BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG | PUBLISHED BY AUTHORITY

20c | Vrydag 20 Junie 1980 | WINDHOEK | Friday 20 June 1980 | No. 4186

Goewermentskennisgewing

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

N. J. DAVIN
Sekretaris van die Nasionale Vergadering van Suidwes-Afrika

Windhoek

Government Notice

The following Government Notice is published for general information.

N. J. DAVIN
Secretary of the National Assembly of South West Africa

Windhoek

No. AG. 71 — 20 Junie 1980

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie:-

No. 10 van 1980 Wysigingswet op die Afskaffing van Rassediskriminasie (Stedelike Woonbuurte en Openbare Geriewe), 1980

No. AG. 71 — 20 June 1980

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:-

No. 10 of 1980 Abolishment of Racial Discrimination (Urban Areas and Public Amenities) Amendment Act, 1980

Wet No. 10, 1980 **WYSIGINGSWET OP DIE AFSKAFFING VAN RASSEDISKRIMINASIE (STEDELIKE WOONBUURTE EN OPENBARE GERIEWE), 1980**

(Afrikaanse teks deur die Administrateur-generaal onderteken op 20 Junie 1980)

WETSONTWERP

Tot wysiging van die Wet op die Afskaffing van Rassediskriminasie (Stedelike Woonbuurte en Openbare Geriewe), 1979, ten einde die bepalings met betrekking tot strawwe te wysig; en om voorsiening te maak vir die intrekking van 'n lisensie, registrasiesertifikaat of ander skriftelike magtiging uitgereik ten opsigte van 'n openbare gerief aan 'n persoon wat sodanige openbare gerief strydig met 'n verbod op rassediskriminasie in openbare geriewe bedryf; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:-

Wysiging van artikel 4 van Wet 3 van 1979.

1. Artikel 4 van die Hoofwet word hierby gewysig —

(a) deur in subartikel (1) die woorde "of gevangenisstraf vir 'n tydperk van hoogstens drie maande" te skrap; en

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

"(1)*bis* (a) In die geval van 'n eerste skuldigbevinding aan 'n oortreding van die bepalings van artikel 3 van iemand aan wie 'n lisensie, registrasiesertifikaat of ander skriftelike magtiging kragtens die een of ander wet uitgereik is vir of ten opsigte van 'n openbare gerief, word die betrokke lisensie, registrasiesertifikaat of ander skriftelike magtiging geag met ingang van die datum onmiddellik na die datum van die skuldigbevinding ingetrek te wees tensy so iemand voor daardie datum 'n skriftelike stuk by die hof wat hom aldus skuldig bevind het, indien waarin hy onderneem om nie die betrokke openbare gerief strydig met die bepalings van artikel 3 te bedryf nie.

ABOLISHMENT OF RACIAL DISCRIMINATION (URBAN AREAS AND PUBLIC AMENITIES) AMENDMENT ACT, 1980 **Act No. 10, 1980**

(Afrikaans text signed by the Administrator-General on 20 June 1980)

BILL

To amend the Abolishment of Racial Discrimination (Urban Areas and Public Amenities) Act, 1979, so as to amend the provisions relating to penalties; and to provide for the cancellation of any licence, registration certificate or other authorization in writing issued in respect of any public amenity to any person who conducts such public amenity in contravention of any prohibition in respect of racial discrimination in public amenities; and for matters connected therewith.

BE IT ENACTED by the National Assembly of South West Africa, as follows:-

1. Section 4 of the principal Act is hereby amended — Amendment of section 4 of Act 3 of 1979.

(a) by the deletion in subsection (1) of the words "or imprisonment for a period not exceeding three months"; and

(b) by the insertion after subsection (1) of the following subsection:

"(1)*bis* (a) In the case of a first conviction for a contravention of the provisions of section 3 of any person to whom a licence, registration certificate or other authorization in writing has been issued for or in respect of any public amenity, the licence, registration certificate or other authorization in writing concerned, shall be deemed to have been cancelled with effect from the date immediately after the date of the conviction unless such person lodges with the court which so convicted him, a document in writing before that date in which he undertakes not to conduct the public amenity concerned in contravention of the provisions of section 3.

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(b) In die geval van 'n tweede of latere in paragraaf (a) bedoelde skuldigbevinding reik die hof benewens die straf in subartikel (1) bedoel, 'n bevel uit dat die betrokke lisensie, registrasiesertifikaat of ander skriftelike magtiging ingetrek word.

(c) Wanneer 'n lisensie, registrasiesertifikaat of ander skriftelike magtiging ingevolge paragraaf (a) geag word ingetrek te wees of ingevolge paragraaf (b) ingetrek word, stel die klerk van die betrokke hof die gesag wat sodanige lisensie, registrasiesertifikaat of ander skriftelike magtiging uitgereik het, dienooreenkomstig in kennis.".

Invoeging van artikel *4bis* in Wet 3 van 1979.

2. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

"Intrekking van lisensies, registrasiesertifikate of ander skriftelike magtigings uitgereik ten opsigte van openbare geriewe.

4bis. (1) Indien die Direkteur van Ekonomiese Sake rede het om te vermoed dat iemand aan wie 'n lisensie, registrasiesertifikaat of ander skriftelike magtiging kragtens die een of ander wet uitgereik is vir of ten opsigte van 'n openbare gerief, daardie openbare gerief strydig met die bepalings van artikel 3 bedryf, kan hy 'n skriftelike kennisgewing op so iemand persoonlik laat beteken waarvolgens van hom vereis word om binne 'n in daardie kennisgewing bepaalde tydperk, wat 'n tydperk van minstens veertien dae na die datum van daardie kennisgewing moet wees, 'n skriftelike stuk by die Direkteur van Ekonomiese Sake in te dien waarin hy verklaar dat hy nie daardie openbare gerief strydig met die bepalings van artikel 3 bedryf nie.

(2) Indien voormelde persoon versuim om aan die voorskrifte van subartikel (1) te voldoen, word die betrokke lisensie, registrasiesertifikaat of ander skriftelike magtiging geag met ingang van die datum kragtens subartikel (3) bepaal, ingetrek te wees.

(3) Indien genoemde persoon versuim om aan die voorskrifte van subartikel (1) te voldoen, laat die Direkteur van Ekonomiese Sake onverwyld 'n verdere skriftelike kennisgewing aan daardie persoon beteken waarin hy verwittig word —

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(b) In the case of a second or subsequent conviction referred to in paragraph (a), the court shall in addition to the punishment referred to in subsection (1), issue an order that the licence, registration certificate or other authorization in writing concerned be cancelled.

(c) Whenever any licence, registration certificate or other authorization in writing is deemed to have been cancelled in terms of paragraph (a) or is cancelled in terms of paragraph (b), the clerk of the court concerned shall advise the authority which issued such licence, registration certificate or other authorization in writing concerned accordingly.".

Insertion of section 4*bis* in Act 3 of 1979.

2. The following section is hereby inserted in the principal Act after section 4:

"Cancellation of licences, registration certificates or other authorizations in writing issued in respect of public amenities.

4*bis*. (1) If the Director of Economic Affairs has reason to believe that any person to whom a licence, registration certificate or other authorization in writing has been issued under any law for or in respect of any public amenity, conducts such public amenity in contravention of the provisions of section 3, he may cause a notice in writing to be served personally on such person, in terms of which he is required to lodge a document in writing with the Director of Economic Affairs within such period as may be specified in such notice, which shall be a period of at least fourteen days after the date of such notice, in which document he declares that he does not conduct such public amenity in contravention of the provisions of section 3.

(2) If the person aforesaid fails to comply with the requirements of subsection (1), the licence, registration certificate or other authorization in writing concerned shall be deemed to have been cancelled with effect from a date determined under subsection (3).

(3) If the said person fails to comply with the requirements of subsection (1), the Director of Economic Affairs shall forthwith cause a further notice in writing to be served on such person in which he is notified —

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(a) dat die skriftelike stuk in subartikel (1) bedoel, nie ontvang is nie; en

(b) dat die betrokke lisensie, registrasiesertifikaat of ander skriftelike magtiging met ingang van 'n datum in daardie kennisgewing bepaal, wat 'n datum minstens sewe dae na die datum van daardie kennisgewing moet wees, ingevolge die bepalings van subartikel (2) geag word ingetrek te wees maar dat sodanige intrekking nie van krag word nie indien die skriftelike stuk in subartikel (1) bedoel voor laasgenoemde datum by die Direkteur van Ekonomiese Sake ingedien word.

(4) Wanneer 'n lisensie, registrasiekaart of ander skriftelike magtiging ingevolge subartikel (2) geag word ingetrek te wees, stel die Direkteur van Ekonomiese Sake die gesag wat sodanige lisensie, registrasiesertifikaat of ander skriftelike magtiging uitgereik het, dienooreenkomstig in kennis.

(5) 'n Kennisgewing uitgereik kragtens subartikel (1) of (3) word beteken deur 'n persoon wat gemagtig is om 'n dagvaarding in strafregtelike verrigtinge te beteken of 'n ander persoon wat deur die Direkteur van Ekonomiese Sake daartoe gemagtig is.".

3. Hierdie Wet heet die Wysigingswet op die Afskaffing van Rassediskriminasie (Stedelike Woonbuurte en Openbare Geriewe), 1980. Kort titel.

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(a) that the document in writing referred to in subsection (1) has not been received; and

(b) that the licence, registration certificate or other authorization in writing is deemed to be cancelled in terms of the provisions of subsection (2) with effect from a date determined in such notice, which shall be a date at least seven days after the date of such notice but that such cancellation shall not take effect if the document in writing referred to in subsection (1) is lodged with the Director of Economic Affairs before the last-mentioned date.

(4) Whenever a licence, registration certificate or other authorization in writing is deemed to have been cancelled in terms of subsection (2), the Director of Economic Affairs shall advise the authority which issued such licence, registration certificate or other authorization in writing accordingly.

(5) A notice issued under subsection (1) or (3) shall be served by any person empowered to serve a summons in criminal proceedings or any other person authorized thereto by the Director of Economic Affairs.".

3. This Act shall be called the Abolishment of Racial Discrimination (Urban Areas and Public Amenities) Amendment Act, 1980. Short title.