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**OFFISIËLE KOERANT**  
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Die volgende Ontwerpordonnansie, wat gedurende die Derde Sessie van die Tweede Wetgewende Vergadering voorgelê sal word, word vir algemene informasie gepubliseer.

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

Kantoor van die Administrateur,  
Windhoek.

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The following Draft Ordinance, which will be introduced during the Third Session of the Second Legislative Assembly is published for general information.

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

Administrator's Office,  
Windhoek.

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**PROKLAMASIE**

DEUR SY EDELE ALBERTUS JOHANNES WERTH,  
ADMINISTRATEUR VAN SUIDWES-AFRIKA.

No. 15 of 1931.]

NADEMAAL dit wenslik is om die wette, wat teenswoordig van krag is met betrekking tot Pos-, Telegraaf- en Telefoonwese saam te vat en te wysig;

SO IS DIT dat ek op grond van en kragtens die bevoegdhede my verleen hierby verklaar, proklameer en bekend maak as volg:—

**INLEIDING.**

1. Die wette opgenoem in die Eerste Bylae van hierdie Proklamasie word hierby herroep in die mate uiteengesit in die derde kolom van daardie Bylae.

2. In hierdie Proklamasie, tensy onbestaanbaar met die samehang,—

beteken “klub” of “fonds” ’n ongeregisteerde vereniging of genootskap, opgerig vir die nut van die lede onderling, en sluit in ’n fonds, wat vir enige bepaalde doel gestig is en vir die doeleindes van die Pospaarbankwet deur die Direkteur goedgekeur is;

beteken “aanlê” oprig, opstel, neerlê of plaas;

beteken “departement” daardie afdeling van die Administrasie van die Gebied, wat met posterye en telegrafie te doen het;

beteken “Direkteur” die Direkteur van Pos- en Telegraafwese benoem in terme van artikel vier;

beteken “skuldenaar” die persoon, van wie die bedrag van ’n posaanskrywing of ander dokument, voorgeskrywe onder artikel vier-en-veertig, ingevorder moet word;

beteken “skuldeiser” die persoon, ten gunste van wie of ten behoeve van wie ’n posaanskrywing of ander dokument, voorgeskrywe onder artikel vier-en-veertig, uitgereik is;

beteken “hulpvereniging” ’n hulpvereniging, wat op wyse deur wet vereis geregistree is, en sluit ’n geaffilieerde tak in;

beteken “gevangenisstraf” gevangenisstraf met of sonder harde arbeid, soos die hof, wat die vonnis vel, mag bepaal;

beteken “pos” elke artikel, wat vir vervoer per pos ingesamel is, en omvat losse en afsonderlike artikels en elke possak, vaartuig en voertuig van enige soort, waarmee posartikels vervoer word, onverskillig of dit enige sodanige artikels bevat al dan nie, en ook elke persoon of dier, wat vir die vervoer of die aflewering van pos of posartikels gebruik word;

omvat “possak” elke sak, kis, pakket, mandjie, korf of enige ander omkleedsel of bedeksel, waarin posartikels in die loop van hulle oorsending per pos vervoer word, onverskillig of hulle sodanige artikels bevat al dan nie;

beteken “Meester” die Meester van die Hooggeregshof van Suidwes-Afrika;

omvat “skipper” elke persoon (met uitsondering van ’n loods), wat die gesag of opsig oor ’n vaartuig het, onverskillig of die vaartuig ’n oorlogskip of ander vaartuig is;

beteken “poswissel” ’n poswissel deur die departement kragtens hierdie Proklamasie of voor die inwerking-treding van hierdie Proklamasie of deur enige posbestuur uitgereik ter betaling deur die departement;

omvat “beampte” of “amptenaar” enige persoon in die diens of aangestel in verband met enige besigheid van die departement;

omvat “hawe” enige rivier, meer, rede en ander bevaarbare water;

beteken “porto” die bedrag, wat vir die versending van artikels deur die pos bereken word;

beteken “posseël” of “seël” enige stuk papier of ander stof of materiaal van welke aard dan ook, voorsien van die seël, merk of indruk van enige stempel, plaat of ander instrument, wat onder hierdie Proklamasie of deur enige posbestuur vervaardig of gebruik word vir die doel om enige porto of posloon aan te dui;

beteken “posartikel” ’n brief, poskaart, poskaart met antwoord betaal, kaartbrief, nuusblad, boekpakket, patroon- of monsterpakkie of pakket en elke ander artikel, terwyl dit per pos versend word, en sluit ’n telegram in, as dit per pos vervoer word;

**PROCLAMATION**

BY HIS HONOUR ALBERTUS JOHANNES WERTH, AD-  
MINISTRATOR OF SOUTH WEST AFRICA.

No. 15 van 1931.]

WHEREAS it is desirable to consolidate and amend the laws at present in force relating to Posts, Telegraphs and Telephones;

NOW, THEREFORE, under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

**INTRODUCTORY.**

1. The laws mentioned in the First Schedule to this Proclamation are hereby repealed to the extent set forth in the third column of that Schedule.

Repeal of laws.

2. In this Proclamation unless inconsistent with the context—

Interpretation of terms.

“club or fund” means any unregistered society or association established for the mutual benefit of its members, and includes a fund established for any specific object which for the purposes of the law relating to the Post Office Savings Bank has been approved by the Director;

“construct” means erect, set up, lay down, or place;

“department” means that branch of the Administration of the Territory which deals with posts and telegraphs;

“Director” means the Director of Posts and Telegraphs appointed in terms of section four;

“drawee” means the person from whom the amount of a postal draft or other instrument prescribed under section forty-four is to be collected;

“drawer” means the person in whose favour or on whose behalf a postal draft or other instrument prescribed under section forty-four is issued;

“friendly society” means a friendly society registered in any manner required by law and includes an affiliated branch;

“imprisonment” means imprisonment with or without hard labour as the court which passes sentence may direct;

“mail” means every article collected for conveyance by post, and includes loose and individual articles and every mail bag, vessel, and conveyance of any kind by which postal articles are carried, whether it does or does not contain any such articles, and also every person or animal employed in conveying or delivering mails or postal articles;

“mail-bag” includes every bag, box, parcel, basket, hamper, or any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether it does or does not contain such articles;

“Master” means the Master of the High Court of South West Africa;

“master of any vessel” includes every person (except a pilot) having command or charge of a vessel, whether the vessel is a ship of war or other vessel;

“money order” means a money order issued by the department under this Proclamation or prior to the commencement of this Proclamation or by any postal authority for payment by the department;

“officer” includes any person in the service or employed in connection with any business of the department;

“port” includes any harbour, river, lake, roadstead and any other navigable water;

“postage” means the amount chargeable for transmission of articles by post;

“postage stamp” or “stamp” means any piece of paper or other substance or material whatsoever having thereon the stamp, mark, or impression of any die, plate, or other instrument made or used under this Proclamation or by any postal authority for the purpose of denoting any postage or other postal fee;

“postal article” means a letter, post-card, reply post-card, letter-card, newspaper, book packet, pattern or sample packet, or parcel, and every other article when in course of transmission by post, and includes a telegram when conveyed by post;

Herroeping van Wette.

Woordbepaling.

omvat "posbestuur" die Posmeester-generaal van die Unie of die Posmeester-generaal of enige ander behoorlik ingestelde posbestuur van enige ander land of plek;

beteken "posorder" 'n posorder, uitgereik deur die departement kragtens hierdie Proklamasie of voor die inwerkingtreding van hierdie Proklamasie of deur enige posbestuur ter betaling deur die departement;

beteken "posmeester" die amptenaar belas met die bestuur van 'n poskantoor;

omvat "poskantoor" enige huis, gebou, kamer, rytuig, plek of werk, waar posartikels ontvang, gesorteer, afgelewer, opgemaak of versend word, of wat gebruik word vir ander poskantoor-doeleindes of vir die doel om 'n telegraaf te bedien of vir die ontvangs, versending of aflewering van telegramme, en enige pilaarbus of ander bus, wat deur of met die goedkeuring van die departement verstrek word vir die ontvangs van posartikels vir versending;

beteken "voorgeskrywe" voorgeskrywe by hierdie Proklamasie of die regulasies daaronder vasgestel;

"beteken "radio" die versending oor enige afstand sonder verbindingsdrade of geluide, tekens of sienjale deur middel van elektrisiteit, en omvat die ontvangs van sodanige geluide, tekens of sienjale;

beteken "regulasies" regulasies vasgestel en van krag onder hierdie Proklamasie;

beteken "Sparbankjaar" die twaalf maande eindigende op die een-en-dertigste dag van Maart of enige ander dag, wat die Administrateur as die laaste dag van 'n Sparbankjaar mag vasstel;

beteken "afsender" die persoon, van wie enige posartikel of telegram blykbaar afkomstig is, tensy daardie persoon bewys dat hy nie die afsender daarvan is nie;

beteken "telegram" enige per telegraaf oorgeseinde of vir oorseining bestemde berig of 'n berig, wat deur 'n poskantoor afgelewer word of bestem is om daardeur afgelewer te word as 'n berig wat, hetsy geheel of ten dele, oorgesein is;

omvat "telegraaf" "telefoon" en beteken enige stelsel of middel vir die oorbring van tekens, sienjale, geluide of berigte, deur middel van elektrisiteit, magnetisme, elektro-magnetisme of deur enige gelyksoortige middel, hetsy met of sonder behulp van drade, met inbegrip van die stelsel gewoonlik bekend as draadlose telegrafie, eteriese seining en enige verbeterings of ontwikkelings van daardie stelsel;

omvat "telegraaflyn" enige toestel, instrument, paal, mas, pyl, draad, pyp, tunnel, pneumatiese of ander buis, ding of middel van welke aard dan ook, wat in verband met of vir die doel van versending, seining, oorbring of ontvangs van telegrafiese tekens, sienjale, geluide of berigte gebesig word of kan word;

omvat "hierdie Proklamasie" enige regulasie daaronder vasgestel;

omvat "vaartuig" elke soort van vaartuie, wat vir die seevaart in hawens, op riviere of aan die kus of op bevaarbare water gebruik word.

"postal authority" includes the Postmaster-General of the Union or the Postmaster-General or any other duly constituted postal authority of any other country or place;

"postal order" means a postal order issued by the department under this Proclamation or prior to the commencement of this Proclamation or by any postal authority for payment by the department;

"postmaster" means the officer in charge of a post office;

"post office" includes any house, building, room, carriage, place or structure, where postal articles are received, sorted, delivered, made up or dispatched, or used for any other post office purpose, or for the purpose of working a telegraph or for the receipt, transmission, or delivery of telegrams, and any pillar box or other receptacle provided by or with the approval of the department for the reception of postal articles for transmission;

"prescribed" means prescribed by this Proclamation or the regulations made thereunder;

"radio" means the transmission over any distance without connecting wires of sounds, signs or signals by electrical means, and includes the reception of such sounds, signs or signals;

"regulations" means regulations made and in force under this Proclamation;

"Savings Bank year" means the twelve months ending the thirty-first day of March or any other day which the Administrator may appoint as the last day of a Savings Bank year;

"sender" means the person from whom any postal article or telegram purports to have come unless that person prove that he is not the sender thereof;

"telegram" means any communication transmitted or intended to be transmitted by telegraph or delivered or intended to be delivered from any post office as a communication transmitted either wholly or partially by telegraph;

"telegraph" includes "telephone", and means any system or means of conveying signs, signals, sounds, or communications, by the agency of electricity, magnetism, electro-magnetism, or by any agency of a like nature, whether with or without the aid of wires, and includes the system commonly known as wireless telegraphy, or aetheric signalling, and any improvements or developments of that system;

"telegraph line" includes any apparatus, instrument, pole, mast, standard, wire, pipe, tunnel, pneumatic or other tube, thing, or means whatever which is or may be used in connection with or for the purpose of sending, transmitting, conveying, or receiving telegraphic signs, signals, sounds or communications;

"this Proclamation" includes any regulations made thereunder;

"vessel" includes every description of vessel employed on the high seas, in harbour, on rivers, or on the coast, or on any navigable water.

3. Hierdie Proklamasie word ingedeel in agt Hoofstukke, wat respektieflik oor die volgende onderwerpe handel:—

- Hoofstuk I — Bevoegdheede en Regte van die Direkteur van Pos- en Telegraafwese (artikels vier tot nege).
- Hoofstuk II — Versending van Posartikels (artikels tien tot een-en-veertig).
- Hoofstuk III — Oormaking en Inkassering van Gelde deur Poskantoor (artikels twee-en-veertig tot sewe-en-veertig).
- Hoofstuk IV — Posspaarbank (artikels agt-en-veertig tot twee-en-sewentig).
- Hoofstuk V — Telegraafwese (artikels drie-en-sewentig tot vyf-en-taggentig).
- Hoofstuk VI — Radio (artikels ses-en-taggentig tot negentig).
- Hoofstuk VII — Oortredings en strafbepalings (artikels een-en-negentig tot eenhonderd en veertien).
- Hoofstuk VIII — Algemene en Aanvullende Bepalings (artikels eenhonderd en vyftien tot eenhonderd en negentien).

HOOFSTUK I.

BEVOEGDHEDE EN REGTE VAN DIE DIREKTEUR VAN POS- EN TELEGRAAFWESE.

4. (1) Die beheer en bestuur van die departement berus, onderhewig aan die gesag van die Administrateur, by 'n amptenaar, genoem die "Direkteur van Pos- en Telegraafwese", wat deur die Administrateur aangestel moet word.

(2) Die Direkteur het die opsig en leiding van al die persone in die diens van die departement en al die poskantore en pos- en telegraafdienste, en kan sodanige instruksies uitvaardig as hy nodig mag ag vir die leiding en voorligting van beamptes by die uitvoering van die bepalinge van hierdie Proklamasie en kan, onderworpe aan die goedkeuring van die Administrateur, boete vasstel op oortredings daarvan van hoogstens vyf pond sterling vir elke oortreding.

3. This Proclamation is divided into eight Chapters which severally relate to the following subject-matters:—

- Chapter I — Powers and Rights of the Director of Posts and Telegraphs (sections four to nine).
- Chapter II — Transmission of Postal Articles (sections ten to forty-one).
- Chapter III — Remittance and Collection of Money through Post Office (sections forty-two to forty-seven).
- Chapter IV — Post Office Savings Bank (sections forty-eight to seventy-two).
- Chapter V — Telegraphs (sections seventy-three to eighty-five).
- Chapter VI — Radio (sections eighty-six to ninety).
- Chapter VII — Offences and Penalties (sections ninety-one to one hundred and fourteen).
- Chapter VIII — General and Supplementary sections one hundred and fifteen to one hundred and nineteen).

CHAPTER I.

POWERS AND RIGHTS OF THE DIRECTOR OF POSTS AND TELEGRAPHS.

4. (1) The administration and control of the department shall, subject to the authority of the Administrator, be vested in an officer styled the "Director of Posts and Telegraphs" who shall be appointed by the Administrator.

(2) The Director shall have the supervision and control of all persons in the service of the department and all post offices and post and telegraph services, and may issue such instructions as he may deem necessary for the conduct and guidance of officers in carrying out the provisions of this Proclamation, and may, subject to the approval of the Administrator, fix penalties for breaches thereof not exceeding five pounds sterling for each breach.

Vindeling van Proklamasie.

Division of Proclamation.

Beheer en bestuur van die departement.

Administration and control of the department.

(3) Die Direkteur kan die bevoegdhe, hom by hierdie Proklamasie verleen (met uitsondering van hierdie mag van oordrag), oordra en kan enige sodanige oordrag na goed-dunk weer intrek.

(4) Die Direkteur kan, met bewilliging van die Administrateur, posdienste, poskantore en pospaarbankkantore, soos hy doelmatige mag ag, instel, instandhou en afskaf, reëlings tref en wysig aangaande die pos- en telegrafiediens, verdrae en ooreenkomste met ander pos- en telegraafbesture aangaan en kan voorts van tyd tot tyd regulasies vasstel, wat nie onbestaanbaar met hierdie Proklamasie is nie, vir die doen van enige aan hom toevertroude besigheid of aangaande die wyse van uitoefening van die bevoegdhe en pligte by hierdie Proklamasie aan hom opgedra, en al sodanige verdrae, ooreenkomste en regulasies het, wanneer hulle deur die Administrateur goedgekeur en as hulle in die *Offisiële Koerant* gepubliseer is, dieselfde krag en uitwerking, asof hulle in hierdie Proklamasie vervat was.

(5) Enige regulasie, verdrag of ooreenkoms aangegaan kragtens enige wet by hierdie Proklamasie herroep, bly, nietaenstaande die herroeping, van krag totdat hy kragtens die bevoegdhe van hierdie Proklamasie herroep word.

5. Die Direkteur moet die fooie, tariewe, of lone, wat vir die vervoer van posartikels en vir versending, vervoer of aflewering van telegramme en vir enige ander diens deur die departement verrig, gevorder of ontvang word, vasstel en kan hulle van tyd tot tyd wysig, en kan posseëls en koeverte, kaarte, omslae en ander artikels, waarop sodanige portobedrae as hy goevind in- of opgedruk is, laat vervaardig of verkoop:

Met die verstande dat die fooie, tariewe of lone, soos voorgeskrywe, en elke wysiging daarvan deur die Administrateur goedgekeur en in die *Offisiële Koerant* gepubliseer moet word.

6. Die Direkteur kan, met die bewilliging van die Administrateur, enige kontrak in geskryf aangaan of enige reëlings tref vir die vervoer van posartikels binne, uit of na die Gebied oorland of kusgewyse, oorsee of vir ander openbare dienste, wat deur of namens die departement verrig word.

7. (1) Die Direkteur het die uitsluitende voorreg om briewe te ontvang, te versamel, te versend, te vervoer en af te lewer en om al die daartoe betreklike bykomende dienste te verrig.

(2) Enige persoon, wat die uitsluitende by hierdie artikel aan die Direkteur toegekende reg skend, of wat enige brief versend of aanbied of aflewer, wat in stryd met hierdie artikel behandel word, is by skuldigbevinding onderhewig aan 'n boete van hoogstens tien pond ten opsigte van elke brief, wat aangebied, ontvang, versamel, versend, vervoer of afgelewer word.

(3) Niks in hierdie artikel bevat word uitgebrei nie op briewe, wat—

- (a) van of na enige poskantoor versend of vervoer word;
- (b) die afmetings, wat vir briewe voorgeskrywe is, oorskry;
- (c) prosesstukke aangaande of notule of pleidooie in 'n geregshof of beëdigde verklarings of deposities bevat;
- (d) uitsluitlik betrekking het op goedere, wat daarmee gestuur en afgelewer moet word; of
- (e) deur enige persoon gestuur, uitsluitlik aangaande sy private aangeleenthede of die private aangeleenthede van die bringer of ontvanger:

Met die verstande dat geen insameling van sodanige uitgesonderde briewe deur enige persoon mag geskied nie vir die doel om hulle per pos of andersins te versend.

8. Die Direkteur kan 'n ooreenkoms vir die instelling of voorsiening van enige nuwe, spesiale of bykomende pos- of ander fasiliteite aangaan met enige plaaslike bestuursliggaam of enige persoon onder sodanige voorwaardes as hy doelmatig mag ag, en enige sodanige plaaslike voorwaardes aan te neem en om sodanige som ten opsigte van sodanige nuwe, spesiale of bykomende fasiliteite aan die Direkteur te betaal as tussen die Direkteur en sodanige plaaslike bestuursliggaam ooreengekom mag word, en om te dien einde grond aan sodanige plaaslike bestuursliggaam behorende toe te eien of grond te koop.

9. Elke persoon, perd, of voertuig, wat in verband met die vervoer van pos of telegramme besig is, het in enige openbare straat, pad, deurgang of plek die voorrang bo ander persone, perde of voertuie.

## HOOFSTUK II.

### VERSENDING VAN POSARTIEKELS.

10. Behoudens die bepalings van hierdie Proklamasie moet vir elke artikel vir versending per pos sodanige porto en ander somme as voorgeskrywe mag word betaal word; en die porto en al die fooie (indien daar enige is), ten opsigte van enige artikel binne die Gebied gepos, is vooruit-betaalbaar deur middel van posseëls, wat deur die Direkteur uitgereik en nie van tevore gebruik, vernietig of afgestempel is nie, en by gebreke daarvan is tydens aflewering van die artikel die dubbel van die ontbrekende porto daarop verskuldig in kontantgeld betaalbaar en die aldus te betale som moet op elke sodanige artikel op 'n behoorlik voorgeskrywe wyse aangedui word:

(3) The Director may delegate any of the powers conferred upon him by this Proclamation (except this power of delegation), and may revoke at his discretion any such delegation.

(4) The Director may, with the concurrence of the Administrator, establish, maintain, and abolish mail services, post offices, and savings bank offices, as he may deem fit, make and alter postal and telegraph arrangements, and enter into conventions and agreements with other postal and telegraph administrations, and may further from time to time make regulations, not inconsistent with this Proclamation, for the conduct of any business entrusted to him, or as to the manner of exercising the powers and duties assigned to him by this Proclamation, and all such conventions, agreements and regulations when approved by the Administrator shall, if published in the *Gazette*, have the same force and effect as if they were in this Proclamation contained.

(5) Any regulation, convention, or agreement made under a law repealed by this Proclamation, shall, notwithstanding the repeal, remain in force until rescinded under the powers of this Proclamation.

5. The Director shall prescribe and may from time to time alter the fees, rates, or charges to be demanded or received for the conveyance of postal articles and for the transmission, conveyance or delivery of telegrams and for any other service rendered by the department, and may cause to be made and sold postage stamps and envelopes, cards, wrappers and other articles embossed or impressed with such amounts of postage as he may deem fit:

Provided that the fees, rates, or charges so prescribed and every alteration of the same shall be approved by the Administrator and published in the *Gazette*.

6. The Director may, with the concurrence of the Administrator, enter into any contract in writing or make any arrangements for the conveyance of postal articles within, from, or to the Territory by land or coastwise by sea, or for any other public service performed for or by the department.

7. (1) The Director shall have the exclusive privilege of receiving, collecting, dispatching, conveying and delivering letters and of performing all incidental services relating thereto.

(2) Any person who performs any act within the exclusive privilege conferred upon the Director by this section, or who sends or tenders or delivers any letter to be dealt with contrary to this section, shall be liable on conviction to a fine not exceeding ten pounds in respect of every letter tendered, received, collected, dispatched, conveyed or delivered.

(3) Nothing in this section contained shall extend to any letter—

- (a) sent or conveyed to or from any post office;
- (b) exceeding the dimensions prescribed for letters;
- (c) containing process of, or proceedings or pleadings in, any court of justice, or affidavits or depositions;
- (d) exclusively concerning goods sent and to be delivered therewith; or
- (e) sent by any person exclusively concerning his private affairs or the private affairs of the bearer or the receiver:

Provided that no collection of such excepted letters shall be made by any person for the purpose of sending them either by post or otherwise.

8. The Director may enter into an agreement, upon such conditions as he may deem fit, with any local governing body or any person for the establishment or provision of any new, special, or additional postal or other facilities, and it shall be lawful for any such local governing body to agree to such conditions and to pay to the Director such sum in respect of such new, special, or additional facilities as may be agreed upon between the Director and such local governing body, and to appropriate land belonging to such local governing body, or to purchase land for the purpose.

9. Every person, horse, or vehicle engaged in connection with the conveyance of mails or telegrams shall have precedence over all other persons, horses, or vehicles in any public street, road, thoroughfare, or place.

## CHAPTER II.

### TRANSMISSION OF POSTAL ARTICLES.

10. Subject to the provisions of this Proclamation, there shall be paid on every article for transmission by post such postage and other sums as may be prescribed; and the postage and all fees (if any) in respect of any article posted within the Territory shall be prepaid by means of postage stamps issued by the Director not previously used, obliterated, or defaced, and, in default thereof, there shall be payable in money, at the time of delivery, upon every such article double the deficiency due thereon and the sum so to be paid shall be indicated on every such article in a duly authorized manner:

Direkteur moet fooie ens. voorskrywe vir diensverrigtings.

Direkteur kan poskontrakte aangaan.

Uitsluitende voorreg van Direkteur.

Ooreenkomste met plaaslike bestuursliggame ens. betreffende besonder posfasiliteite.

Posbeamptes, voertuie ens. moet voorrang in openbare strate ens. hê.

Director to prescribe fees, etc. for services rendered.

Director may enter into mail contracts.

Exclusive privilege of Director.

Agreements with local governing bodies, etc. for special postal facilities.

Postal officers, vehicles, etc. to have precedence in public streets etc.

Porto.

Rates of postage.

Met die verstande dat:—

- (a) enige nuusblad, waaromtrent die porto tydens die pos daarvan geheel enal onbetaald is, dadelik vernietig of andersins weggedoen kan word, soos die Direkteur mag gelas;
- (b) in die geval van losse posartikels, wat van skippers van vaartuie ontvang word, die enkele porto-farief, wat vir artikels geld, wat in die Gebied vir aflewering daarin gepos word, bereken moet word en in kontantgeld by aflewering gein kan word;
- (c) met inagneming van desbetreffende regulasies, die porto op groot hoeveelhede posartikels, wat in eens gepos word, in kontantgeld ontvang kan word;
- (d) die gebruik van posseëls, wat met inisiale deurboor is, vergun kan word;
- (e) met inagneming van desbetreffende regulasies, een eksemplaar van enige uitgawe van enige geregistreerde nuusblad, wat binne die Gebied gedruk en uitgegee word, portovry vir versending van die editeur van enige sodanige nuusblad aan die editeur van enige ander sodanige nuusblad of aan die editeur van enige in die Unie gepubliseerde nuusblad aangeneem kan word.

Versending sonder betaling.

11. Die versending van posartikels en telegramme sonder betaling in staatsdiens deur of aan persone, wat vir die doel behoorlik gemagtig is, is geoorloof, maar net ingevolge besonder instruksie van die Administrateur en met inagneming van desbetrekklike regulasies.

Petiesies aan Administrateur en Wetgewende Vergadering is vry van porto.

12. Petitiesies en adresse, wat aan die Administrateur oorgestuurd word, is vry van porto. Elke petisie aan die Wetgewende Vergadering vir die Gebied, gerig aan 'n lid van die Vergadering, is eweneens vrygestel van porto en kan vergesel gaan van 'n ingeslote brief, wat uitsluitlik die onderwerp van die petisie betref, maar elke sodanige petisie moet in 'n omslag gesluit word, wat aan albei ente of kante oop is en op die buitekant gemerk is: "Petisie aan Wetgewende Vergadering", en die gewig daarvan mag nie tweendertig onse tebogaan nie.

Wat 'n nuusblad en byvoegsel van 'n nuusblad is.

13. (1) Vir die doel van hierdie Proklamasie word enige drukwerk, wat geheel of merendeels politiek of ander nuus of artikels bevat, wat daarop of op ander nuus van die dag betrekking het, met of sonder advertensies en met of sonder gravures, plate of litografieë of enige ander soorte van prente ter illustrasie van artikels in sodanige publikasie, vir die doeleindes van hierdie Proklamasie geag 'n nuusblad te wees, onderhewig aan die volgende voorwaardes:—

- (a) dat dit geheel enal binne die Gebied gedruk en uitgegee word;
- (b) dat dit in tussenvakke van hoogstens een maand uitgegee word;
- (c) dat die vol naam en datum van uitgifte daarvan aan die hoof van die eerste bladsy daarvan gedruk is en die hele of gedeeltelike naam en die datum van uitgifte aan die hoof van iedere volgende bladsy; en
- (d) dat dit by die Direkteur as 'n nuusblad geregistreer is.

(2) Vir die doel van hierdie Proklamasie word die volgende geag 'n byvoegsel van 'n nuusblad te wees, dit wil sê, 'n drukwerk waarvan die leesstof geheel enal of merendeels van soortgelyke aard is as dié van 'n nuusblad, of wat advertensies bevat, wat op een of meer velle of op een stuk of meer stukke papier gedruk is, of wat heeltemal of ten dele bestaan uit gravures, plate of litografieë of ander soorte van prente ter illustrasie van artikels in die nuusblad of byvoegsel, onderhewig aan die volgende voorwaardes:—

- (a) dat die as byvoegsel bedoelde drukwerk tesame met die nuusblad uitgegee en gepos word;
- (b) dat die naam van die nuusblad heeltemal of ten dele en die datum van die nuusblad aan die hoof van elke bladsy daarvan of aan die hoof van elke vel of kant gedruk word, waarop 'n gravure, plaat, litografie of prent voorkom, en
- (c) dat al die velle, wat die byvoegsel uitmaak, in een gedeelte van die nuusblad byengevoeg word, onverskillig of hulle aan die nuusblad vasgeplak of vasgenaai is al dan nie.

(3) Die regulasies kan die bepalinge van hierdie artikel wysig vir sover hulle betrekking het op 'n byvoegsel, wat geheel enal bestaan uit gravures, plate, litografieë of ander prente ter illustrasie van artikels in die nuusblad.

Registrasie van nuusblaaie by die Direkteur.

14. (1) Die Direkteur moet 'n register van drukwerke laat hou, wat aan die eise van die laasvooraangaande artikel voldoen, en die eienaar, drukker of uitgewer van enige sodanige drukwerk kan dit, teen betaling van die voorgeskrywe fooi, as nuusblad laat registreer op sodanige tyd in elke jaar en op sodanige wyse en met sodanige besonderhede as die Direkteur mag gelas.

(2) Die Direkteur kan die register van tyd tot tyd hersien en enige drukwerk daaruit skrap, wat syns insiens nie 'n nuusblad is nie soos by hierdie Proklamasie bepaal, of waarvan 'n geposte eksemplaar oneerbare of onsedelike stof bevat.

(3) Die beslissing van die Direkteur of 'n drukwerk al dan nie geregistreer kan word of uit die register behoort geskrap te word is afdoende, behoudens dat die Administrateur op versoek van enige persoon daardie beslissing ter syde kan sit of wysig.

Provided that:—

- (a) any newspaper upon which the postage is wholly unpaid at the time of posting may be forthwith destroyed or otherwise disposed of as the Director may direct;
- (b) in the case of loose postal articles received from masters of vessels, the single rates of postage applicable to articles posted in the Territory for delivery therein shall be chargeable and may be collected in money on delivery;
- (c) subject to regulation, the postage upon large quantities of postal articles posted at one time may be received in cash;
- (d) the use of postage stamps perforated with initials may be permitted;
- (e) subject to regulation, a single copy of any issue of any registered newspaper printed and published within the Territory may be accepted for transmission from the editor of any such newspaper to the editor of any other such newspaper or to the editor of any newspaper published in the Union without payment of postage.

11. The transmission, without payment, of postal articles and telegrams upon the public service shall be allowed from or to persons duly authorised for the purpose, but only upon the special instruction of the Administrator and subject to regulation.

Transmission without payment.

12. Petitions and addresses transmitted to the Administrator shall be exempt from postage. Every petition to the Legislative Assembly for the Territory addressed to a member of the Assembly shall also be exempt from postage and may be accompanied by a letter enclosed therein referring exclusively to the subject of the petition, but every such petition shall be enclosed in a cover open at both ends or sides and marked on the outside "Petition to Legislative Assembly", and shall not exceed thirty-two ounces in weight.

Petitions to Administrator and Legislative Assembly exempt from postage.

13. (1) For the purpose of this Proclamation any publication consisting wholly or in great part of political or other news or of articles relating thereto or to other current topics, with or without advertisements and with or without engravings, prints or lithographs, or any other sort of picture, illustrative of articles in such publication, shall be deemed a newspaper subject to the following conditions:—

What is a newspaper and supplement to newspaper.

- (a) that it be wholly printed and published within the Territory;
- (b) that it be published at intervals of not more than one month;
- (c) that the full title and date of publication be printed at the top of the first page thereof and the whole or part of the title and the date of publication at the top of every subsequent page; and
- (d) that it be registered as a newspaper with the Director.

(2) For the purpose of this Proclamation the following shall be deemed a supplement to a newspaper, that is to say, a publication consisting wholly or in great part of matter similar to that of a newspaper or of advertisements printed on a sheet or sheets or a piece or pieces of paper or consisting wholly or in part of engravings, prints, or lithographs or any other sort of picture illustrative of articles in the newspaper or supplement, subject to the following conditions:—

- (a) that the publication purporting to be a supplement be published and posted with the newspaper;
- (b) that the whole or part of the title and the date of the newspaper be printed at the top of every page thereof or at the top of every sheet or side on which any engraving, print, lithograph, or picture appears; and
- (c) that all sheets constituting the supplement be put together in some one part of the newspaper whether gummed or stitched up with the newspaper or not.

(3) The regulations may modify the provisions of this section so far as they apply to a supplement which consists wholly of engravings, prints, lithographs, or other pictures illustrative of articles in the newspaper.

14. (1) The Director shall cause a register to be kept of publications coming within the requirements of the last preceding section and the proprietor, printer, or publisher of any such publication may, upon payment of the prescribed fee, register the same as a newspaper at such time in each year, and in such manner, and with such particulars, as the Director may direct.

Registration of newspapers with Director.

(2) The Director may, from time to time, revise the register and remove therefrom any publication which in his opinion is not a newspaper as defined by this Proclamation, or a posted copy of which contains indecent or obscene matter.

(3) The decision of the Director in regard to the admission to or removal from the register of any publication shall be final, save that the Administrator may, on the application of any person, reverse or modify that decision.

Nuusblaaie buite die Gebied uitgegee.

15. Nuusblaaie, wat buite die Gebied gedruk of uitgegee word, kan vir die doeleindes van hierdie Proklamasie as nuusblaaie beskou word, mits hulle in tussenvakke van hoogstens sewe dae uitgegee word en in ander opsigte voldoen aan die vereistes van artikel *dertien* en onder sodanige nader voorwaardes as van tyd tot tyd vasgestel mag word.

15. Newspapers printed or published outside the Territory may be regarded as newspapers for the purposes of this Proclamation, provided they be published at intervals of not more than seven days and that in other respects they conform to the requirements of section *thirteen* and to such further conditions as may from time to time be prescribed.

Newspapers published outside the Territory.

Briewe word in sekere gevalle voor ander artikels afgelewer.

16. Wanneer die versending of aflewering van briewe deur 'n poskantoor na die oordeel van die Direkteur vertraag sou word deur die gelyktydige versending of aflewering van ander soorte van posartikels, kan die laasgenoemde artikels of enige daarvan, met inagneming van desbetreffende regulasies, in sodanige poskantoor vir later versending of aflewering teruggehou word.

16. When the dispatch or delivery of letters other from a post office would, in the opinion of the Director, be delayed by the dispatch or delivery at the same time of other classes of postal articles, the latter or any of them may, subject to regulations, be detained in such post office for subsequent dispatch or delivery.

Letters to have precedence over other articles in certain circumstances.

Registrasie van posartikels.

17. (1) Met inagneming van desbetreffende regulasies kan die afsender van 'n posartikel teen betaling van die voorgeskrywe fooi, bo en behalwe die gewone porto, die artikel laat registreer en 'n ontvangsbewys daarvoor van die Direkteur kry; maar geen sodanige registrasie of ontvangsbewys verleen aan enige persoon enige reg tot skadevergoeding of andersins of lê aan enige beampte die aanspreeklikheid op vir die verlies van enige sodanige artikel of van die inhoud daarvan nie: Met die verstande dat die Direkteur desverkiekende en met inagneming van die eise en beperkings deur regulasie voorgeskrywe, skadevergoeding kan betaal vir die verlies van enige geregistreerde posartikel of van die inhoud daarvan.

17. (1) Subject to regulations, the sender of any postal article may, upon payment of the prescribed fee in addition to the ordinary postage, have that article registered and obtain a receipt for the same from the Director; but no such registration or receipt shall confer on any person any right to compensation or otherwise or impose upon any officer any liability for the loss of any such article or of the contents thereof: Provided that the Director may, in his discretion and subject to requirements and limitations prescribed by regulation, pay compensation for the loss of any registered postal article or of the contents thereof.

Registration of postal articles.

(2) Elke posartikel, wat munt, banknote, seëls, edele metale, edelgesteentes en ander artikels van soortgelyke aard bevat, wat 'n innerlike of markwaarde het, is, indien ongeregistreer geëpos, onderhewig aan gedwonge registrasie en aan 'n daarop volgende, by aflewering te betale boetepoort van tweemaal die tekort van die by vooruitbetaling betaalbare registrasie, wat op die artikel aangehoort mag word, maar vir geen posartikel, wat soos voormeld op gedwonge wyse geregistreer is, mag in geval van verlies skadevergoeding betaal word nie.

(2) Every postal article containing coin, bank notes, stamps, precious metals, precious stones, and other articles of a like nature which have an intrinsic or marketable value shall, if posted unregistered, be liable to compulsory registration and to a consequent charge on delivery equal to double the amount of any deficiency in prepayment as a registered article which may be shown thereon, but upon no postal article compulsorily registered as aforesaid shall compensation be paid in case of loss.

Versekering van posartikels.

18. Die Direkteur kan voorsienings tref vir die versekering van posartikels onder sodanige bedinge en voorwaardes as voorgeskrywe mag word, en kan ooreenkomste aangaan met enige posbestuur vir die weersydse uitwisseling van versekerde posartikels.

18. The Director may provide for the insurance of postal articles subject to such terms and conditions as may be prescribed, and may enter into an agreement with any postal authority for the reciprocal exchange of insured postal articles.

Insurance of postal articles.

Wanneer posartikels geag word in die loop van versending te wees of geëpos of afgelewer te wees.

19. Vir die doeleindes van hierdie Proklamasie word—

- 'n posartikel geag in die loop van versending per pos te wees van dié tyd af, dat dit in 'n poskantoor afgegee is tot dié tyd, waarop dit aan die persoon, aan wie dit geadresseer is, afgelewer word;
- die sit van 'n posartikel van welke aard ook in 'n pilaarbus of ander bus, vir dié doel deur of met die goedkeuring van die departement voorsien, of die aflewering van 'n posartikel aan 'n posbode of ander tot die ontvangs van dergelyke posartikels ten behoewe van die pos gemagtigde persoon, geag aflewering aan 'n poskantoor te wees;
- die aflewering van 'n posartikel by die huis of kantoor van die persoon, aan wie daardie artikel geadresseer is, of aan sy bediende of gemagtigde of ander persoon, wat bevoeg geag word om dit te ontvang, geag aflewering aan die geadresseerde persoon te wees, as die aflewering van die artikel geskied op die wyse, waarop daardie persoon se posartikels gewoonlik afgelewer word, of aan die adres op sodanige artikel aangegee; en
- die sit in 'n private bus of private sak in al die opsigte geag gelyk te staan met persoonlike aflewering aan die geadresseerde.

19. For the purposes of this Proclamation—

- a postal article shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed;
- the placing of a postal article of any description in a pillar box or other receptacle provided for the purpose by or with the approval of the department or the delivery of a postal article to a postman or other person authorized to receive postal articles of that description for the post, shall be deemed to be delivery to a post office;
- the delivery of a postal article at the house or office of the person to whom the article is addressed or to his servant or agent or other person considered to be authorized to receive the article according to the usual manner of delivering that person's postal articles or at the address specified on such article, shall be deemed to be delivery to the person addressed; and
- delivery into a private box or private bag shall be in all respects equivalent to personal delivery to the addressee.

When postal articles deemed to be in course of transmission, or to be posted or delivered.

Nasending en aanhouding in transit van posartikels.

20. (1) Die nasending van 'n ongeopende posartikel (ander as 'n pakket) van een plek na 'n ander kan kosteloos geskied, mits die porto van die oorspronklike posplek na die nuwe adres ten volle vooruitbetaal is. Geregistreerde artikels, wat deur die publiek hergeadresseer word, is onderhewig aan 'n verder registrasiefooie.

20. (1) The redirection of any unopened postal article (other than a parcel) from one place to another may be effected free of charge, provided that the postage from the original place of posting to the new address has been fully prepaid. Registered articles redirected by the public shall be subject in every case to a further fee for registration.

Redirection and interception of postal articles.

(2) Enige hergeadresseerde artikel, wat na die oordeel van die Direkteur oopgemaak of geskend is, word behandel, asof dit vir die eerste maal geëpos was, en dienoreenkomstig belas met die voorgeskrywe porto.

(2) Any redirected article which, in the opinion of the Director, appears to have been opened or tampered with, shall be treated as if it were posted for the first time and shall be chargeable accordingly.

(3) Enige artikel, wat op versoek van die versender of geadresseerde aangehou of in die loop van sy versending per pos opgevang word, is blootgestel aan 'n bykomende vordering gelyk aan die gewone porto van die plek van die oorspronklike adres na die plek van die nuwe adres; en enige artikel, wat kragtens die bepaling van hierdie Proklamasie aan die versender teruggestuur kan word, is, indien wederom geëpos, onderhewig aan 'n nuwe porto: Met die verstande dat niks in hierdie artikel bevat dit vir die Direkteur verpligtend maak om enige posartikel aan te hou of op te vang nie: Met die verstande verder dat enige pakket, wat in die loop van sy versending per pos aangehou of opgevang word om aan die versender of geadresseerde by die kantoor, waar die aanhouding geskied het, afgegee te word, blootgestel sal wees aan sodanige fooi as te dien behoewe voorgeskrywe mag word.

(3) Any article arrested or intercepted in transit through the post at the request of either the sender or the addressee thereof shall be liable to an additional charge equal to the ordinary rate of postage from the place of original address to the place of new address; and any article which, under the provisions of this Proclamation, may be returned to the sender thereof shall, if reposted, be liable to a fresh rate of postage: Provided that nothing in this section contained shall make it obligatory on the Director to arrest or intercept any postal article: Provided further that any parcel arrested or intercepted in transit through the post for delivery to the sender or addressee at the office at which stoppage is effected shall be liable to such fee as may be prescribed in that behalf.

Artikels in stryd met hierdie Proklamasie geëpos.

21. Enige posartikel, wat in 'n poskantoor ontvang is, en wat—

- met gebruikte, vernietigde of afgestempelde posseëls beplak is; of
- aan die buitekant profane, godlasterlike of lasterlike stof het; of
- geëpos is of iets bevat ter ontduiking van of in stryd met die bepaling van hierdie of van enige ander wet, word geag in stryd met hierdie Proklamasie geëpos te wees.

21. Any postal article received in a post office—

- the postage stamps on which have been previously used, obliterated, or defaced;
- which has any profane, blasphemous or libellous matter on the outside thereof; or
- which is posted or contains anything in fraud of or contrary to the provisions of this Proclamation or of any other law,

Articles posted in contravention of this Proclamation.

shall be deemed to be posted in contravention of this Proclamation.

Artiekels deur posmeesters na Onafgehaalde Briewekantoor ter beskikking gestuur.

22. Enige posartikel—

- (a) wat geen adres dra nie, of 'n onleesbare adres dra, of andersins onaflewerbaar is; of
- (b) wat deur die persoon, aan wie dit geadresseer is, nie aangeneem word nie; of
- (c) wat gepos is of na redelike vermoede gepos is in stryd met hierdie Proklamasie of enige ander wet,

moet na die Onafgehaalde Briewekantoor gestuur word om behandel te word, soos voorgeskrywe mag word: Met die verstande dat enige artikels beskrywe in paragrawe (a) en (b) van hierdie artikel, wat aan die buitekant die naam en adres van die afsender dra, direk aan hom teruggestuur of op aanvraag aan hom afgegee mag word: Met die verstande verder, dat enige artikels, wat gepos is of na redelike vermoede gepos is in stryd met die Onsedelike Publikasies Onderdrukkings Ordonnansie 1926 (Ordonnansie No. 5 van 1926) behandel moet word, soos in daardie Ordonnansie voorgeskrywe is.

Belastingpligtige artikels.

23. Enige posartikel, wat 'n inlaag bevat of vermoedelik bevat, waarop doeaneregte betaalbaar is, word behandel soos voorgeskrywe is, met inagneming van enige wet betreffende doeaneregte.

Artiekels, behalwe briewe, kan oopgemaak en ondersoek word.

24. Enige posartikel, met uitsondering van briewe, kan in die pos vir ondersoek oopgemaak word, ten einde vas te stel of daardie artikel vir die portobedrag daarop vooruitbetaal versend kan word of in stryd met hierdie Proklamasie gepos is. Die beslissing van die Direkteur, of enige posartikel 'n brief of ander soort posartikel in die sin van hierdie Proklamasie is al dan nie, is afdoende.

Behandeling van onafgehaalde briewe in Onafgehaalde Briewekantoor.

25. Enige oorspronklik in die Gebied geposte posartikel, wat kragtens die bepaling van artikel *twee-en-twintig* van hierdie Proklamasie na die Onafgehaalde Briewekantoor gestuur word, of wat nie afgelewer is nie, moet deur 'n beampte, te dien einde deur die Direkteur benoem, oopgemaak word, en elke sodanige artikel (tensy dit enige kosbare of verkoopbare inhoud het of na die oordeel van die Direkteur gepos is in stryd met hierdie Proklamasie of met die oogmerk om die betaling van die daarop verskuldigde porto te ontduik) moet aan die afsender daarvan teruggestuur word, as sy naam en adres bekend is; maar as die afsender weier om die artikel te ontvang, of as sy naam en adres onbekend is, kan dit verkoop of vernietig word.

Onafgehaalde artikels van waarde en artikels, wat in stryd met hierdie Proklamasie gepos is.

26. (1) Elke posartikel, wat kragtens die bepaling van hierdie Proklamasie oopgemaak word, en wat enige kosbare of verkoopbare inhoud het, moet in veilige bewaring gestel word en 'n aantekening daarvan en van sy inhoud moet gemaak en gebêre word. Die Direkteur moet (tensy enige sodanige posartikel of die inhoud daarvan syns insiens gepos is in stryd met hierdie Proklamasie of met die oogmerk om die betaling van die porto, wat daarop behoort betaal te word, te ontduik) kennis laat gee van sy besit van daardie artikel en van die inhoud daarvan aan die persoon, aan wie dit geadresseer is, as hy gevind kan word, of anders aan die afsender daarvan, as hy gevind kan word; en, op aanvraag van die persoon, aan wie sodanige kennis gegee is, moet sodanige posartikel en sy inhoud aan enige sodanige persoon teen betaling van al die daarop verskuldigde koste afgelewer word.

(2) As—

- (a) in enige geval, waar kennis ooreenkomstig die bepaling van onderartikel (1) gegee is, die persoon, aan wie dit gegee is, nie binne drie maande na die gee van die kennis aansoek doen nie, of
- (b) in enige geval, waar ter oorsake van die feit dat nóg die persoon, aan wie die artikel geadresseer is, nóg die afsender daarvan gevind kan word nie, geen sodanige kennis gegee is nie, geen aansoek deur een van hierdie twee persone binne twaalf maande, nadat die artikel oopgemaak is, gedoen is nie; of
- (c) die artikel of die inhoud daarvan na oordeel van die Direkteur gepos is in stryd met hierdie Proklamasie of met die oogmerk om die betaling van enige van die vorderings, wat daarop behoort betaal te word, te ontduik,

moet sodanige artikel en sy inhoud (onverminderd enige blootgesteldheid aan boete of straf, waaraan die afsender onderhewig is) vernietig, verkoop of andersins weggedoen word, soos die Direkteur mag order:

Met die verstande dat geen verkoping van enige artikel mag plaasvind nie, totdat 'n kennisgewing in die *Offisiële Koerant* gepubliseer is, bevattende 'n beskrywing van die artikel met sodanige besonderhede as die afsender daarvan of die persoon, aan wie dit geadresseer is, waarskynlik in staat sal stel om dit te identifiseer.

(3) Die oprings van enige verkoping van enige posartikel of die inhoud daarvan soos voormeld, asook enige inhoud bestaande uit geld of enige aanwysing of sekuriteit vir geld moet in die skatkis gestort word.

(4) Vir die doel om betaling te verkry, word enige sodanige aanwysing of sekuriteit geag die eiendom van die Direkteur te wees.

Afsender van onafgelewerde artikel aanspreeklik vir al die vorderings daarop betaalbaar.

27. Die afsender van enige onafgehaalde posartikel moet, op aanvraag, al die daarop verskuldigde vorderings betaal en, in geval van weiering om dit te doen, is hy skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens twintig sjelings: Met die verstande dat niks in hierdie artikel bevat sodanig uitgelê mag word nie as sou dit die persoon, aan wie enige posartikel oorspronklik geadresseer is, van die verpligting ontslaan om die daarop verskuldigde vorderings te betaal, as sodanige posartikel aan hom afgelewer word.

22. Any postal article—

- (a) which is without address or bears an illegible address or is otherwise undeliverable; or
- (b) which is refused by the person to whom it is addressed; or
- (c) which is posted or is reasonably suspected to be posted in contravention of this Proclamation or of any other law,

shall be sent to the Returned Letter Office and be dealt with as may be prescribed: Provided that any articles described in paragraphs (a) and (b) of this section which bear on the outside the name and address of the sender may be returned to him direct, or delivered to him if applied for: Provided, further, that any articles posted or reasonably suspected to be posted in contravention of the Obscene Publications Suppression Ordinance, 1926 (Ordinance No. 5 of 1926), shall be dealt with as in that Ordinance is prescribed.

23. Any postal article containing, or suspected of containing, an enclosure upon which customs duty is payable shall be dealt with as prescribed; subject to any law relating to customs.

24. Any postal article, other than a letter, may be opened in the post for examination in order to ascertain whether that article is entitled to transmission at the rate of postage prepaid thereon or is posted in contravention of this Proclamation. The decision of the Director whether any postal article is a letter or any other description of postal article within the meaning of this Proclamation shall be final.

25. Any postal article originally posted within the Territory which is sent to the Returned Letter Office under the provisions of section *twenty-two* of this Proclamation or which is undelivered, shall be opened by an officer nominated by the Director for that purpose, and every such article (unless it contains any valuable or saleable enclosure or has, in the opinion of the Director, been posted in contravention of this Proclamation or with intent to evade payment of the postage properly chargeable thereon) shall be returned to the sender thereof if his name and address be known; but if the sender refuse to receive the article or if his name and address be not known, the same may be sold or destroyed.

26. (1) Every postal article opened under the provisions of this Proclamation which contains any valuable or saleable enclosure shall be safely kept and a record thereof and of its contents shall be made and preserved. The Director shall (unless any such postal article or the contents thereof have, in his opinion, been posted in contravention of this Proclamation or with intent to evade payment of the postage properly chargeable thereon) cause notice of his possession of that article and of the contents thereof to be sent to the person to whom the same is addressed if he can be found or, if otherwise, to the sender thereof if he can be found; and, upon application by the person to whom such notice has been sent such postal article and its contents shall be delivered to any such person upon payment of all charges due thereon.

(2) If—

- (a) in any case in which a notice has been sent in accordance with the provisions of sub-section (1), the person to whom it has been sent does not make application within three months after the sending of the notice; or
- (b) in any case in which, owing to the fact that neither the person to whom the article is addressed nor the sender thereof can be found, no such notice has been sent, no application is made by either of these persons within twelve months after the article was opened; or
- (c) the article or the contents thereof have, in the opinion of the Director, been posted in contravention of this Proclamation or with intent to evade payment of any of the charges properly payable thereon,

such article and its contents shall (without affecting any liability to penalty or punishment to which the sender is subject, be destroyed, sold or otherwise disposed of, as the Director may direct:

Provided that no sale shall take place of any article until after a notice has been published in the *Gazette*, containing a description of the article, with such particulars as are likely to enable the sender thereof or the person to whom it is addressed to identify it.

(3) The proceeds of any sale of any postal article or the contents thereof as aforesaid as well as any contents consisting of money or any order or security for money shall be paid into revenue.

(4) For the purpose of procuring payment, any such order or security for money shall be deemed to be the property of the Director.

27. The sender of any undelivered postal article shall, on demand, pay all charges due thereon and, in case of refusal so to do, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty shillings: Provided that nothing in this section contained shall be construed as releasing the person to whom any postal article is originally addressed from liability to pay the charges due thereon if such a postal article is delivered to him.

Articles which are to be sent by postmasters to Returned Letter Office for disposal.

Articles subject to customs duty.

Articles other than letters may be opened for examination.

Treatment of unclaimed letters in Returned Letter Office.

Unclaimed articles of value, and articles posted in contravention of this Proclamation.

Sender of undelivered article liable for all charges due thereon.

Verfraging van versending, terug-sending aan af-sender of afgifte aan 'n ander as geadresseerde nie geoorloof nie.

28. Behalwe in die gevalle bepaaldelik in hierdie Proklamasie vermeld, mag sonder skriftelike toestemming van die geadresseerde of die uitdruklike verlot van die Direkteur die versending van 'n posartikkel nie verlaag word nie, nog mag dit aan die af-sender teruggestuur word of aan 'n persoon afgelewer word nie, wat nie in die adres daarvan genoem is nie.

Onafgelewerde artikels van geringe waarde en nuusblaai kan vernietig word.

29. Nieteenstaande enige teenstrydige bepaling in artikels vyf-en-twintig en agt-en-twintig bevat, kan enige onafgelewerde posartikkel (met uitsondering van briewe en pakette), wat van geringe waarde of weinig belang blyk te wees en enige onafgelewerde nuusblad, na gedurende die voorgeskrywe tydperk bewaar te wees, dadelik verkoop, vernietig of op ander wyse weggedoen word, soos die Direkteur mag gelas.

Artikels geadresseer aan oorlede persone.

30. Posartikels, wat aan oorlede persone geadresseer is, kan aan die eksekuteurs of administrateurs van daardie oorlede persone op vertoon van briewe van administrasie afgelewer word, maar hangende die vertoning van briewe van administrasie, kan daardie posartikels afgelewer word aan die adres, wat daarop aangegee is.

Artikels geadresseer aan persone, wat lotery drywe.

31. As die Direkteur op grond van 'n advertensie, brief, sirkulêre of ander dokumentêre bewysstukke oortuig is dat enige persoon 'n lotery drywe of as agent of andersins 'n lotery help drywe, en te dien einde gebruik maak van die dienste van die departement, kan die Direkteur al die posartikels, wat aan enige sodanige persoon (hetsy onder sy eie of 'n verdigte of aangenome naam) of aan enige agent of verteenwoordiger van hom, of aan enige adres van enige sodanige persoon, agent of verteenwoordiger, sonder dat die naam van enige persoon daarop verskyn, geadresseer is, aanhou of die versending daarvan verlaag, en al sodanige posartikels kan oopgemaak en aan die af-senders daarvan teruggestuur word of op ander wyse behandel word, soos die Direkteur mag goedvind.

Kennisgewing van vertrek van skepe.

32. (1) Die skipper of agent van enige vaartuig, wat op die punt staan om 'n hawe binne die Gebied te verlaat, moet aan die posmeester van die hawe, waaruit die vaartuig gaan vertrek, kennis in geskrif gee aangaande die voorgenoemde tyd van vertrek en die aanleghawens en die hawe van bestemming van daardie skip. Daardie kennisgewing mag, ingeval die bestemming van die skip enige hawe is, wat buite die Gebied lê, nie minder as vier-en-twintig ure, en, ingeval die bestemming enige hawe binne die Gebied is, nie minder as drie ure voor die voorgenoemde tyd van vertrek gegee word nie. Elke sodanige kennisgewing loop af tussen agt uur in die voormiddag en ses uur in die agtermiddag: Met die verstande dat in enige geval of bepaalde klas van gevalle 'n korter kennisgewing deur die Direkteur of die posmeester in die hawe van vertrek toegestaan mag word.

(2) Elke posmeester, wat enige sodanige kennisgewing ontvang, moet daarop aan die skipper van die vaartuig 'n sertifikaat gee meldende die dag en uur, waarop die kennis gegee is, en dat die bepalings van hierdie Proklamasie nagekom is, en geen klaringsbriewe mag ten opsigte van die vaartuig gegee word nie, totdat sodanige sertifikaat uitgereik is.

(3) Enige sodanige skipper of agent moet, as die vertrek van die vaartuig langer as een uur uitgestel word, aan die voormelde posmeester, onmiddellik nadat tot sodanige uitsel besluit is, kennis daarvan aan die voormelde posmeester gee.

(4) Enige sodanige skipper of agent, wat versuim om een van sodanige twee kennisgewings te gee, of wat uit die hawe vertrek voor die tyd in die voormelde kennisgewing vermeld, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond.

Skippers moet die pos aan hulle oorhandig vervoer.

33. Die skipper van enige vaartuig moet enige pos daarop in ontvangs neem, wat hom deur 'n beampte vir vervoer aangebied word, en moet 'n ontvangsbewys daarvoor gee in sodanige vorm as deur die Direkteur vereis mag word, en moet sodanige pos sonder verwyf in die hawe, waar die skip aandoen, of in die bestemmingshawe aflewer ooreenkomstig sy instruksie; en by gebreke om aan enige bepaling van hierdie artikel te voldoen, word hy of die agent gestraf met 'n boete van hoogstens vyfhonderd pond, wat deur 'n aksie in enige bevoegde hof verhaal kan word.

Skippers moet fasiliteite verskaf om artikels, wat aan boord gepos is, vir versending klaar te maak.

34. Die skipper moet al die redelike fasiliteite aan boord van die skip aan enige behoorlik deur die Direkteur gemaagtigde beampte verskaf, om daardie beampte in staat te stel om enige posartikels, wat tot op die tydstop van die vertrek van die vaartuig ter versending aan boord gebring mag word, te ontvang en vir versending klaar te maak.

Betaling vir vervoer van pos deur ander as kontrak-skepe.

35. (1) Die skipper van enige vaartuig (met uitsondering van 'n vaartuig, wat sodanige pos onder kontrak vervoer), wat op die punt staan om uit enige hawe binne die Gebied te vertrek en enige pos aan boord ontvang vir die doel om dit na die plek van sy bestemming te vervoer, is geragtig om vir die vervoer daarvan betaling teen sodanige tariewe as voorgeskrywe mag word te verlang en te ontvang, en moet 'n kwitansie gee vir die bedrag aldus deur hom ontvang: Met die verstande dat geen skipper van 'n vaartuig geregtig sal wees nie om betaling te vra ten opsigte van die tweede vervoer van enige pos, wat van een hawe na 'n ander vervoer word en oorgeskep word op of versend word met 'n ander vaartuig, wat aan dieselfde eienaar behoort.

(2) Betaling vir die vervoer van pos onder hierdie artikel mag alleen geskied ten opsigte van pos, wat uit enige hawe binne die Gebied versend word.

Bewaring van pos aan boord.

36. Al die pos, wat deur enige vaartuig wat uit enige hawe binne die Gebied vertrek, vervoer word, moet aan boord daarvan afsonderlik en afgeskei van al die ander artikels en dinge opgesluit word in 'n plek, wat verlig, droog en bestand teen ongedierte is; en as enige sodanige pos gedurende die hele of 'n deel van die reis anders as aldus opgesluit vervoer word, is die skipper van daardie vaartuig skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond.

28. Except in the cases in this Proclamation expressly mentioned, no postal article shall be delayed in transmission or returned to the sender nor be delivered to any person not named in the address thereof without the consent in writing of the addressee or the special authority of the Director.

Delay in transmission, return to sender or delivery to other than addressee of article prohibited.

29. Notwithstanding anything to the contrary in sections twenty-five and twenty-eight contained, any undelivered postal articles (other than letters and parcels) which appear to be of no appreciable value or importance and any undelivered newspaper may, after retention for the period prescribed, be forthwith sold, destroyed or otherwise disposed of, as the Director may direct.

Undelivered articles of no value and newspapers may be destroyed.

30. Postal articles addressed to deceased persons may be delivered to the executors or administrators of those deceased persons on the production of letters of administration, but pending production of letters of administration, those postal articles may be delivered at the addresses indicated thereon.

Articles addressed to deceased persons.

31. When the Director, by any advertisement, letter, circular, or other documentary evidence is satisfied that any person is conducting, or is assisting as agent or otherwise in conducting, a lottery, and is using the services of the department for the purpose, the Director may detain or delay all postal articles addressed to any such person (either under his own or any fictitious or assumed name) or to any agent or representative of his, or to any address of any such person, agent, or representative, without the name of any person appearing thereon, and all such postal articles may be opened and returned to the senders thereof, or otherwise disposed of as the Director may deem fit.

Articles addressed to persons conducting lottery.

32. (1) The master or agent of any vessel which is about to depart from any port within the Territory shall give to the postmaster at the port from which that vessel is about to depart notice in writing of the intended time of departure and the ports of call and destination of that vessel. That notice, in case the destination of the vessel be any port outside the Territory, shall be given not less than twenty-four hours, and, in case the destination be any port within the Territory, not less than three hours, before the intended time of departure. Every such notice shall expire between the hours of eight o'clock in the forenoon and six o'clock in the afternoon: Provided that a shorter notice may be allowed by the Director or the postmaster at the port of departure in any case or special class of cases.

Notice of departure of vessels.

(2) Every postmaster who receives any such notice shall thereupon grant to the master of the vessel a certificate stating the day and hour when notice was given, and that the provisions of this Proclamation have been complied with, and until such a certificate has been given, clearance papers shall not be given in respect of the vessel.

(3) Any such master or agent shall give notice to the said postmaster of any postponement of departure exceeding one hour, immediately after the postponement is decided upon.

(4) Any such master or agent who omits to give either of such notices or who departs from the port before the time mentioned in the notice aforesaid shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

33. The master of any vessel shall receive thereon any mail tendered by an officer to him for conveyance and shall give a receipt therefor in such form as may be required by the Director, and shall, without delay, deliver such mail according to the direction thereof at the port of call or destination; and in default of compliance with any provision of this section he or the agent shall incur a penalty not exceeding five hundred pounds, which shall be recoverable by action in any competent court.

Masters of vessels to convey mails tendered to them.

34. The master of any vessel shall afford all reasonable facilities on board the vessel to any officer duly authorized by the Director to enable that officer to receive and prepare for dispatch any postal articles which may be brought on board for transmission up to the time of the vessel's departure.

Masters of vessels to afford facilities for dealing with articles posted on board.

35. (1) The master of any vessel (other than a vessel under contract for the conveyance of such mail) about to depart from any port within the Territory who receives on board any mail for the purpose of conveying the same according to the direction thereof shall be entitled to demand and receive for the conveyance thereof payment at such rates as may be prescribed and shall give a receipt for the amount so received by him: Provided that no master of a vessel shall be entitled to demand payment in respect of the second conveyance of any mail brought from one port to another and transhipped to or forwarded by a second vessel belonging to the same owner.

Payment for conveyance of mails by non-contract vessels.

(2) Payment for the conveyance of mails under this section shall only be made in respect of mails dispatched from any port within the Territory.

36. Every mail conveyed by any vessel departing from any port within the Territory shall be locked up on board the vessel, apart and separate from all other articles and things in a place which is secure, dry and vermin proof; and if any such mail be conveyed in a vessel during the whole or any part of the voyage otherwise than so locked up, the master of that vessel shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Custody of mails on board vessels.

Pos en vervoer-  
loon moet terug-  
gegee word, wan-  
neer vaartuie nie  
ooreenkomstig die  
kennisgewing ge-  
gee vertrek nie.

37. Wanneer die skipper van 'n vaartuig enige pos vir vervoer aan boord ontvang het en die skip nie op die vir die vertrek daarvan aangekondigde tyd, soos in artikel *twee-en-dertig* bepaal, vertrek nie moet daardie skipper die oorsaak en vermoedlike duur van die oponthoud skriftelik aan die posmeester, hawemeester of doeanebeampte, of aan enige ander persoon, wat behoorlik in geskrif onder die handtekening van die posmeester daartoe gemagtig is, daardie pos en ook enige geld, wat vir die vervoer van daardie pos betaal mag wees, teruggee; by nie-voldoening aan hierdie verpligting is hy skuldig aan 'n oortreding en by skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond.

Briewe, wat per  
skip aankom,  
moet deur skipper  
aan poskantoor  
afgelewer word.

38. Enige pos of brief (vallende binne die uitsluitlike voorreg van die Direkteur en nie onder die uitsonderings vermeld in artikel *sewe* ingesluit nie), wat tydens die aankoms van enige vaartuig in enige hawe binne die Gebied aan boord geadresseer is aan persone in die Gebied, moet op aanvraag deur die skipper afgelewer word aan die posmeester, hawemeester of doeanebeampte van daardie hawe of aan enige persoon, behoorlik in geskrif onder die handtekening van die posmeester te dien behoeve gemagtig, of, as daar geen aanvraag gedoen word nie, aan die poskantoor, waarmee die skipper hom eerste in verbinding kan stel.

Verklaring moet  
deur skippers by  
aankoms van pos  
afgelê word.

39. (1) Die skipper van enige vaartuig, wat in 'n hawe binne die Gebied aankom, moet so spoedig doenlik na aankoms ten oorstaan van die posmeester, hawemeester, doeanebeampte of enige ander persoon, deur die posmeester aangesel om dit te ontvang, 'n verklaring van voldoening aan hierdie Proklamasie in die voorgeskrywe vorm teken, en mag geen gedeelte van sy lading in enige hawe aangee, opbreek of deklareer nie, alvorens hy die bepalings van hierdie artikel nagekom het.

(2) Enige sodanige skipper, wat in gebreke bly om sodanige verklaring af te lê, of wat 'n valse verklaring aflê, of wat opsetlik of deur agtelosigheid enige sodanige pos of brief, nadat sodanige aanvraag gedoen is, in sy besit hou of nie afgee nie, of wat enige sodanige pos of brief nie behoorlik by die poskantoor soos voormeld aflewer nie, of wat by die aflewering daarvan nie met behoorlike sorg te werk gaan nie, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond.

(3) Enige sodanige skipper, wat sy lading aangee, of sonder uitdruklike vergunning van 'n doeanebeampte opbreek of deklareer, alvorens al die pos of briewe aan boord ooreenkomstig artikel *agt-en-dertig* afgelewer is, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens twintig pond.

Straf vir nie-af-  
gifte deur enige  
persoon aan boord  
van 'n vaartuig  
van brief, wat  
aan die poskan-  
toor behoort af-  
gelewer te word.

40. Enige persoon, hetsy die skipper of een van die officiers of manskappe van 'n inkomende vaartuig of 'n passasier daarvan, wat desbewus 'n brief (uitgesonderd 'n brief, wat nie binne die uitsluitlike voorreg van die Direkteur val nie) onder sy reisgoed of in sy besit of bewaring het, nadat die skipper van die vaartuig enige gedeelte van die pos of briewe aan boord van sy vaartuig aan die poskantoor afgelewer het, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyf pond vir elke sodanige brief, of as hy enige sodanige brief agterhou nadat deur 'n posmeester, hawemeester, doeanebeampte of enige persoon, behoorlik gemagtig om die pos aan boord te verlang, afgifte van die pos aan boord gevra is, is hy skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens tien pond vir elke sodanige artikel aldus besit of agtergehou.

Vaartuie mag  
lading nie aangee  
nie ens., al-  
vorens verklaring  
deur skipper ge-  
teken is.

41. 'n Doeanebeampte mag die skipper van 'n inkomende skip nie toelaat om lading aan te gee nie, alvorens die verklaring by artikel *nege-en-dertig* van hierdie Proklamasie gevorder afgelê en aan hom vertoon is, en hy kan weier om toe te laat dat die lading aan boord van enige sodanige vaartuig opgebreek word of dat enige gedeelte van sy lading gedeklaareer word alvorens elke pos en brief aan boord, soos by hierdie Proklamasie vereis, afgelewer is, en hy kan elke sodanige vaartuig deursoek na pos en briewe, wat in stryd met hierdie Proklamasie aan boord mag wees, en kan dit in beslag neem en na die dige naby geleë poskantoor stuur.

Versending van  
geld deur de-  
partement.

HOOFSTUK III.  
VERSENDING EN INKASSERING VAN GELD DEUR POSKANTOOR.

42. Geld kan deur die departement versend word binne die Gebied of na die buiteland teen kommissietariewe, wat voorgeskrywe moet word; en die Direkteur kan sy amptenare magtig om poswissels, posorders en enige ander papiere, wat vir die doel om geld aldus te versend bestem is, uit te gee en te betaal.

Direkteur kan  
weier om pos-  
wissels, posorders  
ens. ten gunste  
van sekere per-  
sone uit te gee  
of te betaal.

43. Die Direkteur kan weier om enige poswissel, posorder of ander dokument bestem om vir geldversending deur die departement gebruik te word ten gunste van enige persoon op wie die bepalings van artikel *een-en-dertig* van hierdie Proklamasie van toepassing is, uit te gee of te betaal en enige sodanige order of ander dokument binne die Gebied uitgereik, waarvan die betaling geweier is, kan aan die persoon aan wie die wissel of order oorspronklik uitgegee is teruggestuur word of kan op ander wyse behandel word, soos die Direkteur doelmatig mag ag, en die bedrag van enige soortgelyke order of ander dokument buite die Gebied uitgegee moet teruggestuur word aan die posbestuur van die land, waar die wissel of order of die dokument uitgegee is.

37. Whenever the master of a vessel has received any mail for conveyance on board and the vessel does not depart on her voyage according to the time notified for the departure thereof as provided in section *thirty-two*, that master shall notify to the postmaster in writing the cause and the probable duration of the delay and shall, on demand, return to the postmaster, port officer, or customs officer, or any other person duly authorized in that behalf in writing under the hand of the postmaster that mail and also any money which may have been paid for the conveyance of that mail; and in default of so doing shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Mails and gra-  
tuitly to be re-  
turned if vessels  
shall not depart  
according to  
notice given.

38. Any mail or letter (being within the exclusive privilege of the Director and not included among the exceptions enumerated in section *seven*) which, at the time of the arrival of any vessel in any port within the Territory, is on board directed to any person within the Territory shall, on demand, be delivered by the master of the vessel to the postmaster, port officer, or customs officer, of that port, or to any person authorized in that behalf by writing under the hand of the postmaster or, if no demand be made, then at the post office with which the master of the vessel can first communicate.

Letters arriving  
by vessel to be  
delivered to post  
office by master.

39. (1) The master of any vessel arriving at a port within the Territory, shall, as soon as practicable after arrival sign, in the presence of the postmaster, port officer, customs officer, or any other person appointed by the postmaster to receive the same, a declaration, in the form prescribed, of compliance with this Proclamation and shall not report, break bulk, or make entry of any part of her cargo in any port, until he has complied with this section.

Declaration to be  
made by masters  
on arrival of  
mails.

(2) Any such master who fails to make such a declaration or who makes a false declaration or who knowingly or negligently detains or keeps in his possession or fails to deliver any such mail or letter after such a demand made or who does not duly deliver any such mail or letter at the post office as aforesaid or who does not use due diligence in the delivery of the same, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) Any such master who reports, or except with the express permission of a customs officer, breaks bulk, or makes entry before all mails or letters on board have been delivered in accordance with section *thirty-eight* shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds.

40. Any person, being either the master or one of the officers or crew of a vessel inward bound or a passenger thereof, who knowingly has in his baggage or in his possession or custody any letter (except a letter not within the exclusive privilege of the Director) after the master of the vessel has delivered any part of the mail or letters on board his vessel to the post office shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds for each such letter or if he detain any such letter after demand made by a postmaster, port officer, customs officer, or any person duly authorized to demand the mails on board, he shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds for each such article so possessed or detained.

Penalty for re-  
tention by any  
person on board  
a vessel of letter  
which should have  
been delivered to  
post office.

41. A customs officer shall not allow the master of an inward bound vessel to report until the declaration required by section *thirty-nine* of this Proclamation has been made and produced to him and may refuse to permit bulk to be broken on board any such vessel or entry to be made of any part of her cargo until every mail and letter on board has been delivered as required by this Proclamation, and may search every such vessel for mails and letters which may be on board contrary to this Proclamation, and may seize the same and forward them to the nearest post office.

Vessels not to  
report etc. until  
declaration signed  
by master.

CHAPTER III.

REMITTANCE AND COLLECTION OF MONEY THROUGH POST OFFICE.

42. Money may be remitted through the department, either within or outside the Territory, at rates of commission to be prescribed; and the Director may authorize his officers to issue and pay money orders, postal orders, and any other documents authorized to be used for the purpose of so remitting money.

Remittance of  
money through  
department.

43. The Director may refuse to issue or pay any money order, postal order, or other document authorized to be used for the purpose of remitting money through the Department in favour of any person to whom the provisions of section *thirty-one* of this Proclamation applies, and any such order or other document issued within the Territory, the payment of which is refused, may be returned to the person to whom it was originally issued or be otherwise disposed of as the Director may deem fit, and the amount of any similar order or other document issued outside the Territory shall be returned to the postal authority of the country in which that order was issued.

Director may re-  
fuse to issue to  
pay money orders,  
postal orders, etc.  
to certain  
persons.

Inkassering van geld deur die departement.

44. Geld kan deur die departement ingevorder word deur middel van posaanskrywings of op ander wyse teen sodanige tariewe as voorgeskrywe mag word, en die Direkteur kan sy amptenare magtig om sodanige posaanskrywings of sodanige ander voorgeskrywe papiere uit te gee en die bedrae ten opsigte waarvan sodanige posaanskrywings of ander papiere uitgegee is, in te vorder.

Wyse van invordering van posaanskrywings deur die departement.

45. Enige invordering, wat kragtens die bepaling van hierdie Proklamasie deur die tekenaar van enige sodanige posaanskrywing of ander voorgeskrywe papier betaalbaar gestel mag word, moet geskied deur 'n posmeester persoonlik of deur enige ander behoorlik deur hom daartoe gemagtigde amptenaar, wanneer die akseptant woon in die onmiddellike nabyheid van die poskantoor, waar daar die aanskrywing of ander papier betaalbaar is; maar as die akseptant op 'n afstand daarvan woon of wanneer die invordering nie persoonlik kan geskied nie, moet 'n aanmaningsbrief in die voorgeskrywe vorm aan hom gerig aan die adres deur die skuldeiser aangegee en per geregistreerde pos na die poskantoor, wat dits naby daardie adres geleë is, gestuur word; en as geen antwoord op die aanmaning voor afloop van die geldigheid van die posaanskrywing of die ander papier ontvang is nie, moet dit aan die skuldeiser teruggestuur word vergesel van 'n relaas in die voorgeskrywe vorm tot staving van die nie-betaling van die bedrag.

Presentasie van voorgeskrywe dokument vir invordering van geld het die krag van wettelike aanmaning.

46. Die presentasie, ooreenkomstig die bepaling van die laas voorafgaande artikel, van enige sodanige posaanskrywing of enige ander voorgeskrywe papier het dieselfde krag en uitwerking as 'n wettelike aanmaning en die terugsending daarvan na die presentasie weens nie-betaling van die bedrag daarvan deur die akseptant asmede van die desbetreffende relaas van enige posmeester of van enige behoorlik deur hom gemagtigde beampte moet, na die bloot vertoning van die teruggestuurde posaanskrywing of ander papier, in enige regsgeeding gevoer ter sake van die rekening of vordering ten opsigte waarvan die posaanskrywing of ander papier getrek is, as getuienis van die in die relaas vermelde feite aangeneem word, tensy die teenoorgestelde bewys word.

Poswissels ens. word geag banknote te wees in geval van valsheid in geskryf of diefstal en onuitgegewe posorders word geag staatsgeld te wees.

47. (1) Enige poswissel, posorder en ander soortgelyke geldvervangende papier, uitgegee onder die bepaling van artikel twee-en-veertig van hierdie Proklamasie word geag 'n banknoot te wees of 'n order tot betaling van geld en as geldwaardige papier in die sin van enige wet betreffende valsheid in geskryf of diefstal.

(2) Enige onuitgegewe posorders word geag staatsgeld te wees.

#### HOOFSTUK IV.

##### POSSPAARBANK.

Oprigting van Posspaarbank.

48. Die (Pos)spaarbank van die Protektoraat Suidwes-Afrika soos ingestel by Proklamasie van die Administrateur gedagteken die agt-en-twintigste dag van Junie 1916 (Proklamasie No. 8 van 1916), en soos bestaande by die invoering van hierdie Proklamasie word geag kragtens hierdie Proklamasie ingestel te wees as die Posspaarbank van Suidwes-Afrika.

Bepanking van deposito's.

49. (1) Enige geldsom kan deur enige inlêer in enige Spaarbankkantoor gedeponeer word: Met die verstande dat die eerste deposito, wat deur enige inlêer in enige spaarbankrekening gedoen word, nie minder as een sjieling mag wees nie: Met die verstande verder dat die totale bedrag van al die deposito's, wat deur enige enkele inlêer in enige enkele spaarbankjaar gedeponeer mag word, eenduisend pond nie tebo mag gaan nie.

(2) By die berekening van die maksimum-bedrag, wat deur 'n inlêer in enige enkele spaarbankjaar gedeponeer mag word, mag nóg die deposito, wat in spaarbanksertifikate belê is of belê word, nóg die bedrag van enige sodanige sertifikate, wat weer op die gewone rekening van 'n inlêer oorgeskrywe is, in aanmerking kom nie.

(3) Bedrae van gewone rente of rente ten opsigte van spaarbanksertifikate mag nie in aanmerking kom nie by die berekening van die bedrag, wat deur 'n inlêer in enige enkele spaarbankjaar gedeponeer mag word.

Deposito op rekening van minderjariges.

50. Deposito's gemaak deur of vir rekening van enige persoon benede die ouderdom van een-en-twintig jare kan, niesteenstaande enige teenstrydige bepaling in enige ander wet, aan daardie persoon in elke opsigte terugbetaal word, nadat hy die ouderdom van sewe jare bereik het, asof hy meerderjarig was.

Gehude vroue.

51. Deposito's staande op naam van 'n gehude vrou moet, niesteenstaande enige teenstrydige bepaling in enige ander wet aan haar terugbetaal word, asof sy ongehuud was.

Onderlinge hulpgenootskappe.

52. Deposito's kan deur enige onderlinge hulpgenootskap of enige ander deur die Direkteur goedgekeurde vereniging, klub of fonds gemaak word sonder gebind te wees aan die maksimumbedrag, wat in enige enkele spaarbankjaar gedeponeer mag word.

Rente op Spaarbankdeposito's.

53. (1) Die rente, wat aan inlêers betaalbaar is, moet teen sodanige rentekoers wees as van tyd tot tyd deur die Administrateur vasgestel mag word en mag vyf pond persent per jaar nie tebo gaan nie, maar geen rente mag op enige bedrag van minder as een pond of minder as 'n veelvoud van een pond betaal word nie en mag nie voor die eerste dag van die maand, wat op die dag volg waarop die deposito gemaak is, begin nie en moet ophou op die laaste dag van die maand, wat die dag waarop die volmag, wat vir die terugbetaling van die deposito nodig is, uitgereik word: Met die verstande dat, niesteenstaande enige teenstrydige bepaling hierin vervat, rente betaalbaar sal wees vanaf die eerste dag van die maand ten opsigte van deposito's, wat op daardie dag of die daarop volgende dag van die maand gemaak word.

44. Money may be collected through the department by means of postal drafts or otherwise at such rates as may be prescribed, and the Director may authorize his officers to issue such postal drafts or other prescribed instruments and to collect the amounts in respect of which such drafts or other instruments are issued.

Collection of money through department.

45. Any demand which, under the provisions of this Proclamation, may be authorized by the drawer of any such postal draft or other prescribed instrument shall be made by a postmaster in person or by some other officer duly authorized in that behalf if the drawee reside in the immediate neighbourhood of the post office at which that draft or other instrument is payable; but if the drawee reside at a distance therefrom or cannot be communicated with personally, a letter of demand on the prescribed form shall be addressed to him at the address given by the drawer and be transmitted by registered post to the post office nearest to that address; and if no reply to the demand has been received up to the time of the termination of the currency of that postal draft or other instrument, the same shall be returned to the drawer, accompanied by a report on the proper form certifying to the non-payment of the amount.

Manner of making demand for money to be collected through department.

46. The presentation, in accordance with the provisions of the last preceding section, of any such postal draft or other prescribed instrument shall be of the same force and effect as a legal demand and the return of the same after the presentation by reason of the non-payment of the amount thereof by the drawee and the report thereon by any postmaster or other duly authorized officer shall, in any legal proceedings on the account or claim in respect of which that draft or other instrument was drawn, be taken on the mere production of the returned draft or other instrument and that report, as evidence of the facts stated in that report, unless the contrary be proved.

Presentation of prescribed document for collection of money to be of same force as legal demand.

47. (1) Any money order, postal order, and other similar instrument representing money issued under the provisions of section forty-two of this Proclamation, shall be deemed to be a bank note or an order for the payment of money and a valuable security within the meaning of any law relating to forgery or theft.

Money orders, etc. to be deemed bank notes etc. in case of forgery or theft and unissued postal orders deemed public money.

(2) Any unissued postal order shall be deemed public money.

#### CHAPTER IV.

##### POST OFFICE SAVINGS BANK.

48. The (Post Office) Savings Bank of the Protectorate of South West Africa as constituted by Proclamation of the Administrator dated the twenty-eighth day of June, 1916 (Proclamation No. 8 of 1916), and as subsisting at the commencement of this Proclamation shall be deemed to be constituted under this Proclamation as the Post Office Savings Bank of South West Africa.

Constitution of Savings Bank.

49. (1) Any sum of money may be deposited by any depositor at any Savings Bank Office: Provided that the first deposit made by any depositor on any Savings Bank account shall not be less than one shilling; Provided further that the aggregate of all deposits made by any one depositor in any one Savings Bank year shall not exceed one thousand pounds.

Limits of deposits.

(2) In computing the maximum amount allowed to be deposited by a depositor in any one Savings Bank year, no deposit invested or to be invested in Savings Bank certificates nor the amount of any such certificates retransferred to the ordinary account of a depositor shall be reckoned.

(3) Amounts of ordinary interest or interest in respect of Savings Bank certificates shall not be reckoned in calculating the amount allowed to be deposited by a depositor in any one Savings Bank year.

50. Deposits made by or for the benefit of any person under twenty-one years of age may, notwithstanding anything to the contrary in any other law, be repaid to that person after he has attained the age of seven years in every respect as if he were of full age.

Deposits for minors.

51. Deposits standing in the name of a married woman shall, notwithstanding anything to the contrary in any other law, be repayable to her as if she were unmarried.

Married women.

52. Deposits may be made by any friendly society or any other society, club, or fund approved by the Director without restriction as to the maximum amount allowed to be deposited in any one Savings Bank year.

Friendly societies.

53. (1) The interest payable to depositors shall be at such rate as may from time to time be fixed by the Administrator, not exceeding the rate of five pounds per cent. per annum, but interest shall not be calculated on any amount less than one pound or a multiple of one pound and shall not commence until the first day of the month next following the day of deposit and shall cease on the last day of the month preceding the day on which the warrant necessary for the repayment of the deposit is issued: Provided that anything to the contrary notwithstanding contained herein, interest shall be payable from the first day of the month in respect of deposits made on that day or the succeeding day of the month.

Interest on Savings Bank deposits.

(2) Rente vir enige maand mag nie ten opsigte van 'n deposito verbeur word nie ter oorsake van die uitreiking van die magtiging vir die terugtrekking van die deposito op een van die laaste twee dae van die maand, mits die deposito in enige voorafgaande maand gemaak is.

(3) Rente op bedrae, wat op naam van 'n inlêer op sy gewone rekening geboek staan, word bereken tot die einde van iedere spaarbankjaar en moet dan by die hoofsom gevoeg word en deel daarvan word, tensy die rekening van die inlêer te enige tyd voor daardie datum afgesluit word, in watter geval rente bereken sal word tot die eerste dag van die maand, waarin die rekening gesluit word.

Hoe uitbetalings verkry kan word.

54. Op aanvraag van 'n inlêer of van 'n persoon wettig gemagtig om ten behoeve van 'n inlêer te vorder, gedoen in sodanige vorm as te dien behoeve voorgeskrywe mag word, vir uitbetaling van enige deposito of enige gedeelte daarvan, moet die magtiging van die Direkteur tot sodanige uitbetaling onverwyld aan die inlêer gestuur word, en, behoudens die bepalinge van artikel eenhonderd en vyftien, is die inlêer geregtig om sy betaling van die verskuldigde deposito te ontvang binne dertig dae nadat die aanvraag by enige spaarbankkantoor ingedien is.

Bewinddeposito's.

55. Bewindrekenings kan geopen en deposito's kan deur een persoon as bewindvoerder namens 'n ander gemaak word en geen sodanige deposito's mag terugbetaal word nie sonder die kwitansie van albei sodanige persone.

Terugbetalings in geval inlêer of bewindvoerder kranksinnig word.

56. (1) Ingeval 'n inlêer, wat met enige geldsom eenhonderd pond nie tebogaande nie gekrediteer is, kranksinnig word, kan die Direkteur, as aansoek by hom gedoen word vir terugbetaling, en na bewyslewing van die feit na sy genoëe en onder sodanige voorwaardes, as hy doelmatig mag ag, sodanige geld of gedeelte daarvan aan sodanige persoon of persone, wat syns insiens geskik is om dit te ontvang, uitbetaal; en die kwitansie van daardie persoon of daardie persone sal hom vir die aldus betaalde som tot bevryding strek. As die som, wat in die krediet van sodanige inlêer staan, eenhonderd pond tebogaan, mag uitbetaling alleen geskied teen die handtekening van 'n volgens wet aangestelde kurator.

(2) In die geval van 'n bewindrekening kan die Direkteur, wanneer die persoon op wie se naam die geld gedeponeer is kranksinnig word, en wanneer aansoek by hom gedoen word vir terugbetaling van enige verskuldigde som, as die som eenhonderd pond nie tebogaan nie en nadat voldoende bewys van die kranksinnigheid gelewer is, die som of enige deel daarvan onder sodanige voorwaardes as hy nodig mag ag aan sodanige persone of persoon as syns insiens geskik is om dit te ontvang uitbetaal; en die kwitansie van daardie persoon of daardie persone tesame met die kwitansie van die bewindvoerder, sal hom vir die aldus betaalde som tot bevryding strek.

(3) Wanneer, in die geval vermeld in onderartikel (2), die som wat in die krediet van die inlêer staan eenhonderd pond tebogaan, mag terugbetaling alleen geskied teen die handtekening van die kurator volgens wet aangestel en teen die handtekening van die bewindvoerder. Ingeval die bewindvoerder kranksinnig word, kan die verskuldigde som uitbetaal word teen die handtekening van sodanige persoon as die Direkteur mag aanstel om in daardie hoedanigheid te ageer en tensens teen die handtekening van die persoon, te wie se behoeve die som gedeponeer is.

Terugbetaling by oorlyde van bewindvoerder of persoon te wie se behoeve die bedrag gedeponeer is.

57. In die geval van die dood van die persoon, te wie se behoeve die bewindvoerder die geld gedeponeer het, mag geen terugbetaling van die geld of enige gedeelte daarvan geskied nie sonder die kwitansies van die bewindvoerder en van die eksekuteurs of administrateurs van die oorlede persoon en hulle kwitansies sal tot wettige bevryding strek. As die bewindvoerder sterwe en briewe van administrasie nie vertoon word nie of kennis in geskrif van die voorneme om briewe van administrasie uit te neem nie aan die Direkteur gegee word nie, sal dit wettig wees om die bedrag, wat in die krediet van die persoon, te wie se behoeve die bedrag gedeponeer is, terug te betaal teen die handtekening van daardie persoon en van sodanige ander persoon as die Direkteur in die plek van die bewindvoerder mag aanstel.

Hoe die deposito's van persone, wat sonder testament sterwe, en van ander persone behandel moet word.

58. (1) Wanneer 'n spaarbankinlêer kom te sterwe en 'n som in die voormelde bank nalaat, wat tesame met die rente daarop verskuldig die som van eenhonderd pond nie tebogaan nie en briewe van administrasie nie vertoon word nie, of as kennis in geskrif van die bestaan van 'n testament en van die voorneme om briewe van administrasie uit te neem nie binne die tydperk van twee maande na die dood van die inlêer aan die Direkteur gegee word nie, of as sodanige kennis gegee word, maar briewe van administrasie nie uitgeneem en vertoon word nie binne die tydperk van drie maande na die dood van die inlêer, kan die Direkteur na verloop van twee of drie maande respektieflik (soos die geval mag wees) met die toestemming van die Meester die geld betaal aan en verdeel onder sodanige persone as mag blyk daarop geregtig te wees.

(2) Enige betaling uit hoofde van hierdie artikel gedoen is 'n geldige en doeltreffende bevryding teenoor enige vordering of aanspraak, deur enige ander persoon as wettige verteenwoordiger van die inlêer op die spaarbankfondse gemaak, en enige sodanige persoon, wat aldus soos voormeld aanspraak maak, het sy verhaal op die persoon of persone wat betaling gekry het en nie anderste nie.

(3) Wanneer enige vordering aldus ten opsigte van enige sodanige geld gemaak nie deur die Direkteur erken word nie of nie by beslissing en uitspraak van die Regter van die Hooggeregshof in Kamers toegewys word nie, moet die geld asdan en in iedere sodanige geval, behoudens enige deur daardie Regter gemaakte order, deur die Direkteur in die Voogdyfonds gestort word om deur die Meester behandel te word, asof die geld deur 'n eksekuteur of voog inbetaal was.

(2) Interest for any month shall not be forfeited in respect of a deposit by reason of the issue on either of the last two days of the month of authority for the withdrawal of the deposit, provided the deposit has been made in any previous month.

(3) Interest on amounts standing to the credit of a depositor in his ordinary account shall be calculated to the end of every Savings Bank year and shall then be added to and become part of the principal, unless the depositor's account be closed at any time previous to that date, in which case interest shall be reckoned up to the first day of the month in which the account is closed.

How repayment may be obtained.

54. On demand of a depositor, or of a person legally authorised to claim on account of a depositor made in such form as may be prescribed in that behalf for repayment of any deposit or any part thereof, the authority of the Director for such repayment shall be transmitted to the depositor forthwith, and, subject to the provisions of section one hundred and fifteen, the depositor shall within thirty days after his demand has been made at any Savings Bank office be entitled to the repayment of any sum that may be due to him.

55. Trust deposit accounts may be opened and deposits made by one person as trustee on behalf of another person and no such deposits shall be repaid without the receipt of both such persons.

Trust Deposits.

56. (1) If any depositor, having any sum of money not exceeding one hundred pounds standing to his credit, become insane, the Director may, on application being made to him for repayment and on proof of the fact to his satisfaction and upon such conditions as he may deem necessary, pay such money or part thereof to such person or persons as may appear to him proper to receive the same and the receipt of that person or those persons shall be a good discharge for the sum so paid. If the sum standing to the credit of such a depositor exceed one hundred pounds, payment shall only be made upon the signature of a curator appointed according to law.

Repayments in event of depositor or trustee becoming insane.

(2) In the case of a trust account, where the person on whose behalf the money was deposited becomes insane and application is made to the Director for the repayment of any sum due, the Director may, if the sum do not exceed one hundred pounds, and on satisfactory proof of insanity being furnished, repay the sum or any part thereof upon such conditions as he may deem necessary to such persons or person as appear to him proper to receive the same, and the receipt of that person, or those persons, together with the receipt of the trustee, shall be a good discharge for the sum so paid.

(3) If, in the case described in sub-section (2) the sum standing to the depositor's credit exceed one hundred pounds, repayment shall only be made upon the signature of the curator appointed according to law, and of the signature of the trustee. If the trustee become insane, the sum due may be paid upon the signature of such person as the Director may appoint to act in that capacity, and upon the signature also of the person on whose behalf the amount was deposited.

57. In the event of the death of the person on whose behalf the trustee deposited the amount, repayment of the money or any part thereof shall not be made without the receipts of the trustee and the executors or administrators of the deceased person, and their receipts shall be a valid discharge. If the trustee die and letters of administration be not produced or notice in writing of intention to take out letters of administration be not given to the Director, it shall be lawful to pay the amount standing to the credit of the person on whose behalf the amount was deposited upon the signatures of that person and of such other person as the Director may appoint in place of the trustee.

Repayment in event of death of trustee or person on whose behalf the amount was deposited.

58. (1) If any depositor in the Savings Bank die leaving a sum of money in the said bank which, with the interest due thereon, does not exceed in the whole the sum of one hundred pounds and letters of administration be not produced, or if notice in writing of the existence of a will and intention to take out letters of administration be not given to the Director within the period of two months after the death of the depositor, or if such a notice be given but letters of administration be not taken out and produced within the period of three months after the death of the depositor, the Director may, after the expiration of the two or three months (as the case may be) with the consent of the Master, pay and divide the money to and among such persons as may appear to be entitled thereto.

How the deposits of intestates and others to be dealt with.

(2) Any payment made under the authority of this section shall be a valid and effectual discharge against any demand or claim made upon the funds of the Savings Bank by any other person as being the lawful representative of the depositor and any such person so claiming as aforesaid shall have his remedy by recourse against the person or persons who have received payment and not otherwise.

(3) If any claim so made in respect of any such money be not admitted by the Director or be not awarded on the determination and adjudication of the Judge of the High Court in Chambers, then and in every such case the money shall, subject to any order made by that Judge, be paid by the Director into the Guardian's Fund, to be dealt with by the Master as if the money had been paid in by an executor or tutor.

Verteenwoordigers van inlêers, wat buite eg gebore is.

59. Wanneer enige inlêer van 'n som van hoogstens eenhonderd pond, wat buite eg gebore is, sonder testament sterwe en 'n nabestaande agterlaat, wat, as die inlêer nie buite eg gebore was nie, op die gelde, wat aan die inlêer toekom geregtig sou wees, kan die Direkteur daardie geld met die toestemming van die Meester aan een of meer persone uitbetaal, wat syns insiens volgens die wet van opvolging *ab intestato* daarop geregtig sou gewees het, as die inlêer uit 'n wettige huwelik gebore was.

Rekening van deposito's kragtens artikels ses-en-veertig, agt-en-veertig of nege-en-veertig uitgedeel moet aan die Meester gestuur word.

60. (1) So dikwels as die Direkteur enige in die Spaarbank geëdeponeerde geldsom kragtens die bepalings van artikels ses-en-veertig, agt-en-veertig of nege-en-veertig van hierdie Proklamasie verdeel, moet hy aan die Meester 'n rekening stuur, aantoonende die verdeelde som en die wyse van verdeling daarvan, en daardie rekening moet op dieselfde wyse as 'n deur 'n eksekuteur ingediende rekening bewaar en geregistreer word.

(2) Enige administrasie of distribusie deur die Direkteur kragtens die bepalings van die voormelde artikels is geheelal vrygestel van al die seëls, fooie en belasting van welke aard ook.

Hoe geskille met die Direkteur besleg moet word.

61. As enige geskil ontstaan tussen die Direkteur en enige inlêer of bewindvoerder van 'n spaarbankinlêer of enige eksekuteur, administrateur, kurator, nabestaande of skuldeiser van enige inlêer of enige persoon, wat beweer 'n eksekuteur, administrateur, kurator, nabestaande of skuldeiser van 'n inlêer te wees of geregtig te wees op enige in die Spaarbank geëdeponeerde geld, dan en in elke sodanige geval moet die geskilpunt na die Administrateur verwys word en kan vervolgens, as een van die twee partye dit so verlang, in geskied onderwerp word aan die summere beslissing van die Regter van die Hooggeregshof in Kamers, en daardie Regter kan die geskilpunt hoor en beslis, en sy beslissing en uitspraak ten opsigte daarvan is finaal en afdoende en verbindend vir daardie partye.

Geheimhouding moet bewaar word.

62. Geen amptenaar van die departement of persoon, wat enige ander amp beklee, mag die naam bekend maak nie of enige informasie aangaande die transaksies van 'n inlêer of sertifikaathouer gee nie, behalwe aan—

- Die Direkteur of sodanige amptenare, wat hy mag aanstel om behulpsaam te wees by die uitvoering van die bepalings van hierdie Proklamasie betreffende die Spaarbank;
- Die Meester met betrekking tot die bereddering van die boedel van 'n oorlede inlêer of sertifikaathouer; of
- Wanneer deur bevel van 'n bevoegde geregtshof van hom verlang word dat hy dit doen:

Met die verstande dat niks in hierdie artikel vervat geag sal word nie dat dit die gesag van die Kontroleur en Ouditeur-Generaal beperk om 'n ooplegging van sodanige rekenings en dokumente te eis as nodig mag wees om hom in staat te stel om die pligte by wet op hom gelê uit te voer.

Bedryfskoste van spaarbank moes betaal word uit gelde deur wet bewillig.

63. Al die onkoste, wat berokken word in verband met die bestuur en bedryf van die Spaarbank, moet betaal word uit sodanige gelde as by wet vir die doel bewillig mag word.

Bedrae, waarmee enige inlêer gekrediteer is, kan in die inkomste gestort word, as geen deposito of uittrekking gedurende 'n tydperk van vyftien jare geskied nie.

64. Die Direkteur kan, na verloop van vyftien jare vanaf die datum, waarop die laaste deposito of terugtrekking deur enige inlêer geskied is, die bedrag waarmee daardie inlêer gekrediteer is in die inkomste stort: Met die verstande dat, as (nadat enige sodanige bedrag soos voormeld in die inkomste gestort is) aansoek vir terugbetaling daarvan deur die inlêer of enige persoon wat regtens namens hom kan vorder gedoen word, die Administrateur, as die Direkteur sertifiseer dat die inlêer of voormelde persoon daartoe geregtig is, en onder voorwaarde dat behoorlike bewilliging by wet geskied, sodanige bedrag uit die Territoriale Inkomstefonds moet betaal.

Oordrag van deposito's van 'n ander land.

65. Die Direkteur kan met enige posbestuur reëlings tref vir die oordrag van en na die Gebied van geldsomme, waarmee inlêers in enige Posspaarbank gekrediteer is, en die Direkteur kan enige aldus na die Posspaarbank van Suidwes-Afrika oorgedrae som op die krediet van die rekening van die inlêer in daardie bank stel, ofskoon die oorgedrae som die bedrag mag teboegaan, wat 'n inlêer wettiglik in een spaarbankjaar mag deponeer.

Bevoegdheid van die Direkteur om sertifikate uit te reik.

66. Die Direkteur kan spaarbanksertifikate ter waarde van vyftig pond elk uitreik aan enige inlêer in die Spaarbank, wat dit mag verlang, en wat in sy gewone rekening 'n genoegsame krediet saldo het, of aan enige ander persoon na betaling van die nodige bedrag.

Oordrabaarheid van spaarbank-sertifikate, en maksimum aantal, wat deur een persoon gehou mag word.

67. 'n Spaarbanksertifikaat is oordrabaar deur 'n skriftelike dokument ooreenkomstig die regulasies: Met die verstande dat geen oordrag van enige sodanige sertifikaat van enige krag of effek sal wees nie, totdat sodanige oordrag behoorlik geregistreer is: Met die verstande voorts dat niemand te enige tyd die houër van meer as veertig sodanige sertifikate mag wees nie.

Geen fooie mag vir uitreiking van spaarbank-sertifikaat gevorder word nie.

68. Geen fooi mag vir die uitreiking van 'n spaarbank-sertifikaat gevorder word nie.

Registrasie van spaarbank-sertifikate en van oordragte daarvan.

69. Elke spaarbanksertifikaat moet 'n nommer hê en die Direkteur moet 'n register van spaarbanksertifikate laat hou, waarin die volgende besonderhede opgeteken moet word:

- die nommer van die spaarbanksertifikaat;
- die datum van uitreiking;
- die naam en adres van die persoon, aan wie die sertifikaat uitgereik is;
- besonderhede van enige oordragte van die sertifikaat;
- die datum van uitreiking van die sertifikaat;
- enige verandering van adres van die houër van die sertifikaat.

59. If any depositor of a sum not exceeding one hundred pounds, being illegitimate, die intestate leaving any person who, but for the illegitimacy of the depositor, would be entitled to the money due to the depositor, the Director may, with the consent of the Master, pay that money to any one or more of the persons who, in his opinion, would have been entitled to the same according to the law of succession *ab intestato* if the depositor had been legitimate.

Representatives of illegitimate depositors.

60. (1) As often as the Director has, under the provision of sections fifty-six, fifty-eight or fifty-nine of this Proclamation, distributed any sum of money deposited in the Savings Bank, he shall transmit to the Master an account shewing the sum distributed and the manner of distribution thereof, and that account shall be filed and registered in the same manner as an account rendered by an executor.

Account of deposits distributed under sections fifty-six, fifty-eight or fifty-nine to be forwarded to the Master.

(2) Any administration or distribution by the Director under the provisions of the said sections shall be entirely free and discharged from all stamps, fees and duties whatsoever.

61. If any dispute arise between the Director and any depositor or trustee of a depositor in the Savings Bank or any executor, administrator, curator, next-of-kin or creditor of any depositor or any person claiming to be executor, administrator, curator, next-of-kin or creditor of a depositor, or to be entitled to any money deposited in the Savings Bank, then and in every such case the matter so in dispute shall be referred to the Administrator and may afterwards, if so desired by either party, be referred in writing to the summary decision of the Judge of the High Court in Chambers, and that Judge may inquire into and determine the matter in dispute, and his determination and adjudication in regard thereto shall be final and conclusive and binding on those parties.

How disputes with the Director to be settled.

62. No officer in the department or person holding any other office shall disclose the name or any information regarding the transactions of a depositor or certificate holder except to—

Secrecy to be observed.

- The Director or such officers as he may appoint to assist in carrying out the provisions of this Proclamation relating to the Savings Bank;
- The Master in relation to the administration of the estate of a deceased depositor or certificate holder, or
- When required by order of a competent court of law:

Provided that nothing in this section contained shall be deemed to limit the authority of the Controller and Auditor-General to require a disclosure of such accounts and documents as may be necessary to enable him to carry out the duties by law imposed upon him.

63. All expenses incurred in connection with the conduct and working of the Savings Bank shall be paid out of such moneys as may be appropriated by law for the purpose.

Expenses of working Savings Bank to be paid out of money appropriated by law.

64. The Director may, after the expiration of fifteen years from the date upon which the last deposit or withdrawal has been made by any depositor, pay into revenue the amount standing to the credit of that depositor: Provided that if after any such amount has been paid into revenue as aforesaid, application for repayment thereof be made by the depositor or any person legally authorised to claim on his behalf, the Administrator shall, if the Director certify that the depositor or person aforesaid is entitled thereto, and subject to due appropriation being made by law, pay such amount out of the Territory Revenue Fund.

Amounts standing to credit of any depositor may be paid into revenue if no deposit or withdrawal made during period of fifteen years.

65. The Director may make arrangements with any postal authority for the transfer from and to the Territory of sums of money standing to the credit of depositors in a Post Office Savings Bank and the Director may place any sum so transferred to the Post Office Savings Bank of South West Africa to the credit of the depositor's account in that Bank although the amount transferred may exceed the amount which a depositor may by law deposit in any one Savings Bank year.

Transfer of deposits from another country.

66. The Director may issue Savings Bank certificates of the value of fifty pounds each, to any depositor in the Savings Bank who may so desire and who has the necessary balance to his credit in his ordinary account, or to any other person upon payment of the requisite amount.

Power of the Director to issue certificates.

67. A Savings Bank Certificate shall be transferable by a written instrument in accordance with regulation: Provided that no transfer of any such certificate shall be of any force or effect until such transfer has been duly registered: Provided further that no person shall at any time be the holder of more than forty such certificates.

Transferability of Savings Bank certificates, and maximum number to be held by one person.

68. No fee shall be charged for the issue of a Savings Bank certificate.

Fees not to be charged for issuing Savings Bank certificates.

69. Every Savings Bank certificate shall have a number and the Director shall cause a register of Savings Bank certificates to be kept, in which shall be entered the following particulars:—

Registration of Savings Bank certificates and of transfers thereof.

- the number of the Savings Bank certificate;
- the date of issue;
- the name and address of the person to whom this certificate is issued;
- particulars of any transfers of the certificate;
- the date of the cancellation of the certificate;
- any change of address of the holder of the certificate.

Sertifikate moet deur verantwoordelike amptenaar geteken en deur die Direkteur medeonderteken word.

Rentevoet vir spaarbank-sertifikate.

70. Elke spaarbankcertifikaat, wat uit hoofde van hierdie Proklamasie uitgereik word, moet deur 'n verantwoordelike amptenaar van die Spaarbank onderteken en deur die Direkteur of deur 'n amptenaar, aan wie hy die bevoegdheid daartoe oorgedra het, medeonderteken word.

71. (1) Die rente op spaarbankcertifikate moet teen sodanige koers wees as van tyd tot tyd deur die Administrateur vasgestel mag word, maar nie meer as vyf pond persent per jaar nie: Met die verstande dat geen verlaging van die rentevoet, wat deur die Administrateur gemaak mag word, toepassing mag hê nie op enige alreeds uitgereikte sertifikate tot na afloop van drie maande vanaf die dag, waarop kennis in geskrif van die verlaging, hetsy persoonlik aan die houër van die sertifikaat gegee of aan sy laas bekende adres afgegee of deur die pos gestuur is.

(2) Rente moet bereken word vanaf die dag, waarop die applikasie vir belegging in spaarbankcertifikate van 'n inlêer ontvang is, wat die nodige kredietsaldo in sy gewone rekening het, of waarop betaling vir sodanige sertifikate, geskied, soos die geval mag wees, en hou op op die dag, wat die dag voorafgaan, waarop die bedrag van die sertifikaat weer oorgeskrywe word op die gewone spaarbankrekening van 'n inlêer of aan die houër terugbetaal word.

(3) Rente op 'n sertifikaat is betaalbaar op elke verjaardag van die datum, waarop die sertifikaat uitgereik is, en die betaalbare rente moet op daardie datum, in die geval van 'n houër wat nie 'n inlêer is nie, oorbetal word aan sodanige houër op aanvraag of deur tjek gepos aan sy geregistreerde adres, en, in die geval van 'n inlêer, op die krediet van sy gewone spaarbankrekening gestel word.

(4) Ingeval die terugbetaling van 'n sertifikaat nodig word op enige datum, wat nie die verjaardag van die datum is nie, waarop die sertifikaat uitgereik is, is die rente vir die tydperk na die laasvooraafgaande verjaardag van daardie datum, dié wat op gewone spaarbankdeposito's betaalbaar is. Sodanige rente begin op die eerste dag van die maand, wat onmiddellik volg op die laaste verjaardag van die datum, waarop die sertifikaat uitgereik is: Met die verstande dat waar sodanige laaste verjaardag op die eerste of tweede dag van enige maand val, sodanige rente betaalbaar sal wees vanaf die eerste dag van daardie maand. Sodanige rente hou op op die laaste dag van die maand wat die dag, waarop terugbetaling nodig is, voorafgaan: Met die verstande dat waar terugbetaling van 'n sertifikaat moet geskied op een van die laaste twee dae van enige maand, sodanige rente betaalbaar sal wees tot die laaste dag van daardie maand.

Terugbetaling van spaarbank-sertifikate.

72. 'n Spaarbankcertifikaat is terugbetaalbaar na afloop van sodanige voorafgaande opseggingstermyn as daarop ooreenkomstig regulasie vermeld mag staan.

HOOFTUK V.

TELEGRAAFWESE.

Direkteur het uitsluitlike voorreg om telegraaflyne aan te lê en te onderhou en om telegramme of ander telegrafiese berigte binne die Gebied of die territoriale waters daarvan oor te sein en om al die desbetreffende dienste soos die ontvang, versamel of aflewer van telegramme of dergelike berigte te verrig: Met die verstande dat die Direkteur telegraaflyne vir private gebruik kan aanlê, onderhou of verhuur of aan enige persoon by lisensie vergunning kan verleen om private telegraaflyne binne die Gebied of sy territoriale waters aan te lê, te onderhou en te bedien en die fooie en voorwaardes daarvoor kan voorskrywe.

73. (1) Die Direkteur het die uitsluitlike voorreg om telegraaflyne aan te lê en te onderhou en om telegramme of ander telegrafiese berigte binne die Gebied of die territoriale waters daarvan oor te sein en om al die desbetreffende dienste soos die ontvang, versamel of aflewer van telegramme of dergelike berigte te verrig: Met die verstande dat die Direkteur telegraaflyne vir private gebruik kan aanlê, onderhou of verhuur of aan enige persoon by lisensie vergunning kan verleen om private telegraaflyne binne die Gebied of sy territoriale waters aan te lê, te onderhou en te bedien en die fooie en voorwaardes daarvoor kan voorskrywe.

(2) Geen telegraaflyn mag gebruik word nie vir die doel om telegramme vir die publiek oor te sein of te gebruik nie, behalwe ingevolge magtiging van die Direkteur en onder sodanige bedinge en voorwaardes as hy mag voorskrywe, en die departement het die reg om deur middel van sy beamptes al die kantore te inspekteer, wat bevoeg is om openbare telegramme aan te neem, oor te sein of af te lewer.

Die Direkteur kan private lyne na kennisgewing oorneem.

74. Die Direkteur kan, nadat hy kennis van ses maande gegee het aangaande sy plan om dit te doen, 'n private telegraaflyn of private telegraafstelsel geheel en ten dele oorneem. As aangaande die bedrag van skadeloosstelling, wat ten opsigte daarvan betaalbaar is, nie op 'n ander wyse ooreengekom kan word nie, moet hy deur arbitrasie vasgestel word.

Reg van toegang tot grond en tot die aanlê van lyne oor enige grond, ens.

75. Die Direkteur kan, vir die doeleindes van hierdie Proklamasie, enige grond betree, wat aan enige plaaslike bestuur of enige persoon behoort, met inbegrip van strate, paaie, voetpaaie of terreine, wat vir openbare doeleindes gereserveer is, en kan 'n telegraaflyn of enige werk aanlê op, onder, bo, langs of oor enige grond, straat, pad, voetpad of waterskeiding en kan hulle verander of wegneem; en kan vir die doel drade, toue of ander tot steun dienende middele aan enige gebou of ander werke bevestig.

Lyne kan onder strate ens. aangelê word.

76. Die Direkteur kan, na redelike kennisgewing in geskrif aan die plaaslike bestuur of persoon, wat die eienaar is van, of die beheer en toesig het oor 'n straat, pad of voetpad, telegraaflyne, pype, tunnels of buise, wat vir telegrafiese doeleindes onder enige sodanige straat, pad of die voetpad benodig is en kan dit verander of wegneem en kan vir sodanige doel enige straat, pad of voetpad opbreek of open en enige pyp daaronder (met uitsondering van riele en hoofleidings) vir die toevoer van water, gas of elektrisiteit verplaas: Met die verstande dat die verplasing van enige sodanige pyp nie mag geskied nie behalwe onder die toesig van die plaaslike bestuur of die persoon aan wie die pyp behoort of deur wie hy gebruik word, tensy daardie plaaslike bestuur of persoon op die in die kennisgewing vermelde tyd-

70. Every Savings Bank certificate issued under the authority of this Proclamation shall be signed by a responsible officer of the Savings Bank and countersigned by the Director or by an officer delegated by him for the purpose.

Certificates to be signed by responsible officer and countersigned by the Director.

71. (1) Interest on Savings Bank certificates shall be at such rate as may from time to time be fixed by the Administrator, not exceeding the rate of five pounds per cent. per annum: Provided that no reduction of the rate of interest which may be made by the Administrator shall apply to any certificate already issued until after the expiration of three months from the day upon which notice of the reduction is given in writing either personally, or served upon, or transmitted in course of post to, the last known address of the holder of the certificate.

Rate of interest on certificates.

(2) Interest shall be calculated from the day upon which application is received for investment in Savings Bank certificates from a depositor who has the necessary balance to his credit in his ordinary account, or on which payment is made for such certificates, as the case may be, and shall cease on the day preceding that on which the amount of the certificate is retransferred to the ordinary savings bank account of a depositor, or is repaid to the holder.

(3) Interest on a certificate shall be payable on every anniversary of the date on which the certificate was issued, and the interest due shall on that date, in the case of a holder other than a depositor be paid over to such holder on demand or by cheque posted to his registered address, and, in the case of a depositor, be placed to the credit of his ordinary Savings Bank account.

(4) In the event of repayment of a certificate being required on any date other than an anniversary of the date on which the certificate was issued, interest for the period after the last preceding anniversary of that date, shall be that current on ordinary Savings Bank deposits. Such interest shall commence on the first day of the month next following the last anniversary of the date on which the certificate was issued: Provided that where such last anniversary falls on the first or the second day of any month, such interest shall be payable from the first day of that month. Such interest shall cease on the last day of the month preceding the date on which repayment is required: Provided that where repayment of a certificate is required to be made on either of the last two days of any month, such interest shall be payable up to the last day of that month.

72. A Savings Bank certificate shall be repayable upon such previous notice as may be stated thereon in accordance with regulation.

Repayment of Savings Bank certificates.

CHAPTER V.

TELEGRAPHS.

73. (1) The Director shall have the exclusive privilege of constructing and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Territory or the territorial waters thereof and of performing all the incidental services of receiving, collecting or delivering telegrams or other such communications: Provided that the Director may construct, maintain, or lease telegraph lines for private use or may, by licence, authorise any person to construct, maintain and work private telegraph lines within the Territory or its territorial waters and may prescribe the fees and conditions therefor.

Director to have exclusive privilege in respect of telegraphs.

(2) No telegraph line shall be used for the purpose of transmitting or delivering telegrams for the public except by authority of the Director and upon such terms and conditions as he may prescribe, and the department shall have the right, by means of its officers of inspecting all offices which are authorised to accept, transmit or deliver public telegrams.

74. The Director may, after giving six months' notice of his intention so to do, take over the whole or any part of any private telegraph line or system. If the amount of compensation to be paid in respect thereof cannot be otherwise agreed upon, the same shall be settled by arbitration.

The Director may take over private lines after notice.

75. The Director may, for the purposes of this Proclamation, enter upon any lands belonging to any local authority or any person, including streets, roads, footpaths, or lands reserved for public purposes and may construct and maintain a telegraph line or any work upon, under, over, along, or across any land, street, road, footpath or waterway and may alter or remove the same; and may for the purpose, attach wires, stays or any other kind of support to any building or other structures.

Right of entry and to construct lines across any lands etc.

76. The Director may after reasonable notice in writing to the local authority or person owning or having the care and management of any street, road or pathway construct and maintain in the manner specified in that notice any telegraph lines, pipes, tunnels or tubes required for telegraphic purposes under any such street, road or pathway and may alter or remove the same and for such purpose may break or open up any street, road or pathway and alter the position thereunder of any pipe (not being a sewer drain or main) for the supply of water, gas or electricity: Provided that the alteration in the position of any such pipe shall not be made except under the supervision of the local authority or person to whom the pipe belongs or by

Lines may be laid under streets, etc.

stip vir die begin van die werk in gebreke gebly het om die toesig te hou, of tensy hy die toesig gedurende die werksaamhede staak. Die Direkteur moet aan sodanige plaaslike bestuur of persoon al die billike onkoste vergoed, wat in verband met enige van die veranderinge of verwyderings soos voormeld of ter oorsake van die voormelde toesig betrokke word.

Skadevergoeding vir eiendomsbeskadiging.

77. (1) By die verrigting van al sodanige werke moet die Direkteur al die redelike voorsorg vir die veiligheid van die publiek neem, maar die Direkteur is nie verplig om skadevergoeding te gee nie behalwe vir werklike skade toegebring aan enige werk of eiendom of te velde staande oes, met uitsluiting van bome en struikgewas soos hierna vermeld is of vir letsel aan enige persoon, veroorsaak deur die nalatigheid van die Direkteur om die bepalinge van hierdie artikel uit te voer: Met die verstande dat enige werksaamheid in verband met die aanleg, die onderhoud of die herstelling van enige telegraaflyne op sodanige wyse verrig moet word dat soveel doenlik skade of oorlas aan die besitters van die eiendom of aan die publiek vermy word, en by voltooiing van die werk moet die straat, pad, voetpad of grond, wat beskadig mag wees in dieselfde goeie toestand herstel word waarin hulle verkeer het, voordat hulle geopen of opgebreek is. Terwyl enige straat, pad of voetpad geopen, opgebreek of andersins belemmer word kragtens die voormelde bevoegdhede moet die Direkteur die werke altyd omhein of bewaak laat hou, en gedurende die nag verlig.

(2) Die skadeloosstelling word, in geval voornoemde skade aan enige werk, eiendom of te velde staande oes toegebring word, deur arbitrasie vasgestel, as aangaande die bedrag nie andersins ooreengekom kan word nie.

Verplasing van lyne op versoek van plaaslike bestuur of ander persoon.

78. (1) As dit na die oordeel van die Direkteur te enige tyd na die aanleg van enige telegraaflyn of enige pyp, tunnel of buis, hetsy voor of na die inwerkingtreding van hierdie proklamasie op, in, bo, langs, oor of onder enige terrein, straat, pad, voetpad of waterleiding gelê is, nodig word om dit te verander of te verplaas ten gevolge van enige verandering van rooilyn of van nivo of van enige ander werk deur enige plaaslike bestuur of persoon gemaak, moet die koste van verandering of verplasing deur daardie plaaslike bestuur of persoon gedra word.

(2) Wanneer enige telegraaflyn, wat oor enige private eiendom gelê is, hinderlik is vir die oprigting van enige gebou, wat op daardie eiendom opgerig word, moet die Direkteur, as hy bevestigende bewys kry dat 'n gebou werklik opgerig sal word, die lyn laat verlé of verander op sodanige wyse dat elke hindernis van die bouwerksaamhede uit die weg geruim sal word; Met die verstande dat aan die Direkteur kennis van agt-en-twintig dae in geskrif gegee word, voordat die verlegging of verandering van die lyn of draad uitgevoer moet word.

(3) Ingeval enige verlegging of verandering van 'n telegraaflyn, wat oor enige private grond gaan, verleng word op enige ander gronde as dié uiteengesit in onderartikel (2) moet daarvan agt-en-twintig dae van tevore kennis in geskrifte gegee word aan die Direkteur, wat moet beslis of die verlegging of verandering moontlik, noodsaaklik of wenslik is al dan nie, en, as die Direkteur toestem om die verlegging of verandering te maak, moet die koste van die uitvoering van die werk in verband daarmee gedra word deur die persoon op wie se versoek die verlegging of verandering gemaak is.

Hekke in heinings.

79. As enige heining, wat opgerig is of opgerig word op terrein waarvoor 'n telegraaflyn aangelê is of word, dit vir die Direkteur onmoontlik of ongerieflik maak of sou maak om toegang te verkry tot die terrein vir enige doel van hierdie Proklamasie, kan die Direkteur ten koste van die departement hekke in hierdie heining laat aanbring en instandhou en moet hy twee sleutels daarvoor verskaf, waarvan een aan die eienaar of okkupeerder van die grond oorhandig moet word. Dit is die plig van elke persoon, wat van plan is om enige sodanige heining op te rig, om ses weke van tevore kennis in geskrif aan die Direkteur te gee aangaande sodanige plan.

Aan diere moet weiveld en water toegestaan word.

80. Wanneer enige diere gebruik word in verband met die werk van aanleg of instandhouding van enige telegraaflyn, wat oor private eiendom gaan, moet aan daardie diere weiveld en water deur die eienaar of okkupeerder van daardie eiendom toegestaan word. Die vergoeding vir enige sodanige weiveld en water kan onderling tussen die Direkteur en die eienaar of okkupeerder gereël word; en by gebreke van 'n ooreenkoms, moet die aangeleentheid na die magistraat van die distrik verwys word, wie se beslissing finaal sal wees.

Bome wat vir telegraaflyne hinderlik is.

81. Bome of struikgewas, wat na die oordeel van die Direkteur die werking of bediening van enige telegraaflyn belemmer of verhinder of sou kan hinder, hetsy die bome of struikgewas groei op grond behorende aan die Goewerneur-Generaal van die Unie of aan die Administrasie, of op enige pad of straat of op private grond staan, moet op koste van die Direkteur en soos deur die Direkteur nodig geag mag word, na redelike kennisgewing van hom afgekapt of gesnoei word deur die outoriteit, wat die sorg en beheer het van die grond, wat aan die Goewerneur-Generaal van die Unie of aan die Administrasie behoort, of van die pad of straat, of deur die eienaar of okkupeerder van die privaatgrond (soos die geval mag wees); en by nie-voldoening aan hierdie verpligting kan die Direkteur die grond, wat aan die Goewerneur-Generaal van die Unie of aan die Administrasie behoort, pad of straat of privaatgrond betree en die bome en struikgewas, soos hy nodig mag ag, laat afkap of snoei: Met die verstande dat waar die verbinding werklik deur enige sodanige boom of struikgewas gehinder of in gevaar gebring word, die Direkteur die werk, wat onmiddellik nodig is om die stoornis of gevaar uit die weg te ruim, sonder sodanige voormelde kennisgewing kan laat onderneem.

whom it is used, unless that local authority or person failed to supervise at the time specified in the notice for the commencement of the work, or discontinues the supervision during the work. The Director shall pay all reasonable expenses to which any such local authority or person may be put in connection with any alteration or removals as aforesaid or on account of the supervision aforesaid.

Compensation for injury to property.

77. (1) In the carrying out of all such works the Director shall take all reasonable precautions for the safety of the public, but the Director shall not be liable to give any compensation, save so far as actual injury may be caused to any work or property or standing crops other than trees or underwood as hereinafter referred to or save so far as injury to any person may be caused by the failure of the Director to carry out the provisions of this section: Provided that any work in connection with the construction, maintenance or repair of any telegraph lines shall be carried out in such a way as to avoid as far as possible loss or inconvenience to the owners of property or to the public, and on completion of the work any street, road, pathway or land which may have been disturbed shall be restored to as good a condition as that in which it was before being opened or broken up. While any street, road or pathway is opened, broken up or otherwise obstructed under the powers aforesaid the Director shall cause the works to be at all time fenced or guarded and, during the night, lighted.

(2) The compensation in the case of the injury aforesaid being caused to any work, property, or standing crops shall, if the amount cannot otherwise be agreed upon, be settled by arbitration.

78. (1) If, in the opinion of the Director, it be necessary at any time subsequent to the construction upon, in, over, along, across or under any land, street, road, footpath or waterway of any telegraph line or any pipe, tunnel or tube, whether constructed before or after the commencement of this Proclamation, to alter or remove the same, owing to any alteration of alignment or level, or any other work on the part of any other local authority or person, the cost of the alteration or removal shall be borne by that local authority or person.

Removal of lines at request of local authorities or other person.

(2) Where any telegraph line passing over any private property interferes with any building about to be erected on that property, the Director, on receiving satisfactory proof that a building is actually to be erected, shall cause the line to be deviated or altered in such manner as will remove all obstacles to building operations: Provided that twenty-eight days' notice thereof in writing shall be served on the Director before the deviation or alteration of the line or wire is required to be carried out.

(3) In the event of any deviation or alteration of a telegraph line passing over any private property being desired on any other grounds than that set forth in subsection (2), twenty-eight days' notice thereof in writing shall be served on the Director, who shall decide whether or not the deviation or alteration is possible, necessary or expedient, and, if the Director agree to make the deviation or alteration, the cost of carrying out the work in connection therewith shall be borne by the person at whose request the deviation or alteration is made.

79. If any fence erected, or to be erected, on land over which a telegraph line is constructed or is to be constructed render or would render it impossible or inconvenient for the Director to obtain access to that land for any of the purposes of this Proclamation, the Director may, at the expense of the department, erect and maintain gates in that fence and shall provide therefor duplicate keys, one of which shall be handed over to the owner or occupier of the land. It shall be the duty of every person intending to erect any such fence to give six weeks' notice in writing to the Director of such his intention.

Gates in Fences.

80. Where any animals are used in connection with the work of constructing or maintaining any telegraph line passing over private property, those animals shall be allowed grazing and water by the owner or occupier of that property. The terms for any such grazing and water may be mutually arranged between the Director and the owner or occupier; and, in default of agreement, the matter shall be referred to the magistrate of the district, whose decision shall be final.

Animals to be allowed grazing and water.

81. Trees or underwood which, in the opinion of the Director, obstruct or interfere or are likely to interfere with the working or maintenance of any telegraph line, whether growing upon land belonging to the Governor-General of the Union or to the Administration, or upon any road or street, or upon private lands shall, as may be deemed necessary by the Director, and after reasonable notice by him, be cut down or trimmed by the authority having the care and the management of the land belonging to the Governor-General of the Union or to the Administration or of the road or street, or by the owner or occupier of the private lands (as the case may be) at the expense of the Director; and in the event of their default the Director may enter upon such land belonging to the Governor-General of the Union or to the Administration, road or street or private lands and cause the said trees and underwood to be cut down or trimmed as he may deem necessary: Provided that, where communication is actually interfered with or endangered by any such trees or underwood, the Director may cause the work which is immediately necessary for the removal of the interference or danger to be undertaken without any such notice as aforesaid.

Trees obstructing telegraph lines.

Hoogte en diepte van lyne.

82. (1) Bogronde drade of kables moet langs enige openbare of private straat, pad, voetpad of grond te hoogte van ten minste tien voet van die grond gelê word en elke sodanige bogronde draad of kabel, wat enige sodanige straat, pad of voetpad kruis, moet ten minste veertien voet van die oppervlakte van die grond wees: Met die verstande dat in dorpe of in die onmiddellike nabyheid van dorpe, die minimum hoogte respektieflik twaalf en agtien voet moet wees. Enige ondergrondse telegraaflyn moet ten minste twee voet onder die oppervlakte van die grond gelê word.

(2) As die eienaar van enige privaatreël na genoeë van die Direkteur bewys dat hy in die vry genot van sy grond gehinder word deur die onvoldoende hoogte of diepte van 'n telegraaflyn, moet die Direkteur, met inagneming van die bepalinge van artikels *agt-en-sewentig* en *een-en-taggenig*, sodanige maatreëls tref, as hy nodig mag ag om daardie eienaar in sy besware tegemoet te kom.

Persoon, wat elektriese werke oprig, moet aan sekere vereistes van Direkteur voldoen.

83. Enige persoon, wat enige werk vir die lewering van lig, warmte of krag deur middel van elektrisiteit aanlê, inrig of drywe, moet handel volgens die voorskrifte van die Direkteur, ten einde te voorkom dat enige telegraaflyn nadelig daardeur aangetas word, en voordat hy die aanleg van sodanige werke begin, moet die voormelde persoon een maand van tevore skriftelike kennis gee van sy voorneme om die aanleg te begin en moet hy die Direkteur voorsien van 'n plan van die voorgename werke tesame met besonderhede aantoonende die wyse waarop en die posisie waar hy van plan is om die werke aan te lê, uit te voer en te drywe, asmede enige verder inligtings met betrekking tot die voorgename werke, soos die Direkteur mag verlang. As dit vir die Direkteur lyk dat die aanleg, inrigting of die bedryf van enige sodanige werke waarskynlik enige nadelige uitwerking op enige telegraaflyn sal hê, of as enige telegraaflyn deur die aanleg, inrigting of bedryf van enige sodanige werke op nadelige wyse aangetas word, moet hy 'n redelike tyd van tevore aan die voormelde persoon kennis gee van sy eise en enige persoon, wat na ontvangs van sodanige kennisgewing, in stryd met die eise van die Direkteur, met die aanleg, inrigting of bedryf voortgaan of laat voortgaan, is blootgestel aan boete (by aksie in 'n bevoegde geregs Hof inzonderbaar) van vyf pond vir elke dag, waarop daarmee voortgegaan of die nadelige uitwerking voortgeset word, en die voormelde persoon moet bowendien enige skade of onkoste vergoed, wat aan die Direkteur veroorsaak mag word deur die nie-nakoming van sy eise.

Orde van versending van telegramme.

84. (1) Telegramme moet vir al die persone sonder onderskeid en sonder guns of voorkeur versend word, en moet so ver doenlik in die volgorde van ontvangs oorgesein word, maar telegramme betreffende die behoud van die vrede van die Gebied of van die Unie of van die aangrensende gebiede, die arrestasie van misdadigers, die ontdekking of voorkoming van misdade of enige ander aangeleentheid in verband met die regspleging asmede, desverlang, telegramme in die openbare diens het die voorrang bo al die ander telegramme: Met die verstande dat, met inagneming van regulasies, niks in hierdie artikel vervat geag sal word nie te belet dat aan enige soort van telegramme onder sodanige voorwaardes en na betaling van sodanige spesiale tariewe as voorgeskrywe mag word voorkeur gegee word: En met die verstande verder dat niemand 'n telegraaflyn op sodanige wyse mag benuttig nie, dat daardeur die spoedige versending van ander telegramme op onredelike wyse vertraag word.

(2) Enige amptenaar, wat opsetlik in stryd met die bepalinge van hierdie artikel handel, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of aan gevangenisstraf vir 'n tydperk van hoogstens ses maande of aan albei, sodanige boete en gevangenisstraf.

Watter telegramme nie versend mag word nie.

85. Enige telegram, wat na die oordeel van die Direkteur enig iets van godslasterlike, oneerbare, ontugtige, aanstootlike of beledigende aard of enig iets wat in stryd met die wet of eerbaarheid is, mag nie versend word nie.

HOOFSTUK VI.

RADIO.

Lisensie om deur middel van radio oor te sein of te ontvang.

86. Niemand mag enige geluide, tekens of sienjale deur middel van radio oorsein of ontvang nie sonder 'n lisensie van die Direkteur, uitgereik onder sodanige voorwaardes en na betaling van sodanige fooi as by regulasie voorgeskrywe mag word.

Lisensie om toestelle vir radio op te rig, te gebruik of te besit.

87. Niemand mag enige bogronde of ander toestel vir radio oprig, instandhou, gebruik of in sy besit hê nie sonder 'n lisensie van die Direkteur, uitgereik onder sodanige voorwaardes en na betaling van sodanige fooi as voorgeskrywe mag word: Met die verstande dat die Direkteur na goeddunk skriftelike vergunning sonder fooi kan verleen vir die besit van radiotoestelle vir beperkte tydvakke onder voorwaarde dat sodanige toestelle nie gebruik mag word nie vir die doel van versending of ontvangs.

Intrekking van lisensie.

88. Enige lisensie of permit kragtens artikel *ses-en-taggenig* of *sewen-en-taggenig* uitgereik of verleen kan te enige tyd deur die Direkteur ingetrek word as dit vir hom lyk dat omstandighede sodanige intrekking wenslik maak.

Inspeksie van lisensie.

89. Enige persoon aan wie 'n lisensie of permit kragtens artikel *ses-en-taggenig* of *sewen-en-taggenig* uitgereik of verleen is, moet sy lisensie of permit, desverlang, vir inspeksie deur enige persoon behoorlik deur die Direkteur gemagtig om sodanige aanvraag te doen, voorlê.

Inspeksie van masjiene en toestelle.

90. Enige amptenaar, behoorlik deur die Direkteur daartoe gemagtig, het die reg om die masjiene en toestelle gebruik deur enige persoon, wat kragtens hierdie Proklamasie gelisensieër is om deur middel van radio oor te sein of te

Height and depth of lines.

82. (1) Aerial wires or cables shall be carried along any public or private street, road, footpath or land, at a height of at least ten feet from the ground and every such aerial wire or cable which crosses any such street, road or footpath shall be at least fourteen feet from the surface of the ground: Provided that, in towns or in the immediate neighbourhood of towns, the minimum height shall be twelve and eighteen feet respectively. Any underground telegraph line shall be placed at least two feet below the surface of the ground.

(2) If the owner of any private land prove to the satisfaction of the Director that he is obstructed in the free use of his land by reason of the insufficient height or depth of any telegraph line, the Director shall, subject to the provisions of sections *seventy-eight* and *eighty-one*, take such steps as he may deem necessary for giving relief to that owner.

Person establishing electrical works to conform to certain requirements of Director.

83. Any person who constructs, equips or carries on any works for the supply of light, heat or power by means of electricity shall conform to the requirements of the Director for the prevention of any telegraph line being injuriously affected thereby and, before commencing the construction of such works, the said person shall give one month's notice in writing to the Director of his intention to commence the construction and shall furnish the Director with a plan of the proposed works, together with particulars shewing the manner and position in which the same are intended to be constructed, executed and carried on, and any further information relative to the proposed works as the Director may require. If it appear to the Director that the construction, equipment or carrying on of any such works is likely injuriously to affect any telegraph line or if any telegraph line be injuriously affected by the construction equipment or carrying on of any such works, he shall give reasonable notice of his requirements to the person aforesaid and any person, who, after receipt of such a notice, proceeds with or causes to be proceeded with any such construction, equipment or carrying on in contravention of the requirements of the Director, shall be liable to a penalty (recoverable by action in a competent court) of five pounds for every day on which the same be proceeded with or the injurious affection continue, and the said person shall in addition make good any damage or expense which may be caused to the Director by the failure to comply with his requirements.

Order of transmission of telegrams.

84. (1) Telegrams shall be sent for all persons alike, without favour of preference, and shall, as far as practicable, be transmitted in the order in which they are received, but telegrams relating to the preservation of the peace of the Territory or of the Union or of the adjacent territories, to the arrest of criminals, the discovery or prevention of crime, or any other matter connected with the administration of justice and, when so required, telegrams on the public service, shall have precedence over all other telegrams: Provided that, subject to regulation, nothing in this section contained shall be held to prevent precedence being given to any class of telegrams under such conditions and upon payment of such special rates of charge as may be prescribed: And provided further that no person shall be permitted to occupy a telegraph line in such a manner as unreasonably to impede the speedy transmission of other telegrams.

(2) Any officer who wilfully offends against the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

What telegrams to be refused transmission.

85. Any telegram which in the opinion of the Director contains anything in its contents, address or signature of a blasphemous, indecent, obscene, offensive or libellous nature or anything repugnant to law or decency shall be refused transmission.

CHAPTER VI.

RADIO.

86. No person shall transmit or receive by radio any sounds, signs, or signals without a licence from the Director, issued under such conditions and upon payment of such fee as may be prescribed by regulation.

Licence to transmit or receive by radio.

87. No person shall erect, maintain, use or have in his possession any aerial or other apparatus for radio without a licence from the Director, issued under such conditions and upon payment of such fee as may be prescribed: Provided that the Director may, in his discretion, grant written permission without fee for the possession for limited periods of radio apparatus on condition that such apparatus shall not be used for the purposes of transmission or reception.

Licence to erect, use or possess apparatus for radio.

88. Any licence or permit issued or granted under section *eighty-six* or *eighty-seven* may be cancelled at any time by the Director if circumstances seem to him to make such cancellation desirable.

Cancellation of licence.

89. Every person to whom a licence or permit has been issued or granted under section *eighty-six* or *eighty-seven* shall exhibit his licence or permit for inspection on demand by any person duly authorised by the Director to make such demand.

Inspection of licence.

90. Any officer duly authorised by the Director shall have the right at all reasonable hours to inspect the plant

Inspection of plant and apparatus.

ontvang, op al die redelike ure te inspekteer. As hy vind dat aan die vereistes of beperkings deur die Direkteur in die betrokke lisensie of in enige regulasies neergelê nie voldoen word nie, kan hy gelas dat die gebruik van radio deur sodanige gelisensieerde persoon gestaak word en moet hy 'n rapport aan die Direkteur uitbring, wat sodanige bevel aangaande die masjien of toestel mag gee as hy doelmatig mag ag.

## HOOFTUK VII.

### OORTREDINGS EN STRAFBEPALINGS.

91. Enige persoon, wat onbevoegdelik of sonder wettige ekskuus (waaromtrent die bewyslas op die beskuldigde rus),—

- (a) posseëls, datumstempels, kaarte, koeverte, omslae, omhulsels, of poswissels, posorders, posaanskrifwings, spaarbank- of enige ander aanwysing of order tot betaling van geld deur die departement, of depositobewys of enige formulier of papier gelykende op die, wat onder die gesag of vir die doeleindes van hierdie Proklamasie of deur enige posbestuur gebruik of vervaardig word, vervaardig, verander, namaak of invoer of daarby behulpsaam is, of wetende dat dit in stryd met hierdie artikel vervaardig, verander of nagmaak is, enige sodanige posseël, datumstempel, kaart, koevert, omslag, omhulsel, poswissel, posorder, posaanskrifwing, spaarbank- of enige ander aanwysing of order, depositobewys, formulier of papier gebruik, uitgee, te koop aanbied of uitstal, verkoop, daarin handel, per pos versend of van die hand sit of onder sy berusting of in sy besit het;
- (b) op metale plate of op watter ander stoffe ook seëls, merke, syfers of sinbeelde graveer of op watter wyse ook maak ter nabootsing van, of gelykende op seëls, merke, syfers of sinbeelde, wat vir die doeleindes van hierdie Proklamasie of deur enige posbestuur gebruik of vervaardig word, of sodanige plate of stowwe, wat aldus gegraveer of vervaardig is, verkoop, van die hand sit, koop, ontvang of onder sy berusting of in sy besit het;
- (c) vorme, rame of ander werktuie vervaardig of help om te vervaardig of onder sy berusting of in sy besit het, waarop woorde, letters, syfers, merke, lyne of sinbeelde voorkom, wat eie is aan papier, wat verskaf, gebruik of vervaardig word vir posseëls of vir ander doeleindes van hierdie Proklamasie of deur enige posbestuur;
- (d) papier vervaardig of help om te vervaardig of onder sy berusting of in sy besit het, in die stof waarvan woorde, letters, syfers, merke, lyne of sinbeelde voorkom, wat eie is aan papier verskaf, gebruik of vervaardig vir posseëls of vir ander doeleindes van hierdie Proklamasie of deur 'n posbestuur, of papier vervaardig, koop, verkoop, van die hand sit of ontvang of onder sy berusting of in sy besit het, wat verskaf of vervaardig word om as posseëls of vir ander doeleindes van hierdie Proklamasie of deur 'n posbestuur gebruik te word alvorens dit vir algemene gebruik uitgegee is;
- (e) gebruik maak van enige posseël, stempel, plaat of papier, wat gegraveer of vervaardig is vir die doeleindes van hierdie Proklamasie of deur enige posbestuur, of sodanige papier of materiaal wat 'n indruk of merk het van sodanige seël, stempel of plaat verkoop, van die hand sit, aankoop, ontvang of onder sy berusting of in sy besit het; of
- (f) op koeverte, omslae, kaarte, formuliers of papier enige merk maak ter nabootsing van, of gelykende op of voorgewende te wees enige offisiële seël of merk gebruik vir die doeleindes van hierdie Proklamasie of deur 'n posbestuur of woorde, letters, sinbeelde of merke maak, wat aandui of insluit of redelikerwys beskou kan word as aan te dui of in te sluit, dat enige artikel waarop hierdie woorde, letters, sinbeelde of merke voorkom in die pos gewees is of deur die pos gestuur mag word,

is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan gevangenisstraf vir 'n tydperk van hoogstens sewe jare; en enige seël, stempel, plaat, werktuig of materiaal, wat in die besit van iemand in stryd met hierdie artikel gevind word, word in beslag geneem en verbeur.

92. (1) Enige persoon, wat met die oogmerk om te bedrieg,—

- (a) van enige deur die pos gestuurde artikel of enige telegram of dokument gebruik vir die doeleindes van hierdie Proklamasie enige posseël, wat daarop geplak is, afhaal of 'n posseël, wat tevore gebruik is, hetsy werklik of oënskynlik, ontdoen van merke of indrukke, wat in enige poskantoor daarop geplaas is, of opsetlik enige seël of stuk van 'n seël, wat aldus afgehaal is of wat aldus ontdoen is van die merk of die indruk, opsetlik uitgee, in omloop bring of gebruik;
- (b) enige merk of indruk op enige posartikel, poswissel, posorder, spaarbankaanwysing of 'n ander aanwysing of order of op 'n depositobewys, papier of enige ander materiaal, verskaf, gebruik of gemaak vir die doeleindes van hierdie Proklamasie of deur enige posbestuur, afskawe, uitsny, uitkrap, uitvlak, uitwis of die merk of die indruk op ander wyse, hetsy werklik of oënskynlik, wegmaak of afhaal, of op watter wyse ook die merk of die indruk verander of iets daaraan toevoeg;
- (c) op onwettige wyse probeer om die betaling van enige van die tariewe, lone of heffings, wat onder hierdie Proklamasie betaalbaar is, te ontduik,

and apparatus used by any person licenced under this Proclamation to transmit or receive by radio. If he finds that the requirements or restrictions laid down by the Director in the relative licence or in any regulations are not being complied with, he may order the use of radio by such licensed person to be discontinued and shall make a report to the Director, who may give such order respecting the plant and apparatus as he may think fit.

## CHAPTER VII.

### OFFENCES AND PENALTIES.

91. Any person who, without due authority or lawful excuse (the proof of which shall be upon the person accused),—

- (a) makes, alters, imitates, or imports or assists in making, altering, imitating, or importing any postage stamp, date stamp, card, envelope, wrapper, cover, or any money order, postal order, postal draft, or Savings Bank Warrant, or any other warrant or order for the payment of money through the department, or acknowledgment of deposit, or any form of paper similar to that used or made under the authority or for the purposes of this Proclamation or by any postal authority, or uses, issues, offers, exposes for sale, sells, deals in, sends by post or disposes of or has in his custody or possession any such stamp, date stamp, card, envelope, wrapper, cover, money order, postal order, postal draft, Savings Bank warrant, or any other warrant or order, acknowledgment of deposit, form or paper, knowing it to be made, altered, or to be an imitation contrary to this section;
- (b) engraves or in any wise makes upon any plate or material whatever any stamp or mark or figure or device in imitation of or resembling any stamp or mark or figure or device used or made for the purposes of this Proclamation or by any postal authority, or sells, disposes of, purchases, receives, or has in his custody or possession any plate or material whatever, so engraved or made;
- (c) makes or assists in making or has in his custody or possession any mould, frame, or other instrument having thereon any words, letters, figures, marks, lines or devices, peculiar to paper provided, used or made for any postage stamps or for any other purposes of this Proclamation or by any postal authority;
- (d) makes or assists in making or has in his custody or possession any paper in the substance of which appear any words, letters, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps, or for any other purposes of this Proclamation or by any postal authority, or makes, purchases, sells, disposes of or receives or has in his custody or possession any paper provided or made for the purpose of being used for any postage stamp or for any other purposes of this Proclamation or by any postal authority before the same has been issued for public use;
- (e) makes use of any stamp, die, plate or paper engraved or made for the purposes of this Proclamation or by any postal authority or sells, disposes of, purchases, receives, or has in his custody or possession any such paper or material whatever bearing an impression or mark of any such stamp, die or plate; or
- (f) makes on any envelope, wrapper, card, form or paper any mark in imitation of or similar to or purporting to be any official stamp or mark used for the purposes of this Proclamation or by any postal authority, or any words, letters, devices or marks, which signify or imply, or may reasonably be regarded as signifying or implying, that any article bearing such words, letters, devices or marks has been in or is entitled to be sent through the post,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years; and any stamp, die, plate, instrument or material found in the possession of any person in contravention of this section shall be seized and forfeited.

92. (1) Any person who, with intent to defraud—

- (a) removes from any article sent by post or from any telegram or document used for the purposes of this Proclamation any stamp which has been affixed thereon or wilfully removes, either really or apparently, from any stamp which has been previously used any mark or impression which has been made thereon at any post office or knowingly utters, puts off or uses any stamp or any part of any stamp which has been so removed or from which any such mark or impression has been removed;
- (b) erases, cuts, scrapes, defaces, obliterates or otherwise discharges or removes from, either really or apparently, or in any wise adds to or alters any mark or impression upon any postal article, money order, postal order, Savings Bank warrant or other warrant or order or acknowledgment of deposit, paper, or other material whatsoever, provided, used or made for the purposes of this Proclamation or by any postal authority; or
- (c) attempts unlawfully to evade payment of any of the rates, fees or duties payable under this Proclamation,

Vervalsing ens. van seëls, stempels ens.

Forging, etc., of stamps, dies, etc.

Verwydering van merke van seëls ens. met die oogmerk om te bedrieg.

Removing marks from stamps, etc., with intent to defraud.

is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond of aan gevangenisstraf vir 'n tydperk van hoogstens ses maande of aan albei, sodanige boete en gevangenisstraf.

(2) Vir die doeleindes van hierdie artikel word die afsender van enige posartikel, waarop enige posseël of stuk van enige posseël geplak is, wat aldus afgehaal is van enige posartikel of waarvan enige sodanige merk of indruk weg-gemaak is, geag daardie posseël of stuk van 'n posseël willens en wetens uitgegee, in omloop gebring of gebruik te hê, tensy die teenoorgestelde bewys word.

(3) Ingeval van enige strafvervolging ten opsigte van enige oortreding onder hierdie artikel berus die las om die nie-bestaan te bewys van die oogmerk om te bedrieg by die beskuldigde.

93. Enige persoon, wat bevoeg is om pos te ontvang of op watter wyse ook daarmee te werk en—

- (a) op nalatige wyse enige pos verloor of opsetlik terughou, vertraag, verkeerd aflewer of nie wegstuur nie, onverskillig of dit later teruggevind of afgelewer word al dan nie, of die inhoud van enige posartikel meedeel of bekend maak;
- (b) terwyl hy opsig het oor enige pos, dit verlaat of gedoë dat iemand, wat nie die oppasser of die persoon vir daardie doel aangestel is nie, reis in die plek bestem vir die oppasser in of op enige voertuig, wat daardie pos vervoer, of reis in of op sodanige voertuig, wat geen passasiers mag vervoer nie of op enige perd of ander dier, wat daardie pos vervoer;
- (c) skuldig is aan agtelosigheid, nalatigheid of wangedrag, waardeur die veiligheid van enige pos in gevaar gebring word;
- (d) terwyl hy die opsig het oor enige pos, beskonke is of draal of moedswillig tyd verkwis of verlore laat gaan, waardeur die aankoms van die pos by sy behoorlike bestemmingsoord binne die bepaalde tyd van aankoms vertraag word, of nie behoorlik vlyt of sorg aanwend nie om die pos met behoorlike spoed veilig te vervoer;
- (e) enige valse berig gee van enige aanranding of poging tot roof op hom; of
- (f) sonder behoorlike magtiging enige posartikels op ander wyse as in die gewone loop van die posdiens insamel, ontvang, vervoer of aflewer,

is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond of aan gevangenisstraf vir enige tydperk van hoogstens ses maande of aan albei, sodanige boete en gevangenisstraf.

94. (1) Enige persoon, wat—

- (a) met die oogmerk om te bedrieg, in enige poskantoor enig iets sit wat blykbaar 'n posartikel is, wat binne die vrystellings vermeld in hierdie Proklamasie val, of enige posartikel, wat blykbaar behoort by 'n klas ten opsigte waarvan 'n laer porto vorderbaar is of geen porto vorderbaar is nie, of enige posartikel, wat enige ander posartikel bevat, wat ongefrankeer of onvoldoende gefrankeer is, en wat, as dit afsonderlik gestuur was, aan porto onderhewig sou wees;
- (b) met die oogmerk om te bedrieg, in enige poskantoor enige artikel sit, waarin of waarop of waarby enige mededeling, berig, letter, syfer, nommer, merk, saak of ding is, wat nie by hierdie Proklamasie of enige ander wet geoorloof is nie, of aan die buitekant van enige posartikel of andersins opsetlik enige valse verklaring betreffende die inhoud daarvan onderteken;
- (c) in enige poskantoor enige artikel sit, waarin of waarby of waarop daar iets van 'n profane, lasterlike of hoogs aanstootlike aard is;
- (d) sonder behoorlike magtiging (waaromtrent die bewyslas op die beskuldigde rus) op enige poskantoor of enige kaart, kennisgewing of ander goed, wat aan die Direkteur behoort of deur hom of ten behoeve van hom gebruik word, iets, van welke aard dan ook, plaas of skilder of hierdie goed opsetlik beskuldig, ontsier of op ander wyse verander, of wat 'n ergernis begaan op of teen 'n poskantoor of teen of op enige sodanige kaart, kennisgewing of goed;
- (e) enige pos of posartikels agterhou, verberg of behou, wat aan iemand anders behoort afgelewer te word, of wat deur hom of deur enige ander persoon gevind is;
- (f) deur valse voorwendsels of onware verklarings 'n amp-tenaar beweeg om aan hom of aan enige ander persoon enige posartikel af te gee, wat nie aan hom of die ander geadresseerde of vir een van hulle bestem is nie,

is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond of aan gevangenisstraf vir 'n tydperk van hoogstens ses maande of aan albei, sodanige boete en gevangenisstraf, onverminderd enige reg, wat die Direkteur mag hê om die skade veroorsaak deur enige persoon, wat onder paragraaf (d) hiervan veroordeel is, op hom by 'n siviele regsvoering te verhaal.

(2) In enige vervolging ten opsigte van oortredings onder paragrafe (a) en (b) van hierdie artikel rus die las om die nie-bestaan van die oogmerk om te bedrieg te bewys op die beskuldigde.

95. Enige persoon, wat—

- (a) enige vuur, vuurhoutjie of lig of enige ontplofbare, gevaarlike, vuile, skadelike of verderflike stowwe of dinge, wat enige poskantoor, persoon of pos sou kan beskuldig in of met enige posartikel versend of in of teen enige poskantoor plaas;

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

(2) For the purposes of this section, the sender of any postal article to which is affixed any stamp or any part of any stamp, which has been so removed from any postal article or from which any such mark or impression has been removed, shall be deemed to have knowingly uttered, put off or used that stamp or part of a stamp, until the contrary is proved.

(3) In any proceeding in respect of any offence under this section the burden shall lie on the accused of proving any absence of intent to defraud.

93. Any person authorised to receive or in any way handle any mail who—

- (a) negligently loses or wilfully detains, delays, misdelivers or omits to dispatch any mail (whether the same be or be not afterwards recovered or delivered) or communicates or divulges the contents of any postal article;
- (b) while in charge of any mail, leaves it or suffers any person, not being the guard or person employed for that purpose, to travel in the place appointed for the guard in or upon any conveyance carrying that mail or to travel in or upon any such conveyance not authorised to carry passengers or upon any horse or other animal conveying that mail;
- (c) is guilty of carelessness, negligence or any misconduct whereby the safety of any mail is endangered;
- (d) while in charge of any mail is intoxicated or loiters or wilfully misspends or loses time so as to retard the arrival of the mail at its proper destination within the time fixed for its arrival, or does not use due care and diligence safely to convey the mail at the due rate of speed;
- (e) gives any false information of any assault or attempt at robbery upon him; or
- (f) without due authority collects, receives, conveys or delivers any postal article otherwise than in the ordinary course of post,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for any period not exceeding six months or to both such fine and imprisonment.

94. (1) Any person who—

- (a) with intent to defraud, puts into any post office anything purporting to be a postal article within the exemptions in this Proclamation specified, or any postal article purporting to belong to a class in respect of which a lower rate of postage or no postage is chargeable, or any postal article containing any other postal article unstamped or insufficiently stamped which, if sent alone, would be liable to postage;
- (b) with intent to defraud, puts into any post office any article in or upon or with which there is any communication, intelligence, character, figure, number, mark, matter or thing not allowed by this Proclamation or by any other law or wilfully subscribes on the outside of any postal article or otherwise a false statement of the contents thereof;
- (c) puts into any post office any article in which or with which or upon which there is anything of a profane, libellous or grossly offensive character;
- (d) places or paints without due authority (the proof of which authority shall be on the person charged) anything whatsoever upon, or wilfully injures, disfigures or tampers with, any post office or any card, notice or other property of, or used by or on behalf of, the Director, or commits a nuisance on or against any post office or against or upon any such card, notice or property;
- (e) detains, secretes or keeps any mail or postal article which ought to have been delivered to another person or which has been found by himself or any other person;
- (f) by false pretence or misstatement induces any officer to deliver to him or to any other person any postal article not addressed to or intended for either of them,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, without prejudice to any right the Director may have of proceeding civilly against any person convicted under paragraph (d) hereof for compensation for such damage as may have been caused by him.

(2) In any proceeding in respect of any offence under paragraphs (a) and (b) of this section the burden shall lie on the accused of proving an absence of intent to defraud.

95. Any person who—

- (a) sends in or with any postal article or puts into or against any post office any fire, match or light or any explosive, dangerous, filthy, noxious or deleterious matter or thing or any matter or thing which is likely to injure any post office, person or mail;

Negligence or intoxication while in charge of mail, false report of assault, and irregularly receiving, conveying or delivering postal article.

Fraudulent, injurious and offensive practices in connection with postal articles and premises.

Placing of anything dangerous, filthy, noxious or deleterious in or against any post office. Theft of or stopping with intent to rob any mail or postal article.

Nalatigheid of dronkenskap van bewaarder van pos, valse rapport van 'n aanranding en onreëlmatige ontvangs, vervoer of aflewering van posartikels.

Bedrieglike, skadelike en aanstootlike handlinge in verband met posartikels en persele.

Plasing van gevaarlike, vuile, skadelike of verderflike stowwe in of teen 'n poskantoor. Diefstal of stop van enige pos of posartikel met die doel om te roof.

- (b) enige pos steel of uit enige pos of poskantoor of uit die besit of uit die bewaring van enige beampte enige posartikel of die inhoud daarvan steel, of, vir watter doel ook, enige posartikel of enige inhoud daarvan verduister of met bedrieglike oogmerk verberg of verniel;
- (c) enige sodanige pos of posartikel of enige inhoud daarvan ontvang, wetende dat dit gesteel, verduister of met bedrieglike oogmerk verberg was, of deur die pos versend of bestem was om deur die pos versend te word;
- (d) enige pos stop met die oogmerk om die pos te beroof of te deursoek,

is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan gevangenisstraf vir 'n tydperk van hoogstens sewe jare: Met die verstande dat die Direkteur, met inagneming van besonder voorsorgmaatreë's in die regulasies te word uiteengesit, skadelike en verderflike stowwe, wat in die belang van die openbare gesondheid gestuur word, van die bepaling van hierdie artikel kan vrystel.

Onbevoegdelike opening van pos of skending van pos of onbevoegdelike vernietiging, verberg of opening van pos-artikel.

96. Enige amptenaar, wat anders as in die uitoefening van sy diens enige pos of posartikel oopmaak of skend of enige pos of posartikel opsetlik verniel, wegmaak of verberg of toelaat dat dit oopgemaak of geskend, vernietig, weggevaar of verberg word, of enige ander persoon, wat enige pos oopmaak of skend of opsetlik vernietig, wegmaak of verberg, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan gevangenisstraf vir 'n tydperk van hoogstens sewe jare.

Belemmering of vertraging van versending van pos.

97. Enige persoon, wat opsetlik die versending van enige pos belemmer of deur wie se toedoen of versuim die versending van enige pos belemmer word, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of, by wanbetaling, aan gevangenisstraf vir 'n tydperk van hoogstens een jaar.

Opsetlike opening of vertraging deur enige persoon, wat nie 'n amptenaar is nie, van posartikels of telegramme geadresseer aan ander persone.

98. (1) Enige persoon, wat nie 'n amptenaar is nie, wat enige posartikel of telegram opsetlik oopmaak, waaromtrent hy weet dat dit aan 'n ander persoon afgelewer moet of moes word, of wat enige daad of ding doen waardeur die behoorlike aflewering van daardie posartikel of telegram aan sodanige ander persoon verhinder, belemmer of vertraag word, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond of aan gevangenisstraf vir 'n tydperk van hoogstens ses maande of aan albei, sodanige boete en gevangenisstraf.

(2) Geen bepaling in hierdie artikel is van toepassing nie op enige persoon, wat enige sodanige daad doen, wanneer daardie persoon die ouer of in die plek van ouer of voog van die geadresseerde is, en wanneer die geadresseerde 'n minderjarige is benede die ouderdom van sestien jare of 'n pupil.

Onbevoegde gebruik van woorde "Poskantoor", "Pos", ens.

99. Enige persoon, wat sonder vergunning van die Direkteur (die bewyslas aangaande sodanige vergunning berus by die beskuldigde)—

- (a) in, op of naby enige huis, perseel, muur, deur, venster, bus, paal, pilaar of ander plek, wat aan hom behoort of aan sy mag onderworpe is, die woorde "Poskantoor" of enige ander woorde of teken, wat kan insluit of redelikerwys kan laat vermoed dat daardie huis, perseel, muur, deur, venster, bus, paal, pilaar of ander plek 'n poskantoor is, aanbring of instandhou of gedoë dat hulle aldus aangebring, instandgehou of geplaas bly;
- (b) op enige voertuig of vaartuig die woorde "Pos" of enige ander woord of teken, wat kan insluit of redelikerwys kan laat vermoed dat die voer- of vaartuig dien tot die vervoer van pos, aanbring of instandhou of gedoë dat hulle daarop aangebring, instandgehou of geplaas bly,

is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond of aan gevangenisstraf vir 'n tydperk van hoogstens ses maande of aan albei sodanige boete en gevangenisstraf.

Onbevoegde betreding van persele; belemmering van diens; weiering om regulasies deur Direkteur uit te vaardig na te leef.

100. (1) Enige persoon, wat nie 'n amptenaar is nie en wat sonder die uitdruklike toestemming van die Direkteur en van 'n amptenaar, wat bevoeg is om vergunning te gee, enige gedeelte van 'n poskantoor betree, waarin enige van die werksaamhede verrig word, ten opsigte waarvan die eed van geheimhouding deur amptenare afgelê moet word, of wat, terwyl hy in enige poskantoor vertoef, opsetlik die diensreëling van die departement belemmer, of hom wanordelik gedra of in gebreke bly om enige regulasie na te kom, wat deur die Direkteur vasgestel is vir die gerief en gemak van die publiek of vir die veiligheid van die geboue, of wat enige amptenaar opsetlik belemmer, hinder of ophou in die uitoefening van sy diens, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond of aan gevangenisstraf vir 'n tydperk van hoogstens ses maande of aan albei, sodanige boete en gevangenisstraf.

(2) Enige amptenaar kan enige persoon, wat in stryd met hierdie artikel handel, versoek om die voormelde poskantoor onmiddellik te verlaat, en enige sodanige persoon, wat in gebreke bly om aan sodanige versoek te voldoen, kan deur enige amptenaar verwyder word, en al die polisie-amptenare moet enige sodanige persoon op vordering van 'n amptenaar verwyder of help om te verwyder.

Bedrieglike uitgifte of aambeelding van poswissels, posorders ens. Versending van enige berigte aangaande enige poswissel, posorder ens. met bedrieglike oogmerk.

101. Enige persoon, wat met die oogmerk om te bedrieg enige poswissel, posorder, spaarbankaanwysing of ander aanwysing, order of dokument vir die oormaking, betaling, invordering of deponering van geld deur of by die departement uitgee, weer uitgee, in omloop bring of aan enige ander

(b) steals any mail or steals from any mail or post office or from the possession or custody of any officer or for any purpose embezzles or fraudulently secretes or destroys any postal article or any of the contents thereof;

(c) receives any such mail or postal article or any of the contents thereof knowing the same to have been stolen, embezzled or fraudulently secreted, or to have been sent or intended to be sent by post; or

(d) stops any mail with intent to rob or search that mail,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years: Provided that the Director may, under special precautions to be set forth in regulations, exempt from the provisions of this section noxious or deleterious matter sent in the interests of public health.

96. Any officer who, otherwise than in pursuance of his duty, opens or tampers with or wilfully destroys, makes away with or secretes or suffers to be opened or tampered with, destroyed, made away with or secreted any mail or postal article, or any other person who opens or tampers with or wilfully destroys, makes away with or secretes any mail, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years.

Irregular opening of or tampering with mail or irregular destruction, secretion or opening of postal article.

97. Any person who wilfully interferes with the conveyance of a mail or through whose act or neglect the conveyance of a mail is interfered with, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment for a period not exceeding one year.

Obstructing or delaying mail.

98. (1) Any person, not being an officer, who wilfully opens any postal article or telegram which he knows ought to be or to have been delivered to another person or does any act or thing whereby the due delivery of that article or telegram to such other person is prevented, obstructed or delayed, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Wilful opening or delay by any person other than officer of postal article or telegram addressed to another person.

(2) Nothing in this section shall apply to any person who does any such act where that person is the parent or in the position of parent or guardian of the addressee and the addressee is a minor under sixteen years of age or a ward.

99. Any person who without the authority of the Director (the proof of which authority shall be on the accused)—

Unauthorised use of words "Post Office", "Mail", etc.

(a) places or maintains or suffers to be placed, maintained, or to remain in, on, or near, any house, premises, wall, door, window, box, post, pillar or other place belonging to him or under his control the words "Post Office" or any other words or mark which may imply or may give reasonable cause for believing that house, premises, wall, door, window, box, post, pillar or other place to be a post office; or

(b) places or maintains or permits to be placed, maintained or to remain on any vehicle or vessel the word "Mail" or any other word or mark which may imply or give reasonable cause for believing that such vehicle or vessel is used for the conveyance of mails,

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

100. (1) Any person not being an officer who, without the express permission of the Director or of an officer having authority to give permission, enters any part of a post office in which is carried on any of the operations in respect of which the oath of a secrecy is taken by officers, or whilst in any post office wilfully obstructs the course of business of the department or behaves in a disorderly manner or fails to comply with any regulation issued by the Director to secure the comfort and convenience of the public or the safety of the premises, or who wilfully obstructs, hinders or delays any officer in the execution of his duty, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Unauthorised entry of premises; obstruction of course of business; refusal to comply with Regulations issued by the director.

(2) Any officer may require any person committing an offence under this section immediately to leave the post office aforesaid, and any such person who fails to comply with such a requirement may be removed by any officer, and all police officers shall, on demand by an officer, remove or assist in removing any such person.

Fraudulent issue or presentation of money order, postal order, etc. Sending of any communication as to any money order, postal order, etc., with fraudulent intent.

101. Any person, who, with fraudulent intent, issues re-issues, utters or presents to any other person or at any post office any money order, postal order, Savings Bank

persoon of aan 'n poskantoor aanbied, of wat met die oogmerk om te bedrieg deur die pos of andersins enige brief, telegram of ander mededeling of berig versend betreffende enige poswissel, posorder, spaarbankaanwysing of ander aanwysing, order of dokument vir die oormaking, betaling, invordering of deponering van geld deur of by die departement, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan gevangenisstraf vir 'n tydperk van hoogstens sewe jare; en ingeval van enige vervolging ten opsigte van enige oortreding onder hierdie artikel berus die las om die nie-bestaan van 'n bedrieglike oogmerk te bewys by die beskuldigde.

Voorgee amptenaar van die departement te wees met bedrieglike oogmerk.

102. Enige persoon, wat met bedrieglike oogmerk voorgee om 'n amptenaar van die departement te wees of hom as sodanige uitgee is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of aan gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of aan albei, sodanige boete en gevangenisstraf.

Valse verklarings.

103. Enige persoon, wat valslik enige verklaring maak, wat deur hierdie Proklamasie voorgeskrywe is, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond.

Diefstal, vernieling, vervalsing of verandering van telegramme.

104. (1) Enige persoon, wat—

- (a) met bedrieglike oogmerk enige telegram of enige deel daarvan onttrek aan die besit van enige amptenaar of ander persoon, wat dit namens die Direkteur in sy bewaring het, of aan enige poskantoor, of enige telegram of enige gedeelte daarvan steel, wegsteek of verniel of enige sodanige telegram of enige gedeelte daarvan op bedrieglike wyse ontvang;
- (b) 'n telegram vervals of 'n telegram in omloop bring wetende dat dit vervals of vals is, of per telegraaf as telegram 'n berig of mededeling versend voorgewende 'n telegram te wees, terwyl hy weet dat dit vervals of vals is;
- (c) willens en wetens ten einde as telegram versend te word, 'n berig of mededeling aan enige amptenaar ter versending as telegram stuur, afgee of laat stuur of afgee, watter berig of mededeling opsetlik en sonder hoorlike vergunning verander is, of voorgee geteken of gestuur te wees deur 'n ander sonder sy toestemming, of wat wederregtelik 'n telegram met die naam van 'n ander persoon sonder sy toestemming of met die naam van enige verdigte persoon onderteken, of wat opsetlik en sonder die toestemming van die afsender enige telegram verander of enige berig of mededeling skrywe, uitgee of afgee, wat voorgee 'n deur 'n telegraafkantoor ontvangte telegram te wees, maar in werklikheid nie aldus ontvang is nie,

is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of aan gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of aan albei, sodanige boete en gevangenisstraf.

(2) Ingeval van enige vervolging ten opsigte van enige oortreding onder hierdie artikel berus die las om die nie-bestaan van die oogmerk om te bedrieg, onbekendheid met die feite of bevoegdheid tot die handeling, soos die geval mag wees, te bewys by die beskuldigde.

Bekendmaking van inhoud van telegramme.

105. Enige amptenaar wat, behalwe as getuie in 'n geregshof, sonder die toestemming van die afsender of ontvanger of anders as in die waarneming van sy diens, 'n telegram oopmaak of skend of die inhoud of strekking van enige telegram bekend maak of sy bestaan op ander wyse ter kennis bring as deur afgifte van die telegram of van 'n afskrif daarvan aan die persoon, aan wie hy bevoeg is om die telegram of die afskrif daarvan te gee, of wat kwaadwillig of opsetlik enige telegram verkeerd aflewer en verkeerde tyd daarop sit, dit wegsteek, onderskep, verniel, wegmaak, verander, of nalaat om enige telegram te versend of af te lewer, of die aflevering of versending van enige telegram te verhinder of te vertraag, of vir sy eie doeleindes gebruik maak van enige bekendheid met die inhoud van enige telegram, wat hy mag opdoen, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of aan gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of aan albei, sodanige boete en gevangenisstraf.

Oprigting van telegraaflyne sonder toestemming.

106. Enige persoon, wat sonder die magtiging van die Direkteur enige telegraaflyn oprig, instandhou of gebruik, onverskillig of dit voor of na die inwerkingtreding van hierdie Proklamasie opgerig is, en nie voldoen nie aan enige kennisgewing van die Direkteur om daardie lyn te verwyder of sodanige vorderings ten aansien daarvan te betaal as van tyd tot tyd daarvoor voorgeskrywe mag word, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens vyf pond vir elke dag gedurende welke enige sodanige lyn opgerig, instandgehou of gebruik word of bly in stryd met die bepaling van hierdie Proklamasie, en die Direkteur kan, sonder skadeloosstelling, daardie lyn, geheel of ten dele, in sy volstrekte besit neem, wegruim of vernietig.

Beskadiging van telegraaflyne, ens. Arrestasie van oortreders sonder lasbrief.

107. Enige persoon, wat opsetlik of kwaadwilliglik enige telegraaflyn of materiaal of instrumente of toestelle, wat in verband daarmee gebruik word, verniel, beskadig of verwyder, of op watter wyse ook die vry gebruik of die vry bediening van sodanige lyn, materiaal, instrumente of toestelle stoor, belemmer of hinder, of enige draad, geleider of enige ander ding sonder magtiging van die Direkteur aan enige telegraaflyn of enige gedeelte daarvan aanbring of vasmaak, of wat die aanleg of verandering van enige lyn of die instandhouding of die ondersoek van enige sodanige lyn stoor of hinder, of wat oponthoud veroorsaak by die herstelling van enige sodanige lyn, is skuldig aan 'n oortreding en

warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the department or transmits through the post or otherwise any letter, telegram or other communication or message concerning any money order, postal order, Savings Bank warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the department shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years; and in any proceeding in respect of any offence under this section the burden shall lie on the accused of proving an absence of fraudulent intent.

102. Any person who, with fraudulent intent, personates or represents himself to be an officer of the department shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Personating an officer of the department with fraudulent intent.

103. Any person who falsely makes any declaration prescribed by this Proclamation shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

False declarations.

104. (1) Any person who —

- (a) with fraudulent intent, takes from the possession of any officer or other person having the custody thereof for the Director or from any post office, or steals, secretes or destroys, any telegram or any part thereof or fraudulently receives any such telegram or any part thereof;
- (b) forges a telegram or utters a telegram knowing the same to be forged or false or transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged or false; or
- (c) knowingly sends, delivers, or causes to be sent or delivered to any officer for the purpose of being transmitted as a telegram any message or communication which has been wilfully and without due authority altered, or which purports to be signed or sent by any other person without that person's consent or who wrongfully signs any telegram with the name of another person without that person's consent or with the name of some fictitious person or who wilfully and without the consent of the sender alters any telegram or writes, issues or delivers any message or communication which purports to be a telegram received through a telegraph office but which was not so received,

Theft, destruction, forging or alteration of telegrams.

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(2) In any proceeding in respect of any offence under this section the burden shall lie on the accused of proving an absence of intent to defraud, ignorance of the facts, or due authority for the act, as the case may be.

105. Any officer who, not being a witness in a court of justice, without the consent of the sender or receiver or otherwise than in pursuance of his duty, opens or tampers with or divulges the contents or substance of any telegram, or discloses its existence otherwise than by delivering the telegram or giving a copy of it to the person to whom he is authorised to deliver that telegram or give such copy, or who maliciously or wilfully misdelivers, mistimes, secretes, intercepts, destroys, makes away with, alters or omits to transmit or deliver or prevent or delay the delivery or transmission of any telegram or makes use for his own purposes of any knowledge he may acquire of the contents of any telegram, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Divulging contents of telegrams.

106. Any person who, without the authority of the Director, erects, maintains or uses any telegraph line, whether constructed before or after the commencement of this Proclamation, and fails to comply with any notice from the Director to remove that line or to pay such charges, if any, in respect thereof as may from time to time be prescribed, shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds for every day during which any such line is or continues to be set up, maintained, or used in contravention of the provisions of this Proclamation, and the Director may, without compensation, take absolute possession of, cut down, or destroy the whole or any part of that line.

Erection of telegraph lines without authority.

107. Any person who wilfully or maliciously destroys, injures or removes any telegraph line or any material, instrument or apparatus used in connection therewith, or disturbs, obstructs or impedes in any way the free use or working of any such line, material, instrument or apparatus, or affixes or attaches any wire, conductor or any other thing to any telegraph line or any part thereof without the authority of the Director, or who interferes with or hinders the construction or alteration of any such line or the maintenance or the examination thereof, or causes delay

Injury to telegraph lines, etc. Arrest of offenders without warrant.

na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of aan gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of aan albei, sodanige boete en gevangenisstraf, onverminderd enige reg wat die Direkteur mag hê om in siviële regsvoering op die persoon, wat skuldig bevind is, sodanige skade, wat deur hom veroorsaak mag wees, te verhaal, en enige persoon, wat getuie is van die pleging van enige sodanige oortreding of van 'n poging daartoe, kan die oortredende persoon sonder lasbrief aanhou en voor enige magistratshof bring om volgens wet behandel te word.

108. Enige persoon, wat òf regstreeks òf deur middel van 'n dier, voertuig of voorwerp, wat aan hom toebehoor of onder sy berusting is, enige telegraaflyn van die Direkteur verniel of benadeel, is verplig om aan die Direkteur sodanige onkoste as deur die goedmaking van die vernieling of benadeling berokken mag word te vergoed, maar as die vernieling of benadeling veroorsaak word deur nalatigheid aan die kant van enige persoon, is daardie persoon, behalwe sy aanspreeklikheid vir die betaling van sodanige voormelde onkoste, na skuldigbevinding blootgestel aan 'n boete van hoogstens tien pond.

109. Vir elke opsetlike oortreding van enige bepaling van hierdie Proklamasie of moedswillige daad van nalatigheid of versuim om aan enige bepaling daarvan te voldoen of enige skikking, ooreenkoms of regulasie gemaak kragtens onderartikel (4) van artikel vier van hierdie Proklamasie en gepubliseer in die *Offisiële Koerant* of gemaak kragtens onderartikel (4) van daardie artikel en wat die krag van wet het, waarvoor geen spesiale of ander straf voorsien is nie, na te kom is die straf 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of albei, sodanige boete en gevangenisstraf.

110. Wanneer enige boete kragtens enige bepaling van hierdie Proklamasie opgelê is, by wanbetaling waarvan geen tydperk van gevangenisstraf uitdruklik voorgeskrywe is nie, kan die hof, as die veroordeelde persoon nie dadelik die boete betaal nie, hom veroordeel tot gevangenisstraf van hoogstens ses maande, tensy die boete eerder betaal word.

111. Wanneer enige persoon teenoor die Direkteur erken dat hy 'n vergryp teen hierdie Proklamasie begaan het, ten opsigte waarvan boete ter keuse gestel is, kan die Direkteur met skriftelike toestemming van daardie persoon die saak afdoen, en kan sonder vorm van proses daardie persoon enige geldstraf laat betaal, wat hy geskik ag, die maksimum-bedrag van die boete wat wettig vir die oortreding opgelê mag word nie teboegaande nie, en, by wanbetaling daarvan, is daardie persoon weens daardie oortreding blootgestel aan vervolging op die gewone wyse asof geen straf deur die Direkteur gestel was nie. Die Direkteur mag die mag hom by hierdie artikel verleen nie uitoefen nie, tensy hy vooraf die skriftelike toestemming daartoe van die Prokureur-Generaal in elke geval verkry het.

112. In enige aangifte of klagte van of betreffende, of in enige vervolging van enige oortreding begaan ten opsigte van die departement of van enige pos, telegram, telegraaflyn, of van eiendom, gelde, poswissels, posorders of ander dokumente, wat bestem is om gebruik te word vir die doel van versending, betaling, invordering van gelde deur, of deponering daarvan by die departement, of ten opsigte van enige handeling, daad, saak of ding wat gedoen of begaan is met enige kwaadwillige, benadelende of bedrieglike oogmerk ten aansien van of betreffende die departement of enige sodanige pos, telegram, telegraaflyn, eiendom, gelde, poswissels, posorders of ander dokument, is dit voldoende—

- (a) om te beweer dat sodanige pos, telegram, eiendom, gelde, poswissels, posorders of ander dokument behoort aan of in die wettige besit is van die Direkteur en om hulle as bewysmiddele in te dien, sonder te beweer of te bewys dat hulle waarde het;
- (b) om te beweer dat enige sodanige handeling, daad, saak of ding gedoen of begaan is met die oogmerk om die Direkteur te benadeel of te bedrieg sonder sy of enige ander naam, toevoeging of beskrywing hoegenaamd aan te gee; en
- (c) indien die oortreder 'n amptenaar is, om te beweer dat hy 'n amptenaar van die departement was tydens die pleging van die oortreding sonder opgawe van die aard of die besonderhede van sy diens.

113. In enige hofsake vir die verhaal van enige som, wat kragtens hierdie Proklamasie ten opsigte van 'n posartikel betaalbaar is—

- (a) strek die offisiële stempel of merk daarop, wat die verskuldigde som aangee, tot *prima facie* bewys dat die daarop gespesifiseerde som werklik ten opsigte van daardie posartikel verskuldig is; en
- (b) strek die vertoning van enige sodanige posartikel, wat 'n poskantoorstempel of merk op hom het, aantoonende dat die aanneming van die artikel geweier is of dat die persoon, aan wie dit geadresseer is, dood is of nie gevind kan word nie, tot *prima facie* bewys van die teenoorgestelde.

114. Die Direkteur kan enige amptenaar van die Administrasie belas om namens hom in enige laer hof, hetsy as verweerder of vir enige ander doel, uitgesonderd as vervolger, te verskyn, en sy skriftelike magtiging daartoe is regtens goed en voldoende.

in the restoration of any such line shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment, without prejudice to any right the Director may have of proceeding civilly against the person convicted for compensation for such damage as may have been caused by him, and any person who witnesses the commission or any attempt at the commission of such an offence may, without warrant, apprehend the person offending and bring him before any magistrate's court to be dealt with according to law.

108. Any person who, either directly or by means of an animal, vehicle or thing owned by him or in his custody, destroys or injures any telegraph line of the Director shall be liable to pay to the Director such expenses as may be incurred in making good the destruction or injury, but if the destruction or injury be occasioned by negligence on the part of any person, that person shall, in addition to liability for the payment of such expense as aforesaid, be liable on conviction to a fine not exceeding ten pounds.

109. For every wilful contravention of or wilful act of neglect or omission to comply with any provision of this Proclamation or any arrangement, convention, or regulation made under sub-section (4) of section four of this Proclamation and published in the *Gazette* or made under sub-section (4) of that section and having the force of law, for which no special or other penalty is provided, the penalty shall be a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months, or both such fine and imprisonment.

110. Whenever any fine has been imposed under any provision of this Proclamation in default of payment whereof no period of imprisonment is expressly prescribed and the person convicted do not forthwith pay the same, the court before which that person is convicted may sentence him to imprisonment for a period not exceeding six months, unless the fine be sooner paid.

111. Where any person admits to the Director that he has committed an offence against this Proclamation in respect of which the option of a fine is given, the Director may, with the consent in writing of that person, determine the matter, and may, without any legal proceedings, require that person to pay any pecuniary penalty he may deem proper, not exceeding the maximum amount of the fine which may lawfully be imposed for the offence, and, failing payment thereof, that person shall be liable to be proceeded against in ordinary course for that offence as if no penalty had been assessed by the Director. The Director shall not exercise the power conferred by this section unless he has previously obtained the written consent thereto of the Attorney-General in every case.

112. In any information or complaint as to, or in any prosecution for, any offence committed in respect of the department or of any mail, telegram, telegraph line or any property, moneys, money order, postal order or other document authorised to be used for the purpose of remitting, paying, collecting or depositing money through or with the department or with respect to any act, deed, matter or thing which has been done or committed with any malicious, injurious or fraudulent intent relating to or concerning the department or any such mail, telegram, telegraph line, property, moneys, money order, postal order, or other document, it shall be sufficient —

- (a) to allege that such mail, telegram, property, moneys, money order, postal order or other document belongs to or is in the lawful possession of the Director and to put in the same in evidence, and it shall not be necessary to allege or prove the same to be of any value;
- (b) to allege that any such act, deed, matter or thing was done or committed with intent to injure or defraud the Director without setting forth his or any other name, addition, or description whatsoever;
- (c) if the offender be an officer, to allege that the offender was an officer of the department at the time of the committing of the offence without stating further the nature or particulars of his employment.

113. In any legal proceedings for the recovery of any sum payable under this Proclamation in respect of a postal article —

- (a) the official stamp or mark thereupon denoting the sum due shall be *prima facie* evidence of the liability of that postal article to the charge specified thereon; and
- (b) the production of any such postal article having thereon a post office stamp or mark denoting that the article has been refused or that the person to whom the same is addressed is dead or could not be found, shall be *prima facie* evidence of the fact denoted.

114. The Director may depute any officer of the Administration to appear on his behalf in any inferior court either as defendant or for any purpose other than as prosecutor, and his authority in writing to that effect shall be good and sufficient in law.

Beskadiging van telegraaf deur toeval of skuld.

Straf op oortredings, waarvoor geen besonder straf voorsien is nie.

Bevoegdheid om gevangenisstraf op te lê by wanbetaling van boete.

Direkteur kan sekere sake afdoen.

By vervolgings, ens. word die Direkteur aangemerkt as eienaar van posartikels, geld, poswissels, ens.

Bewyskrag van offisiële merke.

Plaasvanger kan in plek van Direkteur verskyn.

Accidental or negligent injury to telegraph lines, etc.

Penalty for offences for which no special penalty provided.

Power to order imprisonment in case fine not paid.

Director may settle certain cases.

In prosecutions, etc. property in postal articles, moneys, money orders, etc. vested in Director.

Evidence: acceptance of official marks.

Deputy may appear for the Director.

HOOFSTUK VIII.

CHAPTER VIII.

ALGEMENE EN AANVULLENDE BEPALINGS.

GENERAL AND SUPPLEMENTARY.

Aanspreeklikheid van die Administrasie en sy amptenare.

115. (1) Met inagneming van die bepalings van onder-artikel (4) van hierdie artikel, mag geen geregtelike stappe teen die Administrasie of teen enige amptenaar ter oorsake van enige dwaling, versuim, vertraging, nalating, skade, vernietiging, nie-aflowering, nie-versending of verlies, hetsy uit nalatigheid of andersins, ten opsigte van enige posartikel of telegram gedoen word nie.

115. (1) Subject to the provisions of sub-section (4) of this section, no legal proceedings shall be instituted against the Administration or against any officer by reason of any error, default, delay, omission, damage, destruction, non-delivery, non-transmission or loss, whether negligent or otherwise, in respect of any postal article or telegram.

Liability of the Administration and its officers.

(2) As enige geld, wat in die krediet van 'n inlêer in die Posspaarbank van Suidwes-Afrika is, betaal word aan enige persoon, wat nie daardie inlêer is nie, of as enige spaarbanksertifikaat aan enige persoon betaal word, wat nie die wettige houër daarvan is nie, of as enige vertraging voorkom by die betaling van enige sodanige geld of sertifikaat, is die Administrasie en die amptenaar, wat die betaling doen of die betaling laat doen of die vertraging veroorsaak, aanspreeklik vir enige verlies direk aan daardie inlêer of daardie houër deur daardie betaling of vertraging veroorsaak; maar net as daardie inlêer of houër, soos die geval mag wees, bewys dat die onbehoorlike betaling of die vertraging by die doen van die betaling geensins te wyte was aan sy eie opsetlike of nalatige handeling of versuim nie: Met die verstande dat geen bepaling in hierdie onderartikel bevat so uitgelê mag word nie, as sou dit enige aanspreeklikheid vir verlies op enige amptenaar lê, tensy die verlies deur die nalatigheid van daardie amptenaar veroorsaak is.

(2) If any money standing to the credit of a depositor in the Post Office Savings Bank of South West Africa be paid to any person other than that depositor, or if any Savings Bank certificate be paid to any person other than the lawful holder thereof, or if any delay occur in making payment of any such money or certificate, the Administration and the officer making the payment or causing the payment to be made or causing the delay shall be liable for any loss directly caused to that depositor or to that holder by that payment or delay; but only if that depositor or holder, as the case may be, proves that the improper payment or the delay in making payment was in no degree due to his own wilful or negligent act or omission: Provided that nothing in this sub-section contained shall be construed as imposing any liability for loss upon any officer, unless the loss has been caused by the negligence of that officer.

(3) Met inagneming van die bepalings van onderartikels (2) en (4) van hierdie artikel, as enige geld kragtens die bepalings van hierdie Proklamasie of enige ander wet deur enige amptenaar betaal word aan enige ander persoon, behalwe die persoon aan wie dit betaalbaar was, of as enige vertraging ontstaan by die betaling van enige sodanige geld, word die Administrasie en die amptenaar, wat die betaling doen of die betaling laat doen of die vertraging veroorsaak, bevry van al die aanspreeklikheid ten opsigte van die aldus betaalbare geld en is hulle nie aanspreeklik vir enige verlies veroorsaak deur die betaling of vertraging nie, tensy bewys word dat die onbehoorlike betaling of die vertraging by die betaling te wyte was aan die opsetlike of nalatige handeling of versuim van enige sodanige amptenaar en geensins te wyte was nie aan die opsetlike of nalatige handeling of versuim van die persoon, wat aanspraak maak op betaling van sodanige geld of op kompensasie vir sodanige verlies.

(3) Subject to the provisions of sub-sections (2) and (4) of this section, if any money due under the provisions of this Proclamation or any other law to any person is paid by any officer to anyone other than the person to whom it was due, or if any delay occur in making payment of any such money, the Administration and the officer making the payment or causing the payment to be made or causing the delay shall be discharged from all liability in respect of the money so due and shall not be liable for any loss caused by the payment or delay, unless it be proved that the improper payment or the delay in making payment was due to the wilful or negligent act or omission of any such officer and was in no degree due to the wilful or negligent act or omission of the person claiming payment of such money or of compensation for such loss.

(4) Niks in hierdie artikel bevat mag so uitgelê word nie, as sou dit die Administrasie vrystel van aanspreeklikheid vir verlies, wat 'n amptenaar deur enige handeling of versuim met betrekking tot sy offisiële pligte opsetlik aan enige persoon veroorsaak het.

(4) Nothing in this section contained shall be construed as exempting the Administration from liability for loss which an officer has by any act or omission in relation to his official duties wilfully caused to any person.

Voorgeskrywe dokumente is vrystel van enige belasting.

116. Poswissels, posorders en enige ander dokumente, wat bestem is om vir die doel van geldversending deur die departement gebruik te word en posaanskrywings en ander dokumente, wat bestem is om vir die doel van invordering van geld deur die departement gebruik te word asmede pospaarbankaanwysings en ander orders tot betaling van geld, ontvangsbewyse van geld en al die ander dokumente, wat kragtens hierdie Proklamasie voorgeskrywe, voorsien of vereis is, is vrystel van al die fooie en belastinge van welke aard dan ook, behalwe sodanige as kragtens hierdie Proklamasie vorderbaar is.

116. Money orders, postal orders and any other documents authorised to be used for the purpose of remitting money through the department and postal drafts and other documents authorised to be used for the purpose of collecting money through the department and Post Office Savings Bank warrant and other orders for the payment of money, acknowledgments of the receipt of money, and all other documents prescribed, provided for, or required under this Proclamation shall be exempt from all fees or duties whatsoever, except such as are chargeable under this Proclamation.

Documents prescribed to be exempt from all duties.

Aanhouding van posartikels en telegramme, wat vermoedelik betrekking het op misdade of oortredings, en oorhandiging daarvan aan publieke aanklaer op las van Prokureur-generaal, ens.

117. Enige posartikel of enige telegram, wat na redelike vermoede enigiets bevat, wat bewys sal lewer aangaande die pleging van 'n kriminele oortreding, of na redelike vermoede gestuur is om die pleging van 'n kriminele oortreding te bevorder, of om die opsporing van 'n te verberge kriminele oortreding onmoontlik te maak, moet deur die gesaghebbende amptenaar van enige pos- of telegraafkantoor, waarin dit is of deur welke dit passeer, op skriftelike versoek van enige publieke aanklaer aangehou word, en die Direkteur moet, op die skriftelike versoek van die Prokureur-Generaal, daardie posartikel of telegram aan die voormelde publieke aanklaer laat oorhandig.

117. Any postal article or any telegram which is reasonably suspected of containing anything which will afford evidence of the commission of a criminal offence, or reasonably suspected of being sent in order to further the commission of a criminal offence, or to enable the detection of a criminal offence to be concealed, shall be detained by the officer in charge of any post office or telegraph office in which it is or through which it passes, on the written request of any public prosecutor, and the Director shall, on the written request of the Attorney-General, cause that postal article or telegram to be handed over to the said public prosecutor.

Detention of postal articles and telegrams suspected of being concerned with crimes or offences and handing over of same to public prosecutor on authority of Attorney-General.

Amptenare moet eed aflê.

118. Elke amptenaar moet, desverlang deur die Direkteur, alvorens hy die pligte van sy amp uitoeven, die eed of plegtige verklaring, uiteengesit in die Twede Bylae van hierdie Proklamasie, voor 'n kommissaris van ede aflê en onderteken.

118. Every officer required by the Director so to do shall before exercising the duties of his office take and subscribe before a commissioner of oaths the oath or affirmation set forth in the Second Schedule to this Proclamation.

Officers to take oath.

Kort tiitel.

119. Hierdie Proklamasie kan aangehaal word as die Posadministrasie-Proklamasie 1931.

119. This Proclamation may be cited as the Post Office Administration Proclamation, 1931.

Short title.

GOD BEHOEDE DIE KONING.

GOD SAVE THE KING.

Gegee onder my handtekening en seël te Windhoek op hierdie tiende dag van April, 1931.

Given under my hand and seal at Windhoek this tenth day of April, 1931.

A. J. WERTH,  
Administrator.

A. J. WERTH,  
Administrateur.

## EERSTE BYLAE.

(Artikel een.)

## HERROEPE WETTE.

| Nommer en Jaar van Wet.  | Titel of Onderwerp van Wet.                         | Mate van herroeping.           |
|--|---|--------------------------------|
| Proklamasie No. 8 van 1916   | Oprigting van Spaarbank                             | Die hele.                      |
| Proklamasie No. 66 van 1920  | Wysiging van Wet betreffende Spaarbank              | Die hele.                      |
| Proklamasie No. 57 van 1921, soos gewysig by artikel vyf van Proklamasie No. 18 van 1925 | Die Omheinings Proklamasie 1921                     | Artikel <i>ses-en-dertig</i> . |
| Proklamasie No. 15 van 1929  | Die Poskantoor Spaarbank Wysigings Proklamasie 1929 | Die hele.                      |

## TWEDE BYLAE.

(Artikel eenhonderd en agtien.)

## EED WAT DEUR AMPTENARE AFGELÊ MOET WORD.

Ek (vol naam) .....  
 sweer (of, in die geval van 'n plegtige verklaring, verseker en verklaar plegtig en opreg) dat ek in my betrekking as 'n posbeampte eerlik, vertroubaar en onpartydig sal handel sonder aansien van persoon ooreenkomstig die wet en na my beste wete; dat ek nie in stryd met die wet of met my plig die inhoud van briewe, telegramme of offisiële stukke van welke aard ook, of die transaksies van 'n inleër in die Posspaarbank sal openbaar of bekend maak nie, nóg briewe of ander posartikels of telegramme sal oopmaak of agterhou, of laat oopmaak of agterhou, of toelaat dat dit oopgemaak of agtergehou word nie, nóg onder enige omstandighede briewe, telegramme of offisiële stukke, wat aan my sorg toevertrou is, sal verniel of wegmaak nie; dat ek aan die amptenare, wat oor my gestel is, gehoorsaam sal wees en dat ek rekenskap sal gee en verantwoording sal doen van enige verantwoordelike diens aan my toevertrou, wanneer en waar dit ook van my verlang mag word.

(In die geval van 'n eed)

SO HELP MY GOD.

## FIRST SCHEDULE.

(Section One.)

## LAWS REPEALED.

| Number and Year of Law.   | Title or Subject of Law.                                   | Extent of Repeal.           |
|---|--|-----------------------------|
| Proclamation No. 8 of 1916.   | Establishment of Savings Bank.                             | The whole.                  |
| Proclamation No. 66 of 1920.  | Amendment of Law relating to Savings Bank.                 | The whole.                  |
| Proclamation No. 57 of 1921, as amended by section five of Proclamation No. 18 of 1925. | The Fencing Proclamation, 1921.                            | Section <i>thirty-six</i> . |
| Proclamation No. 15 of 1929.  | The Post Office Savings Bank Amendment Proclamation, 1929. | The whole.                  |

## SECOND SCHEDULE.

Section one hundred and eighteen.)

## Oath or Affirmation to be Taken by Officers.

I (name in full) .....  
 do swear (or, in the case of an affirmation, do solemnly and sincerely affirm and declare) that I will faithfully in my position as a post office employee be honest trustworthy and fair without respect of persons according to the law and to the best of my knowledge; that I will not contrary to the law or to my duty communicate or divulge the contents of any letter telegram or official paper of any description or any information regarding the transaction of a depositor in the Post Office Savings Bank nor open or detain or cause or suffer to be opened or detained any letter or other postal article or any telegram nor on any account whatever destroy or make away with any letter telegram or official paper entrusted to my care; that I will be obedient to my official superiors and that I will give account of any responsibility entrusted to me whenever and wherever such may be required of me.

(In the case of an oath)

SO HELP ME GOD.

## ONTWERPORDONNANSIE

Om 'n raad van toesig op die suiwelnywerheid in te stel en om sy werksaamhede te bepaal; om voorsiening te maak vir die heffing op sekere suiwelprodukte; om verder voorsiening te maak vir die reëling van die suiwelnywerheid en vir uitoefening van toesig daarop en om die Suiwelnywerheid Ordonnansie 1926 te wysig.

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied Suidwes-Afrika met die toestemming van die Goewerneur-Generaal, vir sover sodanige toestemming benodig is, wat vooraf verkry is en deur boodskap van die Administrateur ooreenkomstig die bepalings van artikel *ses-en-twintig* van "De Zuidwest-Afrika Konstitutie Wet 1925" van die Parlement van die Unie van Suid-Afrika aan die Wetgewende Vergadering meegedeel is, as volg:—

1. Vanaf 'n dag, deur die Administrateur by proklamasie in die *Offisiële Koerant* vas te stel, word daar 'n raad ingestel, genoem die Raad van Toesig op die Suiwelnywerheid (hierinlater die raad genoem), met regs persoonlikheid beklee, wat as eiser en verweerder in sy naam as regs persoon in regte kan optree en wat, met inagneming van die bepalings van hierdie Ordonnansie, al die handelings kan verrig, wat regs persone regtens kan verrig.

2. (1) Die raad bestaan uit die Senior Suiwelamptenaar *ex-officio* en vier ander lede deur die Administrateur benoem van wie —

- ene 'n amptenaar in die staatsdiens moet wees (deur die Administrateur genomineer) wat die voorsitter van die raad moet wees;
- ene boere moet verteenwoordig, wat room aan botterfabrieke of melk aan kaasfabrieke lewer (hierinlater melkboerverteenwoordigers genoem);
- ene die eienaars van botterfabrieke en die eienaars van kaasfabrieke moet verteenwoordig (hierinlater fabrikanterteenwoordiger genoem);
- ene die vervaardigers van plaasmelkerybotter moet verteenwoordig (hierinlater die verteenwoordiger van plaasmelkery-bottermakers genoem).

(2) Die Senior Suiwelamptenaar het geen stem by enige vergadering van die raad nie, maar het in al die ander opsigte dieselfde regte as ander lede van die raad.

Instelling van 'n Raad van Toesig op die Suiwelnywerheid.

Samestelling van raad en aanstelling van lede.

## DRAFT ORDINANCE

To establish a Dairy Industry Control Board and to define its functions, to provide for the imposition of a levy upon certain dairy produce, to make further provision for the regulation and control of the dairy industry, and to amend the Dairy Industry Ordinance, 1926.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925, of the Parliament of the Union of South Africa, as follows:—

1. As from a date to be fixed by the Administrator by proclamation in the *Gazette* there shall be established a board, to be known as the Dairy Industry Control Board (hereinafter referred to as the board), which shall be a body corporate, capable of suing and being sued in its corporate name and, subject to the provisions of this Ordinance, of performing all such acts as bodies corporate may by law perform.

Establishment of Dairy Produce Control Board.

2. (1) The board shall consist of the Senior Dairy Officer *ex-officio* and four other members appointed by the Administrator, of whom—

- one shall be an officer in the public service (nominated by the Administrator), who shall be chairman of the board;
- one shall represent farmers supplying cream to creameries or milk to cheese factories (hereinafter referred to as the producers' representative);
- one shall represent the owners of creameries and the owners of cheese factories (hereinafter referred to as the manufacturers' representative);
- one shall represent makers of farm dairy butter (hereinafter referred to as the farm dairy butter-makers' representative).

Constitution of board and appointment of members.

(2) The Senior Dairy Officer shall have no vote at any meeting of the board but shall, in all other respects, have the same rights as other members of the board.

Benoeming van verteenwoordigers op raad en van lede op Unie Raad van Toesig op die Suiwelnywerheid.

3. (1) Die verteenwoordigers van melkboere, fabrikante en plaasmelkery-bottermakers word respektieflik deur die Administrateur benoem na rugspraak met sodanige persone en liggame as hy respektieflik verteenwoordigers ag te wees van die melkboere, die fabrikante van botter en kaas en die plaasmelkery-bottermakers.

(2) Enige lid van die Raad van Toesig op die Suiwelnywerheid, opgerig kragtens die Wet, wat deur hierdie Gebied benoem moet word ingevolge onderartikel (3) van artikel *vyf-en-vyftig* van die Wet, moet deur die Administrateur benoem word op aanbeveling van die raad.

Ampsduur van lede van raad.

4. (1) Die eerste lede van die raad benoem kragtens paragrawe (b) en (c) van artikel *twee*, moet net vir 'n tydperk van een jaar benoem word en al die ander lede vir 'n tydperk van twee jare; daarna moet al die lede van die raad vir 'n tydperk van twee jare benoem word, maar al die lede beklee hulle amp gedurende 'n verder tydperk (totdat hulle opvolgers benoem is) van hoogstens drie maande na verstryking van hulle ampstyd. Enige lid, wie se ampsduur verstryk is, is herbenoembaar.

(2) Die eerste lede van die raad word benoem so spoedig doenlik na publikasie van die proklamasie vermeld in artikel *een*.

(3) Wanneer die tydperk, waarvoor die lede van die raad aangestel is, verstryk is, moet nuwe lede benoem word binne 'n tydperk van drie maande na sodanige verstryking en wel op dieselfde manier as in die geval van die eerste lede.

(4) Wanneer die setel van enige lid van die raad om enige rede vakant word voor verloop van die tydperk, waarvoor hy aangestel is, kan die Administrateur 'n nuwe lid aanstel op dieselfde wyse as sodanige uitgevalle lid aangestel is, om sodanige vakature te vul, totdat die tydperk, waarvoor die uitgevalle lid aangestel was, verstryk is.

(5) Wanneer die Administrateur oortuig is dat enige lid van die raad deur siekte, afwesigheid of ander voldoende rede verhinder is om sy ampswerksaamhede te verrig, kan die Administrateur enige ander persoon, wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder is, en terwyl die voormelde plaasvervanger as sodanige ooreenkomstig sy aanstelling optree, word hy geag 'n lid van die raad te wees.

(6) Wanneer 'n lid van die raad sonder sy verlof versuim het om drie agtereenvolgende vergaderings daarvan by te woon en niemand volgens onderartikel (5) aangestel is nie om as sy plaasvervanger te ageer, hou hy op om 'n lid van die raad te wees.

(7) Wanneer daar soveel vakatures in die raad bestaan dat geen kworum gevorm kan word nie, kan die Administrateur al die funksies van die raad verrig, tot sodanige tyd as soveel van die voormelde vakatures aangevul is dat 'n kworum van die raad gevorm kan word.

Kworum, meerderheidsbeslissing en beslissende stem.

5. (1) Drie lede van die raad vorm 'n kworum.

(2) Die beslissing van die raadslede, wat op 'n raadsvergadering aanwesig is, maak 'n beslissing van die raad uit: Met die verstande dat die voorsitter van die raad by 'n staking van stemme op sodanige vergadering benewens sy gewone stem ook 'n beslissende stem het.

Toelae van lede van raad.

6. (1) Die lede van die raad (behalwe dié wat uit staatsfondse 'n salaris trek) en die lid van die Raad van Toesig op die Suiwelnywerheid opgerig kragtens die Wet, bedoel in onderartikel (2) van artikel *drie*, moet sodanige toelae ontvang tot dekking van al hulle redelike onkoste in verband met die sake van die raad, soos die Administrateur mag bepaal.

(2) Sodanige toelae moet uit die fondse van die raad betaal word.

Raadsvergaderings.

7. (1) Die eerste vergadering van die raad moet gehou word op 'n dag en plek deur die Administrateur vasgestel te word.

(2) Al die volgende vergaderings van die raad moet gehou word op die tye en plekke, wat die raad van tyd tot tyd vasstel.

(3) Die voorsitter van die raad kan self te enige tyd 'n spesiale vergadering van die raad byeenroep en op versoek van enige twee lede van die raad moet hy dit doen.

Bevoegdheid van die raad.

8. (1) Die raad is bevoeg —

- (a) om sodanige persone aan te stel as hy nodig ag om hom in staat te stel om sy funksies uit te oefen, en wel teen sodanige besoldiging en onder sodanige voorwaardes as hy mag vasstel;
- (b) om enige goed aan te skaf of te huur, wat hy nodig ag vir die verrigting van sy werksaamhede;
- (c) om op al die fabrieksbotter, op al die plaasmelkerybotter en op al die bottersurrogate, wat in die Gebied vervaardig word, en op al die botter en bottersurrogate, wat in die Gebied ingevoer word, hoogstens een pennie per pond van sodanige botter of bottersurrogate te hef: Met die verstande dat hy met die toestemming van die Administrateur 'n addisionele heffing van hoogstens een halfpennie per pond kan ople;
- (d) om op al die kaas, wat in die Gebied vervaardig word (behalwe kaas, wat iemand vervaardig vir gebruik van sy huisgesin), en op al die kaas, wat in die Gebied ingevoer word, hoogstens een pennie per pond van sodanige kaas te hef: Met die verstande dat hy met die Administrateur se toestemming 'n addisionele heffing van hoogstens een halfpennie per pond kan ople;

3. (1) The producers', manufacturers' and farm dairy butter-makers' representatives respectively, shall be appointed by the Administrator after consultation with such persons and bodies as he considers representative of the producers of cream and milk, the manufacturers of butter and cheese and the makers of farm dairy butter, respectively.

(2) Any member of the Dairy Produce Control Board established under the Act who is to be appointed by this Territory under sub-section (3) of section *fifty-five* of the Act, shall be appointed by the Administrator on the recommendation of the Board.

Appointment of representatives on board and of member on Union Dairy Produce Control Board.

4. (1) The first members of the board appointed under paragraphs (b) and (c) of section *two*, shall be appointed for a period of one year only and all the other members for a period of two years; thereafter all members of the board shall be appointed for a period of two years, but all members shall hold office during a further period until their successors have been appointed not exceeding three months after the expiration of their term of office. Any member whose term of office has expired shall be eligible for re-appointment.

Tenure of members of the board.

(2) The first members of the board shall be appointed as soon as may be after the publication of the proclamation referred to in section *one*.

(3) Whenever the period for which the members of the board were appointed has expired, new members shall be appointed within a period of three months after such expiration in the same manner as in the case of the first members.

(4) Whenever the office of any member of the board for any reason becomes vacant before the expiration of the period for which he was appointed, the Administrator may appoint a new member in the same manner as such vacating member was appointed, to fill such vacancy until the expiration of the period for which the vacating member was appointed.

(5) Whenever the Administrator is satisfied that any member of the board is prevented by illness, absence or other sufficient cause from performing the duties of his office, the Administrator may appoint any other person whom he considers suitable to act as the deputy of such member while he is so prevented, and while acting as such in terms of his appointment the said deputy shall be deemed to be a member of the board.

(6) Whenever a member of the board, without its leave, has failed to attend three consecutive meetings thereof, and no person has been appointed to act as his deputy in terms of sub-section (5), he shall cease to be a member of the board.

(7) Whenever there are so many vacancies on the board that no quorum can be formed, the Administrator may perform all the functions of the board until such time as sufficient of the said vacancies have been filled to enable a quorum of the board to be formed.

5. (1) Three members of the board shall form a quorum.

Quorum, majority decision and chairman's casting vote.

(2) The decision of the majority of the members of the board present at any meeting thereof shall constitute the decision of the board: Provided that in the event of an equality of votes at any such meeting the chairman of the board shall have a casting vote in addition to his deliberative vote.

6. (1) The members of the board (other than those in receipt of a salary from public funds) and the member of the Dairy Produce Control Board established under the Act, referred to in sub-section (2) of section *three*, shall receive such allowances to meet all reasonable expenses to which they may be put in connection with the business of the board, as the Administrator may determine.

Allowances of members of board.

(2) Such allowances shall be paid out of the funds of the board.

7. (1) The first meeting of the board shall be held on a day and at a place to be appointed by the Administrator.

Meetings of the board.

(2) All subsequent meetings of the board shall be held at such times and places as the board shall from time to time determine.

(3) The chairman of the board may himself at any time and shall at the request of any two members of the board call a special meeting of the board.

8. (1) The board shall have power—

Powers of the board.

- (a) to appoint such persons as it considers necessary to enable it to exercise its functions, at such remuneration and on such conditions as it may determine;
- (b) to acquire or hire any property which it considers necessary for the purpose of exercising its functions;
- (c) to impose on all creamery butter, on all farm dairy butter and on all butter substitutes, manufactured in the Territory, and on all butter and butter substitutes imported into the Territory, a levy not exceeding one penny per pound of such butter or butter substitutes: Provided that it may, with the consent of the Administrator, impose a further levy not exceeding one half-penny per pound;
- (d) to impose on all cheese manufactured in the Territory (other than cheese made by any person for consumption by his household) and on all cheese imported into the Territory, a levy not exceeding one penny per pound of such cheese: Provided that it may, with the consent of the Administrator, impose a further levy not exceeding one half-penny per pound;

- (e) om uit sy fondse sodanige kontribusie tot die botterheffingsfonds en die kaasheffingsfonds, gestig kragtens die Wet, te betaal as aan enige van die voormelde fondse onder die bepalings van artikel *vyf-en-vyftig* van die Wet betaalbaar mag word in verband met botter of kaas in hierdie Gebied vervaardig en uit hierdie Gebied uitgevoer;
- (f) om met die Administrateur se goedkeuring maatreëls voor te skryf tot reëling van die uitvoer van botter en kaas uit die Gebied, met inagneming van die bepalings van die Boerderyprodukte-Uitvoer-Ordonnansie 1928 (Ordonnansie No. 13 van 1928) of enige wysiging daarvan, en om beheer te aanvaar van botter en kaas, wat vir uitvoer bestem is;
- (g) om heffingsfondse te bestee tot aanmoediging van meerdere verbruik van suiwelprodukte en oor die algemeen om die ontwikkeling en verbetering van die suiwelnywerheid voort te help;
- (h) om 'n reserwefonds aan te lê waarin orige heffingsgelde, wat nie vir onmiddellike gebruik nodig is nie, inbetaal moet word.
- (i) om van sy fondse voor te skiet aan die eienaar van botter of kaas, wat onder die raad se beheer is, teen sekuriteit van daardie botter en kaas, en wel onder sodanige voorwaardes as die raad mag bepaal;
- (j) om lenings te sluit en geld daaruit voor te skiet aan die eienaar van botter of kaas, wat onder die raad se beheer is, teen sekuriteit van daardie botter of kaas, en wel op sodanige voorwaardes as die raad mag bepaal: Met die verstande dat enige sodanige voorskot nie meer mag bedra nie as sestig persent van die waarde van die botter of kaas, ten opsigte waarvan die geld voorgeskiet word;
- (k) om uit sy fondse al die betalings te doen, waartoe die raad verplig is of wat hy wettig mag doen kragtens hierdie Ordonnansie by die uitoefening van sy funksies;
- (l) om die eienaar van 'n botterfabriek of kaasfabriek of fabriek van gekondenseerde melk te gelas om aan die raad 'n juiste opgawe te doen —
- (i) van die hoeveelheid botter, kaas of gekondenseerde melk, wat hy vervaardig het gedurende enige aangegewe tydperk en van die hoeveelheid van elke graad botter of kaas, wat hy op 'n gegewe dag in voorraad het of gehad het, en van enige ander feit, wat volgens die raad se oordeel nodig is om hom in staat te stel om sy funksies uit te voer;
- (ii) van die pryse betaal per gewigseenheid bottervet of per volumeenheid, vir room of melk in sodanige botterfabriek, kaasfabriek of fabriek van gekondenseerde melk gedurende 'n gegewe tydperk gebruik;
- (m) om die persoon, wat 'n plek waar botter of kaas bewaar word onder sy beheer het, te gelas om aan die raad 'n juiste opgawe te doen van die hoeveelheid en kwaliteitsgrade van botter of kaas, wat op 'n gegewe datum aldaar bewaar was, en enige ander inligting te verstrek, wat volgens die raad se oordeel nodig is om hom in staat te stel om sy funksies uit te voer;
- (n) om besonderhede te publiseer van pryse, wat in botterfabrieke, kaasfabrieke en fabrieke van gekondenseerde melk betaal word vir bottervet en melk en oor die algemeen om inligtings te versprei omtrent die suiwelnywerheid, wat volgens die raad se oordeel strek tot inboeseming van vertroue in die nywerheid en om bestendigheid daarin te weeg te bring.
- (2) Die raad kan van tyd tot tyd die hoeveelheid botter en kaas vasstel, wat uit die Gebied gedurende enige tydperk uitgevoer word en vasstel, wanneer gedurende daardie tydperk en in watter besending sodanige hoeveelheid uitgevoer moet word.
- (3) Die raad moet aan elke eienaar van 'n botterfabriek of kaasfabriek, na die geval mag wees, van sodanige vasstelling kennis gee en kan, indien die hoeveelheid aldus vasgestel nie vrywillig uitgevoer word nie, elke sodanige eienaar gelas om op sulke tye gedurende voornoemde tydperk, soos die raad mag besluit, aan die raad vir uitvoer te lewer sodanige hoeveelhede botter of kaas, na die geval mag wees, as wat, in die aggreëte, dieselfde verhouding het tot die totale hoeveelheid botter of kaas vervaardig deur sodanige eienaar gedurende die twaalf kalendermaande voor die datum, waarop sodanige vasstelling gemaak is, as die totale hoeveelheid botter of kaas vervaardig in al die botterfabrieke of kaasfabrieke gedurende voornoemde twaalf kalendermaande het tot die hoeveelheid vasgestel deur die raad kragtens onderartikkel (2).
- (4) Wanneer die raad oortuig is dat die prys gewoonlik betaal deur die eienaars van botterfabrieke vir room daarin gebruik vir die vervaardiging van botter of dat die prys gewoonlik betaal deur die eienaars van kaasfabrieke of fabrieke van gekondenseerde melk buitengewoon laag is in vergelyking met die prys gewoonlik betaal in die Gebied vir botter of kaas of gekondenseerde melk vervaardig in die Gebied, kan die raad met goedkeuring van die Administrateur 'n mieniumsprys vasstel (gebaseer op die bottervet-gehalte) betaal te word vir die verskillende grade van room gebruik by die vervaardiging van botter in botterfabrieke en 'n mieniumsprys (eweneens gebaseer op die bottervet-gehalte of per volumeenheid) betaal te word vir melk gebruik vir die vervaardiging van kaas in kaasfabrieke of van gekondenseerde melk in fabrieke van gekondenseerde melk.
- (e) to pay out of its funds such contributions to the butter levy fund and the cheese levy fund respectively, established under the Act, as may become payable, in connection with butter or cheese produced in and exported from this Territory, to any of the said funds under the provisions of section *fifty-five* of the Act;
- (f) with the approval of the Administrator to prescribe measures governing the export of butter and cheese from the Territory, subject to the provisions of the Agricultural Produce Export Ordinance, 1928 (Ordinance No. 13 of 1928), or any amendment thereof, and to assume control over any such butter or cheese intended for export;
- (g) to utilise levy funds to encourage the greater consumption of dairy products and generally to assist the development and betterment of the dairy industry;
- (h) to create a reserve fund into which any surplus levy funds not required for immediate use shall be paid;
- (i) to advance money from its funds to any owner of butter or cheese which is under the control of the board on the security of such butter or cheese and on such terms as the board may determine;
- (j) to raise loans and advance money therefrom to any owner of butter or cheese which is under the control of the board on the security of such butter or cheese and on such terms as the board may determine: Provided that any such advance shall not exceed sixty per cent. of the value of the butter or cheese in respect of which the money is advanced;
- (k) to make, out of its funds, all payments which the board is required to incur or which it may lawfully incur under this Ordinance in the exercise of its functions;
- (l) to direct any owner of a creamery or cheese factory or condensed milk factory to furnish it with a correct statement—
- (i) of the quantity of butter, cheese, or condensed milk, manufactured by him during any stated period and of the quantity of each grade of butter or cheese which he has or has had in stock at any given date, and any other fact which is, in the opinion of the board, necessary to enable it to carry out its functions; or
- (ii) of the prices paid per unit of weight of butter-fat content or per unit of volume, for any cream or milk used in such creamery, cheese factory or condensed milk factory during any stated period;
- (m) to direct the person in charge of any place where butter or cheese is stored, to furnish it with a correct statement of the quantity and the grades of butter or cheese stored thereon or thereat at any given date, and with any other information which is, in the opinion of the board, necessary to enable it to carry out its functions;
- (n) to publish particulars of prices being paid in creameries, cheese factories and condensed milk factories for butter-fat and milk, and generally to disseminate information concerning the dairy industry which is, in the opinion of the board, calculated to inspire confidence in the industry and bring about a condition of stability therein.
- (2) The board may from time to time determine the quantity of butter or cheese which must be exported from the Territory during any period and determine when during that period, and in what consignments such quantity shall be exported.
- (3) The board shall notify every owner of a creamery or cheese factory, as the case may be, of such determination and may, if the quantity so determined, is not voluntarily exported direct every such owner to deliver at such times, during the aforesaid period, as the board may determine, to the board for export such quantities of butter or cheese, as the case may be, as bear, in the aggregate, the same ratio to the total quantity of butter or cheese manufactured by such owner during the twelve calendar months preceding the date upon which such determination is made, as the total quantity of butter or cheese manufactured in all creameries or cheese factories during the said twelve calendar months bears to the quantity determined by the board under sub-section (2).
- (4) Whenever the board is satisfied that the price ordinarily paid by the owners of creameries for cream used therein for the manufacture of butter, or that the price ordinarily paid by the owners of cheese factories or condensed milk factories for milk used therein for the manufacture of cheese or condensed milk is unduly low in comparison with the price ordinarily paid in the Territory for butter or cheese or condensed milk manufactured in the Territory, the board may, with the approval of the Administrator, fix a minimum price (based upon butter-fat content) to be paid for the various grades of cream used in the manufacture of butter in creameries, and a minimum price (likewise based upon butterfat content or per unit of volume) to be paid for milk used for the manufacture of cheese in cheese factories, or of condensed milk in condensed milk factories.

(5) Enige mienimumprys aldus vasgestel moet deur die Administrateur by kennisgewing in die *Offisiële Koerant* gepubliseer word, en is van krag vanaf die datum van publikasie van sodanige kennisgewing totdat die Administrateur dit met 'n dergelyke kennisgewing herroep.

(6) Enige persoon, wat terwyl sodanige kennisgewing van krag is, room of melk, waarop sodanige kennisgewing betrekking het, koop of verkoop teen 'n prys onder die mienimum vasgestel in sodanige kennisgewing vir sodanige room of melk, is skuldig aan 'n oortreding.

(5) Any minimum price so fixed shall be published by the Administrator by notice in the *Gazette* which shall be in force as from the date of publication of such notice until withdrawn by the Administrator by a like notice.

(6) Any person who, while any such notice is in force purchases or sells any cream or milk to which such notice refers, at a price below the minimum fixed in such notice for such cream or milk, shall be guilty of an offence.

Andere funksies van die raad.

9. Die funksies van die raad omvat voorts met inagneming van die bepalings van hierdie Ordonnansie —

- (a) die koördineer, sover moontlik, van die oorspronklike voortbrenging, vervaardiging en bemarking van suiwelprodukte;
- (b) die neem van maatreëls, wat volgens sy oordeel nodig mag wees om die pryse van suiwelprodukte in die Gebied te stabiliseer;
- (c) verlening van advies aan die Administrateur moet met betrekking tot vernuwing van die registrasie van enige botterfabriek, kaasfabriek, room-depôt of fabriek van battersurrogate en die registrasie van enige nuwe botterfabriek, kaasfabriek, room-depôt of fabriek van battersurrogate; en
- (d) oor die algemeen, verlening van advies aan die Administrateur omtrent al die sake aangaande die ontwikkeling van die suiwelnywerheid en aanbeveling van enige stappe, wat volgens die raad se oordeel strek tot bevordering van die algemene welvaart van daardie nywerheid.

9. It shall further be the function of the board, subject to the provisions of this Ordinance—

- (a) to co-ordinate as far as possible the primary production, manufacture and marketing of dairy produce;
- (b) to take such measures as may in its opinion be necessary to stabilise the prices of dairy produce in the Territory;
- (c) to advise the Administrator in regard to the renewal of the registration of any creamery, cheese factory, cream depôt or butter substitutes factory and the registration of any new creamery, cheese factory, cream depôt or butter substitutes factory; and
- (d) generally to advise the Administrator on all matters relating to the development of the dairy industry and to recommend any steps which are in its opinion calculated to promote the general welfare of that industry.

Other functions of the board.

Komitees van raad.

10. (1) Die raad kan, met die toestemming van die Administrateur, een of meer komitees uit sy lede benoem en sodanige komitee is bekleed met sodanige bevoegdhede van die raad as deur regulasies voorgeskrywe mag word.

(2) Die lede van 'n komitee moet dieselfde toelae ontvang as die lede van die raad.

(3) Die voorsitter van die raad kan te enige tyd en op enige plek 'n vergadering van enige komitee belê.

(4) Die beslissing van die meerderheid van al die lede van 'n komitee maak die beslissing van die komitee uit.

10. (1) The board may, with the consent of the Administrator, appoint one or more committees from its members, and any such committee shall be invested with such of the board's powers as may be prescribed by regulation.

Committees of board.

(2) The members of a committee shall receive the same allowances as the members of the board.

(3) The chairman of the board may at any time and at any place convene a meeting of any committee.

(4) The decision of a majority of all the members of a committee shall constitute the decision of the committee.

Bekendmaking van heffing in *Offisiële Koerant*.

11. Enige heffing deur die raad kragtens artikel 8 *agt* moet deur die Administrateur by kennisgewing in die *Offisiële Koerant* bekend gemaak word en tree in werking op die datum in sodanige kennisgewing vermeld.

11. Any levy imposed by the board by virtue of section eight shall be published by the Administrator by notice in the *Gazette*, and shall become operative upon the date stated in such notice.

Notification of levy in *Gazette*.

Heffing op fabrieksbotter.

12. (1) Die heffing deur die raad op fabrieksbotter opgelê moet deur die eienaar van elke botterfabriek voor die end van elke kalendermaand aan die raad betaal word op die hele hoeveelheid botter, wat in sodanige botterfabriek vervaardig is gedurende die voorafgaande kalendermaand, soos aangetoon in die opgawe aan die Senior Suiwelamptenaar ingestuur ooreenkomstig onderartikel (2).

(2) Die eienaar van elke botterfabriek moet eenkeer in elke kalendermaand en wel nie later nie as die vyftiende dag van daardie maand, aan die Senior Suiwelamptenaar te Windhoek 'n juiste opgawe instuur van die hele hoeveelheid botter, wat in sodanige botterfabriek gedurende die voorafgaande kalendermaand vervaardig is.

(3) Die eienaar van elke botterfabriek moet 'n juiste aantekening hou (in sodanige vorm as die Senior Suiwelamptenaar voldoende ag) van die hele hoeveelheid botter, wat op elke dag in sodanige botterfabrieke vervaardig is.

12. (1) The levy imposed by the board on creamery butter shall be paid by the owner of every creamery to the board before the end of every calendar month on the total quantity of butter manufactured in such creamery during the preceding calendar month, as disclosed in the statement transmitted to the Senior Dairy Officer in terms of sub-section (2).

Levy on creamery butter.

(2) The owner of every creamery shall once in every calendar month, not later than the fifteenth day of that month, transmit to the Senior Dairy Officer at Windhoek a correct statement of the total quantity of butter manufactured in such creamery during the preceding calendar month.

(3) The owner of every creamery shall keep a correct record (in such form as the Senior Dairy Officer considers sufficient) of the total quantity of butter manufactured on every day in such creamery.

Heffing op plaasmelkerybotter.

13. (1) Behoudens die bepalings van onderartikel (2) moet al die plaasmelkerybotter, wat by die kleinmaat verkoop word, nadat die raad plaasmelkerybotter aan 'n heffing onderhewig gemaak het, aan die koper gelewer word in 'n geslote pakket, waaraan volgens voorskrif by regulasie 'n plaasmelkerybotter-heffingsseël geheg is van 'n waarde, wat ooreenkom met die heffing op die hoeveelheid plaasmelkerybotter in daardie pakket.

(2) Die heffing deur die raad op plaasmelkerybotter opgelê, wat betaalbaar is op plaasmelkerybotter, wat op publieke markte of anders as by die kleinmaat verkoop word, moet betaal word op wyse by regulasie voorgeskrywe.

(3) Plaasmelkery-heffingsseëls moet gedruk word in sodanige vorm, grootte en kleur en op sodanige stof as by regulasie voorgeskrywe mag word, en moet aan die publiek te koop aangebied word in poskantore en posagentskappe.

(4) So spoedig as kan wees na die end van elke kalendermaand moet die Direkteur van Pos- en Telegraafwese die oprings van die verkoop van al die plaasmelkerybotter-heffingsseëls, wat in al die poskantore en posagentskappe gedurende die voormelde maand verkoop is, aan die voorsitter van die raad oorbetal, onderhewig aan 'n aftrekking van 'n kommissie, wat deur ooreenkoms tussen die Direkteur van Pos- en Telegraafwese en die raad bepaal moet word.

13. (1) Subject to the provisions of sub-section (2) all farm dairy butter sold by retail, after the imposition of a levy on farm dairy butter by the board, shall be delivered to the purchaser in a closed package to which is attached in manner prescribed by regulation a farm dairy butter levy stamp of a value corresponding with the levy imposed on the quantity of farm dairy butter contained in such package.

Levy on farm dairy butter.

(2) The levy imposed by the board on farm dairy butter, which is payable on farm dairy butter sold on public markets or otherwise than by retail, shall be paid in manner prescribed by regulation.

(3) Farm dairy butter levy stamps shall be printed in such form, size and colour and on such material as may be prescribed by regulation and shall be offered for sale to the public at post offices and postal agencies.

(4) As soon as may be after the end of every calendar month the Director of Posts and Telegraphs shall remit to the chairman of the board the proceeds of the sale of all farm dairy butter levy stamps sold at all post offices and postal agencies during the said month, subject to a deduction of a commission which shall be agreed upon between the Director of Posts and Telegraphs and the board.

Heffing op battersurrogate.

14. (1) Die heffing deur die raad op battersurrogate opgelê moet deur die eienaar van elke fabriek van battersurrogate voor die end van elke kalendermaand aan die raad betaal word op die hele hoeveelheid battersurrogate in daardie fabriek van battersurrogate vervaardig gedurende die voorafgaande kalendermaand, soos aangetoon in die opgawe aan die Senior Suiwelamptenaar ingestuur ooreenkomstig onderartikel (2).

(2) Die eienaar van elke fabriek van battersurrogate moet eenkeer in elke kalendermaand, en wel nie later nie as die vyftiende dag van daardie maand, aan die Senior Suiwelamptenaar te Windhoek 'n juiste opgawe instuur van die hele hoeveelheid battersurrogate gedurende die voorafgaande kalendermaand in sodanige fabriek van battersurrogate vervaardig.

14. (1) The levy imposed by the board on butter substitutes shall be paid by the owner of every butter substitutes factory to the board before the end of every calendar month on the total quantity of butter substitutes manufactured in such butter substitutes factory during the preceding calendar month as disclosed in the statement transmitted to the Senior Dairy Officer in terms of sub-section (2).

Levy on butter substitutes.

(2) The owner of every butter substitutes factory shall once in every calendar month, not later than the fifteenth of that month, transmit to the Senior Dairy Officer at Windhoek a correct statement of the total quantity of butter substitutes manufactured in such butter substitutes factory during the preceding calendar month.

(3) Die eienaar van elke fabriek van bottersurrogate moet 'n juiste aantekening hou (in sodanige vorm as die Senior Suiwelampenaar voldoende ag) van die hele hoeveelheid bottersurrogate, wat op elke dag in sodanige fabriek van bottersurrogate vervaardig is.

Heffing op kaas.

15. (1) Die heffing deur die raad opgelê op kaas moet, wat betref al die kaas in die kaasfabriek vervaardig, deur die eienaar van elke sodanige fabriek voor die end van elke kalendermaand aan die raad betaal word op die hele hoeveelheid vars kaas (min sewe persent) in sodanige fabriek vervaardig gedurende die voorafgaande kalendermaand, soos aangetoon in die opgawe aan die Senior Suiwelampenaar ingestuur ooreenkomstig onderartikkel (2).

(2) Die eienaar van elke kaasfabriek moet eenkeer in elke kalendermaand, en wel nie later nie as die vyftiende dag van daardie maand aan die Senior Suiwelampenaar te Windhoek 'n juiste opgawe instuur van die hele hoeveelheid vars kaas (min sewe persent) gedurende die voorafgaande kalendermaand in sodanige fabriek vervaardig.

(3) Die eienaar van elke kaasfabriek moet 'n juiste aantekening hou (in sodanige vorm as die Senior Suiwelampenaar voldoende ag) van die hele hoeveelheid vars kaas vervaardig en van die hele hoeveelheid melk gebruik op elke dag in sodanige fabriek.

(4) Enige persoon, wat elders as in 'n kaasfabriek kaas vervaardig het, moet wanneer hy daardie kaas verkoop, 'n juiste aantekening hou van die hoeveelheid kaas, wat hy, aan elke koper in elke afsonderlike geval gekoop het, van die naam en adres van elke sodanige koper en van die datum van elke sodanige verkoop, en moet gedurende die maand September in elke jaar aan die raad 'n som betaal gelyk aan die raad se heffing op al die kaas deur hom vervaardig, wat hy verkoop het gedurende die tydperk van twaalf maande, wat geëindig het op die een-en-dertigste dag van die voorafgaande maand Augustus, en moet gelyktydig aan die raad 'n afskrif instuur van die voormelde aantekening met betrekking tot al die kaas, wat hy gedurende die voormelde tydperk van twaalf maande verkoop het; Met die verstande dat enige sodanige persoon 'n maandelikse opgawe van kaas verkoop kan instuur en daarmee die bedrag verskuldig ten opsigte van die heffing op sodanige kaas saamstuur.

(5) Die gewig of hoeveelheid van al die vars kaas, wat vir die doeleindes van enige bepaling van hierdie Ordonnansie vereis is moet bepaal word —

- (a) in die geval van geperste kaas, deur dit te weeg so spoedig moontlik nadat dit uit die pers gehaal is; en  
(b) in die geval van enige ander kaas, deur dit te weeg, voordat dit in die ryp-kamer gesit word.

Heffing op ingevoerde botter en kaas.

16. Die heffing deur die raad opgelê op botter, bottersurrogate en kaas, wat betaalbaar is op botter, bottersurrogate en kaas, wat in die Gebied ingevoer is, moet betaal word op wyse by regulasie voorgeskrywe.

Betaling van inkomste verkry onder Ordonnansie aan raad en instelling van botter-heffingsfonds en kaas-heffingsfonds.

17. (1) In elke en iedere jaar moet daar aan die raad van tyd tot tyd uit die Gebied se Inkomstefonds, na behoorlike verdeling volgens wet, 'n bedrag betaal word gelyk aan die bedrag van die gelde verkry van enige heffing wat op botter of bottersurrogate of op kaas opgelê mag wees, tesame met enige ander inkomste, wat onder hierdie Ordonnansie ontvang mag wees gedurende die tydperk, ten opsigte waarvan die betaling geskied is.

(2) Die raad moet 'n fonds instel, wat bekend sal staan as die botter-heffingsfonds, waarin hy daardie gedeelte van enige bedrag moet stort, wat hy kragtens onderartikkel (1) ontvang het en wat die gelde verteenwoordig, wat sodanige heffing op botter en bottersurrogate oplewer.

(3) Die raad moet 'n fonds instel, wat bekend sal staan as die kaas-heffingsfonds, waarin hy daardie gedeelte van enige bedrag moet stort, wat hy kragtens onderartikkel (1) ontvang het en wat die gelde verteenwoordig, wat sodanige heffing op kaas oplewer.

Bydrae tot toeslag op uitvoer van botter en kaas moet uit afsonderlike fondse betaal word, en betalings ten opsigte van salarisse en toelae van amptenare.

18. (1) Enige bydrae deur die raad gegee kragtens paragraaf (a) van onderartikkel 1 van artikel *agt* in verband met enige bedrag, wat die Raad van Toesig op die Suiwelnywerheid, opgerig kragtens die Wet, by wyse van toeslag of premies op die uitvoer van botter betaal het, moet uit die botter-heffingsfonds bestry word, en enige aldus deur die raad in verband met enige aldus deur die voormelde Raad van Toesig op die Suiwelnywerheid by wyse van toeslag of premies op die uitvoer van kaas gegee bydrae moet uit die kaas-heffingsfonds bestry word.

(2) As daar enige gelde in die botterheffingsfonds en die kaasheffingsfonds respektieflik oorbly, nadat enige gelde wat in die algemene fonds oorbly teruggestort is in die botterheffingsfonds en die kaasheffingsfonds ooreenkomstig onderartikkel (4) van artikel *twintig* en die bydraes vermeld in die laasvooraangaande onderartikkel ten opsigte van enige jaar betaal is, moet sodanige gedeelte van sodanige gelde as nodig mag wees gebruik word na verhouding van die betreklike bedrae daarvan, wat in elkeen van die voormelde fondse oorbly, vir die betaling aan die Administrasie van 'n bedrag gelykstaande met die bedrag deur die Administrasie uitgegee gedurende die jaar, aan die end waarvan sodanige bydraes gegee is, by die uitvoering van hierdie Ordonnansie en vir die betaling van die salarisse en toelae van sodanige amptenare as vir die doeleindes van hierdie Ordonnansie en die Hoofordonnansie aangestel mag wees.

Verdeling van koste van Propaganda.

19. (1) Enige uitgawe deur die raad gemaak ingevolge paragraaf (g) van onderartikkel (1) van artikel *agt* moet, nadat die betalings vermeld in die laasvooraangaande artikel gedoen is, of uit die botterheffingsfonds of uit die kaasheffingsfonds getrek word na gelang van die voordeel, wat volgens oordeel van die raad of vir die botternywerheid of vir die kaasnywerheid van sodanige uitgawe verwag mag word.

(3) The owner of every butter substitutes factory shall keep a correct record (in such form as the Senior Dairy Officer considers sufficient) of the total quantity of butter substitutes manufactured on every day in such butter substitutes factory.

15. (1) The levy imposed by the board on cheese shall, in respect of all cheese manufactured in a cheese factory, be paid by the owner of every such factory to the board before the end of every calendar month on the total quantity of green cheese (less seven per cent.) manufactured in such factory during the preceding calendar month, as disclosed in the statement transmitted to the Senior Dairy Officer in terms of sub-section (2).

(2) The owner of every cheese factory shall once in every calendar month not later than the fifteenth day of that month transmit to the Senior Dairy Officer at Windhoek a correct statement of the total quantity of green cheese (less seven per cent.) manufactured in such factory during the preceding calendar month.

(3) The owner of every cheese factory shall keep a correct record (in such form as the Senior Dairy Officer considers sufficient) of the total quantity of green cheese manufactured and of the total quantity of milk used on every day in such factory.

(4) Any person who has made cheese elsewhere than in a cheese factory shall, when selling such cheese, keep an accurate record of the quantity of cheese sold to each purchaser on every separate occasion, the name and address of every such purchaser and the date of every such sale, and shall, during the month of September in every year remit to the board a sum equal to the levy imposed by the board on cheese in respect of all cheese manufactured by him which he sold during the period of twelve months which ended on the thirty-first day of the preceding month of August, and shall simultaneously transmit to the board a copy of the record aforesaid in respect of all the cheese which he has sold during the said period of twelve months: Provided that any such person may submit a monthly record of cheese sold and remit therewith the sum due in respect of levy on such cheese.

(5) The weight or quantity of any green cheese required for the purposes of any provision of this Ordinance shall be determined—

- (a) in the case of pressed cheese, by weighing it as soon as possible after its removal from the press; and  
(b) in the case of any other cheese, by weighing it before its removal to a ripening room.

16. The levy imposed by the board on butter, butter substitutes and cheese, which is payable on butter, butter substitutes and cheese, imported into the Territory, shall be paid in manner prescribed by regulation.

Levy on imported butter and cheese.

17. (1) In each and every year there shall be paid to the board from time to time out of the Territory Revenue Fund, after due appropriation by law, an amount equal to the amount of the moneys derived from any levy which may have been imposed on butter or butter substitutes or on cheese, together with any other revenue which may have been received under this Ordinance during the period in respect of which the payment is made.

Payment of revenue received under Ordinance to board and establishment of butter levy fund and cheese levy fund.

(2) The board shall establish a fund to be known as the butter levy fund into which it shall pay that portion of any amount received by it under sub-section (1) which represents the moneys derived from such levy on butter and butter substitutes.

(3) The board shall establish a fund to be known as the cheese levy fund into which it shall pay that portion of any amount received by it under sub-section (1) which represents the moneys derived from such levy on cheese.

18. (1) Any contribution made by the board under paragraph (a) of sub-section (1) of section *eight* in connection with any amount paid by the Dairy Produce Control Board established under the Act by way of bounty or premium on the export of butter, shall be defrayed from the butter levy fund and any contributions so made by the board in connection with any amount so paid by the said Dairy Produce Control Board by way of bounty or premiums on the export of cheese shall be defrayed from the cheese levy fund.

Contributions to bounties on export butter and cheese to be paid out of separate funds, and payments in respect of salaries and allowances of officers.

(2) If after any moneys remaining in the general fund have been returned to the butter levy fund and the cheese levy fund in terms of sub-section (4) of section *twenty* and the contributions referred to in the last preceding sub-section in respect of any year have been paid, there are any moneys remaining in the butter levy fund and the cheese levy fund respectively, such portion of such moneys as may be necessary shall be utilised, in proportion to the relative amounts thereof remaining in each of the said funds, for the payment to the Administration of an amount equivalent to the amount expended by the Administration, during the year at the end of which such contributions have been made, in the administration of this Ordinance, and for the payment of the salaries and allowances of such officers as may have been appointed for the purposes of this Ordinance and the principal Ordinance.

19. (1) Any expenditure incurred by the board in terms of paragraph (g) of sub-section (1) of section *eight* shall, after the payments referred to in the last preceding section have been made, be defrayed either from the butter levy fund or from the cheese levy fund in accordance with the benefit which either the butter industry or the cheese industry may, in the opinion of the board, be expected to derive from such expenditure.

Apportionment of expenditure for propaganda.

(2) As sodanige uitgawe, volgens oordeel van die raad, die strekking het om die suiwelnywerheid in die algemeen te bevoordeel, moet dit uit albei daardie fondse getrek word so veel moontlik na verhouding van die bedrag, wat in die twaalf maande onmiddellik voor daardie uitgawe in elke fonds inbetaal is.

Algemene fonds.

20. (1) Behalwe die fondse vermeld in artikel *seventien* moet die raad 'n derde fonds instel, wat bekend sal staan as die algemene fonds, waaruit hy al sy uitgawe moet dek, wat nie vermeld is nie in artikels *agtien* en *negentien*.

(2) Die raad moet in die algemene fonds daardie gedeelte van enige bedrag, deur hom kragtens onderartikels (1) van artikel *seventien* ontvang, wat nie die deur enige heffing op botter of biddersurrogate of op kaas opgelêerde gelde verteenwoordig nie, stort en moet voorts uit die botterheffingsfonds en uit die kaas-heffingsfonds respektieflik in die algemene fonds so veel gelde oordra, as wat hy nodig ag, maar die bedrag wat aldus uit elke fonds oorgedra word, moet eweredig wees met die bedrag van die heffings, wat daarin gestort is gedurende die tydperk van twaalf maande onmiddellik voor daardie oordrag.

(3) Die bedrae wat gedurende die eerste twaalf maande na die instelling van die raad respektieflik uit die botterheffingsfonds en uit die kaas-heffingsfonds in die algemene fonds oorgedra word, moet eweredig wees met die algehele hoeveelheid botter en biddersurrogate en van kaas in die Gebied vervaardig gedurende die tydperk van twaalf maande onmiddellik voor die dag, waarop die raad sy eerste vergadering hou: Met die verstande dat indien die hoeveelheid van enige klas van botter of biddersurrogate vervaardig gedurende sulke tye onbekend is, daardie hoeveelheid geag word gelyk te wees aan die hoeveelheid van sodanige klas van botter of biddersurrogate vervaardig gedurende die laaste tydperk van twaalf maande, waarvoor die informasie beskikbaar is.

(4) Aan die end van elke kalenderjaar moet al die gelde, wat in die algemene fonds oorbly, respektieflik in die botterheffingsfonds en in die kaas-heffingsfonds teruggestort word en wel in dieselfde verhouding as die totale bedrae, wat gedurende daardie jaar uit elkeen van daardie fondse in die algemene fonds oorgedra is.

(5) Aan die end van elke kalenderjaar kan die raad uit die botterheffingsfonds en uit die kaas-heffingsfonds 'n verhouding van die som wat in elke fonds aanwesig is, nadat al die betalings vereis ingevolge artikels *agtien* en *negentien* geskied is, sodanige bedrag in 'n reserwefonds stoor as hy wenslik ag.

(6) Al die gelde, wat die raad uit watter ander bron dan ook mag ontvang as betaling uit die Gebied se Inkomstefonds, moet in die algemene fonds gestort word.

Bekendmaking van informasie is belet.

21. Geen lid van die raad en geen dienaar of verteenwoordiger van die raad mag, behalwe in verband met die uitvoering van hierdie Ordonnansie of in verband met 'n regsgeeding ingevolge hierdie Ordonnansie, mededeling doen van enige informasie in terme van onderartikels (2) van artikel *twaalf*, of onderartikels (2) van artikel *veertien* of onderartikels (2) of (4) van artikel *vyftien* aan die raad verstrek.

Verstelling van aanspreeklikheid.

22. Die raad is nie aanspreeklik nie vir enige verlies of skade deur iemand gelyk ten gevolge van die *bona fide* uitoefening of verrigting deur die raad of 'n komitee daarvan of deur enige dienaar of verteenwoordiger van die raad van enige bevoegdhede of pligte deur hierdie Ordonnansie aan die raad verleë of opgedra.

Invoer of uitvoer van botter, margarine, sekere surrogate of kaas mag belet word.

23. Die Administrateur kan, op aanbeveling van die raad, by proklamasie in die *Offisiële Koerant* te enige tyd—

- (a) die invoer van botter of margarine of enige surrogat, beskrywe in artikel *dertien* van die Hoofordonnansie, of kaas in die Gebied algemeen belet, of sodanige uitvoer uit enige besonder land of plek belet;
- (b) die uitvoer van botter of kaas uit die Gebied algemeen belet, of sodanige uitvoer na enige besonder land of plek belet;

behalwe onder lisensie deur die Administrateur verleë vir sodanige hoeveelhede gedurende sodanige tydperk en op die voorwaardes, wat die Administrateur volgens goedvinde mag bepaal.

Geen botter (behalwe plaasbotter) mag nie-toege- maak afgelewer word nie.

24. Niemand mag enige botter (ander as plaasbotter) deur hom verkoop anderste as in 'n toegemaakte pakket aflewer nie.

Beskrywing van plaasmelkerybotter.

25. (1) Niemand mag enige plaasmelkerybotter verkoop nie, tensy op die buitekant van die pakket, waarin dit afgelewer word, in duidelik, sigbare, gedrukte hoofletters die woorde "farm dairy butter" of "plaasmelkerybotter" of "Farmmolkereibutter" en die naam en adres van die vervaardiger van daardie botter staan nie: Met die verstande dat as sodanige botter een pond of minder weeg, en uit 'n groot voorraad verkoop word deur iemand anders as die vervaardiger van sodanige botter, die naam en adres van die vervaardiger nie op sodanige pakket hoef voor te kom nie.

(2) Die letters, waaruit die woorde "farm dairy butter" of "plaasmelkerybotter", of "Farmmolkereibutter" op so 'n pakket bestaan mag nie kleiner wees nie as een kwart duim in die vierkant as die botter daarin een pond of minder weeg en nie kleiner as een duim in die vierkant nie as die botter in bedoelde pakket meer as een pond weeg.

(3) Die letters, waaruit die naam en adres van die vervaardiger op so 'n pakket bestaan, mag nie kleiner wees nie as een agste duim in die vierkant as die botter daarin een pond of minder weeg en nie kleiner nie as 'n half duim in die vierkant as die botter in die bedoelde pakket meer as een pond weeg.

(2) If any such expenditure is, in the opinion of the board, calculated to benefit the dairy industry generally, it shall be defrayed from both such funds as nearly as may be in proportion to the amount paid into each fund during the period of twelve months immediately preceding such expenditure.

General Fund.

20. (1) In addition to the funds referred to in section *seventeen* the board shall establish a third fund to be known as the general fund out of which it shall defray all its expenditure not referred to in sections *eighteen* and *nineteen*.

(2) The board shall pay into the general fund that portion of any amount received by it under sub-section (1) of section *seventeen* which does not represent the moneys derived from any levy on butter or butter substitutes or on cheese, and shall further transfer from the butter levy fund and from the cheese levy fund, respectively, to the general fund such sums as it may deem necessary, but the amount so transferred from each fund shall be proportionate to the amount paid into it during the period of twelve months immediately preceding such transfer.

(3) The amounts transferred from the butter levy fund and from the cheese levy fund, respectively, to the general fund during the first twelve months after the establishment of the board, shall be proportionate to the total quantity of butter and butter substitutes and of cheese manufactured in the Territory during the period of twelve months immediately preceding the date upon which the board holds its first meeting: Provided that if the quantity of any class of butter or butter substitute manufactured during such periods is unknown, that quantity shall be deemed to be equal to the quantity of such class of butter or butter substitutes manufactured during the last period of twelve months for which the information is available.

(4) At the end of every calendar year all moneys remaining in the general fund shall be returned to the butter levy fund and to the cheese levy fund, respectively, in the same proportion as the total amounts transferred from each such fund to the general fund during that year.

(5) At the end of every calendar year the board may pay from the butter levy fund and the cheese levy fund, in proportion to the sum standing to the credit of each fund after all payments required under sections *eighteen* and *nineteen* have been made, to a reserve fund such an amount as it may deem desirable.

(6) All moneys which the board may receive from whatever source other than payments out of the Territory Revenue Fund shall be paid into the general fund.

Disclosure of information prohibited.

21. No member of the board and no servant or agent of the board shall, except in connection with the administration of this Ordinance or in connection with any legal proceedings under this Ordinance disclose any information conveyed to the board in terms of sub-section (2) of section *twelve*, or sub-section (2) of section *fourteen* or sub-section (2) or (4) of section *fifteen*.

Freedom from liability.

22. No liability shall attach to the board for any loss or damage sustained by any person as a result of the *bona fide* exercise or performance by the board or a committee thereof or by any servant or agent of the board, of any power or duty conferred or imposed upon the board by this Ordinance.

Importation or export of butter, margarine, certain substitutes of cheese may be prohibited.

23. The Administrator may, on the recommendation of the board, by proclamation in the *Gazette* at any time—

- (a) prohibit the importation of butter or margarine or any substitute described in section *thirteen* of the principal Ordinance, or cheese into the Territory generally or prohibit such importation from any particular country or place;
- (b) prohibit the export of butter or cheese from the Territory generally or prohibit such export to any particular country or place,

except under licence granted by the Administrator for such quantities, during such period and on such conditions as the Administrator may in his discretion determine.

No butter (other than farm butter) to be delivered unenclosed.

24. No person shall deliver any butter (other than farm butter) sold by him, otherwise than in a closed package.

Description on farm dairy butter.

25. (1) No person shall sell any farm dairy butter unless the package wherein it is delivered bears on the outside thereof in plainly visible printed capital letters the words "farm dairy butter" or "plaasmelkerybotter" or "Farmmolkereibutter" and the name and address of the producer of such butter: Provided that if such butter weighs one pound or less and is sold from bulk stock by a person other than the producer of such butter, the name and address of the producer need not appear on such package.

(2) The letters forming the words "farm dairy butter", "plaasmelkerybotter", "Farmmolkereibutter" on such package shall not be smaller than one quarter of an inch square if the butter contained therein weighs one pound or less and not smaller than one inch square if the butter contained in such package weighs more than one pound.

(3) The letters forming the name and address of the producer on such package shall be not smaller than one eighth of an inch square if the butter contained therein weighs one pound or under and not smaller than one-half of an inch square if the butter contained in such package weighs more than one pound.

(4) Niemand mag plaasmelkerybotter te koop uitstal nie, tensy dit bevat is in 'n pakke, wat voldoen aan die vereistes van onderartikel (1), (2) en (3), of tensy 'n etiket, waarop die woorde "farm dairy butter" of "plaasmelkerybotter" of "Farmmolkereibutter" in duidelik sigbare hoofletters nie kleiner nie as een duim in die vierkant, en geen ander naam, woord, voorstelling of merk voorkom nie, op 'n in die oog lopende manier daaraan bevestig is.

Beskrywing van  
plaasbotter.

26. (1) Niemand mag botter verkoop gemerk met die woorde "farm butter" of "plaasbotter" of "Farmbutter", wat onderhewig is aan die plaasmelkery-botterheffing.

(2) Niemand mag plaasbotter verkoop nie wat bevat is in 'n geslote pakket, tensy op die buitekant van die pakket, waarin dit afgelewer word, in duidelik sigbare hoofletters die woorde "farm butter" of "plaasbotter" of "Farmbutter" en die naam en adres van die vervaardiger van sodanige botter staan nie. Indien daardie woorde, naam en adres nie op sodanige plekke staan nie, is dit onderhewig aan die heffing deur die raad opgelê op plaasmelkerybotter en moet op die pakket, waarin dit bevat is, op die manier voorgeskrywe by regulasie 'n plaasmelkerybotter-heffingseël van 'n waarde, wat ooreenkom met die heffing op die hoeveelheid botter in sodanige pakket geheg word.

Beskrywing van  
fabrieksbotter.

27. (1) Niemand mag enige fabrieksbotter of botter, wat in die Unie ingevoer is, verkoop nie, tensy aan die buitekant van die pakket waarin dit afgelewer word, die woorde "first grade", "second grade", "third grade", or "cooking butter" of "eerste graad", "tweede graad", "derde graad" of "kombuisbotter", of "erster Klasse", "zweiter Klasse", "dritter Klasse" of "Kochbutter" na gelang van die beweerde kwaliteit van sodanige botter toe dit in voormelde pakket gesit is, voorkom in duidelik sigbare gedrukte hoofletters, nie kleiner nie as 'n kwart duim in die vierkant as die botter in sodanige pakket bevat meer as een pond weeg.

(2) Niemand mag enige fabrieksbotter verkoop nie, tensy op die buitekant van die pakket, waarin dit afgelewer word, die naam, adres en geregistreerde nommer van die botterfabriek, waarin sodanige botter vervaardig is, voorkom in duidelik sigbare gedrukte hoofletters, nie kleiner nie as 'n kwart duim in die vierkant as die botter in sodanige pakket bevat een pond of minder weeg en nie kleiner nie as 'n duim in die vierkant as die botter in daardie pakket bevat meer as een pond weeg.

(3) Niemand mag fabrieksbotter of ingevoerde botter te koop uitstal nie, tensy dit bevat is in 'n pakket, wat voldoen aan die vereistes van onderartikels (1) en (2) in die geval van fabrieksbotter, en wat voldoen aan die vereistes van onderartikel (1) in die geval van ingevoerde botter, of tensy 'n etiket, waarop die woorde "creamery butter" of "fabrieksbotter" of "Fabrikbutter" of "imported butter" of "ingevoerde botter" of "importierte Butter" al na die geval, en die aanduiding van die kwaliteitsgraad van daardie botter in duidelik sigbare hoofletters nie kleiner nie as een duim in die vierkant en geen ander naam, woord, voorstelling of merk voorkom nie, op 'n in die oog lopende manier daaraan bevestig is.

Beskrywing van  
ingevoerde botter.

28. (1) Niemand mag botter, in die Gebied ingevoer in 'n pakket, wat een pond of minder sodanige botter bevat, verkoop nie as in dieselfde pakket waarin dit ingevoer is.

(2) Niemand mag botter wat in die Gebied ingevoer is, verkoop nie as dit bevat is in 'n pakket waarop voorkom 'n merk of naam waaronder in die Gebied vervaardigde botter gewoonlik verkoop word, of wat iemand sou kan beweeg om aan te neem dat sodanige botter in die Gebied vervaardig is.

Woorde mag in  
kleiner letters  
wees.

29. Nieteenstaande andersluidende bepalings in hierdie Ordonnansie of in die Hoofordonnansie of in enige regulasies uit kragte daarvan uitgevaardig, mag woorde wat behoort samegestel te wees uit letters van 'n bepaalde grootte, samegestel wees uit eweredig kleiner letters, wanneer die pakket waarop hulle voorkom so klein is dat letters van die voorgeskrywe grootte nie gebruik kan word nie.

Onjuiste opskrif  
op suiwel-  
produkte.

30. Niemand mag enige suiwelprodukt of enige pakket, wat 'n suiwelprodukt bevat, voorsien van enige onjuiste gegewens wat betref die graad of kwaliteit van daardie produk of die plek waar, die tyd wanneer, of die persoon deur wie dit vervaardig is, of van enige informasie of voorstelling, wat op watter manier ook, misleidend is.

Bepoering van op-  
rigting of voort-  
setting van botter-  
fabrieke, ens.

31. Nieteenstaande enige bepaling van die Hoofordonnansie, kan die Administrateur, op aanbeveling van die raad belet dat enige perseel as 'n botterfabriek, kaasfabriek, roomdepôt, fabriek van gekondenseerde melk, of fabriek van battersurrogate kragtens daardie Ordonnansie geregistreer word, as sodanige perseel geleë is in 'n gebied, waarin daar volgens sy mening voldoende ander sodanige inrigtings bestaan om die melk en room, in daardie gebied voortgebring, op te neem op voorwaardes, wat vir die voortbrenger voordelig is: Met die verstande dat die bepalings van hierdie artikel nie van toepassing is nie ten opsigte van enige kaasfabriek, waarin die eienaar daarvan slegs van melk voortgebring deur sy eie koeie kaas vervaardig.

Verbod van regi-  
strasie van mar-  
garinefabriek en  
bepoering van  
produksie.

32. Nieteenstaande een of ander bepaling van die Hoofordonnansie kan die Administrateur die registrasie van 'n perseel as 'n margarinefabriek, wat nie as sulks by die inwerkingtreding van hierdie Ordonnansie geregistreer is nie, belet, en op aanbeveling van die raad kan hy die produksie van 'n margarinefabriek geregistreer op sodanige datum beperk of hy kan sodanige voorwaardes opleë op die produksie van margarine in enige sodanige fabriek as hy nodig beskou om die ontwikkeling van die suiwelnywerheid te beskerm.

(4) No person shall expose farm dairy butter for sale unless it is contained in a package complying with the requirements of sub-sections (1), (2) and (3), or unless a label bearing the words "farm dairy butter", or "plaasmelkerybotter" or "Farmmolkereibutter" in plainly visible capital letters not smaller than one inch square and no other name, word, representation or mark is attached thereto in a conspicuous manner.

26. (1) No person shall sell butter marked with the words "farm butter" or "plaasbotter" or "Farmbutter" which is subject to the farm dairy butter levy.

Description on  
farm butter.

(2) No person shall sell farm butter contained in a closed package unless the package wherein it is delivered bears on the outside thereof in plainly visible capital letters the words "farm butter", or "plaasbotter" or "Farmbutter" and the name and address of the producer of such butter. If such package does not bear such words, name and address it shall be subject to the levy imposed by the board on farm dairy butter and shall have attached to the package in which it is contained in manner prescribed by regulation, a farm dairy butter levy stamp of a value corresponding with such levy on the quantity of butter contained in such package.

27. (1) No person shall sell any creamery butter or butter imported into the Territory unless the package wherein it is delivered bears on the outside thereof, the words "first grade", "second grade", "third grade" or "cooking butter", or "eerste graad", "tweede graad", "derde graad" or "kombuisbotter" or "erster Klasse", "zweiter Klasse", "dritter Klasse" or "Kochbutter", according to the reputed quality of such butter when placed in the said package, in plainly visible capital printed letters not smaller than one quarter of an inch square if the butter contained in such package weighs one pound or less, and not smaller than one inch square if the butter contained in such package weighs more than one pound.

Description on  
creamery butter.

(2) No person shall sell any creamery butter unless the package wherein it is delivered bears on the outside thereof the name, address and registered number of the creamery wherein such butter was manufactured, in plainly visible capital printed letters not smaller than one-quarter of an inch square if the butter contained in such package weighs one pound or less and not smaller than one inch square if the butter contained in such package weighs more than one pound.

(3) No person shall expose for sale any creamery or imported butter unless it is contained in a package complying, in the case of creamery butter, with the requirements of sub-sections (1) and (2), and in the case of imported butter, with the requirements of sub-section (1), or unless a label bearing the words "creamery butter" or "fabrieksbotter" or "Fabrikbutter" or "imported butter" or "ingevoerde botter" or "importierte Butter" as the case may be, and the designation of the grade of such butter in plainly visible capital letters not smaller than one inch square and no other name, word, representation or mark is attached thereto in a conspicuous manner.

28. (1) No person shall sell any butter which was imported into the Territory in a package containing one pound or less of such butter except in the same package in which it was imported.

Description of  
imported butter.

(2) No person shall sell any butter which was imported into the Territory if it is contained in a package bearing a brand, mark or name under which any butter manufactured in the Territory is commonly sold or which is calculated to induce any person to believe that such butter was manufactured in the Territory.

29. Notwithstanding anything to the contrary contained in this Ordinance or in the principal Ordinance or in any regulations made thereunder, words required to be composed of letters of a particular size may be composed of proportionately smaller letters when the package whereon they appear is so small as to prevent the use of letters of the prescribed size.

Words may be  
in smaller letters.

30. No person shall place upon any dairy produce or upon any package containing dairy produce any incorrect information as to the grade or quality of such produce or the place where, the time when, or the person by whom it was made, or any information or representation which is misleading in any way whatsoever.

Incorrect state-  
ment on dairy  
produce.

31. Notwithstanding any provision of the principal Ordinance, the Administrator may, on the recommendation of the board, prohibit the registration under that Ordinance as a creamery, cheese factory, cream depôt, condensed milk factory or butter substitutes factory of any premises situate in any area where there are, in his opinion, sufficient other such institutions to absorb the cream and milk produced in that area under conditions satisfactory to the producers: Provided that the provisions of this section shall not apply in respect of any cheese factory in which the owner thereof is manufacturing cheese only from milk produced by his own cows.

Restriction on  
establishment or  
continuation of  
creameries, etc.

32. Notwithstanding any provision of the principal Ordinance, the Administrator may prohibit the registration of any premises as a margarine factory not registered as such on the date of commencement of this Ordinance, and on the recommendation of the board, may limit the production of any margarine factory registered at such date or may attach such conditions to the production of margarine in any such factory as he may consider necessary to safeguard the development of the dairy industry.

Prohibition of  
registration of  
margarine factory  
and limitation of  
production.

Weiering van vernuwing van registrasie van suiwelfabriek.

33. Die Administrateur kan die vernuwing weier van 'n sertifikaat van registrasie, kragtens die Hoofordonnansie, van 'n botterfabriek, kaasfabriek, room-depôt, fabriek van biddersurrogate, of margarinefabriek, as die eenaar of bestuurder daarvan gedurende die tydperk van twaalf maande eindigende op die dag, waarop sodanige sertifikaat van registrasie sou verstryk, indien nie vernuwe nie, kragtens die Hoofordonnansie of hierdie Ordonnansie of 'n regulasie uit kragte van een van beide Ordonnansies uitgevaardig, veroordeel is weens nie minder nie as drie afsonderlike oortredings of misdrywe begaan binne 'n tydperk van twaalf maande.

33. The Administrator may refuse the renewal of the certificate of registration under the principal Ordinance of any creamery, cheese factory, cream depôt, condensed milk factory, butter substitutes factory or margarine factory if the owner or manager thereof has during the period of twelve months ending on the date on which such certificate of registration would expire, if not renewed, been convicted under the principal Ordinance or this Ordinance or any regulation made under either Ordinance in respect of not less than three separate offences committed within a period of twelve months.

Refusal of renewal of registration of creamery, etc.

Fabriekpersele moet aan regulasies voldoen.

34. Geen perseel mag kragtens die Hoofordonnansie geregistreer word as 'n botterfabriek, kaasfabriek, room-depôt, fabriek van gekondenseerde melk, margarinefabriek of fabriek van biddersurrogate nie, tensy dit voldoen aan die vereistes, wat by regulasie bepaal mag wees vir die kategorie van perseel, waarvan die registrasie verlang word.

34. No premises shall be registered under the principal Ordinance as a creamery, cheese factory, cream depôt, condensed milk factory, margarine factory or butter substitutes factory unless they comply with such requirements as may be prescribed by regulation for the class of premises for which registration is desired.

Factory premises must comply with regulations.

Fabriek van biddersurrogate en botterfabriek moet afsonderlik wees.

35. (1) 'n Perseel wat kragtens die Hoofordonnansie geregistreer is as 'n botterfabriek mag nie ook kragtens daardie Ordonnansie as 'n fabriek van biddersurrogate geregistreer word nie en omgekeerd, en enige sodanige tweeledige registrasie, wat by inwerkingtreding van hierdie Wet van krag is, verval wat betref daardie fabriek van biddersurrogate, op die eerskommende dertigste dag van Junie na bedoelde inwerkingtreding.

35. (1) Premises registered under the principal Ordinance as a creamery shall not also be registered under that Ordinance as a butter substitutes factory or vice versa, and any such dual registration current at the commencement of this Ordinance shall terminate in regard to such butter substitutes factory on the thirtieth day of June next after such commencement.

Butter substitutes factory and creamery to be kept apart.

(2) Geen perseel mag as 'n fabriek van biddersurrogate geregistreer word nie, as dit geleë is binne vyf myl van 'n botterfabriek, wat geheel of gedeeltelik die eiendom of onder die beheer is van iemand, wat geheel of gedeeltelik sodanige fabriek in eiendom of onder sy beheer het of sal hê, en geen perseel mag as 'n botterfabriek geregistreer word nie as dit geleë is binne vyf myl van 'n fabriek van biddersurrogate, wat geheel of gedeeltelik die eiendom of onder die beheer is van iemand, wat geheel of gedeeltelik sodanige botterfabriek in eiendom of onder sy beheer het of sal hê.

(2) No premises shall be registered as a butter substitutes factory if they are situate within five miles of a creamery, owned or controlled wholly or in part by any person who wholly or in part owns or controls or will own or control such factory, and no premises shall be registered as a creamery if they are situate within five miles of a butter substitutes factory owned or controlled wholly or in part by any person who wholly or in part owns or controls or will own or control such creamery.

(3) Niemand mag biddersurrogate, soos omskrywe in onderartikel (2) van artikel drie van die Hoofordonnansie, in 'n botterfabriek vervaardig nie.

(3) No person shall manufacture any butter substitute as defined in sub-section (2) of section three of the principal Ordinance in a creamery.

Betaling vir melk op grondslag van bottervet in sekere gebiede.

36. (1) Op versoek van vyf-en-sewentig persent van die eenaars van kaasfabrieke in enige distrik, wat volgens die Administrateur se oordeel, gedurende die tydperk van twaalf maande onmiddellik voor daardie versoek, minstens vyf-en-sewentig persent vervaardig het van die kaas, wat in daardie gebied vervaardig is, of op versoek van die persone, wat volgens die Administrateur se oordeel gedurende die tydperk van twaalf maande onmiddellik voor daardie versoek, minstens vyf-en-sewentig persent voortgebring het van al die melk, wat in sodanige distrik aan kaasfabrieke gelewer is, kan die Administrateur by proklamasie in die *Offisiële Koerant* verklaar dat die eenaar van elke kaasfabriek in sodanige distrik vanaf 'n dag in daardie proklamasie vasgestel, vir al die melk, wat hy gekoop het om in sodanige fabriek te gebruik, moet betaal op die grondslag van sy gehalte aan bottervet en nie op die grondslag van die hoeveelheid van die aldus gekoöpte melk nie.

36. (1) At the request of seventy-five per cent. of the owners of cheese factories in any district who, in the opinion of the Administrator, have during the period of twelve months immediately preceding such request, produced at least seventy-five per cent. of the cheese produced in that district or at the request of the persons who, in the opinion of the Administrator, have during the period of twelve months immediately preceding such request produced at least seventy-five per cent. of all the milk supplied to cheese factories in such district, the Administrator may by proclamation in the *Gazette* declare that as from a date fixed in such proclamation the owner of every cheese factory in such district shall pay for all milk purchased by him for use in such factory on the basis of its butter-fat content and not on the basis of the quantity of milk so purchased.

Payment for milk on basis of butter-fat in certain areas.

(2) Enige eenaar van 'n kaasfabriek in 'n distrik, waarop enige sodanige proklamasie van toepassing is, wat na sodanige dag vir melk, gekoop om in sodanige kaasfabriek gebruik te word, op 'n ander manier betaal as op die grondslag van sy gehalte aan bottervet, word geag hierdie Ordonnansie oortree te hê.

(2) Any owner of a cheese factory in a district to which any such proclamation applies who, after such date, pays for any milk purchased for use in such cheese factory otherwise than on the basis of its butter-fat content, shall be deemed to have contravened this Ordinance.

Wyse van monsters neem, weeg en toets van melk, wat op grondslag van bottervet gekoop is.

37. Wanneer die eenaar van 'n kaasfabriek melk vir gebruik in sodanige fabriek gekoop het op die grondslag van sy gehalte aan bottervet (hetsy hy dit al dan nie gedoen het tot nakoming van 'n proklamasie kragtens artikel *ses-en-dertig*), moet hy van daardie melk monsters neem en dit weeg en toets volgens voorskrif van regulasies.

37. Whenever the owner of a cheese factory has purchased milk, for use in such factory, on the basis of its butter-fat content (whether he has or has not done so in compliance with a proclamation under section *thirty-six*) he shall sample, weigh and test such milk in manner prescribed by regulation.

Manner of sampling, weighing and testing milk purchased on butterfat basis.

Gradeer van kaas.

38. (1) Vanaf 'n dag deur die Administrateur by proklamasie in die *Offisiële Koerant* vasgestel te word, wat nie later mag wees nie as ses maande na inwerkingtreding van hierdie Ordonnansie, moet al die cheddar-kaas en al die ander harde, geperste soorte kaas, in teenstelling met kaas, wat gewoonlik soetmelk of Gouda-kaas genoem word, gegradeer en volgens sy graad gemerk word deur 'n inspekteur, hetsy in die fabriek waarin dit vervaardig is of op enige ander geskikte plek, deur die Senior Suiwelamptenaar goedgekeur.

38. (1) As from a date to be fixed by the Administrator by proclamation in the *Gazette*, which shall not be later than six months after the commencement of this Ordinance, all cheddar and other hard-pressed varieties of cheese as distinct from cheese commonly known as sweet milk or Gouda cheese, shall be graded and branded according to grade by an inspector either at the factory in which it was manufactured or at any other suitable place approved by the Senior Dairy Officer.

Grading of cheese.

(2) Na sodanige dag mag niemand sodanige kaas verkoop nie, totdat dit aldus gegradeer en gemerk is.

(2) After such date no person shall sell any such cheese until it has been so graded and branded.

(3) Die gradeer en merk van kaas kragtens onderartikel (1) moet volgens voorskrif van regulasies uitgevoer word.

(3) The grading and branding of cheese under sub-section (1) shall be carried out in manner prescribed by regulation.

(4) Die eenaar van enige aldus gegradeerde en gemerkte kaas moet daarvoor 'n fooi betaal, wat by regulasie vasgestel moet word, maar wat nie meer mag bedra nie as een agste pennie per pond, bereken volgens die vars gewig van die kaas, min sewe persent.

(4) The owner of any cheese not graded and branded shall pay a fee therefor which shall be fixed by regulation, but which shall not exceed one-eighth of a penny per pound calculated on the green weight of the cheese less seven per cent.

Gradeer en toets van room in botterfabrieke.

39. (1) Enige persoon, wat room gekoop het om dit in 'n botterfabriek in botter om te sit, moet binne drie werksure nadat daardie room aan hom afgelewer is, dit volgens regulasie gradeer of laat gradeer in een of ander van vier kategorieë, wat respektieflik as eerste graad, tweede graad, derde graad en laagste graad aangemerkt moet word.

39. (1) Any person who has purchased any cream for the purpose of converting it into butter in a creamery shall, within three working hours after delivery of such cream to him, grade it or cause it to be graded in accordance with regulation, into one or other of four classes to be described as first grade, second grade, third grade, and below grade, respectively.

Grading and testing of cream in creameries.

(2) Enige persoon wat room koop om dit in 'n botterfabriek in botter om te sit, moet 'n monster daarvan neem of laat neem en dit op sy gehalte aan bottervet toets of laat toets volgens voorskrif van regulasies, en moet dieselfde prys per pond bottervet betaal vir al die room van dieselfde graad, wat op dieselfde dag aan hom gelewer word en moet 'n prys betaal van minstens een pennie per pond bottervet meer—

(2) Any person purchasing cream for the purpose of converting it into butter in a creamery shall take or cause to be taken a sample therefrom and test it or cause it to be tested as to its butter-fat content in manner prescribed by regulation and shall pay the same price per pound of butter-fat for all cream of the same grade delivered to him on the same day, and shall pay a price of not less than one penny per pound of butter-fat more—

- (a) vir derdegraads-room as vir room van die laagste graad;
- (b) vir twedegraads-room as vir derdegraads-room;
- (c) vir eerstegraads-room as vir twedegraads-room,

wat op dieselfde dag aan hom gelewer is: Met die verstande dat die Administrateur op aanbeveling van die raad by kennisgewing in die *Offisiële Koerant* die verskil in prys, wat betaal word tussen enige twee sodanige grade van room, bo een pennie per pond bottervet kan vermeerder.

(3) Die hoeveelheid van enige room, wat volgens onderartikel (2) getoets word, moet volgens gewig en nie volgens volume vasgestel word nie.

(4) Al die room van die laagste graad, wat by 'n botterfabriek of room-depôt afgelewer word, moet volgens voorskrif van regulasies behandel word.

40. (1) Enige sertifikaat van bekwaamheid om melk of room te gradeer of te toets, aan iemand uitgereik kragtens die Hoofordonnansie of die regulasies daaronder uitgevaardig of kragtens artikel *een-en-veertig* van hierdie Ordonnansie, is geldig slegs vir 'n tydperk van drie jaar vanaf sy uitreiking.

(2) Die Administrateur kan enige sodanige sertifikaat intrek voor verstryking van voormelde tydperk van drie jaar as hy bevind, na behoorlike ondersoek, dat die besitter daarvan—

- (a) gedurende 'n tydperk van twaalf maande onmiddellik voor daardie intrekking, nie die toetsing of gradering uitgeoefen het nie, waarop daardie sertifikaat betrekking het; of
- (b) onbekwaam is om die toetsing of gradering, waarop daardie sertifikaat betrekking het, uit te voer of daarby nalatig of onvertroubaar is of andersins nie 'n geskikte en gepaste persoon is om daardie sertifikaat te besit nie.

41. Die Senior Suiwelamptenaar moet op enigen se versoek, hom op 'n tyd en plek wat die Senior Suiwelamptenaar mag bepaal, deur minstens twee inspekteurs gesamentlik laat eksamineer op sy kennis van kaasvervaardiging en as hy by daardie eksamen daardie inspekteurs oortuig dat hy 'n voldoende teoretiese en praktiese kennis van kaasvervaardiging het, moet die Senior Suiwelamptenaar aan hom 'n sertifikaat van bekwaamheid in kaasvervaardiging uitreik.

42. (1) Die eienaar van 'n kaasfabriek mag geen naturel toelaat om deel te neem aan die eintlike maak van kaas in sodanige fabriek nie, tensy hy onder die onmiddellike toesig van 'n blanke staan: Met die verstande dat hierdie onderartikel nie van toepassing is nie op 'n kaasfabriek, wat vir meer as die helfte die eiendom is van 'n naturel of naturelle, of van 'n maatskappy, waarvan meer as die helfte van die totale waarde van al die aandele daarin deur 'n naturel of naturelle gebou word.

(2) Vanaf 'n dag deur die Administrateur by proklamasie in die *Offisiële Koerant* vasgestel te word, wat nie eerder mag wees nie as twee jaar na die inwerkingtreding van hierdie Ordonnansie, mag geen kaasfabriek kragtens die Hoofordonnansie geregistreer word nie, en mag geen sertifikaat van sodanige registrasie vernuwe word nie, tensy daar minstens een persoon in daardie fabriek werksaam is wat in besit is van 'n sertifikaat vermeld in artikel *een-en-veertig*: Met die verstande dat iemand, wat as kaasvervaardiger in 'n kaasfabriek werksaam was tussen die datum van die inwerkingtreding van hierdie Ordonnansie en die datum van sodanige proklamasie by aanvraag by die Senior Suiwelamptenaar geregig is op 'n sertifikaat van vrystelling van daardie eksamen en gevolglik van sodanige sertifikaat voorsien moet word, wat vir die vereistes van hierdie onderartikel aangeneem moet word, asof dit kragtens artikel *een-en-veertig* uitgereik is.

(3) Na die datum vasgestel deur die Administrateur kragtens onderartikel (2) mag niemand kaas in 'n kaasfabriek vervaardig nie, tensy 'n persoon in besit van 'n sertifikaat uitgereik kragtens onderartikel (2) van artikel *een-en-veertig* in sodanige fabriek werksaam is, wanneer sodanige kaas vervaardig word: Met die verstande dat as sodanige fabriek nie sodanige kaasfabriek is nie as in die voorbehoud tot onderartikel (1) genoem word, die persoon in besit van sodanige sertifikaat 'n blanke moet wees: Met die verstande verder dat as sodanige fabriek sodanige kaasfabriek is as in die voorbehoud tot onderartikel (1) genoem word, die persoon in besit van sodanige sertifikaat geen blanke mag wees nie, tensy dit tot bevrediging van die raad bewys word dat 'n bevoegde naturellekaasvervaardiger nie beskikbaar is nie.

43. Die eienaar van 'n botterfabriek of kaasfabriek, wat daarin botter of kaas vervaardig uit melk, gekoop op die grondslag van sy gehalte aan bottervet, moet binne drie maande na die end van elke finansiële jaar van sodanige botterfabriek of kaasfabriek of binne drie maande na die dertigste dag van Junie in elke jaar, 'n staat opstel waaruit blyk—

- (a) in die geval van 'n botterfabriek, die gewig van die botter (tot op vier desimale van 'n pond) vervaardig uit elke pond bottervet, wat by die vervaardiging van botter in daardie botterfabriek gebruik is gedurende die voormelde jaar of tydperk; of
- (b) in die geval van 'n kaasfabriek, die gewig van vars kaas (tot op twee desimale van 'n pond) vervaardig uit elke pond bottervet, wat by die vervaardiging van daardie kaas in daardie fabriek gebruik is gedurende die voormelde jaar of tydperk,

- (a) for third grade cream than for cream below grade;
- (b) for second grade cream than for third grade cream;
- (c) for first grade cream than for second grade cream,

delivered to him on the same day: Provided that on the recommendation of the board the Administrator may, by notice in the *Gazette*, increase the difference in price paid between any two such grades of cream in excess of one penny per pound of butter-fat.

(3) The quantity of any cream subjected to any test in terms of sub-section (2) shall be determined by weight and not by volume.

(4) All cream below grade delivered at any creamery or cream depôt shall be dealt with in manner prescribed by regulation.

40. (1) Any certificate of proficiency in grading or testing of milk or cream issued to any person under the principal Ordinance or the regulations made thereunder or under section *forty-one* of this Ordinance shall be valid for a period of three years only as from the date of its issue.

(2) The Administrator may cancel any such certificate before the expiration of the said period of three years if he is satisfied, after due enquiry, that the holder thereof—

- (a) has during a period of twelve months immediately preceding such cancellation not been engaged in the testing or grading to which such certificate refers; or
- (b) is incompetent to perform or is negligent or unreliable in the testing or grading to which such certificate refers or is otherwise not a fit and proper person to hold such certificate.

The Senior Dairy Officer shall at the request of any person cause him to be examined at such time and place as the Senior Dairy Officer may determine by at least two inspectors jointly as to his knowledge of cheese-making, and if at such examination he satisfies those inspectors that he has a sufficient theoretical and practical knowledge of cheese-making the Senior Dairy Officer shall issue to him a certificate of proficiency in cheese-making.

42. (1) The owner of a cheese factory shall not permit any native to take part in the actual making of cheese in such factory except under the immediate supervision of a European: Provided that this sub-section shall not apply to a cheese factory which is owned to an extent of more than a half share by a native or natives, or by a company the shares wherein are held by a native or natives to an extent of more than half the total value of all shares therein.

(2) As from a date to be fixed by the Administrator by proclamation in the *Gazette* which shall be not earlier than two years after the commencement of this Ordinance, no cheese factory shall be registered under the principal Ordinance and no certificate of such registration shall be renewed unless there is at least one person working in such factory who is the holder of a certificate referred to in section *forty-one*: Provided that any person who has been employed as a cheese-maker in a cheese factory between the date of commencement of this Ordinance and the date of such proclamation shall, on application to the Senior Dairy Officer, be entitled to receive a certificate of exemption from such examination and shall accordingly be furnished with such a certificate which shall for the purpose of the requirements of this sub-section be accepted as if it had been issued in terms of section *forty-one*.

(3) After the date fixed by the Administrator in terms of sub-section (2) no person shall manufacture cheese in a cheese factory unless a person holding a certificate issued in terms of sub-section (2) or section *forty-one* is working in such factory when such cheese is manufactured: Provided that if such factory is not a cheese factory such as is referred to in the proviso to sub-section (1), the person holding such certificate shall be a European: Provided further, that if such factory is a cheese factory, such as is referred to in the proviso to sub-section (1), the person holding such certificate shall not be a European unless it be shown to the satisfaction of the board that a qualified native cheese maker is not available.

43. The owner of a creamery or of a cheese factory who manufactures therein butter or cheese from cream or milk purchased on the basis of its butter-fat content shall within three months after the end of every financial year of such creamery or cheese factory or within three months after the thirtieth day of June in every year, prepare a statement showing—

- (a) in the case of a creamery, the weight of butter (to within four decimals of a pound) made from every pound of butter-fat used in the manufacture of butter in that creamery during the said year or period; or
- (b) in the case of a cheese factory, the weight of green cheese (to within two decimals of a pound) made from every pound of butter-fat used in the manufacture of such cheese in that factory during the said year or period,

Beperking en intrekking van toetsers- en gradeerdersertifikaat.

Sertifikaat van kaasvervaardiging.

Toesig op naturelle in kaasfabrieke en na sekere tydperk geen registrasie van kaasfabriek nie, tensy 'n houër van sertifikaat van kaasvervaardiging in fabriek werk.

Besonderhede wat aan leweransiers van room of melk verstrekk moet word.

Limitation and cancellation of testers' and graders' certificates.

Certificate in cheesemaking.

Supervision of natives in cheese factories and after certain period no registration of cheese factory, unless a holder of certificate in cheesemaking works in such factory.

Particulars to be furnished to suppliers of cream or of milk.

en moet op versoek van enige persoon, wat gedurende daardie finansiële jaar of gedurende die tydperk van twaalf maande, wat op bedoelde dertigste dag van Junie geëindig het, room of melk aan daardie botterfabriek of kaasfabriek gelewer het, aan sodanige persoon 'n afskrif van sodanige staat verstrek.

Ondersoek van besonderhede verstrekkend aan leweraars.

44. (1) Enige persoon, aan wie 'n staat bedoel in artikel drie-en-veertig verstrekkend is kan binne ses maande na die end van die tydperk van drie maande genoem in daardie artikel, waarin sodanige staat opgetrek is of moes gewees het, die Administrateur skriftelik versoek om die juistheid van daardie staat te ondersoek.

(2) As die persoon wat daardie ondersoek versoek, sekerheid stel, wat die Administrateur voldoende ag vir betaling van die koste van daardie ondersoek, kan die Administrateur 'n persoon, van wie se bevoegdheid as 'n rekenmeester hy oortuig is, benoem om die vraag of daardie staat aldan nie juist is nie, te ondersoek en om met daardie doel enige boek of dokument van watter aard ook, na te gaan, waarin gegewens voorkom, wat hom in staat sou kan stel om te bepaal of bedoelde staat al dan nie juist is nie, en om van die uitslag van daardie ondersoek aan die Administrateur verslag te doen.

(3) Die Administrateur moet 'n kopie van daardie verslag stuur aan die persoon, op wie se versoek die ondersoek ingestel is.

(4) Enige persoon, wat in besit of bewaring is van enige boek of dokument, as voormeld, moet op versoek van die voormelde aldus benoemde persoon dit dadelik aan hom oorhandig, sodat hy dit kan nagaan en 'n afskrif of uittreksel daarvan kan maak.

(5) Die koste van sodanige ondersoek moet gedra word deur die persoon, op wie se versoek dit ingestel is: Met die verstande dat, indien volgens die verslag van die voormelde persoon, minstens 'n half persent meer botter of kaas in die betrokke botterfabriek of kaasfabriek uit elke daarin gebruikte pond bottervet vervaardig is, as wat in bedoelde staat aangegee is, die Administrateur die koste van sodanige ondersoek moet verhaal van die betrokke botterfabriek of kaasfabriek.

Bevoegdheid van inspekteurs.

45. Enige inspekteur kan, buiten enige handeling, wat hy kragtens die Hoofordonnansie of 'n daaronder uitgevaardigde regulasie mag verrig, op al die redelike tye—

- (a) enige suiwelprodukt ondersoek of gradeer, waar of in watter houër of pakket dit ook mag wees en sonder betaling so veel daarvan neem, as wat hy redelikerwys nodig het om daardie suiwelprodukt te gradeer of te toets, en kan, volgens sy goedvinde, enigeen wat 'n belang by sodanige ondersoek het, van die uitslag daarvan in kennis stel; en
- (b) al die boeke en dokumente nagaan, wat betrekking het op enige botterfabriek, kaasfabriek, fabriek van gekondenseerde melk, room-depôt, fabriek van battersurrogate of margarinefabriek: Met die verstande dat hy geen toegang mag hê nie tot geheime dokumente betreffende die vervaardiging van gekondenseerde melk.

Afgradeer van botter en kaas.

46. (1) As 'n inspekteur 'n besending, pak of lot fabrieksbutter, wat in dieselfde botterfabriek vervaardig is, ondersoek en bevind het dat minstens tien persent van die pakkette uit elke keer se karring, waaruit daardie besending, pak of lot bestaan, botter bevat van laere graad as die wat op daardie pakkette aangegee word, kan hy hulle volgens voorskrif van regulasies merk en kan hy die verkoop van daardie botter belet, totdat dit uit daardie pakkette verwyder en in ander pakkette gesit is, waarop die juiste graad van daardie botter aangegee is, of totdat die ontoepaslike graadsaanduiding op daardie pakkette uitgewis is en deur 'n aangifte van die juiste graad vervang is.

(2) As die graad op enige kaas aangegee, volgens 'n inspekteur se mening nie die kwaliteit van daardie kaas juist weergee nie; kan hy die graadmerk roeier en die juiste graad daarop afmerk. Hy moet in daardie geval ook die woord "Hergradeer" en die datum van die hergradering op daardie kaas aanbring.

Afgekeurde suiwelprodukte.

47. 'n Inspekteur kan enige suiwelprodukt, wat volgens sy mening ongeskik vir menslike gebruik is, afkeur en moet gelas wat daarmee gedoen moet word volgens voorskrif van regulasies.

Regulasies.

48. Die Administrateur kan regulasies uitvaardig omtrent enige saak, wat volgens hierdie Ordonnansie deur regulasies gereël kan word, en regulasies wat voorskrywe—

- (a) die bou, sanitêre inrigting, afwatering, ventilasie, verligting, inrigting en toestelle van botterfabrieke, kaasfabrieke, room-depôts, fabrieke van gekondenseerde melk, fabrieke van battersurrogate en margarinefabrieke en die masjienerie en apparate, instrumente en werktuie wat daarin gebruik moet word;
- (b) hoe suiwelprodukte, bestem vir gebruik of verbruik van iemand anders as die voortbringer daarvan, gehanteer, vervoer en bewaar moet word;
- (c) hoe melkmasjiene gehanteer, skoongemaak, onderhou en bewaar moet word;
- (d) hoe suiwelprodukte geweeg, gegradeer en getoets moet word, hoe monsters daarvan geneem moet word en hoe die uitslag van daardie handelings opgeteken moet word;
- (e) hoe die prys van melk op die grondslag van sy gehalte aan bottervet of vaste melkbestanddele bereken moet word;
- (f) die samestelling en standaards van stremsel en van kleurstof wat in botter en kaas gebruik mag word, en die voorwaardes van hulle verkoop en gebruik;

and shall, at the request of any person who, during that financial year or during the period of twelve months which ended on the said thirtieth day of June, supplied any cream or milk to such creamery or cheese factory furnish such person with a copy or such statement.

44. (1) Any person to whom any statement referred to in section forty-three was furnished may, within six months after the end of the period of three months referred to in that section during which such statement was or should have been prepared, request the Administrator, in writing, to investigate the correctness of that statement.

Investigation of particulars furnished to suppliers.

(2) If the person requesting such investigation furnishes security to the satisfaction of the Administrator for the payment of the cost of such investigation, the Administrator may appoint a person of whose competency as an accountant he is satisfied to investigate the question whether such statement is or is not correct, and for that purpose to examine any book or document of whatever nature containing any data which may enable him to determine whether the said statement is or is not correct and to report the result of such investigation to the Administrator.

(3) The Administrator shall forward a copy of such report to the person at whose request the investigation was made.

(4) Any person who is in possession or custody of any book or document as aforesaid shall, at the request of the said person so appointed, forthwith deliver it to him in order that he may examine it, make a copy thereof or an extract therefrom.

(5) The cost of such investigation shall be borne by the person at whose request it was made: Provided that if according to the report of the said person so appointed at least one-half per cent. more butter or cheese was made in the creamery or cheese factory in question from every pound of butter-fat used therein, than is set forth in such statement, the Administrator shall recover the cost of such investigation from the creamery or cheese factory concerned.

45. Any inspector may, in addition to any act which he is empowered to perform by virtue of the principal Ordinance or any regulation made thereunder, at any reasonable time—

Powers of inspectors.

- (a) examine or grade any dairy produce, wherever it may be and in whatever receptacle or package it may be contained and, without payment, take so much thereof as he may reasonably require for the purpose of grading or testing such dairy produce and may in his discretion notify any person who has an interest in such examination of the result thereof; and
- (b) examine all books and documents relating to any creamery, cheese factory, condensed milk factory, cream depôt or butter substitutes factory or margarine factory: Provided that he shall not have access to any secret document relating to the manufacture of condensed milk.

46. (1) If an inspector has examined any consignment parcel or lot of creamery butter manufactured in the same creamery and has found that at least ten per cent. of the packages from each churning forming such consignment, parcel or lot contains butter of a grade below that indicated on such packages, he may mark them in manner prescribed by regulation and may prohibit the sale of such butter until it has been removed from such packages and placed in packages indicating the correct grade of such butter or until the indication of the inappropriate grade on such packages has been obliterated and replaced by an indication of the correct grade.

De-grading of butter and cheese.

(2) If in the opinion of an inspector the grade indicated on any cheese does not correctly represent the quality of that cheese, he may cancel the grade mark and brand the correct grade thereon. He shall in that case also place upon such cheese the word "Regraded" and the date of the regrading.

47. An inspector may condemn any dairy produce which is, in his opinion, unfit for human consumption and shall order the disposal thereof in manner prescribed by regulation.

Condemned dairy produce.

48. The Administrator may make regulations in regard to any matter which may in terms of this Ordinance be prescribed by regulation, and regulations prescribing—

Regulations.

- (a) the structure, sanitation, drainage, ventilation, lighting, equipment and appliances of creameries, cheese factories, cream depôts, condensed milk factories, butter substitutes factories and margarine factories, and the machinery and apparatus, instruments and utensils to be used therein;
- (b) the manner of handling, transportation and storing of any dairy produce intended for use or consumption by a person other than the producer thereof;
- (c) the method of handling, cleaning, maintenance and storing of milking machines;
- (d) the methods of weighing, grading, sampling and testing of dairy produce and the manner in which the result thereof shall be recorded;
- (e) the manner in which the price of milk based on its butter-fat content or milk solids content shall be calculated;
- (f) the composition and standards of rennet and of colouring matter which may be used in butter and cheese, and the conditions of their sale and use;

- (g) hoe enige stof (wat nie 'n suiwelproduk is nie), wat van melk afkomstig is, behandel moet word voor dit uit enige botterfabriek, kaasfabriek, room-depôt, fabriek van gekondenseerde melk, fabriek van bottersurrogate of margarinefabriek verwyder word;
- (h) die vorm van enige stempel, teken of merk wat gebruik moet word in verband met die gradeer of merk van suiwelprodukte kragtens hierdie Ordonnansie en hoe dit gebruik of opgesit moet word;
- (i) die vorm van watter boek of dokument ook al, wat vir die doeleindes van hierdie Ordonnansie gebruik moet word; en
- (j) die aard en kwaliteit van die verskillende pakkette vir suiwelprodukte.

Misdrywe.

49. Enige persoon wat—

- (a) enige vereiste van hierdie Ordonnansie of enige verbod, opdrag of order, kragtens hierdie Ordonnansie uitgevaardig, oortree of in gebreke bly om daaraan te voldoen; of
- (b) wanneer hy in verband met enige bepaling van hierdie Ordonnansie informasie verstrek, valse informasie verstrek; of
- (c) iemand by die verrigting van 'n handeling, wat hy kragtens hierdie Ordonnansie bevoeg is om te verrig, belemmer of hinder of vrees aanjaag; of
- (d) weier om aan iemand op sy versoek enige boek, dokument of voorwerp in sy besit of bewaring te oorhandig om ondersoek, gegradeer, getoets of gemerk te word of om 'n monster daarvan te neem as sodanige persoon kragtens hierdie Ordonnansie geregtig is om dit te ondersoek, te gradeer, te toets of te merk of om 'n monster daarvan te neem,

is aan 'n oortreding skuldig en na skuldigebevinding blootgestel aan 'n boete van hoogstens vyftig pond.

50. (1) Die Administrateur kan by proklamasie in die *Offisiële Koerant* verklaar dat enige botter of kaas in die Unie van Suid-Afrika vervaardig vrygestel is van enige heffing onder hierdie Ordonnansie by invoer in hierdie Gebied.

(2) Die Administrateur kan by proklamasie in die *Offisiële Koerant* verklaar dat enige botter of kaas, wat by invoer in die Unie van Suid-Afrika vrygestel is van enige heffing onder die Wet kragtens 'n proklamasie uitgevaardig ingevolge artikel *vyf-en-vyftig* van die Wet, by invoer in hierdie Gebied vrygestel is van enige heffing onder hierdie Ordonnansie: Met die verstande dat enige botter of kaas voortgebring in die Gebied en uitgevoer na die staat of gebied, waarin sodanige vrygestelde botter of kaas voortgebring is, eweneens vrygestel is van enige heffing in sodanige staat of gebied.

51. Artikel *een* van die Hoofordonnansie word hierby gewysig deur die toevoeging van die volgende bepaling na die bepaling van "regulasie"—

"opnuut opgemaakte botter", "weerbewerkte botter", "met melk vermengde botter", "kunsbotter" beteken die produk verkry deur die herbewerking van botter of die menging van twee of meer hoeveelhede botter van verskeie grade, kwaliteite of maaksels sonder die toevoeging van enige stof behalwe melk, water of sout, op 'n ander perseel as dié, waar dit oorspronklik vervaardig is."

52. Artikel *twee* van die Hoofordonnansie word hierby gewysig deur die woorde "verkoop of vir verkoop bedoel as melk of room" te skrap en te vervang deur die woorde "vir verbruik bedoel sonder voorafgaande omsetting in enige ander vorm of stof".

53. Artikel *agt* van die Hoofordonnansie word hierby gewysig deur die woorde "wat van sy geregistreerde persele uitgegee word en wat suiwelprodukte bevat" te skrap en te vervang deur die woorde "wat suiwelprodukte bevat vervaardig in sy geregistreerde perseel".

54. Artikel *dertien* van die Hoofordonnansie word hierby herroep en vervang deur die volgende nuwe artikels—

13. (1) Niemand mag enige stof vervaardig uit plantaardige of dierlike vette of olies of uit 'n mengsel daarvan as 'n namaking in die vorm of met die voorkome van botter in teenstelling met 'n bottersurrogate, soos bepaal in artikel *drie* (onverskillig of dit as margarine of onder enige ander benaming of beskrywing beskrywe is), verkoop of in die Gebied invoer nie—

- (a) as dit enige melkvet bevat; of
- (b) as dit enige kleurstof bevat; of
- (c) as dit 'n kleur het, wat soveel gelyk op die gewone kleur van botter, dat dit in sy voorkome nie van botter onderskei kan word nie; of
- (d) tensy dit in 'n pakkie bevat is wat, as die hoeveelheid van sodanige stof daarin meer as een pond weeg, duursaam op twee teenoorgeleë kante met die woord "Margarine" in duidelik sigbare gedrukte hoofletters nie kleiner nie as een duim in die vierkant gemerk of geteken is; of wat, as die hoeveelheid van sodanige stof daarin bevat een pond of minder as een pond weeg, duursaam op twee teenoorgeleë kante met die woord "Margarine" en geen ander woord, benaming, voorstelling of merk (behalwe die registrasienuommer van die perseel, waarop sodanige stof vervaardig is,

(g) the manner in which any substance (other than dairy produce) derived from milk shall be treated before its removal from any creamery, cheese factory, cream depôt, condensed milk factory, butter substitutes factory or margarine factory;

(h) the form of any stamp, brand or mark to be used in connection with the grading, branding or marking of any dairy produce under this Ordinance, and the manner in which it shall be used or applied;

(i) the form of any book or document whatever to be used for the purposes of this Ordinance; and

(j) the nature and quality of the various packages for dairy produce.

49. Any person who—

(a) contravenes or fails to comply with any requirement of this Ordinance or any prohibition, direction or order issued in terms of this Ordinance; or

(b) when furnishing any information for the purposes of any provision of this Ordinance furnishes information which is false; or

(c) in any manner obstructs or hinders or intimidates any person in the performance of any act which he is authorized to perform by virtue of this Ordinance; or

(d) refuses to deliver to any person, at his request, for examination, grading, sampling, testing or marking any book, document or article in his possession or custody which such person is, by virtue of this Ordinance, empowered to examine, grade, sample, test or mark,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

50. (1) The Administrator may, by proclamation in the *Gazette*, declare any butter or cheese produced in the Union of South Africa to be exempt from any levy under this Ordinance on importation into this Territory.

(2) The Administrator may, by proclamation in the *Gazette*, declare any butter or cheese which has been exempted on importation into the Union of South Africa from any levy under the Act by virtue of a proclamation issued under section *fifty-five* of the Act, to be exempt from any levy under this Ordinance on importation into this Territory: Provided that any butter or cheese produced in the Territory and exported to the State or territory in which such exempted butter or cheese is produced, is likewise exempt from any levy in such State or territory.

51. Section *one* of the principal Ordinance is hereby amended by the addition of the following definition after the definition of "regulation"—

"renovated butter", "milled butter", "milk-blended butter" or "process butter" means the product obtained by the re-working of butter or the mixing of two or more quantities of butter of different grades, qualities or makes, without the addition of any substance other than milk, water or salt, in premises other than where originally manufactured.

52. Section *two* of the principal Ordinance is hereby amended by the deletion, in sub-section (2) of the words "sold or intended for sale as milk or cream" and the substitution therefor of the words "intended for consumption without previous conversion into any other form or substance".

53. Section *eight* of the principal Ordinance is hereby amended by the deletion of the words "issued from his registered premises and containing dairy produce" and the substitution therefor of the words "containing dairy produce manufactured in his registered premises".

54. Section *thirteen* of the principal Ordinance is hereby repealed and the following new section substituted therefor:—

13. (1) No person shall sell or import into the Territory any substance made from vegetable or animal fats or oils or from a mixture thereof in imitation, form or semblance of butter as distinct from a butter substitute as defined in section *three* (whether described as margarine or by any other name or designation)—

- (a) if it contains any milk fat; or
- (b) if it contains any colouring matter; or
- (c) if it is of a colour so closely resembling the ordinary colour of butter that it is in appearance indistinguishable from butter; or
- (d) unless it is contained in a package which, if the quantity of such substance therein weighs more than one pound, is durably marked or branded on two opposite sides with the word "Margarine" in plainly visible capital printed letters not smaller than one inch square or which, if the quantity of such substance contained therein weighs one pound or less, is durably marked on two opposite sides with the word "Margarine" and no other word, name, representation or mark (except the registered number of the premises in which such

Offences.

Exemption under certain circumstances from levy on butter and cheese imported from other States or territories.

Amendment of section *one* of Ordinance No. 2 of 1926.

Amendment of section *two* of Ordinance No. 2 of 1926.

Amendment of section *eight* of Ordinance No. 2 of 1926.

Substitution of section *thirteen* of Ordinance No. 2 of 1926.

Vrystelling onder sekere omstandighede van heffing op botter en kaas uit aangrensende state of gebiede ingevoer.

Wysiging van artikel *een* van Ordonnansie No. 2 van 1926.

Wysiging van artikel *twee* van Ordonnansie No. 2 van 1926.

Wysiging van artikel *agt* van Ordonnansie No. 2 van 1926.

Vervanging van artikel *dertien* van Ordonnansie No. 2 van 1926.

Spesiale bepalinge aangaande margarine.

Special provisions relating to margarine.

as dit in die Gebied vervaardig is, en die nettogewig van die inhoud van sodanige pakket) in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een halwe duim in die vierkant gemerk is.

(2) Niemand mag enige sodanige stof te koop uitstal nie, tensy dit bevat is 'n pakket beskrywe in paragraaf (d) van onderartikkel (1), of tensy 'n etiket met die woord "Margarine" daarop gedruk in duidelik sigbare hoofletters nie kleiner nie as een duim in die vierkant en geen ander benaming, woord, voorstelling of merk op 'n in die oog vallende wyse daaraan bevestig is.

(3) Niemand mag enige sodanige stof in dieselfde perseel vervaardig nie as dié, waarop botter of enige battersurrogaat, soos bepaal in artikel drie, vervaardig is.

(4) Enige persoon, wat enige bepaling van hierdie artikel oortree is skuldig aan 'n oortreding en by 'n eerste skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond en by enige daarop volgende skuldigbevinding, onverskillig of weens dieselfde oortreding of weens enige ander oortreding ingevolge hierdie artikel, blootgestel aan 'n boete van hoogstens tweehonderd pond."

Wysiging van artikel veertien van Ordonnansie No. 2 van 1926.

55. Artikel veertien van die Hoofordonnansie word hierby gewysig deur onderartikkel (1) te skrap en te vervang deur die volgende nuwe onderartikkel:—

"(1) Enige persoon is skuldig aan 'n oortreding van hierdie Ordonnansie—

- (a) as hy enige stof as botter vervaardig in 'n geregistreerde botterfabriek verkoop, wat nie ooreenkom nie met die vereistes van onderparagraaf (i) van paragraaf (a) van onderartikkel (1) van artikel drie; of
- (b) as hy enige stof as botter verkoop, wat nie ooreenkom nie met die vereistes van onderparagraaf (ii) van paragraaf (a) van onderartikkel (1) van artikel drie; of
- (c) as hy enige stof as opnuut opgemaakte botter, weerbewerkte botter, met melk vermengde botter of kunsbotter verkoop, wat enige vreemde stof (behalwe 'n stof opgenoem in paragraaf (b) van onderartikkel (1) van paragraaf drie) bevat in die verhouding in daardie paragraaf vasgestel; of
- (d) as hy enige stof as opnuut opgemaakte botter, weerbewerkte botter, met melk vermengde botter of kunsbotter verkoop, wat nie ooreenkom nie met die vereistes van onderartikkel (2) van artikel drie; of
- (e) as hy opnuut opgemaakte botter, weerbewerkte botter, met melk vermengde botter of kunsbotter verkoop, wat nie in 'n pakket bevat is nie, wat, as die hoeveelheid van elke stof daarin meer as een pond weeg, duursaam gemerk of geteken is op twee teenoorgeleë kante met een of ander van die woorde "Renovated butter" of "Opnuut opgemaakte botter" of "Renovierte Butter", "Milled butter", of "Weerbewerkte botter" of "Besser zubereitete Butter", "Milk-blended butter" of "Met melk vermengde botter" of "Mit Milch vermischte Butter", of "Process butter" of "Kunsbotter" of "Künstliche Butter" in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een duim in die vierkant; of wat, as die hoeveelheid van sodanige stof daarin bevat een pond of minder as een pond weeg, duursaam op twee teenoorgeleë kante duursaam gemerk is met een of ander van die woorde "Renovated butter", of "Opnuut opgemaakte botter", of "Renovierte Butter", "Milled butter" of "Weerbewerkte botter" of "Besser zubereitete Butter", "Milk-blended butter" of "Met melk vermengde botter" of "Mit Milch vermischte Butter", of "Process butter" of "Kunsbotter" of "Künstliche Butter" en geen ander benaming, woord, voorstelling of merk (behalwe die geregistreerde nommer van die perseel, waarin sodanige stof vervaardig is, as dit in die Gebied vervaardig is, en die nettogewig van die inhoud van sodanige pakket) in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een halwe duim in die vierkant; of
- (f) as hy opnuut opgemaakte botter, weerbewerkte botter, met melk vermengde botter of kunsbotter te koop uitstal, wat nie in 'n pakket beskrywe in paragraaf (e) van hierdie onderartikkel bevat is nie, tensy 'n etiket met een of ander van die woorde "Renovated butter" of "Opnuut opgemaakte botter" of "Renovierte Butter", "Milled butter" of "Weerbewerkte botter" of "Besser zubereitete Butter", "Milk-blended butter" of "Met melk vermengde botter" of "Mit Milch vermischte Butter", of "Process butter" of "Kunsbotter" of "Künstliche Butter" in duidelik sigbare hoofletters nie kleiner nie as een duim in die vierkant en geen ander benaming, woord, voorstelling of merk op 'n in die oog vallende wyse daaraan geheg is; of
- (g) as hy enige stof as roomys verkoop, wat nie ooreenkom nie met die standaards en voorwaardes by regulasie neergelê kragtens onderartikkel (3) van artikel drie, of as hy enige stof verkoop, wat,

substance was manufactured, if it was manufactured in the Territory and the net weight of the contents of such package) in plainly visible capital printed letters not smaller than one-half of an inch square.

(2) No person shall expose any such substance for sale unless it is contained in a package described in paragraph (d) of sub-section (1), or unless a label bearing the word "Margarine" in plainly visible capital letters not smaller than one inch square and no other name, word, representation or mark, is attached thereto in a conspicuous manner.

(3) No person shall manufacture any such substance on the same premises as those on which butter or any butter substitute as defined in section three is manufactured.

(4) Any person contravening any provision of this section shall be guilty of an offence and liable on a first conviction to a fine not exceeding one hundred pounds and on any subsequent conviction, whether for the same offence or for any other offence under this section, to a fine not exceeding two hundred pounds.

55. Section fourteen of the principal Ordinance is hereby amended by the deletion of sub-section (1) and the substitution thereof of the following new sub-section:—

Amendment of section fourteen of Ordinance No. 2 of 1926.

"(1) Any person shall be guilty of an offence against this Ordinance—

- (a) if he sells as butter manufactured in a registered creamery any substance which does not conform to the requirements of sub-paragraph (i) of paragraph (a) of sub-section (1) of section three; or
- (b) if he sells as butter any substance which does not conform to the requirements of sub-paragraph (ii) of paragraph (a) of sub-section (1) of section three; or
- (c) if he sells as butter any substance which contains any foreign substance other than a substance referred to in paragraph (b) of sub-section (1) of section three, in the proportion specified in that paragraph; or
- (d) if he sells as renovated butter, milled butter, milk-blended butter or process butter any substance which does not conform to the requirements of sub-section (2) of section three; or
- (e) if he sells renovated butter, milled butter, milk-blended butter or process butter not contained in a package which, if the quantity of each substance therein weighs more than one pound, is durably marked or branded on two opposite sides with one or other of the words "Renovated butter" or "Opnuut opgemaakte botter" or "Renovierte Butter", "Milled butter", or "Weerbewerkte botter" or "Besser zubereitete Butter", "Milk-blended butter" or "Met melk vermengde botter" or "Mit Milch vermischte Butter", or "Process butter" or "Kunsbotter" or "Künstliche Butter" in plainly visible capital printed letters not smaller than one inch square or which, if the quantity of such substance contained therein weighs one pound or less, is durably marked on two opposite sides with one or the other of the words "Renovated butter", or "Opnuut opgemaakte botter", or "Renovierte Butter", "Milled butter" or "Weerbewerkte botter" or "Besser zubereitete Butter", "Milk-blended butter" or "Met melk vermengde botter" or "Mit Milch vermischte Butter", or "Process butter", or "Kunsbotter" or "Künstliche Butter" and no other word, representation or mark (except the registered number of the premises in which such substance was manufactured, if it was manufactured in the Territory and the net weight of the contents of such package) in plainly visible capital printed letters not smaller than one-half of an inch square; or
- (f) if he exposes renovated butter, milled butter, milk-blended butter or process butter for sale not contained in a package described in paragraph (e) of this sub-section, unless a label bearing one or other of the words "Renovated butter", or "Opnuut opgemaakte botter" or "Renovierte Butter", "Milled butter" or "Weerbewerkte botter" or "Besser zubereitete Butter", "Milk-blended butter" or "Met melk vermengde botter" or "Mit Milch vermischte Butter", or "Process butter" or "Kunsbotter" or "Künstliche Butter" in plainly visible capital letters not smaller than one inch square and no other name, word, representation or mark, is attached thereto in a conspicuous manner; or
- (g) if he sells as ice cream any substance which does not conform to the standards and conditions laid down by regulation in terms of sub-section (3) of section three or if he sells any substance which while

ofskoon dit binne die betekenis van roomys, soos bepaal by artikel *een* val (ofskoon onder 'n ander benaming verkoop) nie met die voormelde standaards en voorwaardes ooreenkom nie."

Ordonnansie het toepassing op natuurlike.

56. Hierdie Ordonnansie het toepassing op al die natuurlike en op al die botter, kaas of suiwelprodukte deur natuurlike vervaardig.

Ordonnansie het geen toepassing op botter, kaas of suiwelprodukte in transit na 'n ander staat of land nie.

57. Niks in hierdie Ordonnansie bevat het toepassing nie op enige botter, kaas of suiwelproduk ingevoer in of uitgevoer uit hierdie Gebied, wat van een staat of land na 'n ander staat of land deur hierdie Gebied onder weg is.

Woordbepaling.

58. (1) Tensy uit die samehang anders blyk, het onderstaande woorde in hierdie Ordonnansie die volgende betekenis—

- "merk", met betrekking tot een of ander artikel, indien as werkwoord gebesig, beteken die voorsiening van daardie artikel van 'n merk, voorstelling, benaming of beskrywing, en indien as 'n selfstandige naamwoord gebesig, beteken dit 'n merk, voorstelling, benaming of beskrywing wat op enige suiwelproduk voorkom of in verband daarmee gebesig word;
- "bottervet", beteken die suiwere vet van melk;
- "fabrieksbotter", beteken botter wat in 'n botterfabriek vervaardig is;
- "plaasbotter", beteken botter wat elders as in 'n botterfabriek vervaardig is en nie plaasmelkerybotter is nie;
- "plaasmelkerybotter" beteken botter wat elders as in 'n botterfabriek vervaardig is deur enige lid of lede van een huishouding en verkoop gedurende een maand in 'n hoeveelheid bo vyftig pond;
- "gradeer", beteken die rangskikking van suiwelprodukte volgens kwaliteit en "gradering" en "gegradeer" het 'n ooreenstemmende betekenis; en "graad" beteken die kwaliteitsoort van 'n suiwelproduk;
- "melk", beteken koeimelk;
- "eienaar", omvat ook 'n gedeeltelike of mede-eienaar en die eienaar se agent of verteenwoordiger, en met betrekking tot 'n botterfabriek, room-depôt, kaasfabriek, fabriek van gekondenseerde melk, fabriek van botter-surrogate of margarine-fabriek omvat dit ook die persoon, wat die beheer of bestuur daarvan het;
- "pakket", beteken enigiets, waarin 'n suiwelproduk bevat of toegemaak is;
- "Hoofordonnansie", beteken die Suiwelnwyerheid Ordonnansie 1926 (Ordonnansie No. 2 van 1926);
- "regulasie", beteken 'n regulasie kragtens hierdie Ordonnansie of die Hoofordonnansie uitgevaardig;
- "kleinmaat", met betrekking tot enige verkoop, dui aan dat dit 'n verkoop is aan die verbruiker van die verkoopte artikel;
- "verkoop", as werkwoord, omvat ook te koop aanbied, adverteer, aanhou, uitstal, verstuur, vervoer, lewer of gereed maak vir verkoop en 'n ruil of enige vervoering teen enige vergoeding hoegenaamd, en die woorde "verkoper", "verkoping" en "verkoop", as selfstandige naamwoord, het 'n ooreenstemmende betekenis;
- "die Wet", beteken die Wet op die Beheer van die Suiwelnwyerheid 1930 (Wet No. 35 van 1930) van die Parlement van die Unie van Suid-Afrika, soos gewysig by die Beheer van die Suiwelnwyerheid Wysigingswet 1931 (Wet No. 2 van 1931) van die voormelde Parlement;
- "hierdie Ordonnansie" omvat enige proklamasie daaronder uitgevaardig en enige regulasie daaronder vasgestel.

(2) Enige uitdrukking, waaraan in die Hoofordonnansie soos deur hierdie Ordonnansie gewysig 'n betekenis verleen word, het, wanneer hy in hierdie Ordonnansie gebesig word, dieselfde betekenis, en 'n uitdrukking, wat in die Hoofordonnansie voorkom, en waaraan in hierdie Ordonnansie 'n betekenis verleen word, het in die Hoofordonnansie daardie betekenis.

Kort Tittel.

59. Hierdie Ordonnansie kan aangehaal word as die Ordonnansie op die Beheer van die Suiwelnwyerheid 1931.

falling within the meaning of ice cream as defined in section *one* (although sold under another name) does not conform to the said standards and conditions."

56. This Ordinance shall apply to all natives and to all butter, cheese or dairy produce produced by natives.

Ordinance to apply to natives.

57. Nothing in this Ordinance contained shall apply to any butter, cheese or dairy produce imported into or exported from this Territory in course of transit through this Territory from one State or country to another State or country.

Ordinance not to apply to butter, cheese or dairy produce in transit to another State or country.

58. (1) In this Ordinance, unless inconsistent with the context—

Definitions.

- "brand" in relation to any article, when used as a verb, means the placing on such article, of any mark, representation, designation or description, and when used as a noun, means any mark, representation, designation or description appearing upon or used in connection with any dairy produce;
- "butter-fat" means the pure fat of milk;
- "creamery butter" means butter manufactured in a creamery;
- "farm butter" means any butter made elsewhere than in a creamery and not being farm dairy butter;
- "farm dairy butter" means any butter made elsewhere than in a creamery by any member or members of any one household and sold during any one month in quantity in excess of fifty pounds;
- "grade", when used as a verb, means the classification of dairy produce according to quality, and "grading" and "graded" have a corresponding meaning; and when used as a noun, "grade" means the quality class of any dairy produce;
- "milk" means milk from a cow;
- "owner" includes a part or co-owner and the owner's agent or representative, and in relation to any creamery, cream depôt, cheese factory, condensed milk factory, butter substitutes factory or margarine factory, includes the person having the control or management thereof;
- "package" means anything in which dairy produce is contained or enclosed;
- "principal Ordinance" means the Dairy Industry Ordinance, 1926 (Ordinance No. 2 of 1926);
- "regulation" means a regulation made under this Ordinance or the principal Ordinance;
- "retail" in relation to any sale denotes that such sale is to the consumer of the article sold;
- "sell" includes to offer, advertise, keep, expose, transmit, convey, deliver, or prepare for sale, and an exchange or any disposal for any consideration whatever, and the words "seller", "selling", "sale" and "sold" have a corresponding meaning;
- "the Act" means the Dairy Industry Control Act, 1930 (Act No. 35 of 1930) of the Parliament of the Union of South Africa as amended by the Dairy Industry Control (Amendment) Act, 1931. (Act No. 2 of 1931) of the said Parliament;
- "this Ordinance" includes any proclamation issued thereunder and any regulation made thereunder.

(2) Any expression to which a meaning is ascribed in the principal Ordinance as amended by this Ordinance shall, when used in this Ordinance, bear the same meaning, and any expression occurring in the principal Ordinance to which a meaning is ascribed in this Ordinance shall bear that meaning in the principal Ordinance.

59. This Ordinance may be cited as the Dairy Industry Control Ordinance, 1931.

Short Title.