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BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

J. F. GREEBE
Secretary for South West Africa

Administration of South West Africa
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

J. F. GREEBE
Sekretaris van Suidwes-Afrika

Administrasie van Suidwes-Afrika
Windhoek.

No. 57]

[15 March 1979

ORDINANCE, 1979: PROMULGATION OF

The Administrator-General has assented, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act.—

No. 3 of 1979 Civil Defence Ordinance, 1979

No. 57]

[15 Maart 1979

ORDONNANSIE, 1979: UITVAARDIGING VAN

Die Administrateur-generaal het, ingevolge artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), tot die volgende Ordonnansie toegestem wat hierby vir algemene inligting gepubliseer word ingevolge artikel 29 van genoemde Wet.—

No. 3 van 1979 Ordonnansie op Burgerlike Beskerming, 1979.

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CIVIL DEFENCE ORDINANCE, 1979

(Assented to 8 March 1979)

(English text signed by the Administrator-General)

(Date of commencement 1 September 1978)

ORDINANCE

To provide for civil defence.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Administrator-General, in so far as such consent is necessary, previously obtained and communicated to the Assembly by the Chairman of the Assembly, as follows:—

Definitions.

1. In this Ordinance, unless the context otherwise indicates —

- (i) "Administration" means the Administration of the Territory of South West Africa; (i)
- (ii) "disaster" means a disaster which is not a state of emergency or a state of disaster and which, in the opinion of the Executive Committee or of the local authority concerned, is a disaster as defined in section 1 of the Proclamation; (vii)
- (iii) "Executive Committee" means the Executive Committee referred to in section 4 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), as amended; (x)
- (iv) "local authority" means —
 - (a) the council of any municipality established or constituted, or deemed to be established or constituted, under the Municipal Ordinance, 1963 (Ordinance 13 of 1963); or
 - (b) any Village Management Board constituted or deemed to be constituted under the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963); or
 - (c) the Peri-Urban Development Board established under the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970); or
 - (d) an association in regard to which the Executive Committee has in terms of section 2(1) declared that it shall for the purposes of this Ordinance be deemed to be a local authority; (vi)

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*(Goedgekeur 8 Maart 1979)**(Engelse teks deur die Administrateur-generaal onder-
teken)**(Datum van inwerkingtreding 1 September 1978)***ORDONNANSIE**

Om voorsiening te maak vir burgerlike beskerming.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Administrateur-generaal, dermate sodanige toestemming nodig is, vooraf verkry en deur die Voorsitter van die Vergadering aan die Vergadering meegedeel, VERORDEN SOOS VOLG:—

1. In hierdie Ordonnansie, tensy uit die samehang anders blyk, beteken —

Woordomskrywing.

- (i) "Administrasie" die Administrasie van die Gebied Suidwes-Afrika; (i)
- (ii) "die Proklamasie" die Proklamasie op Burgerlike Beskerming, 1978 (Proklamasie AG. 54 van 1978);
- (iii) "Gebied" die Gebied Suidwes-Afrika; (ix)
- (iv) "hierdie Ordonnansie" ook enige regulasie daarkragtens uitgevaardig en van krag; (xi)
- (v) "noodtoestand" 'n noodtoestand soos in artikel 1 van die Proklamasie omskryf; (viii)
- (vi) "plaaslike bestuur" —
 - (a) die raad van enige munisipaliteit wat gestig of ingestel is, of beskou word gestig of ingestel te wees ingevolge die Munisipale Ordonnansie 1963 (Ordonnansie 13 van 1963); of
 - (b) enige dorpsbestuur wat ingestel is, of beskou word ingestel te wees ingevolge die Ordonnansie op Dorpsbesture 1963 (Ordonnansie 14 van 1963); of
 - (c) die Raad vir Buitestedelike Ontwikkeling ingestel ingevolge die Ordonnansie op die Raad vir Buitestedelike Ontwikkeling, 1970 (Ordonnansie 19 van 1970); of
 - (d) 'n vereniging ten opsigte waarvan die Uitvoerende Komitee ingevolge artikel 2(1) verklaar het dat dit vir die doeleindes van hierdie Ordonnansie geag word 'n plaaslike bestuur te wees; (iv)

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- (v) "prescribed" means prescribed by regulation; (xi)
- (vi) "regulation" means a regulation made under this Ordinance; (ix)
- (vii) "state of disaster" means a state of disaster as defined in section 1 of the Proclamation; (viii)
- (viii) "state of emergency" means a state of emergency as defined in section 1 of the Proclamation; (v)
- (ix) "Territory" means the Territory of South West Africa; (iii)
- (x) "the Proclamation" means the Civil Defence Proclamation, 1978 (Proclamation AG. 54 of 1978); (ii)
- (xi) "this Ordinance" includes any regulation made and in force thereunder. (iv)

Power of Executive Committee to declare that, for the purposes of this Ordinance, an association be deemed to be a local authority.

2. (1) Where —

- (a) any number of persons not resident within the area of jurisdiction of a municipality, a Village Management Board or the Peri-Urban Development Board have established an association for the purpose of any matter relating to civil defence contemplated in section 3(1); and
- (b) the Executive Committee is of the opinion that such association is capable of attaining the object for which it was established,

the Executive Committee may declare that for the purposes of this Ordinance —

- (i) such association shall be deemed to be a local authority for the area of jurisdiction specified in such declaration; and
- (ii) the office-bearers of such association shall be deemed to be employees of that local authority.

(2) The Executive Committee may at any time revoke the declaration contemplated in subsection (1) if the association concerned —

- (a) so requests; or
- (b) is dissolved; or
- (c) is in the opinion of the Executive Committee no longer attaining or capable of attaining the object for which it was established.

(3) The Executive Committee may, in respect of any area outside the area of jurisdiction of a local authority, take the steps it may deem expedient to achieve the purposes of this Ordinance.

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- (vii) "ramp" 'n ramp wat nie 'n noodtoestand of 'n ramp-toestand is nie en wat, na die mening van die Uitvoerende Komitee of van die betrokke plaaslike bestuur, 'n ramp is soos in artikel 1 van die Proklamasie omskryf; (ii)
- (viii) "ramptoestand" 'n ramptoestand soos in artikel 1 van die Proklamasie omskryf; (vii)
- (ix) "regulasie" 'n regulasie kragtens en ingevolge hierdie Ordonnansie uitgevaardig; (vi)
- (x) "Uitvoerende Komitee" die Uitvoerende Komitee bedoel in artikel 4 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), soos gewysig; (iii)
- (xi) "voorgeskryf" of "voorgeskrewe" by regulasie voorgeskryf. (v)

2. (1) Waar —

- (a) enige aantal persone, wat nie woonagtig is binne die regsgebied van 'n munisipaliteit, 'n dorpsbestuur of die Raad vir Buitestedelike Ontwikkeling nie, 'n vereniging gestig het vir die doel van enige aangeleentheid betreffende burgerlike beskerming in artikel 3(1) beoog; en
- (b) die Uitvoerende Komitee van mening is dat sodanige vereniging in staat is om die doel waarvoor dit gestig is, te bereik,

Bevoegdheid van Uitvoerende Komitee om te verklaar dat 'n vereniging vir die doeleindes van hierdie Ordonnansie geag word 'n plaaslike bestuur te wees.

kan die Uitvoerende Komitee verklaar dat, vir die doeleindes van hierdie Ordonnansie, —

- (i) sodanige vereniging geag word 'n plaaslike bestuur te wees vir die regsgebied in sodanige verklaring omskryf; en
- (ii) die ampsdraers van sodanige vereniging geag word werknemers van daardie plaaslike bestuur te wees.

(2) Die Uitvoerende Komitee kan te eniger tyd die verklaring in subartikel (1) beoog, intrek indien die betrokke vereniging —

- (a) aldus versoek; of
- (b) ontbind is; of
- (c) na die mening van die Uitvoerende Komitee nie meer die doel waarvoor dit gestig is, bereik, of in staat is om dit te bereik nie.

(3) Ten opsigte van enige gebied buite die regsgebied van 'n plaaslike bestuur kan die Uitvoerende Komitee die stappe doen wat hy ter bereiking van die doeleindes van hierdie Ordonnansie dienstig ag.

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(4) The declaration referred to in subsection (1), and the revocation under subsection (2) of the declaration referred to in subsection (1), shall be made known by notice in the *Official Gazette*.

Steps which may be taken to achieve the purposes of this Ordinance.

3. (1) For the purpose of any matter relating to civil defence, including —

- (i) the protection of persons and property, and the rendering of assistance to persons in the Territory with a view to or in connection with a state of emergency or a state of disaster; and
- (ii) the combating of civil disruption in the Territory during the existence of a state of emergency or a state of disaster,

a local authority shall take such steps as the Executive Committee may, either generally or specifically, direct in regard to —

- (a) fire-fighting;
- (b) traffic control;
- (c) rescue and evacuation work;
- (d) shelter against air-raids and radio-active fall-out;
- (e) co-ordinated planning for the medical treatment and care of injured and sick persons;
- (f) the provision of emergency housing, food and clothing;
- (g) the continuation of public health services;
- (h) the maintenance of essential services and the protection of essential industries, trades, places and areas;
- (i) transport, communications and warnings;
- (j) the continuation of existing local administration; and
- (k) any other matter which the Executive Committee may determine and make known by notice in the *Official Gazette*.

(2) In giving effect to a direction contemplated in subsection (1), a local authority may direct any person to furnish it with such information as it may require regarding —

- (a) employees; or
- (b) buildings, premises, equipment, turnover, vehicles, aircraft, vessels, food, animals, fodder, fuel, oil, material or any other article or thing,

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(4) Die verklaring in subartikel (1) bedoel en die intrekking ingevolge subartikel (2) van die in subartikel (1) bedoelde verklaring word by kennisgewing in die *Offisiële Koerant* bekend gemaak.

3. (1) Vir die doeleindes van enige aangeleentheid betreffende burgerlike beskerming, insluitende —

Stappe wat gedoen kan word ter bereiking van die doeleindes van hierdie Ordonnansie.

- (i) die beskerming van persone en goed, en die verlening van bystand aan persone in die Gebied met die oog op of met betrekking tot 'n nood- of ramp-toestand; en
- (ii) die bekamping van burgerlike ontwrigting in die Gebied tydens die bestaan van 'n nood- of ramp-toestand,

doen 'n plaaslike bestuur die stappe wat die Uitvoerende Komitee, hetsy in die algemeen of in die besonder, gelas met betrekking tot —

- (a) brandbestryding;
- (b) verkeersbeheer;
- (c) reddings- en ontruimingswerk;
- (d) skuiling teen lugaanvalle en radio-aktiewe neerslag;
- (e) gekoördineerde beplanning vir die mediese behandeling en versorging van beseerde en siek persone;
- (f) die verskaffing van noodhuisvesting, voedsel en kleding;
- (g) die voortsetting van openbare gesondheidsdienste;
- (h) die instandhouding van noodsaaklike dienste en die beskerming van noodsaaklike nywerhede, bedrywe, plekke en gebiede;
- (i) vervoer, kommunikasie en waarskuwings;
- (j) die voortsetting van bestaande plaaslike administrasie; en
- (k) enige ander aangeleentheid wat die Uitvoerende Komitee bepaal en by kennisgewing in die *Offisiële Koerant* bekend maak.

(2) By die uitvoering van 'n lasgewing in subartikel (1) beoog, kan 'n plaaslike bestuur enige persoon gelas om aan hom die inligting te verstrek wat hy vereis aangaande —

- (a) werknemers; of
- (b) geboue, persele, uitrusting, omset, voertuie, vliegtuie, vaartuie, voedsel, diere, voer, brandstof, olie, materiaal of enige ander artikel of ding,

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under the control or in the possession of that person or of which that person has knowledge.

(3) If the Executive Committee considers it necessary for achieving any of the purposes referred to in subsection (1), it may —

- (a) direct the owner or management of any industry or trade which, in its opinion, is an essential industry or trade, or the management of any organization which, in its opinion, renders an essential service, to take in regard to that industry, trade or service or the continuation thereof such steps as the Executive Committee may deem expedient; or
- (b) authorize a local authority, either generally or specifically, to issue a direction contemplated in paragraph (a) in respect of any industry, trade or organization which is situated within its area of jurisdiction and which, in the opinion of that local authority, is an essential industry or trade or renders an essential service.

(4) In the event of a state of emergency, a state of disaster, a disaster, or where steps are taken in terms of section 2(3) of the Proclamation, the Executive Committee may make available to or place under the control of a local authority any —

- (a) officer or employee; or
- (b) land, building, tent, conveyance, bedding, medical supplies and equipment, food, oil, fuel, material or any other article or thing,

under its supervision or control that is required for the purposes of a matter referred to in subsection (1).

(5) In the event of a state of emergency or a state of disaster, or where steps are taken in terms of section 2(3) of the Proclamation, the Executive Committee may —

- (a) direct any person who is the owner of or who has supervision or control over any —
 - (i) land or building; or
 - (ii) tent, conveyance, bedding, medical supplies and equipment, food, oil, fuel, material or any other article or thing,

which is required for the purposes of a matter referred to in subsection (1), to surrender the use of such land or building to a specified local authority or to deliver or make available any such article or

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onder beheer of in die besit van daardie persoon, of waarvan daardie persoon kennis dra.

(3) Indien die Uitvoerende Komitee dit nodig ag ter bereiking van enige van die doeleindes in subartikel (1) genoem, kan hy —

- (a) die eienaar of bestuur van enige nywerheid of bedryf wat, na sy mening, 'n noodsaaklike nywerheid of bedryf is, of die bestuur van enige organisasie wat, na sy mening, 'n noodsaaklike diens lewer, gelas om met betrekking tot daardie nywerheid, bedryf of diens of die voortsetting daarvan die stappe te doen wat die Uitvoerende Komitee dienstig ag; of
- (b) 'n plaaslike bestuur, hetsy in die algemeen of in die besonder, magtig om 'n lasgewing in paragraaf (a) beoog, uit te reik ten opsigte van enige nywerheid, bedryf of organisasie wat binne sy regsgebied geleë is en wat, na die mening van daardie plaaslike bestuur 'n noodsaaklike nywerheid of bedryf is of 'n noodsaaklike diens lewer.

(4) In die geval van 'n noodtoestand, 'n ramptoestand of 'n ramp of waar stappe ingevolge artikel 2(3) van die Proklamasie gedoen word, kan die Uitvoerende Komitee enige —

- (a) beampte of werknemer; of
- (b) grond, gebou, tent, vervoermiddel, beddegoed, mediese voorrade en uitrusting, voedsel, olie, brandstof, materiaal of enige ander artikel of ding,

onder sy toesig of beheer wat benodig is vir die doeleindes van 'n aangeleentheid in subartikel (1) genoem, aan 'n plaaslike bestuur beskikbaar stel of onder sy beheer plaas.

(5) In die geval van 'n noodtoestand of 'n ramptoestand, of waar stappe in gevolge artikel 2(3) van die Proklamasie gedoen word, kan die Uitvoerende Komitee —

- (a) enige persoon wat die eienaar is van of wat toesig of beheer het oor enige —
 - (i) grond of gebou; of
 - (ii) tent, vervoermiddel, beddegoed, mediese voorrade en uitrusting, voedsel, olie, brandstof, materiaal of enige ander artikel of ding,

wat benodig word vir die doeleindes van 'n aangeleentheid in subartikel (1) genoem, gelas om die gebruik van sodanige grond of gebou aan 'n gespesifiseerde plaaslike bestuur af te staan of enige

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thing to a specified person in the service of that local authority or, if the person who is the owner of or who has supervision or control over such land or building or such article or thing cannot be found, authorize a local authority forthwith to use such land or building or forthwith to take such article or thing; or

(b) either generally or specifically, authorize a local authority to exercise any of the powers contemplated in paragraph (a) inside its area of jurisdiction.

(6) In the event of a direction in terms of subsection (5), the Executive Committee or the local authority concerned, as the case may be, shall pay the compensation contemplated in section 4 of the Proclamation: Provided that any dispute in regard to the amount of compensation payable shall be settled by a committee appointed by the Executive Committee in terms of section 5(1).

(7) The powers, functions and duties contemplated in subsections (1) to (5) inclusive, shall be in addition to and not in substitution for the powers, functions and duties contained in any other law.

Appointment of officers and employees.

4. (1) The Executive Committee may, subject to the provisions of the Public Service Act, 1957 (Act 54 of 1957) and the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957) appoint or designate a person that it regards as suitable to be responsible for the general administration of this Ordinance, and it may delegate to such person any power, function or duty conferred or imposed upon the Executive Committee in terms of the provisions of this Ordinance, other than the power to make regulations.

(2) A local authority shall, with the approval of the Executive Committee and for the purpose of exercising or performing any power, function or duty conferred or imposed upon such local authority in terms of the provisions of this Ordinance, appoint or designate a person it regards as suitable to be Chief of Civil Defence and the local authority may or, if the Executive Committee, either generally or specifically so directs, shall delegate any of such powers, functions or duties to that person.

Appointment of committees.

5. (1) The Executive Committee may —

(i) appoint a committee to settle a dispute referred to in section 3(6): Provided that a committee appointed for such a purpose shall consist of a magistrate as chairman and two additional members, one of whom shall be nominated by each of the parties to the dispute;

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sodanige artikel of ding te lewer of beskikbaar te stel aan 'n gespesifiseerde persoon in diens van daardie plaaslike bestuur of, indien die persoon wat die eenaar is van of wat toesig of beheer het oor sodanige grond of gebou of sodanige artikel of ding nie gevind kan word nie, 'n plaaslike bestuur magtig om sodanige grond of gebou summier te gebruik of om sodanige artikel of ding summier te neem; of

- (b) 'n plaaslike bestuur, hetsy in die algemeen of in die besonder, magtig om enige van die bevoegdhede in paragraaf (a) beoog, binne sy regsgebied uit te oefen.

(6) In die geval van 'n lasgewing ingevolge subartikel (5) betaal die Uitvoerende Komitee of die betrokke plaaslike bestuur, na gelang van die geval, die vergoeding in artikel 4 van die Proklamasie beoog: Met dien verstande dat enige geskil met betrekking tot die bedrag van die vergoeding wat betaalbaar is, besleg moet word deur 'n komitee wat deur die Uitvoerende Komitee ingevolge artikel 5(1) aangestel word.

(7) Die bevoegdhede, werksaamhede en pligte in subartikels (1) tot en met (5) beoog, is ter aanvulling en nie ter vervanging van die bevoegdhede, werksaamhede en pligte in enige ander wet vervat nie.

4. (1) Die Uitvoerende Komitee kan, behoudens die bepalings van die Staatsdienswet, 1957 (Wet 54 van 1957), en die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957), 'n persoon wat hy geskik ag aanstel om vir die algemene administrasie van hierdie Ordonnansie verantwoordelik te wees, en hy kan aan daardie persoon enige bevoegdheid, werksaamheid of plig wat ingevolge die bepalings van hierdie Ordonnansie aan die Uitvoerende Komitee verleen of opgelê word, uitgesonderd die bevoegdheid om regulasies uit te vaardig, delegeer.

Aanstelling van beamptes en werknemers.

(2) 'n Plaaslike bestuur moet, met die goedkeuring van die Uitvoerende Komitee en vir die doel van die uitoefening of verrigting van enige bevoegdheid, werksaamheid of plig ingevolge die bepalings van hierdie Ordonnansie aan sodanige plaaslike bestuur verleen of opgelê, 'n persoon wat hy geskik ag as Hoof van Burgerlike Beskerming aanstel om vir die algemene administrasie van hierdie Ordonnansie verantwoordelik te wees, en die plaaslike bestuur kan of, indien die Uitvoerende Komitee, hetsy in die algemeen of in die besonder, aldus gelas, moet enige van sodanige bevoegdhede, werksaamhede of pligte aan daardie persoon delegeer.

5. (1) Die Uitvoerende Komitee kan —

Aanstelling van komitees.

- (i) 'n komitee aanstel om 'n geskil in artikel 3(6) bedoel te besleg: Met dien verstande dat 'n komitee wat vir 'n sodanige doel aangestel word moet bestaan uit 'n landdros as voorsitter en twee addisionele lede waarvan een deur elk van die partye tot die geskil benoem word;

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- (ii) appoint the committees it may deem necessary or expedient to report to it or to advise it in connection with any matter which it may refer to any of those committees for the purposes of this Ordinance.

(2) Subject to any direction by the Executive Committee, a committee shall determine its own procedure.

(3) The remuneration and any allowances payable to a member of a committee, other than a member who is an officer in the Public Service or an employee of the Administration or a local authority, shall be as determined by the Executive Committee.

Training institutions

6. (1) The Executive Committee may establish, maintain or control an institution for the training of persons in connection with a matter referred to in section 3(1) or it may, upon such conditions as it may, either generally or specifically, determine, recognise any institution established, maintained or controlled by any other person as an institution for such training.

(2) The conditions in regard to admission to, the nature and extent of the training at and all matters pertaining to discipline, supervision, control and management in an institution established, maintained or controlled by the Executive Committee in terms of subsection (1), shall be as prescribed.

Voluntary training and service.

7. (1) Any person, other than a person who by virtue of regulations made in terms of section 8 of the Proclamation is not qualified to do so, may voluntarily bind himself in the prescribed manner to undergo training at an institution contemplated in section 6, in connection with any matter referred to in section 3(1), and to render service in connection with any such matter.

(2) The manner in which any person contemplated in subsection (1) is called up for the training or service referred to in that subsection, the conditions of training and service and all other matters pertaining thereto, shall be as prescribed.

Duty of employer of person voluntarily undergoing training or rendering service.

8. (1) If a person contemplated in section 7 is called up in terms of that section to undergo training or to render service, his employer shall grant him such leave as may be necessary to undergo such training or to render such service.

(2) Any employer who —

- (a) fails to comply with the provisions of subsection (1);
- (b) dismisses any employee from his service, reduces his salary or other remuneration, alters his position to his disadvantage or prejudices him in any other way on account of his undergoing the training or rendering the service contemplated in subsection (1); or

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(ii) die komitees wat hy nodig of dienstig ag aanstel om aan hom verslag te doen of om hom van advies te dien in verband met enige aangeleentheid wat hy na enige van daardie komitees vir die doeleindes van hierdie Ordonnansie verwys.

(2) Behoudens enige voorskrif van die Uitvoerende Komitee, bepaal 'n komitee sy eie prosedure.

(3) Die besoldiging en enige toelaes betaalbaar aan 'n lid van 'n komitee, uitgesonderd 'n lid wat 'n beampte in die Staatsdiens of 'n werknemer van die Administrasie of 'n plaaslike bestuur is, is soos deur die Uitvoerende Komitee bepaal.

6. (1) Die Uitvoerende Komitee kan 'n inrigting vir die opleiding van persone in verband met 'n aangeleentheid in artikel 3(1) genoem, stig, in stand hou of beheer of hy kan, op die voorwaardes wat hy, hetsy in die algemeen of in die besonder, bepaal, enige inrigting deur enige ander persoon gestig, in stand gehou of beheer, as 'n inrigting vir sodanige opleiding erken.

Opleidingsinrigtings.

(2) Die voorwaardes met betrekking tot toelating tot, die aard en omvang van die opleiding by en alle aangeleenthede wat betrekking het op dissipline, toesig, beheer en bestuur in 'n inrigting deur die Uitvoerende Komitee ingevolge subartikel (1) gestig, in stand gehou of beheer, is soos voorgeskryf.

7. (1) Enige persoon, uitgesonderd 'n persoon wat uit hoofde van regulasies ingevolge artikel 8 van die Proklamasie uitgevaardig nie daartoe bevoeg is nie, kan hom vrywilliglik op die voorgeskrewe wyse verbind om opleiding te ondergaan by 'n inrigting in artikel 6 beoog in verband met enige aangeleentheid in artikel 3(1) genoem, en om diens in verband met enige sodanige aangeleentheid te verrig.

Vrywillige opleiding en diens.

(2) Die wyse waarop enige persoon in subartikel (1) beoog vir die opleiding of diens in daardie subartikel genoem, opgeroep word, die voorwaardes van opleiding en diens en alle ander aangeleenthede wat daarop betrekking het, is soos voorgeskryf.

8. (1) Indien 'n persoon in artikel 7 beoog ingevolge daardie artikel opgeroep word om opleiding te ondergaan of om diens te verrig, staan sy werkgever aan hom die verlof toe wat nodig is om sodanige opleiding te ondergaan of om sodanige diens te verrig.

Plig van werkgever van persoon wat vrywillig opleiding ondergaan of diens verrig.

(2) Enige werkgever wat —

(a) versuim om aan die bepaling van subartikel (1) te voldoen;

(b) enige werknemer uit sy diens ontslaan, sy salaris of ander besoldiging verminder, sy posisie tot sy nadeel verander of hom op enige ander wyse benadeel omdat hy die opleiding of diens in subartikel (1) beoog, ondergaan of verrig; of

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- (c) in any manner attempts to persuade an employee to evade such training or service or not to undergo or render it, as the case may be,

shall, subject to the provisions of subsection (3), be guilty of an offence and liable to the penalties provided in section 16.

(3) The provisions of this section shall not be so construed as to render an employer liable to pay to an employee a salary or other remuneration in respect of any period during which that employee undergoes the training or renders the service contemplated in subsection (1).

Power of local authority during a disaster.

9. (1) Whenever a disaster occurs within the area of jurisdiction of a local authority, that local authority may request any person —

- (a) contemplated in section 3(5)(a), to surrender voluntarily any land or building or to deliver or make available voluntarily anything else referred to in that section to that local authority; and
- (b) contemplated in section 7, voluntarily to render service in connection with a matter referred to in section 3(1).

(2) If a person complies with a request made in terms of the provisions of subsection (1)(a), the local authority concerned may pay such compensation as it may deem expedient to that person.

Assistance by one local authority to another.

10. In the event of a state of emergency, a state of disaster, a disaster, or where steps are taken in terms of section 2(3) of the Proclamation within the area of jurisdiction of a local authority, any other local authority may —

- (a) authorize or direct any person in its service to render such assistance and support as it may deem expedient to the former local authority;
- (b) subject to such conditions as may be mutually agreed upon, lend or make available any material, provisions or equipment owned by it or in its possession or under its control to the former local authority; and
- (c) render such financial assistance as it may deem expedient to the former local authority.

Entering of premises.

11. Any person may, during a state of emergency, a state of disaster, a disaster, or where steps are taken in terms of section 2(3) of the Proclamation, in the exercise of his powers or the performance of his functions or duties in terms of the provisions of this Ordinance —

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- (c) op enige wyse poog om 'n werknemer te oorreed om sodanige opleiding of diens te ontwyk of om dit nie te ondergaan of te verrig nie, na gelang van die geval,

is, behoudens die bepalings van subartikel (3) aan 'n misdryf skuldig en strafbaar met die strawwe in artikel 16 bepaal.

(3) Die bepalings van hierdie artikel word nie uitgelê as sou dit 'n werkgewer verplig om aan 'n werknemer 'n salaris of ander besoldiging te betaal ten opsigte van enige tydperk waartydens daardie werknemer die opleiding of diens in subartikel (1) beoog, ondergaan of verrig nie.

9. (1) Wanneer 'n ramp binne die regsgebied van 'n plaaslike bestuur plaasvind, kan daardie plaaslike bestuur enige persoon —

Bevoegdheid van plaaslike bestuur tydens 'n ramp.

- (a) in artikel 3(5)(a) beoog, versoek om vrywilliglik enige grond of gebou af te staan of om vrywilliglik enigiets anders in daardie artikel genoem, te lewer of beskikbaar te stel aan daardie plaaslike bestuur; en
- (b) in artikel 7 beoog, versoek om vrywilliglik diens in verband met 'n aangeleentheid in artikel 3(1) genoem, te verrig.

(2) Indien 'n persoon aan 'n versoek gedoen ingevolge die bepalings van subartikel (1)(a) voldoen, kan die betrokke plaaslike bestuur aan daardie persoon die vergoeding betaal wat hy dienstig ag.

10. In geval van 'n noodtoestand, 'n ramptoestand, 'n ramp of waar stappe ingevolge artikel 2(3) van die Proklamasie gedoen word binne die regsgebied van 'n plaaslike bestuur, kan enige ander plaaslike bestuur —

Bystand deur een plaaslike bestuur aan ander.

- (a) enige persoon in sy diens magtig of gelas om die hulp en bystand wat sodanige ander plaaslike bestuur dienstig ag aan eersgenoemde plaaslike bestuur te verleen;
- (b) behoudens die voorwaardes waarop onderling ooreengekom word, enige materiaal, voorraad of uitrusting wat sy eiendom of in sy besit of onder sy beheer is, aan eersgenoemde plaaslike bestuur leen of beskikbaar stel; en
- (c) die geldelike hulp wat hy dienstig ag aan eersgenoemde plaaslike bestuur verleen.

11. Enige persoon kan, tydens 'n noodtoestand, 'n ramptoestand, 'n ramp of waar stappe ingevolge artikel 2(3) van die Proklamasie gedoen word, in die uitoefening van sy bevoegdheid of die verrigting van sy werksaamhede of pligte ingevolge die bepalings van hierdie Ordonnansie —

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- (c) enter, or break into and enter any premises; or
- (b) damage, destroy, pull down or remove any property,

if he believes on reasonable grounds that such action is necessary for —

- (i) the preservation of the lives of persons or animals;
- (ii) the prevention of injury to persons or animals;
- (iii) the removal of injured persons or animals;
- (iv) the protection of property; or
- (v) the combating of such state of emergency, state of disaster, disaster, or circumstances contemplated in section 2(3) of the Proclamation.

Circumstances under which searching and seizure may take place.

12. Any person who is employed at a place in respect of which the Executive Committee has, in terms of the provisions of this Ordinance, directed or prescribed the steps to be taken for the protection thereof, may search any other person who, without the authority prescribed by the Executive Committee, enters or attempts to enter such place and may seize anything which is in the possession of that other person.

Indemnity against loss or damage.

13. (1) The Executive Committee, a local authority or a person in the service of the Administration or a local authority, or a person contemplated in section 7 or 11, shall not be liable for any loss or damage as a result of bodily injury, loss of life or loss of or damage to property, which is caused by or arises out of or in connection with anything which is done or performed *bona fide* in the exercise or performance of a power, function or duty conferred or imposed in terms of the provisions of this Ordinance.

(2) The provisions of subsection (1) shall apply *mutatis mutandis* in respect of any person who acts in terms of a direction contemplated in section 3(3).

Financial assistance for carrying out provisions of Ordinance.

14. The Executive Committee may render to a local authority or other person who performs or has performed any act in terms of the provisions of this Ordinance, such financial assistance with regard to that act as the Executive Committee may, after consultation with the local authority or person concerned, determine.

Power of Executive Committee or local authority, in case of default, to cause an act to be performed.

15. If any person who has been directed in terms of the provisions of this Ordinance to perform any act, refuses or fails, after written notice from the Executive Committee or local authority, to perform such act within a period stated in the written notice, the Executive Committee or local authority may cause such act to be performed and recover the costs thereof from such person.

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- (a) enige perseel betree, of oopbreek en betree; of
- (b) enige goed beskadig, vernietig, sloop of verwyder,

indien hy op redelike gronde glo dat sodanige optrede nodig is vir —

- (i) die red van lewens van persone of diere;
- (ii) die voorkoming van besering van persone of diere;
- (iii) die verwydering van beseerde persone of diere;
- (iv) die beskerming van goed; of
- (v) die bekamping van sodanige noodtoestand, ramp-toestand, ramp of die omstandighede in artikel 2(3) van die Proklamasie beoog.

12. Enige persoon wat in diens is by enige plek ten opsigte waarvan die Uitvoerende Komitee ingevolge die bepalings van hierdie Ordonnansie die stappe wat gedoen moet word vir die beskerming daarvan gelas of voorgeskryf het, kan enige ander persoon wat sonder die magtiging deur die Uitvoerende Komitee voorgeskryf, sodanige plek betree of probeer betree, visenteer en kan beslag lê op enigiets wat in daardie ander persoon se besit is.

Omstandighede waarin visentering en beslag legging kan plaasvind.

13. (1) Die Uitvoerende Komitee, 'n plaaslike bestuur of enige persoon in diens van die Administrasie of 'n plaaslike bestuur, of 'n persoon in artikel 7 of 11 beoog, is nie aanspreeklik nie vir enige verlies of skade as gevolg van liggaamlike besering, lewensverlies of verlies van of skade aan goed wat veroorsaak word deur of ontstaan uit of in verband met enigiets wat *bona fide* gedoen of verrig word in die uitoefening of verrigting van enige bevoegdheid, werksaamheid of plig ingevolge die bepalings van hierdie Ordonnansie verleen of opgelê.

Vrywaring teen verlies of skade.

(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van enige persoon wat ingevolge 'n lasgewing in artikel 3(3) beoog, optree.

14. Die Uitvoerende Komitee kan aan 'n plaaslike bestuur of ander persoon wat enige handeling ingevolge die bepalings van hierdie Ordonnansie verrig of verrig het, die geldelike bystand ten opsigte van daardie handeling verleen wat die Uitvoerende Komitee, na oorlegpleging met die betrokke plaaslike bestuur of persoon, bepaal.

Geldelike bystand ter uitvoering van bepalings van Ordonnansie.

15. Indien enige persoon wat ingevolge die bepalings van hierdie Ordonnansie gelas is om enige handeling te verrig, na skriftelike kennisgewing deur die Uitvoerende Komitee of plaaslike bestuur, weier of versuim om sodanige handeling binne 'n tydperk in die skriftelike kennisgewing vermeld, te verrig, kan die Uitvoerende Komitee of plaaslike bestuur sodanige handeling laat verrig en die koste daarvan van daardie persoon verhaal.

Bevoegdheid van Uitvoerende Komitee of plaaslike bestuur om in geval van versuim 'n handeling te laat verrig.

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Offences and penalties.

16. Any person who —

- (a) hinders, obstructs or resists any other person in the exercise or performance of that other person's powers, functions or duties in terms of the provisions of this Ordinance;
- (b) by words, conduct or action, falsely represents himself to be a person employed in terms of the provisions of this Ordinance;
- (c) without reasonable cause, in respect of which the onus of proof shall be on him, fails to comply with a direction given in terms of section 3(2), (3) or (5)(a); or
- (d) contravenes or fails to comply with any provision of this Ordinance.

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Regulations.

17. (1) Subject to the provisions of section 3(1) of the Proclamation, the Executive Committee may make regulations not inconsistent with the provisions of this Ordinance, in respect of any matter which is in terms of this Ordinance required or permitted to be prescribed, and generally relating to any matter which it deems necessary or expedient to prescribe in order that the purposes of this Ordinance may be achieved.

(2) Any regulation made in terms of subsection (1) may provide penalties for the contravention thereof: Provided that no such penalty shall exceed the penalties contemplated in section 16.

Ordinance not applicable to or in respect of certain persons or property.

18. The provisions of this Ordinance shall not apply to or in respect of —

- (a) any person entitled to diplomatic immunity; or
- (b) the property, including property which is leased, of any such person, or of the government of any such person.

Short title and date of commencement.

19. This Ordinance shall be called the Civil Defence Ordinance, 1979, and shall be deemed to have come into operation on 1 September 1978.

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16. Enige persoon wat —

Misdrywe en strawwe.

- (a) enige ander persoon in die uitoefening of verrigting van daardie persoon se bevoeghede, werksaamhede of pligte ingevolge die bepalings van hierdie Ordonnansie hinder, dwarsboom of teenstaan;
- (b) hom deur woorde, gedrag of optrede, valslik voordoen as 'n persoon wat ingevolge die bepalings van hierdie Ordonnansie in diens is;
- (c) sonder redelike oorsaak, ten opsigte waarvan die bewyslas op hom rus, versuim om aan 'n lasgewing ingevolge artikel 3(2), (3), of (5)(a) te voldoen; of
- (d) enige bepaling van hierdie Ordonnansie oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf.

17. (1) Behoudens die bepalings van artikel 3(1) van die Proklamasie, kan die Uitvoerende Komitee regulasies uitvaardig wat nie onbestaanbaar met die bepalings van hierdie Ordonnansie is nie ten opsigte van enige aangeleentheid wat ingevolge hierdie Ordonnansie voorgeskryf moet of kan word en oor die algemeen met betrekking tot enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf sodat die doeleindes van hierdie Ordonnansie bereik kan word.

Regulasies.

(2) Enige regulasie ingevolge subartikel (1) uitgevaardig kan strawwe bepaal vir oortreding daarvan: Met dien verstande dat so 'n straf nie die strawwe in artikel 16 beoog, oorskry nie.

18. Die bepalings van hierdie Ordonnansie is nie van toepassing nie op of ten opsigte van —

Ordonnansie nie van toepassing op of ten op sigte van sekere persone of goed nie.

- (a) enige persoon wat op diplomatieke immunititeit geregtig is; of
- (b) die goed, met inbegrip van goed wat gehuur word, van enige sodanige persoon of van die regering van enige sodanige persoon.

19. Hierdie Ordonnansie heet die Ordonnansie op Burgerlike Beskerming, 1979, en word geag in werking te getree het op 1 September 1978.

Kort titel en datum van in werkingtreding.