrimonial Affairs Ordinance, 1955, to provide what property is deemed to have been brought by a wife at a marriage into the community; to provide that a married woman may be a depositor in any account in a banking institution; to extend to a father upon whom a children's court has, under section 58 (1) of the Children's Ordinance, 1961, conferred the exclusive right to exercise any parental powers in regard to a minor, the power to appoint by testamentary disposition any person to be the sole guardian or to be vested with the sole custody of the minor; and to provide for matters incidental thereto.

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BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section 26 of the South West Africa Constitution Act, 1925 (Act 42 of 1925) of the Republic of South Africa, as follows:—

Amendment of  
section 1 of  
Ordinance 25  
of 1955.

1. Section 1 of the Matrimonial Affairs Ordinance, 1955 (hereinafter called the principal ordinance) is hereby amended —

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

“(b) any immovable property held in community which the wife has at the marriage brought into the community and in respect of which an endorsement or note has been made under sub-section (2).”;

(b) by the insertion of the following sub-section after sub-section (1):—

“(1) A Any immovable property held in community which during the marriage has been inherited by or donated to the wife or has been acquired in one or more of the following ways, namely, with money or other means brought into the community by her at the marriage or inherited by or donated to her during the marriage or consisting of her earnings or the proceeds of immovable property brought into the community by her at the marriage shall for the purposes of this section be deemed to have been brought into the community by the wife at the marriage.”

Amendment of  
Section 2 of  
Ordinance 25  
of 1955.

2. Section 2 of the principal ordinance is hereby amended —

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

“(c) to withdraw any deposit standing in the name of his wife in the Post Office Savings Bank of the Territory or in a building society or in any account in a banking institution as defined in section 1 of the Banks Act, 1965 (Act 23 of 1965) or to take possession of any moneys withdrawn by her therefrom; or”; and

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

# ONTWERPORDONNANSIE

Tot wysiging van die Ordonnansie op Huweliksaangeleenthede 1955, om te bepaal watter goedere geag word deur 'n vrou by 'n huwelik in die gemeenskap ingebring te gewees het; om daarvoor voorsiening te maak dat 'n getroude vrou 'n depositogewer in enige rekening in 'n bankinstelling kan wees; om die bevoegdheid om by testamentêre beskikking enigiemand te benoem tot enigste voog of tot reghebbende op die uitsluitlike bewaring van 'n minderjarige, uit te brei na 'n vader aan wie 'n kindershof kragtens artikel 58 (1) van die Kinderordonnansie 1961, die uitsluitlike reg verleen het om enige ouerlike magte met betrekking tot die minderjarige uit te oefen; en om vir aangeleenthede wat daarmee in verband staan voorsiening te maak.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Staatspresident dermate sodanige toestemming nodig is vooraf verkreeë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel 26 van die Zuidwest Afrika Konstitutie Wet 1925 (Wet 42 van 1925) van die Republiek van Suid-Afrika, VERORDEN:—

1. Artikel 1 van die Ordonnansie op Huweliksaangeleenthede 1955 (hierna die hoofordonnansie genoem) word hierby gewysig —

Wysiging van artikel 1 van Ordonnansie 25 van 1955.

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:—

„(b) gemeenskaplike onroerende goed wat die vrou by die huwelik in die gemeenskap ingebring het en ten opsigte waarvan 'n endossement of aantekening kragtens subartikel (2) aangebring is”;

(b) deur die volgende subartikel na subartikel (1) in te voeg:—

„(1) A Gemeenskaplike onroerende goed wat gedurende die huwelik deur die vrou geërf is of aan haar geskenk is of op een of meer van die volgende maniere verkry is, te wete, met geld of ander middele wat sy by die huwelik in die gemeenskap ingebring het of wat gedurende die huwelik deur haar geërf is of aan haar geskenk is of wat bestaan uit haar verdienste of die opbrengs van onroerende goed deur haar by die huwelik in die gemeenskap ingebring, word by die toepassing van hierdie artikel geag deur die vrou by die huwelik in die gemeenskap ingebring te gewees het.”

2. Artikel 2 van die hoofordonnansie word hierby gewysig —

Wysiging van artikel 2 van Ordonnansie 25 van 1955.

(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:—

„(c) 'n deposito wat in die Posspaarbank van die Gebied of by 'n bouvereniging of in enige rekening by 'n bankinstelling soos in artikel 1 van die Bankwet 1965 (Wet 23 van 1965), omskryf, op naam van sy vrou staan, te trek nie, of geld wat sy daaruit getrek het, in besit te neem nie; of”;

(b) deur subartikel (5) deur die volgende subartikel te vervang:—

“(5) (a) A married woman, whether under the marital power or not, may be a depositor in any account in a banking institution as defined in section 1 of the Banks Act, 1965, and may without the consent or assistance of her husband execute all necessary documents, give all necessary acquittances and cede, pledge, borrow against and generally deal with her deposit in such account and enjoy all the privileges and be liable to all the obligations attaching to depositors in any such account in such banking institution: Provided that a married woman who is under the marital power may not, without the consent of her husband, draw on a current account in which she is a depositor in such a banking institution to an amount exceeding the total amount of the deposits standing to her credit in any account in such banking institution.

(b) Save with her written consent, the husband of a married woman who has become a depositor with a banking institution in terms of paragraph (a), shall not be entitled to demand from such banking institution particulars concerning deposits she has with that banking institution.”

Amendment of  
section 4 of  
Ordinance 25  
of 1955.

3. Section 4 of the principal ordinance is hereby amended —

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

“(3) Subject to any order of the court —

(a) a parent to whom the sole guardianship or custody of a minor has been granted under sub-section (1) or a father or mother upon whom a children's court has under section 58 (1) of the Children's Ordinance, 1961 (Ordinance 31 of 1961) conferred the exclusive right to exercise any parental powers in regard to a minor, may by testamentary disposition appoint any person to be the sole guardian or to be vested with the sole custody of the minor, as the case may be; and

(b) the father of a minor to whom the sole guardianship of the minor has not been granted under sub-section (1) or upon whom a children's court has not conferred the exclusive right to exercise any parental powers in regard to the minor, shall not be entitled by testamentary disposition to appoint any person as the guardian of the minor in any other manner than to act jointly with the mother.”; and

(b) by the substitution for sub-section (6) of the following sub-section:—

“(6) If an order under section 58 of the Children's Ordinance, 1961, is rescinded, or if an order under sub-section (1) of this section granting the sole guardianship or custody of a minor to a parent, lapses or is rescinded or is varied in such a manner that the parent is no longer the sole guardian or vested with the sole custody of the minor, any disposition made under sub-section (3) (a) shall lapse.”

Short title.

4. This ordinance shall be called the Matrimonial Affairs Amendment Ordinance, 1967, and shall come into operation on a date to be fixed by the Administrator by proclamation in the *Official Gazette*.

„(5) (a) 'n Getroude vrou, hetsy al dan nie onder die maritale mag, kan geld in enige rekening in deposito plaas by 'n bankinstelling soos omskryf in artikel 1 van die Bankwet 1965, en kan sonder die toestemming of bystand van haar eggenoot alle nodige dokumente en ontvangsbewyse verly en gee, en haar deposito in sodanige rekening sedeer, verpand, daarteen leen en in die algemeen daarmee handel en al die voorregte geniet en onderhewig wees aan al die verpligtings van depositogewers in enige sodanige rekening by sodanige bankinstelling: Met dien verstande dat 'n getroude vrou wat onder die maritale mag staan, nie sonder die toestemming van haar eggenoot 'n lopende rekening waarin sy 'n depositogewer in so 'n bankinstelling is, kan oortrek met 'n bedrag wat die totale bedrag van die deposito's wat tot haar krediet in enige rekening in so 'n bankinstelling staan, oorskry nie.

(b) Behalwe met haar skriftelike toestemming, is die eggenoot van 'n getroude vrou wat ingevolge paragraaf (a) 'n depositogewer by 'n bankinstelling geword het, nie geregtig om van sodanige bankinstelling besonderhede te eis aangaande die deposito's wat sy by daardie bankinstelling het nie.”

3. Artikel 4 van die hoofordonnansie word hierby gewysig —

Wysiging van artikel 4 van Ordonnansie 25 van 1965.

(a) deur subartikel (3) deur die volgende subartikel te vervang:—

„(3) Behoudens 'n bevel van die hof — (a) kan 'n ouer aan wie die uitsluitlike voogdy oor of bewaring van 'n minderjarige kragtens subartikel (1) toegeken is, of 'n vader of 'n moeder aan wie 'n kinderhof kragtens artikel 58 (1) van die Kinderordonnansie 1961 (Ordonnansie 31 van 1961), die uitsluitlike reg verleen het om enige ouerlike magte met betrekking tot 'n minderjarige uit te oefen, enigiemand by testamentêre beskikking benoem tot enigste voog of tot reghebbende op die uitsluitlike bewaring van die minderjarige, na gelang van die geval; en

(b) het die vader van 'n minderjarige aan wie die uitsluitlike voogdy oor die minderjarige nie kragtens subartikel (1) toegeken is nie of aan wie 'n kinderhof nie die uitsluitlike reg verleen het om enige ouerlike magte met betrekking tot die minderjarige uit te oefen nie, nie die reg om by testamenêre beskikking iemand as voog van die minderjarige te benoem nie, op 'n ander wyse as om saam met die moeder op te tree.”; en

(b) deur subartikel (6) deur die volgende subartikel te vervang:—

„(6) Indien 'n bevel uitgereik kragtens artikel 58 van die Kinderordonnansie 1961, ingetrek word, of indien 'n bevel uitgereik kragtens subartikel (1) van hierdie artikel waarby die uitsluitlike voogdy oor of bewaring van 'n minderjarige aan 'n ouer toegeken is, verval of ingetrek word of op so 'n wyse gewysig word dat die ouer nie meer die enigste voog of die reghebbende op uitsluitlike bewaring van die minderjarige is nie, verval 'n beskikking wat kragtens subartikel (3) (a) gemaak is.”

4. Hierdie Ordonnansie heet die Wysigingsordonnansie op Huweliksaangeleenthede 1967, en tree in werking op 'n datum deur die Administrateur by proklamasie in die *Offisiële Koerant* bepaal.

Kort titel.