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OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

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No. AG. 57 Wysigingswet op Koöperatiewe Verenigings, 1982 (Wet 6 van 1982), van die Nasionale Vergadering van Suidwes-Afrika 1

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Kantoor van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

DEPARTEMENT VAN DIE MINISTERSRAAD

No. AG. 57 1982

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. 6 van 1982 : Wysigingswet op Koöperatiewe Verenigings, 1982

Government Notice

Office of the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

DEPARTMENT OF THE COUNCIL OF MINISTERS

No. AG. 57 1982

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. 6 of 1982 : Co-operative Societies Amendment Act, 1982

Wet No. 6, 1982

WYSIGINGSWET OP KOÖPERATIEWE VERENIGINGS, 1982

(Afrikaanse teks deur die Administrateur-generaal onderteken op 30 Maart 1982)

WET

Tot wysiging van die Ordonnansie op Koöperatiewe Verenigings, 1946, ten einde voorsiening te maak vir vrystelling van hereregte by die amalgamasie van koöperatiewe maatskappye of verenigings, en vir vrystelling van here- en seëlregte en registrasie-, lisensie- en ander fooie of gelde by die oordrag van sake en bates en laste aan 'n koöperatiewe maatskappy of vereniging in die gebied; en om voorsiening te maak vir verbandhoudende aangeleenthede.

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

Wysiging van artikel 94 van Ordonnansie 15 van 1946, soos gewysig deur artikel 1 van Wet 7 van 1980.

1. Artikel 94 van die Ordonnansie op Koöperatiewe Verenigings, 1946 (hieronder die Ordonnansie genoem), word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) By ontvangs van afskrifte van bedoelde besluite, behoorlik gesertifiseer deur die sekretarisse van die oorspronklike maatskappye of verenigings, en van twee afskrifte van die regulasies wat die nuwe maatskappy of vereniging sal beheer, moet die registrateur die name van die oorspronklike maatskappye of verenigings in sy register deurhaal, en die nuwe maatskappy of vereniging registreer, en daarop word alle bates en laste van die oorspronklike maatskappye of verenigings die bates en laste van die nuwe maatskappy of vereniging, en geen hereregte is ten opsigte daarvan betaalbaar nie.".

CO-OPERATIVE SOCIETIES AMENDMENT ACT, 1982

Act No. 6, 1982

(Afrikaans text signed by the Administrator-General on 30 March 1982)

ACT

To amend the Co-operative Societies Ordinance, 1946, so as to provide for exemption from transfer duty on the amalgamation of co-operative companies or societies, and for exemption from transfer and stamp duty and registration, licence and other fees or charges upon the transfer of business and assets and liabilities to a co-operative company or society in the territory; and to provide for incidental matters.

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

Amendment of section 94 of Ordinance 15 of 1946, as amended by section 1 of Act 7 of 1980.

1. Section 94 of the Co-operative Societies Ordinance, 1946 (hereinafter referred to as the Ordinance) is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) The registrar shall, on receipt of copies of such resolutions, duly certified by the secretaries of the original companies or societies and of two copies of the regulations which are to govern the new company or society, remove the names of the original companies or societies from his register and register the new company or society, and thereupon all assets and liabilities of the original companies or societies shall be the assets and liabilities of the new company or society, and no transfer duty shall be payable in respect thereof.".

Wet No. 6, 1982

WYSIGINGSWET OP KOÖPERATIEWE VERENIGINGS, 1982

Invoeging van artikel 94*bis* in Ordonnansie 15 van 1946.

2. (1) Die volgende artikel word hierby in die Ordonnansie na artikel 94 ingevoeg:

"Vrystelling van here- en seëlregte en registrasie-, lisensie- en ander fooie of gelde by oordrag van sake en bates en laste aan 'n koöperatiewe maatskappy of vereniging in die gebied.

94*bis*. Wanneer 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid, 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid, wat in die Republiek van Suid-Afrika kragtens die Wet op Koöperatiewe Verenigings, 1939 (Wet 29 van 1939) en ook in die gebied kragtens artikel 121 van hierdie Ordonnansie geregistreer is, al sy sake en al sy bates en laste in die gebied oordra aan 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid, 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid, wat kragtens artikel 16 van hierdie Ordonnansie geregistreer is en uitsluitlik vir die doel van sodanige oordrag opgerig is, is, ondanks andersluidende bepalings in enige wet, geen here- of seëlregte of registrasie-, lisensie- of ander fooie of gelde ten opsigte van, of regstreeks ten gevolge van, sodanige oordrag betaalbaar nie.".

(2) Subartikel (1) word geag op 1 Julie 1980 in werking te getree het.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Koöperatiewe Verenigings, 1982.

CO-OPERATIVE SOCIETIES AMENDMENT ACT, 1982 **Act No. 6, 1982**

2. (1) The following section is hereby inserted in the Ordinance after section 94: Insertion of section 94*b* in Ordinance 15 of 1946

"Exemption from transfer and stamp duty and registration, licence and other fees or charges upon transfer of business and assets and liabilities to a co-operative company or society in the territory.

94*bis*. Upon the transfer by a co-operative agricultural society with unlimited liability, a co-operative agricultural company with limited liability, or a farmers' special co-operative company with limited liability, registered in the Republic of South Africa under the Co-operative Societies Act, 1939 (Act 29 of 1939) and also in the territory under section 121 of this Ordinance, of all its business and all its assets and liabilities in the territory to a co-operative agricultural society with unlimited liability, a co-operative agricultural company with limited liability or a farmers' special co-operative company with limited liability, registred under section 16 of this Ordinance and formed solely for the purpose of such transfer, no transfer or stamp duty or registration, licence or other fees or charges shall, notwithstanding any provision to the contrary in any law, be payable in respect of, or directly in consequence of, such transfer.".

(2) Subsection (1) shall be deemed to have come into operation on 1 July 1980.

3. This Act shall be called the Co-operative Societies Amendment Act, 1982. Short title.