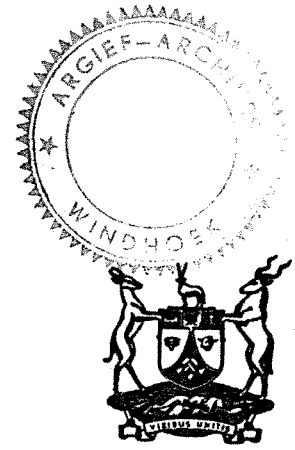


OFFICIAL GAZETTE

EXTRA ORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT



PUBLISHED BY AUTHORITY.

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

10c

Friday, 12 July 1968

WINDHOEK

Vrydag, 12 Julie 1968

No. 2907

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PROCLAMATION

PROKLAMASIE

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA.

No. 194 of 1968 (Republic).]

No. 194 van 1968 (Republiek).]

AMENDMENT TO THE NATIVES (URBAN AREAS) PROCLAMATION, 1951 (SOUTH WEST AFRICA) (PROCLAMATION NO. 56 OF 1951).

WYSIGING VAN DIE PROKLAMASIE OP INBOORLINGE IN STEDELIKE GEBIEDE, 1951 (SUIDWES-AFRIKA) (PROKLAMASIE NO. 56 VAN 1951).

Under the powers vested in me by section 38 (1) of the South West Africa Constitution Act, 1968 (Act No. 39 of 1968), I declare that the Natives (Urban Areas) Proclamation, 1951 (South West Africa) (Proclamation No. 56 of 1951), is hereby amended as indicated in the Schedule hereto.

Kragtens die bevoegdheid my verleen by artikel 38 (1) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), verklaar ek dat die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Suidwes-Afrika) (Proklamasie No. 56 van 1951), hierby gewysig word soos aangedui in die Bylae hiervan.

GIVEN under my Hand and the Seal of the Republic of South Africa at Pretoria this Second day of July One thousand Nine hundred and Sixty-eight.

GEGEE onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Tweede dag van Julie Eenduisend Negehonderd Agt-en-sestig.

J. J. FOUCHÉ,
State President.

J. J. FOUCHÉ,
Staatspresident.

By order of the State President-in-Council.
M. C. BOTHA.

Op las van die Staatspresident-in-rade
M. C. BOTHA.

SCHEDULE.

The Natives (Urban Areas) Proclamation, 1951 (South West Africa) (Proclamation No. 56 of 1951), is amended as follows:

1. By the substitution for section 3 (2) of the following:—

- (2) No location, native village or native hostel shall be removed, curtailed or abolished without the consent of the Administrator, and upon such terms and conditions as to compensation, if any, and otherwise as the Administrator, after consultation with the urban local authority, may direct.

2. By the insertion of the following subsections after subsection (3):—

- (4) The Administrator may, subject to the provisions of subsection (2) —

- (a) on representations made by an urban local authority for the removal, curtailment or abolition of any location, native village or native hostel situate within or outside the area of jurisdiction of that urban local authority; or
- (b) whenever it appears to him that the conditions under which natives are living in any location, native village or native hostel are such that unless such location, native village or native hostel is removed, curtailed or abolished, the health or safety of the public generally or of any class or classes of persons (including the said natives) may be endangered; or
- (c) whenever it appears to him that the removal, curtailment or abolition of any location, native village or native hostel is desirable having regard to any town or regional planning undertaken by any urban local authority,

after consultation with the urban local authority within whose area of jurisdiction such location, native village or native hostel is situate, give notice in the Official Gazette of his intention to approve the removal, curtailment or abolition of such location, native village or native hostel, or any part thereof defined in such notice.

- (5) Whenever notice has been given in terms of subsection (4) that any location, native village or native hostel, or any part thereof, is to be removed, curtailed or abolished and it is proved to the satisfaction of any magistrate of the district in which such location, native village or native hostel is situate by means of affidavits placed before him —

- (a) by or on behalf of the urban local authority within whose area of jurisdiction such location, native village or native hostel is situate; or
- (b) by or on behalf of the Administrator or by any commissioned officer of the police,

that any person has entered, assembled with others or been found in such location, native village or native hostel without the written approval of an officer of the urban local authority concerned, or, in the case of a person who is or was a resident thereof, has failed to leave or having left has returned to such location, native village or native hostel, or the part thereof which is to be removed,

BYLAE.

Die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Suidwes-Afrika) (Proklamasie No. 56 van 1951), word as volg gewysig:—

1. Deur artikel 3 (2) deur die volgende te vervang:—

- (2) Geen lokasie, inboorlingdorp of inboorlingtehuis mag verwyder, verklein of afgeskaf word nie behalwe met die toestemming van die Administrateur en dan alleen op sodanige voorwaardes van vergoeding, as daar is, en andersins as wat die Administrateur na oorlegpleging met die stedelike plaaslike bestuur bepaal.

2. Deur die invoeging van die volgende subartikels na subartikel (3):—

- (4) Die Administrateur kan, behoudens die bepalings van subartikel (2) —

- (a) op verhoë van enige stedelike plaaslike bestuur vir die verwydering, verkleining of afskaffing van 'n lokasie, inboorlingdorp of inboorlingtehuis wat binne of buite die regsgebied van daardie stedelike plaaslike bestuur val; of
- (b) wanneer dit hom blyk dat die toestande waarin inboorlinge in 'n lokasie, inboorlingdorp of inboorlingtehuis woon, sodanig is dat, tensy sodanige lokasie, inboorlingdorp of inboorlingtehuis verwyder, verklein of afgeskaf word, die gesondheid of veiligheid van die publiek oor die algemeen of van enige kategorie van persone (met inbegrip van genoemde inboorlinge) in gevaar gestel kan word; of
- (c) wanneer dit hom blyk dat die verwydering, verkleining of afskaffing van 'n lokasie, inboorlingdorp of inboorlingtehuis wenslik is met inagneming van enige dorps- of streeksbeplanning onderneem deur enige stedelike plaaslike bestuur,

na oorlegpleging met die stedelike plaaslike bestuur binne wie se regsgebied sodanige lokasie, inboorlingdorp of inboorlingtehuis geleë is, kennis gee in die Offisiële Koerant van sy voorneme om sy goedkeuring te heg aan die verwydering, verkleining of afskaffing van sodanige lokasie, inboorlingdorp of inboorlingtehuis, of enige gedeelte daarvan in sodanige kennisgewing omskryf.

- (5) Wanneer kennis ingevolge subartikel (4) gegee is dat 'n lokasie, inboorlingdorp of inboorlingtehuis, of enige gedeelte daarvan, verwyder, verklein of afgeskaf staan te word en daar tot tevredenheid van 'n magistraat van die distrik waarin sodanige lokasie, inboorlingdorp of inboorlingtehuis geleë is, bewys word by wyse van beëdigde verklarings aan hom voorgelê —

- (a) deur of namens die stedelike plaaslike bestuur binne wie se regsgebied sodanige lokasie, inboorlingdorp of inboorlingtehuis geleë is; of
- (b) deur of namens die Administrateur of 'n polisiebeampte met kommissierang,

dat enige persoon sodanige lokasie, inboorlingdorp of inboorlingtehuis sonder die skriftelike toestemming van 'n beampte van die betrokke stedelike plaaslike bestuur, binnegegaan het, daarin tesame met ander vergader het of daarin gevind is of, in die geval van 'n persoon wat 'n inwoner daarvan is of was, versuim het om sodanige lokasie, inboorlingdorp of inboorlingtehuis, of die gedeelte

curtailed or abolished in contravention of a written order of an officer authorised by the urban local authority to issue such order, such magistrate may make such orders, give such instructions and confer such authority as may be reasonably necessary —

- (i) to effect the removal of such person, his family, his dependants and his property from such location, native village or native hostel to such other place, whether within or outside the said district, as such magistrate may indicate;
 - (ii) to ensure the demolition and removal from such location, native village or native hostel of any building or structure which, at the time that the order referred to in this subsection was made, was occupied or used by such person.
- (6) No interdict or other legal process shall be issued for the stay or suspension of the execution of any order made in terms of subsection (5), and no appeal against such order shall have the effect of staying or suspending its execution.
- (7) No compensation shall be payable, unless the Administrator otherwise directs, in respect of any building or structure erected contrary to the provisions of subsection (3) or on a date subsequent to the publication of a notice referred to in subsection (4) or in respect of any building or structure which has been demolished and removed pursuant to an order made in terms of subsection (5).
- (8) The Administrator may, after having given notice in terms of subsection (4) and after reference to the urban local authority within whose area of jurisdiction a location, native village or native hostel is situate, by notice in the Official Gazette declare that as from a date specified in such notice such location, native village or native hostel, or any part thereof defined in such notice, shall be abolished as a location, native village or native hostel, and any person who after the date so specified resides or continues to reside therein without the permission of the urban local authority, shall be guilty of an offence.

daarvan wat verwyder, verklein of afgeskaf staan te word, te verlaat of nadat hy dit verlaat het, daarheen teruggekeer het strydig met 'n skriftelike bevel van 'n beamppte gemagtig deur die stedelike plaaslike bestuur om sodanige bevel uit te reik, kan sodanige magistraat sodanige bevele uitreik, sodanige instruksies gee en sodanige gesag verleen as wat redelikerwys nodig is —

- (i) om die verwydering van sodanige persoon, sy gesin, sy afhanklikes en sy eiendom van sodanige lokasie, inboorlingdorp of inboorlingtehuis na sodanige ander plek, hetsy binne of buite genoemde distrik, as wat sodanige magistraat aandui, te bewerkstellig;
 - (ii) om te verseker dat enige gebou of bouwerk, wat ten tye van die uitreiking van die bevel in hierdie subartikel genoem deur sodanige persoon in sodanige lokasie of inboorlingdorp of inboorlingtehuis bewoon of gebruik is, gesloop en daarvandaan verwyder word.
- (6) Geen interdik of ander geregtelike prosesstuk mag uitgevaardig word vir die opskorting van die tenuitvoerlegging van enige bevel kragtens subartikel (5) nie, en die uitwerking van 'n appél teen sodanige bevel is nie dat die tenuitvoerlegging daarvan opgeskort word nie.
- (7) Geen vergoeding is betaalbaar nie, tensy die Administrateur anders gelas, ten opsigte van enige gebou of bouwerk wat opgerig is strydig met die bepalinge van subartikel (3) of op 'n datum wat volg op dié publikasie van 'n kennisgewing in subartikel (4) genoem of ten opsigte van 'n gebou of bouwerk wat gesloop en verwyder is ingevolge 'n bevel uitgereik kragtens subartikel (5).
- (8) Die Administrateur kan, na kennisgewing ingevolge subartikel (4) en na oorlegpleging met die stedelike plaaslike bestuur binne wie se regsgebied 'n lokasie, inboorlingdorp of inboorlingtehuis geleë is, by kennisgewing in die Offisiële Koerant verklaar dat sodanige lokasie, inboorlingdorp of inboorlingtehuis, of enige gedeelte daarvan omskryf in sodanige kennisgewing, vanaf 'n datum in sodanige kennisgewing vermeld, as 'n lokasie, inboorlingdorp of inboorlingtehuis afgeskaf is, en enige persoon wat na die aldus vermelde datum daarin woon of daarin bly woon sonder die toestemming van die stedelike plaaslike bestuur, begaan 'n misdryf.

