

*Verreger Kome*



# OFFICIAL GAZETTE

EXTRAORDINARY

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BUITENGEWONE

# OFFISIËLE KOERANT

van Suidwes-Afrika.

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The following Government Notice is published for general information.

H. P. SMIT,  
Secretary for South West Africa.

Administrator's Office,  
Windhoek.

No. 81.]      [7th June, 1927.

### ORDINANCES, 1927: PROMULGATION OF.

His Honour the Administrator has been pleased to assent, in terms of Section *thirty-two* of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), to the following Ordinances which are hereby published for general information in terms of Section *thirty-four* of the said Act:—

No.	Title.	Page.
6.	Commissions' Powers Ordinance, 1927 . . . . .	3319
7.	Local Loans Ordinance, 1927 . . . . .	3320
8.	Half-holiday Ordinance, 1927 . . . . .	3323
9.	Appropriation (1927—'28) Ordinance, 1927 . . . . .	3325
10.	Adoption of Children Ordinance, 1927 . . . . .	3327

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

H. P. SMIT,  
Sekretaris vir Suidwes-Afrika.

Administrateurskantoor,  
Windhoek.

No. 81.]      [7 Junie 1927.

### ORDONNANSIES, 1927: UITVAARDIGING VAN.

Dit het Sy Edele die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twee-en-dertig* van die Suidwes-Afrika Konstitusie Wet, 1925 (Wet No. 42 van 1925), aan die volgende Ordonnansies wat hiermee vir algemene informasie gepubliseer word ooreenkomstig artikel *vier-en-dertig* van gemelde Wet:—

No.	Titel.	Bladsy.
6.	Magte van Kommissies Ordonnansie 1927 . . . . .	3319
7.	Plaaslike Lenings Ordonnansie 1927 . . . . .	3320
8.	Halwe Vakansiedag Ordonnansie 1927 . . . . .	3323
9.	Middele- (1927—'28) Ordonnansie 1927 . . . . .	3325
10.	Aanneming van Kinders Ordonnansie 1927 . . . . .	3327

[Date of commencement—8th June, 1927.]

[Datum van inwerkingtreding—8 Junie 1927.]

Ord. No. 6  
of 1927.

## ORDINANCE

To confer certain powers, jurisdiction and privileges upon commissions appointed by the Administrator for the purpose of making enquiries into matters of public concern.

(Assented to 3rd June, 1927.)

(English text signed by the Administrator.)

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

Administrator may  
confer powers.

1. Whenever the Administrator appoints a commission for the purpose of making enquiries into matters of public concern, he may by proclamation in the *Gazette* confer upon such commission the powers, jurisdiction and privileges set forth in sections *three to seven* and thereupon the provisions of the said sections shall apply to all the proceedings of such commission.

Interpretation of  
term.

2. In sections *three to seven* the word "commission" shall mean any commission upon which the Administrator has conferred the powers, jurisdiction and privileges by proclamation issued under the provisions of section *one*.

Powers and  
jurisdiction of the  
commission.

3. (1) The commission shall have, for the purposes of its enquiry, but only in relation to such matters as form the subject of the enquiry, the powers of the High Court of South West Africa to summon witnesses, to call for the production of and grant inspection of books and documents, and to examine witnesses on oath. The oath shall be administered by the person for the time being acting as chairman.

(2) A subpoena for the attendance of witnesses or the production of documents may be in the form given in the first Schedule to this Ordinance and shall be signed by the person for the time being acting as chairman or secretary of the commission and served in the same manner and by the same officer as if it were a subpoena issued by the magistrate's court of the district in which the witness resides.

(3) The commission may, in its discretion, in conducting the examination of any witness before it, exclude from being present at the examination all persons except its own members and its secretary.

Persons sub-  
poenaed to give  
evidence and  
produce documents  
bound to obey  
subpoena.

4. Every person subpoenaed to attend and give evidence before the commission or to produce books and other documents at any of its sittings shall be bound to obey the subpoena served on him. Any person who refuses or fails without sufficient cause to attend and give evidence in relation to the matters which form the subject of the enquiry at the time and place specified in the subpoena served upon him or at that time and place to produce books and documents which being in his possession or under his control and relating to the matters aforesaid are mentioned or referred to in the subpoena shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months: Provided that every person so subpoenaed shall be entitled to all the privileges to which a witness subpoenaed to give evidence or produce books or documents before the High Court of South West Africa is entitled.

Penalty for false  
evidence.

5. Any witness who, after being duly sworn, gives false evidence before the commission concerning the subject matter of enquiry, knowing such evidence to be false, shall be deemed to be guilty of perjury and shall be liable to be prosecuted and punished accordingly.

Penalty for refus-  
ing to answer  
questions or for  
wilfully interrupt-  
ing proceedings.

6. Every witness who attends before the commission and refuses to answer or to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him by the commission, and every person who at any sitting of the commission wilfully interrupts the proceedings at such sitting shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Preservation of  
secrecy as to in-  
formation obtain-  
ed by com-  
mission.

7. (1) Every person employed to assist in or in connection with the enquiry of the commission shall preserve, and aid in preserving, secrecy with regard to information obtained by the examination of witnesses or the inspection of books and documents under the powers of this Ordinance and shall not communicate any such information to any other person except in the performance of his duties or for the purposes of the report of the commission or any member thereof or by order of a court of law.

## ORDONNANSIE

Om sekere magte, regsmag en voorregte te verleen aan kommissies, wat deur die Administrateur benoem is vir die doel om ondersoek in te stel in sake van openbare belang.

(Goedgekeur 3 Junie 1927.)

(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied van Suidwes-Afrika as volg:—

1. Wanneer die Administrateur 'n kommissie benoem vir die doel om ondersoek in te stel in sake van openbare belang, dan kan hy deur proklamasie in die *Offisiële Koerant* aan sodanige kommissie die magte, regsmag en voorregte verleen soos in artikels *drie tot sewe* aangegee is, en daarna is die voorsienings van die genoemde artikels van toepassing op al die verhandelinge van sodanige kommissie.

2. In artikels *drie tot sewe* beteken die woord "kommissie" enige kommissie waaraan die Administrateur die magte, regsmag en voorregte verleen het deur proklamasie, uitgevaardig kragtens die voorsienings van artikel *een*.

3. (1) Die kommissie het, vir die doel van sy ondersoek, maar slegs in verband met sodanige sake wat die onderwerp van sy ondersoek uitmaak, die magte van die Hooggeregshof van Suidwes-Afrika om getuie te dagvaar, om die voorlegging van boeke en dokumente te gelas en die nasien daarvan toe te staan, en om getuie onder eed te ondervra. Die eed word afgeneem deur die persoon wat as voorsitter ageer.

(2) 'n Subpoena vir die verskyning van getuie of die voorlegging van dokumente kan wees op die vorm soos aangegee in die eerste Bylae van hierdie Ordonnansie, en moet geteken word deur die persoon wat ageer as voorsitter of sekretaris van die kommissie, en moet op dieselfde manier en deur dieselfde amptenaar beteken word as of dit 'n subpoena is, wat uitgevaardig word deur die magistratuurshof van die distrik waarin die getuie woon.

(3) Die kommissie kan, na goedvinding, alle persone, behalwe sy eie lede en sekretaris, belet om by die ondervraging van enige getuie teenwoordig te wees.

4. Enige persoon, wat gedagvaar is om voor die kommissie te verskyn en getuie af te lê, of om boeke en ander dokumente op enige van die sittings van die kommissie voor te lê, is verplig om die subpoena wat aan hom beteken is te gehoorsaam. Enige persoon, wat sonder voldoende gronde weier of versuim om te verskyn en getuie af te lê in verband met die sake, wat die onderwerp van die ondersoek uitmaak, op die tyd en plek aangegee in die aan hom betekende subpoena, of weier of versuim om op daardie tyd en plek boeke en dokumente te vertoon, wat, synde in sy besit of onder sy beheer en die voornoemde sake aangaande, genoem of aangehaal word in die subpoena, is skuldig aan 'n oortreding en by veroordeling onderhewig aan 'n boete van nie meer as vyftig pond nie, en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van nie meer as drie maande nie: Mits elke persoon, wat so gedagvaar is, geregtig is op al die voorregte, waartoe 'n getuie, wat gedagvaar is om getuie af te lê of boeke of dokumente voor te lê voor die Hooggeregshof van Suidwes-Afrika, geregtig is.

5. Enige getuie wat, nadat sy eed behoorlik afgeneem is, valse getuie af lê in verband met die saak wat ondersoek word, wetende dat sodanige getuie vals is, word beskou as skuldig aan meened te wees en is onderhewig aan die dienooreenkomstige vervolging en veroordeling.

6. Enige getuie, wat voor die kommissie verskyn en weier om alle vrae, wat wettiglik deur die kommissie aan hom gestel word, tot die beste van sy wete en geloof te beantwoord of volledig en bevredigend te beantwoord, en enige persoon, wat op enige sitting van die kommissie die verhandelinge van sodanige sitting opsetlik stoor, is skuldig aan 'n oortreding en by veroordeling onderhewig aan 'n boete van nie meer dan vyftig pond nie, en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van nie meer dan drie maande nie.

7. (1) Enige persoon, wat werksaam is by die ondersoek of in verband daarmee, moet die informasie, verkry deur die ondervraging van getuie of die nasien van boeke en dokumente kragtens die magte van hierdie Ordonnansie, geheim hou en daarin behulpsaam wees, en mag nie sodanige informasie aan enige ander persoon meedeel nie, behalwe by die verrigting van sy pligte, of vir die doel van die rapport van die kommissie of van enig lid daarvan, of op bevel van 'n geregshof.

Ord. No. 6  
van 1927.Administrateur  
kan magte ver-  
leen.

Woordbepaling.

Magte en regsmag  
van die kommissie.Persone gedag-  
vaar om getuie  
af te lê en doku-  
mente voor te lê  
is verplig om  
dagvaaring te  
gehoorsaam.Straf vir valse  
getuie.Straf vir weiering  
om vrae te beant-  
woord of vir op-  
setlike storing van  
verhandeling.Geheimhouding  
van informasie  
verkry deur kom-  
missie.

(2) Every such person before acting in his employment aforesaid shall take and subscribe before a magistrate or commissioner of oaths an oath of secrecy in the form set forth in the second Schedule to this Ordinance.

(3) Any such person who, in contravention of such oath and without lawful excuse, divulges information referred to in sub-section (1) except as provided by that sub-section, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months or, in the discretion of the court which passes sentence, to such imprisonment without the option of a fine.

8. This Ordinance may be cited for all purposes as the Commissions' Powers Ordinance, 1927.

FIRST SCHEDULE.

SUMMONS TO WITNESSES.

To A.B. (name of person summoned, and his calling and residence, if known).

You are hereby summoned to appear at . . . . .  
 . . . . . (Place), upon the . . . . . day of  
 . . . . . 192... at . . . . . o'clock,  
 before the Commission appointed by the Administrator to enquire into and report on . . . . .  
 . . . . . and to give evidence respecting such enquiry; (if the person summoned is to produce any documents add) and you are required to bring with you . . . . .  
 . . . . .  
 (specify the books, plans and documents required).

Given under the hand of the chairman or secretary of the Commission this . . . . . day of . . . . . 192....

SECOND SCHEDULE.

I, . . . . .  
 being a person employed to assist in or in connection with the enquiry of the commission appointed by the Administrator to enquire into and report on . . . . .  
 do hereby swear that I will preserve, and aid in preserving, secrecy with regard to information obtained by the examination of witnesses or the inspection of books and documents under the powers conferred upon the commission, and that I will not communicate any such information to any other person except in the performance of my duties or for the purposes of the report of the commission or any member thereof or by order of a court of law.

So help me God.

Sworn before me at . . . . .  
 this . . . . . day of . . . . . 192...

Magistrate or Commissioner of Oaths.

[Date of commencement—8th June, 1927.]

ORDINANCE

To provide for the making of loans to local authorities for public purposes.

(Assented to 3rd June, 1927.)

(English text signed by the Administrator.)

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

1. In this Ordinance, unless inconsistent with the context, the expression "local authority" means any municipal council, village management board, hospital board, roads board, and any local authority referred to in section seven of the Public Health Act, 1919 (Act No. 36 of 1919), of the Parliament of the Union of South Africa, as amended and applied to this Territory by the Public Health Proclamation, 1920 (Proclamation No. 36 of 1920).

2. The Administrator may, subject to the provisions of this Ordinance, and out of such moneys as may from time to time be appropriated by law for that purpose, grant loans to any local authority for all or any of the purposes following:—

(a) The making of new streets and roads, and the diverting, altering or widening of streets and roads and the expropriation or purchase of slum areas or properties for improvements;

(2) Enige sodanige persoon moet, voordat hy sy voornoemde diens aanvaar, voor 'n magistraat of kommissaris van ede 'n eed van geheimhouding aflê in die vorm soos aangegee in die tweede Bylae van hierdie Ordonnansie.

(3) Enige sodanige persoon wat, in oortreding van sodanige eed en sonder wetlike gronde, informasie genoem in onderartikel (1), behalwe soos deur daardie onderartikel voorbehou, bekend maak, is skuldig aan 'n oortreding en by veroordeling onderhewig aan 'n boete van nie meer as vyftig pond nie, en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van nie meer as drie maande nie, of, na goedvinding van die hof wat die vonnis vel, aan sodanige gevangenisstraf sonder keuse van 'n boete.

8. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Magte van Kommissies Ordonnansie 1927.

Korte tiitel.

EERSTE BYLAE.

DAQVARING AAN GETUIES.

Aan A.B. (naam van gedagvaarde persoon, en sy beroep en woonplaas, indien bekend).

U word hiermee gedagvaar om te . . . . .  
 (naam van plek), op die . . . . . dag van . . . . .  
 19... om . . . . . uur v.m./n.m., te verskyn voor die Kommissie, wat benoem is deur die Administrateur om ondersoek in te stel in en rapport uit te bring oor . . . . .  
 en om getuie af te lê in verband met sodanige ondersoek; (indien die gedagvaarde persoon enige dokumente moet voorlê, voeg by) en u moet saambring: . . . . .  
 (gee aan die benodigde boeke, planne en dokumente).

Uitgevaardig onder die hand van die voorsitter of sekretaris van die Kommissie op hierdie . . . . . dag van . . . . . 192....

TWEDE BYLAE.

Ek, . . . . .  
 synde 'n persoon wat aangestel is om behulpsaam te wees by of in verband met die ondersoek van die kommissie, wat deur die Administrateur benoem is om ondersoek in te stel in en rapport uit te bring oor . . . . .  
 sweer hierby dat ek die informasie, verkry deur die onderveraging van getuie of die nasien van boeke en dokumente kragtens die magte verleen aan die kommissie, geheim sal hou en in die geheimhouding daarvan behulpsaam sal wees, en dat ek nie sodanige informasie aan enige ander persoon sal meedeel nie, behalwe by die verrigting van my pligte, of vir die doel van die rapport van die kommissie of van enige lid daarvan, of op bevel van 'n geregtshof.

So help my God.

Gesweer voor my te . . . . . op hierdie . . . . . dag van . . . . . 192...

Magistraat of Kommissaris van Ede.

[Datum van inwerkingtreding—8 Junie 1927.]

ORDONNANSIE

Om voorsiening te maak vir die verlening van lenings aan plaaslike besture vir openbare doeleindes.

Ord. No. 7 van 1927.

(Goedgekeur 3 Junie 1927.)

(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied van Suidwes-Afrika as volg:—

1. In hierdie Ordonnansie, tensy dit in stryd is met die samehang, beteken die uitdrukking "plaaslike bestuur" enige munisipale raad, dorpsbestuursraad, hospitaalraad, padkommissie, en enige plaaslike bestuur waarna verwys word in artikel sewe van die Publieke Gezondheids Wet 1919 (Wet No. 36 van 1919), van die Parlement van die Unie van Suid-Afrika, soas gewysig en toegepas op hierdie Gebied deur die Publieke Gezondheids Proklamatie 1920 (Proklamasie No. 36 van 1920).

Woordbepaling.

2. Die Administrateur mag, met inagneming van die bepalings van hierdie Ordonnansie, en uit sodanige gelde as wat van tyd tot tyd deur wet vir daardie doel beskikbaar gestel word, aan enige plaaslike bestuur lenings toestaan vir al of enige van die volgende doeleindes:—

Vir watter doeleindes Administrateur lenings aan plaaslike besture mag toestaan.

(a) aanleg van nuwe strate en paaië en die verlegging, verandering of verbreding van strate en paaië en onteiening of aankoop van agterbuurte of eiendomme vir verbeterings;