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of South West Africa.

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van Suidwes-Afrika.

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Wednesday, 10th June, 1931.

WINDHOEK

Woensdag, 10 Junie 1931.

No. 426

The following Government Notice is published for general information.

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

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

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

Administrateurskantoor,
Windhoek.

No. 70.]

[5th June, 1931.

ORDINANCES, 1931: PROMULGATION OF.

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

No.	Title.	Page.
8.	Stock Brands Ordinance, 1931	7318
9.	Trespass of Animals (Rural Areas) Ordinance, 1931	7324
10.	Roads and Outspans Ordinance Further Amendment Ordinance, 1931	7330
11.	Diseases of Stock (Amendment) Ordinance, 1931	7331
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15.	Explosives Ordinance, 1931	7336
16.	Dairy Industry Control Ordinance, 1931	7343

No. 70.]

[5 Junie 1931.

ORDONNANSIES 1931: UITVAARDIGING VAN.

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

No.	Titel.	Bladsy.
8.	Veebrandmerke-Ordonnansie 1931	7318
9.	Ordonnansie van 1931 betreffende Oortreding van Diere (Platteland Gebiede)	7324
10.	Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1931	7330
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14.	Dorpe-Ordonnansie Wysigings-Ordonnansie 1931	7335
15.	Ontploffbare Stowwe Ordonnansie 1931	7336
16.	Ordonnansie op die Beheer van die Suiwelnywerheid 1931	7343

Ord. No. 8
of 1931.**ORDINANCE**Repealed by
Act 24/1931/24**ORDONNANSIE**Ord. No. 8
van 1931.

To consolidate and amend the laws relating to the branding of stock belonging to persons other than natives.

Tot samevatting en wysiging van die wette betreffende die brandmerking van vee behorende aan persone ander as naturelle.

(Assented to 5th June, 1931.)
(English text signed by the Administrator.)

(Goedgekeur 5 Junie 1931.)
(Engelse teks deur die Administrateur geteken.)

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 (Act No. 42 of 1925), of the Parliament of the Union of South Africa, as follows:—

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 voorsienings van artikel *ses-en-twintig* van "De Zuidwest-Afrika Konstitutie Wet 1925" (Wet No. 42 van 1925) van die Parlement van die Unie van Suidafrika aan die Wetgewende Vergadering meegedeel is, as volg:—

Repeal of
Laws.

1. The Proclamations specified in the First Schedule of this Ordinance are hereby repealed to the extent set out in the third column of that Schedule.

1. Die Proklamasies opgenoem in die Eerste Bylae van hierdie Ordonnansie word hierby herroep in die mate, soos uiteengesit in die derde kolom van daardie Bylae.

Herroeping van
Wette.Interpretation of
terms.

2. In this Ordinance, unless inconsistent with the context—

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

Woordbepaling.

"stock" means any bull, cow, ox, heifer, tollie or calf over the age of nine months, and includes any ass over the age of nine months; and for the purposes of paragraphs (a), (b), (c), (d) and (e) of section *twenty-three* "stock" includes a heifer, tollie, calf or ass of the age of nine months and under;

beteken "vee" enige bul, koei, os, vers, tollie of kalf bo die ouderdom van nege maande en omvat enige esel bo die ouderdom van nege maande; en vir die doeleindes van paragrafe (a), (b), (c), (d) en (e) van artikel *drie-en-twintig* sluit "vee" in 'n vers, tollie, kalf of esel van die ouderdom van nege maande en daaronder;

"owner" means any owner of stock other than a native and includes corporate bodies, but does not include the Administration;

beteken "eienaar" enige eienaar van vee ander as 'n naturel en omvat geïnkorporeerde liggame, maar sluit nie die Administrasie in nie;

"police officer" means any member of the South West Africa Police;

beteken "poliesieamptenaar" enige lid van die Suidwes-Afrikaanse Polisie;

"registered brand" means any brand allotted under the provisions of the Ordinance of the Imperial Governor of German South West Africa relating to the introduction of large stock brands dated the 12th day of June, 1912, or under the provisions of the laws hereby repealed, or under the provisions of this Ordinance, but, subject to the provisions of sub-section (5) of section *four*, shall not include a special brand issued under the provisions of section *three* of the Cattle Brands Amendment Proclamation, 1925 (Proclamation No. 14 of 1925).

beteken "geregistreeerde brandmerk" enige brandmerk toegeken kragtens die bepalings van die Ordonnansie van die Keiserlike Goewerneur van Duits Suidwes-Afrika betreffende die invoering van brandmerke vir grootvee, gedagteken die 12de dag van Junie 1912, of kragtens die bepalings van die wette, wat hierby herroep word, of kragtens die bepalings van hierdie Ordonnansie, maar mag, met inagneming van die bepalings van onder-artikel (5) van artikel *vier*, geen spesiale brandmerk uitgereik kragtens die bepalings van artikel *drie* van "De Veebrandmerken Wijzigings-Proklamatie 1925" (Proklamasie No. 14 van 1925) insluit nie.

Exemption of
stock belonging to
natives.

3. Save for the provisions of sections *twenty* and *twenty-one*, and of paragraphs (a) and (c) of section *twenty-three*, nothing in this Ordinance contained shall apply to stock the property of any native.

3. Behoudens die bepalings van artikels *twintig* en *een-en-twintig* en paragrafe (a) en (c) van artikel *drie-en-twintig* het niks, wat in hierdie Ordonnansie bevat is, toepassing op vee, wat die eiendom van enige naturel is nie.

Vrystelling van
vee, wat aan
naturelle behoort.Compulsory
branding of stock
by owners.

4. (1) Every owner of stock who at the date of the taking effect of this Ordinance is in possession of a branding iron bearing a registered brand which has been allotted to him under the provisions of the laws hereby repealed shall forthwith brand all stock of which he is the owner in the manner provided by section *eleven*, and thereafter he shall cause all other stock of which he may become the owner to be similarly branded within one month of such stock coming into his possession: Provided, however, that it shall not be incumbent upon any such owner to re-brand any stock owned by him which already bear a registered brand allotted to him and not surrendered or cancelled; and provided, further, that any owner of stock to whom under any of the laws hereby repealed more than one registered brand has been allotted may use any or all of such brands for branding his stock in any district in the Territory.

4. (1) Elke eienaar van vee, wat op die datum van die inwerkingtreding van hierdie Ordonnansie in besit is van 'n brandyster, wat 'n geregistreeerde brandmerk dra aan hom toegeken kragtens die bepalings van die hierby herroep wette, moet onverwyld al die vee, waarvan hy die eienaar is, op wyse bepaal by artikel *elf* brandmerk, en daarna moet hy al die ander vee, waarvan hy die eienaar mag word op soortgelyke wyse laat brandmerk binne een maand, nadat sodanige vee in sy besit kom: Met die verstande egter dat geen sodanige eienaar verplig sal wees om enige vee deur hom besit, wat reeds 'n geregistreeerde aan hom toegekende en nie-oorgegewe of gekanseleerde brandmerk dra, weer te brandmerk nie; en met die verstande verder dat enige veeëienaar, aan wie meer as een geregistreeerde brandmerk kragtens enige van die hierby herroep wette toegeken is, enige of al sodanige brandmerke kan gebruik, om sy vee in enige distrik in die Gebied te brandmerk.

Verpligtende brand-
merking van vee
deur eienaars.

(2) Every owner of stock to whom at the date of the taking effect of this Ordinance a registered brand has not been allotted under the provisions of the laws hereby repealed, and every person who subsequent to the taking effect of this Ordinance becomes an owner of stock and to whom a registered brand has not been allotted under the provisions of this Ordinance, shall, within two months of the date of the taking effect of this Ordinance or from the date upon which such person becomes an owner, as the case may be, apply to the magistrate of the district in which such stock run or are commonly kept, and if he owns stock in more districts than one, then to the magistrate of the district in which he has more stock than in any other district, for the allotment to him of a registered brand, and every such owner shall, within one month from the date of acquiring a registered branding iron, brand the stock owned by him or cause them to be branded, in the manner provided by section *eleven*, and thereafter he shall cause all other stock of which he may become the owner to be similarly branded within one month of such stock coming into his possession, whether such stock already bear a registered brand or otherwise.

(2) Enige veeëienaar, aan wie op die datum van die inwerkingtreding van hierdie Ordonnansie geen geregistreeerde brandmerk kragtens die bepalings van die hierby herroep wette toegeken is nie, en elke persoon, wat na die inwerkingtreding van hierdie Ordonnansie 'n veeëienaar word, en aan wie geen geregistreeerde brandmerk kragtens die bepalings van hierdie Ordonnansie toegeken is nie, moet binne twee maande vanaf die datum van die inwerkingtreding van hierdie Ordonnansie of vanaf die datum, waarop sodanige persoon 'n eienaar word, soos die geval mag wees, by die magistraat van die distrik, waarin sodanige vee loop of gewoonlik gehou word, aansoek doen, en as hy in meer as een distrik vee besit, dan by die magistraat van die distrik, waarin hy meer vee as in enige ander distrik het, vir die toekenning aan hom van 'n geregistreeerde brandmerk, en elke sodanige eienaar moet, binne een maand vanaf die datum van verkryging van 'n geregistreeerde brandyster, die vee deur hom besit brand of laat brand op wyse bepaal by artikel *elf*, en daarna moet hy al die ander vee, waarvan hy die eienaar mag word, op gelyksoortige wyse laat brandmerk binne een maand, nadat sodanige vee in sy besit gekom het, onverskillig of sodanige vee reeds 'n geregistreeerde brandmerk of andersins dra al dan nie.

(3) Registered brands shall be allotted by the Senior Veterinary Officer, who shall notify the magistrate of any district in which any stock run or are commonly kept which belong to the person to whom the brand has been allotted of such allotment.

(4) Registered brands shall consist of two letters and a numeral or one letter and two numerals, each two and a half inches in height, the numeral or numerals being placed either under or over the letters or letter in the form of an equilateral triangle or in such other equilateral triangular juxtaposition as the Administrator may from time to time prescribe by regulation. The letter, or, if there are two letters, the first letter shall be that which indicates, in accordance with the Second Schedule to this Ordinance, the district to the magistrate of which the application for a registered brand is required to be made as provided in sub-section (2) hereof. The letters shall be Roman in character. The letter or letters and the numeral or numerals of a registered brand to be used for the purpose mentioned in sub-section (6) shall be two inches in height.

(5) Notwithstanding anything to the contrary in sub-section (4) contained, the registered brand allotted to a person who owns more than one thousand head of stock in the Territory may consist of a device approved of by the Senior Veterinary Officer. No brand allotted under the provisions of this sub-section shall be identical with any brand already so allotted or so nearly identical as to be likely to cause confusion. The Senior Veterinary Officer shall not approve of any such brand unless its size and shape are such that its impression upon the hide of an animal will be distinct and easily recognisable. A special brand which has been issued to any person under the provisions of section *three* of the Cattle Brands Amendment Proclamation, 1925 (Proclamation No. 14 of 1925), may upon the application of that person, if he owns more than one thousand head of stock in the Territory, be allotted to him as his registered brand for the whole Territory.

(6) Notwithstanding anything to the contrary in sub-section (4) contained, it shall be lawful to brand stock under the age of eighteen months with a brand the letter or letters and numeral or numerals whereof are each two inches in height.

(7) Notwithstanding anything to the contrary in sub-section (4) contained, the stock of any owner which at the date of the taking effect hereof bear a brand italic in character in accordance with the provisions of the Cattle Brands Proclamation, 1921 (Proclamation No. 36 of 1921), shall be deemed to have been lawfully branded under the provisions of this Ordinance so long as such stock remain the property of such owner.

Branding of horses and mules.

5. A holder of a registered brand may brand his horses and mules with such brand.

Particulars required on application for registered brand.

6. (1) The application for the allotment of a registered brand required to be made by the owner of any stock to the magistrate in terms of section *four* shall contain the full name and address of the owner, shall state the place or places (showing districts) at which any stock owned by the applicant run or are commonly kept, and shall state how many branding irons the applicant requires. All branding irons bearing a registered brand shall be issued by the Senior Veterinary Officer, and there shall be payable for every such branding iron such fee as may from time to time be prescribed by the Administrator. The fee shall be payable when the application for a registered brand is made. Failure or neglect by an owner to apply for the allotment to him of a registered brand or for the issue to him of one or more branding irons bearing such registered brand, and failure or neglect by him to take possession of the branding iron or branding irons issued in pursuance of such application within one month from the date of receipt by him of a notice under the hand of the magistrate that such branding iron or branding irons are available for issue shall constitute an offence.

(2) Not more than one registered brand shall be allotted to one owner or to two or more joint owners; unless the owner or the joint owners, as the case may be, possess or possess stock belonging to different farming concerns.

Registers of brands.

7. Every magistrate shall keep a register showing the registered brands of all persons who own stock which run or are commonly kept within his district. A register of all registered brands allotted shall be kept by the Senior Veterinary Officer. Upon the allotment of a registered brand the Senior Veterinary Officer shall issue a certificate in the form set out in the Third Schedule to this Ordinance.

Evidence.

8. (1) It shall not be necessary, in any prosecution of any owner of stock for failing or neglecting to make application for the allotment to him of a registered brand or for the issue to him of a branding iron, to allege in the charge or indictment, or to prove, in which district the greatest number of the stock owned by the accused run or are commonly kept, provided proof is adduced that stock owned by him run or are commonly kept in the district to the magistrate of which he is alleged to have failed or neglected to make such application.

(3) Geregistreeerde brandmerke moet toegeken word deur die Hoofveearts, wat die magistraat van enige distrik, waarin enige vee loop of gewoonlik gehou word, wat aan die persoon behoort, aan wie die brandmerk toegeken is, van sodanige toekenning moet verwittig.

(4) Geregistreeerde brandmerke moet bestaan uit twee letters en een syfer of een letter en twee syfers, elkeen twee en 'n half duim in hoogte, en die syfer of syfers moet of onder of bo die letters of letter in die figuur van 'n gelyksydige driehoek geplaas word of hulle moet op sodanige ander gelyksydige driehoek-vormende saamstelling geplaas word as die Administrateur van tyd tot tyd by regulasie mag voorskrywe. Die letter, of, as daar twee letters is, die eerste letter moet dié wees, wat ooreenkomstig die Tweede Bylae van hierdie Ordonnansie die distrik aantoon, by die magistraat waarvan die applikasie vir 'n geregistreeerde brandmerk, soos bepaal in onderartikel (2) hiervan, gemaak moet word. Die letters moet van Romeinse aard wees. Die letter of letters en die syfer of syfers van 'n geregistreeerde brandmerk, wat vir die doel in onderartikel (6) vermeld gebruik moet word, moet twee duim hoog wees.

(5) Nieteenstaande enige teenstrydige bepaling in onderartikel (4) bevat, kan die geregistreeerde brandmerk toegeken aan 'n persoon, wat meer as eenduisend stuks vee in die Gebied besit, bestaan uit 'n deur die Hoofveearts goedgekeurde devies. Geen brandmerk, kragtens die bepalings van hierdie onderartikel toegeken, mag identies met enige alreeds aldus toegekeende brandmerk of amper so identies wees nie, dat dit waarskynlik verwarring sou kan veroorsaak. Die Hoofveearts mag geen sodanige brandmerk goedkeur nie, tensy sy grootte en vorm sodanig is dat die indruk op die vel van 'n dier duidelik en maklik erkenbaar sal wees. 'n Spesiale brandmerk, wat aan enige persoon kragtens die bepalings van artikel *drie* van "De Veebrandmerken Wijzigings-Proklamatie 1925" (Proklamasie No. 14 van 1925) uitgereik is, kan na applikasie van daardie persoon, as hy meer as eenduisend stuks vee in die Gebied besit, as sy geregistreeerde brandmerk aan hom toegeken word vir die hele Gebied.

(6) Nieteenstaande enige teenstrydige bepaling bevat in onderartikel (4) is dit wettig om vee benede die ouderdom van agtien maande met 'n brandmerk te brandmerk, waarvan die letter of letters en syfer of syfers elk twee duim hoog is.

(7) Nieteenstaande enige teenstrydige bepaling bevat in onderartikel (4) word die vee van enige eenaar, wat op die datum van inwerkingtreding hiervan 'n brandmerk van kursiewe aard ooreenkomstig die bepalings van "De Veebranden Proklamatie 1921" (Proklamasie No. 35 van 1921) dra, geag wettig gebrandmerk te wees kragtens die bepalings van hierdie Ordonnansie, solank as sodanige vee die eiendom van sodanige eenaar bly.

5. 'n Houer van 'n geregistreeerde brandmerk mag sy perde en muile met sodanige brandmerk brandmerk. Brandmerk van perde en muile.

6. (1) Die applikasie vir die toekenning van 'n geregistreeerde brandmerk, wat deur die eenaar van enige vee by die magistraat in terme van artikel *vier* gemaak moet word, moet die vol naam en adres van die eenaar bevat, moet die plek of plekke (aantoonende die distrikte), waarop enige vee, wat deur die applikant besit is, loop of gewoonlik gehou word, en moet aangee hoeveel brandysters die applikant benodig. Al die brandysters, wat 'n geregistreeerde brandmerk dra, moet deur die Hoofveearts uitgereik word, en vir elke sodanige brandyster is sodanige fooi betaalbaar as van tyd tot tyd deur die Administrateur voorgeskrywe mag word. Die fooi is betaalbaar, as die applikasie vir 'n geregistreeerde brandmerk gemaak word. Versuim of nalatigheid deur 'n eenaar om applikasie te maak vir die toekenning aan hom van 'n geregistreeerde brandmerk of vir die uitreiking aan hom van een of meer brandysters, wat sodanige geregistreeerde brandmerk dra, en versuim of nalatigheid deur hom om besit te neem van die brandyster of brandysters, ingevolge sodanige applikasie uitgereik, binne een maand vanaf die datum van ontvangs deur hom van 'n kennisgewing onder die handtekening van die magistraat, dat sodanige brandyster of brandysters vir uitreiking beskikbaar is, maak 'n oortreding uit.

Besonderhede benodig na applikasie vir geregistreeerde brandmerk.

(2) Nie meer as een geregistreeerde brandmerk mag aan een enkele eenaar of aan twee of meer medeëenaars toegeken word nie, tensy die eenaar of die medeëenaars, soos die geval mag wees, vee besit wat aan verskillende landbou-ondernemings behoort.

7. Elke magistraat moet 'n register hou aantonende die brandmerke van al die persone, wat vee besit, wat in die distrik loop of gewoonlik daarin gehou word. 'n Register van al die geregistreeerde brandmerke moet deur die Hoofveearts gehou word. Na die toekenning van 'n geregistreeerde brandmerk moet die Hoofveearts 'n sertifikaat uitreik in die vorm uiteengesit in die Derde Bylae van hierdie Ordonnansie. Registers van brandmerke.

8. (1) By enige vervolging van enige veeëenaar weens versuim of nalatigheid om applikasie te maak vir die toekenning aan hom van 'n geregistreeerde brandmerk of vir die uitreiking van 'n brandyster aan hom sal dit nie nodig wees nie om in die aanklag of akte van beskuldiging te beweer of te bewys in watter distrik die grootste aantal van die vee deur die beskuldigde besit loop of gewoonlik gehou word, mits aan die magistraat van die distrik, ten opsigte waarvan beweer word dat hy versuim of nagelaat het om sodanige applikasie te maak, bewys gelewer word dat vee deur hom besit in daardie distrik loop of gewoonlik gehou word. Getuienis.

(2) A return of service purporting to be signed by the person deputed to serve the notice referred to in sub-section (1) of section *six* shall be *prima facie* evidence of the receipt thereof by the accused, and the burden of proving that such notice was not in fact received by the accused shall lie upon the accused.

(3) Every register kept under the provisions of section *seven* shall be *prima facie* evidence of the facts recorded therein; and a certificate purporting to be signed by any person whose duty it is to keep any such register, or by any person acting under his authority, that any fact is recorded in such register shall be *prima facie* evidence of the existence of such fact.

Use of numerical brands.

9. An owner may use numerical horn and cheek brands for branding cattle without obtaining special permission to do so.

Brands for Administration and pounds.

10. (1) Notwithstanding anything to the contrary contained in this Ordinance the Senior Veterinary Officer shall allot brands for stock the property of the Administration and shall control the branding of such stock. The dominant (first or only) letter of the registered brand allotted to the Administration shall be the letter "G" and the dominant sign for the registered brands allotted to pounds shall be the sign \diamond (Diamond). A description of the brand or brands allotted to the Administration and to pounds shall be published in the *Gazette*.

(2) Save for the provisions of paragraph (a) of section *twenty-three* and except as in sub-section (1) of this section provided, nothing in this Ordinance contained shall apply to stock belonging to the Administration.

Place where animals to be branded.

11. (1) When an animal is branded with a registered brand for the first time, the brand shall be placed upon the left side of the neck.

If for any reason it becomes necessary to brand stock which have already been branded, the new brand shall be placed—

- (a) on a second branding on the right side of the neck;
- (b) on a third branding on the left shoulder;
- (c) on a fourth branding on the right shoulder;
- (d) on a fifth branding on the left hind thigh;
- (e) on a sixth branding on the right hind thigh;
- (f) on a seventh branding on the left side of the neck above the first brand;
- (g) on an eighth branding on the right side of the neck above the first brand;
- (h) on a ninth branding on the left shoulder above the first brand,

and so on.

(2) Notwithstanding the provisions of the last preceding sub-section, the provisions of section *seven* of the Cattle Brands Proclamation, 1921 (Proclamation No. 36 of 1921), in so far as it relates to the method and order of branding shall continue to apply in the case of an animal which has been branded with a registered brand before the date of the taking effect of this Ordinance. For the purposes of this sub-section the expression "registered brand" includes a brand issued under the provisions of any law relating to the branding of stock owned by natives.

(3) Any person who shall brand stock otherwise than in accordance with the provisions of this and the next succeeding sections shall be guilty of an offence.

The first brand on a hind thigh shall be placed between the stifle and hock-joint, and the first brand on a shoulder shall be placed between the elbow-joint and the knee-joint, if the space between the two joints mentioned is sufficient to take such brand, and if this space is insufficient therefor, then the brand shall be placed as low as possible on the hind thigh or on the shoulder, as the case may be.

Branding of erroneously branded stock.

12. If for any reason an animal is erroneously branded by the placing of a brand otherwise than as prescribed by section *eleven* of this Ordinance or section *seven* of the Cattle Brands Proclamation, 1921, as the case may be, the owner shall forthwith brand the animal with his registered brand upon the place upon which the brand ought to have been placed and also upon all places which, according to the order of branding-places so prescribed, lie between that place and the place upon which the animal was erroneously branded.

Re-branding of stock.

13. Should an owner's brand on any stock at any time become invisible or indistinct, the owner shall unless the invisibility or indistinctness is due solely to the presence of a winter coat, cause such stock to be re-branded in accordance with the provisions of section *eleven* and in such manner that the brand shall be visible and distinct. Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Rounding up of stock for inspection of brands.

14. A magistrate may whenever he deems it desirable issue an order in writing upon any owner of stock which are within his district requiring such owner to collect such stock at a place on the farm, commonage or other piece of land where such stock run and within a time not less than eight days to be therein specified in order that the brands borne by them may be inspected; provided that when any such order has been issued no further

(2) 'n Relas van diening, blykbaar geteken deur die persoon, wat afgevaardig is om die in onderartikel (1) van artikel *ses* genoemde kennisgewing te dien, is *prima facie* getuienis aangaande die ontvangs daarvan deur die beskuldigde en die las om te bewys, dat sodanige kennisgewing inderdaad nie deur die beskuldigde ontvang is nie, berus by die beskuldigde.

(3) Elke register kragtens die bepalings van artikel *sewe* gehou is *prima facie* getuienis van die feite daarin opgeteken en 'n sertifikaat, blykbaar geteken deur enige persoon, wie se plig dit is om enige sodanige register te hou, of deur enige persoon, wat onder sy outoriteit handel, ten effekte dat enige feit in sodanige register opgeteken is, is *prima facie* getuienis aangaande die bestaan van sodanige feit.

9. 'n Eienaar mag numerieke horing- en wangbrandmerke gebruik sonder besonder verlof te kry om dit te doen.

Gebruik van numerieke brandmerke.

10. (1) Nieteenstaande enige teenstrydige bepaling in hierdie Ordonnansie bevat, moet die Hoofveearts brandmerke toeken vir vee, wat die eiendom van die Administrasie is en moet die brandmerking van sodanige vee kontroleer. Die staande (eerste of enigste) letter van die aan die Administrasie toegekende geregistreerde brandmerk is die letter "G" en die staande teken vir die aan skutte toegekende geregistreerde brandmerke is die teken \diamond (ruit). 'n Beskrywing van die aan die Administrasie en skutte toegekende brandmerke moet in die *Offisiële Koerant* gepubliseer word.

Brandmerke vir Administrasie en skutte.

(2) Behoudens die bepalings van paragraaf (a) van artikel *drie-en-twintig* en behalwe soos in onderartikel (1) van hierdie artikel voorsien, het geen in hierdie Ordonnansie bevatte bepaling toepassing op vee nie, wat aan die Administrasie behoort.

11. (1) Wanneer 'n dier met 'n geregistreerde brandmerk vir die eerste maal gebrandmerk word, moet die brandmerk op die linkerkant van die nek gesit word.

Plek, waar diere gebrand moet word.

As dit om enige rede nodig word om vee te brandmerk, wat alreeds gebrandmerk is, moet die nuwe brandmerk gesit word—

- (a) by 'n tweede brandmerking op die regterkant van die nek;
- (b) by 'n derde brandmerking op die linker blad;
- (c) by 'n vierde brandmerking op die regter blad;
- (d) by 'n vyfde brandmerking op die linker bout;
- (e) by 'n sesde brandmerking op die regter bout;
- (f) by 'n sewende brandmerking op die linkerkant van die nek bo die eerste brandmerk;
- (g) by 'n agste brandmerking op die regterkant van die nek bo die eerste brandmerk;
- (h) by 'n negende brandmerking op die linker blad bo die eerste brandmerk,

en so voorts.

(2) Nieteenstaande die bepalings van die laasvooraangaande onderartikel, moet die bepalings van artikel *sewe* van "De Veebrandmerken Proklamasie 1921" (Proklamasie No. 36 van 1921), vir sover dit betrekking het op die metode en volgorde van brandmerking, voortgaan om van toepassing te wees in die geval van 'n dier, wat voor die datum van inwerkingtreding van hierdie Ordonnansie met 'n geregistreerde brandmerk gebrandmerk is. Vir die doeleindes van hierdie onderartikel omvat die uitdrukking "geregistreerde brandmerk" 'n brandmerk, uitgereik kragtens die bepalings van enige wet, wat betrekking het op die brandmerking van vee deur naturelle besit.

(3) Enige persoon, wat vee anders brandmerk as ooreenkomstig die bepalings van hierdie en die eersvolgende artikels, is skuldig aan 'n oortreding.

Die eerste brandmerk op 'n bout moet tussen die kniegewrig en die hakskeen, en die eerste brandmerk op 'n blad moet tussen die elmbooggewrig en die kniegewrig gesit word, as die ruimte tussen die twee aangegewe gewrigte groot genoeg is om die brandmerk te bevat, en as hierdie ruimte te klein is daarvoor, dan moet die brand so laag as moontlik op die bout of op die blad, soos die geval mag wees, gesit word.

12. As om enige rede 'n dier verkeerd gebrandmerk word daardeur dat 'n brandmerk anders as voorgeskryf deur artikel *elf* van hierdie Ordonnansie of artikel *sewe* van die "Veebrandmerken Proklamasie 1921", soos die geval mag wees, gesit word, moet die eienaar die dier dadelik met sy geregistreerde brandmerk op die plek brandmerk waar die brandmerk gesit moet word en ook op al die plekke, wat volgens die volgorde van brandmerk-plekke aldus voorgeskryf tussen daardie plek en die plek waar die dier verkeerd gebrandmerk is, lê.

Brandmerking van verkeerd gebrandmerkte vee.

13. As 'n eienaar se brandmerk op enige vee te enige tyd onsigbaar of onduidelik word, moet die eienaar sodanige vee weer laat brandmerk ooreenkomstig die bepalings van artikel *elf* en op sodanige wyse dat die brandmerk sigbaar en duidelik word, tensy die onsigbaarheid of onduidelikheid siegs te wyte is aan die aanwesigheid van 'n wintervel. Enige persoon, wat enige bepaling van hierdie artikel oortree of in gebreke bly om daaraan te voldoen, is skuldig aan 'n oortreding.

Herbrandmerking van vee.

14. 'n Magistraat kan, wanneer hy dit raadsaam ag, 'n bevel in geskrif gee aan enige eienaar van vee, wat binne sy distrik is, waarin hy van sodanige eienaar verlang dat hy sodanige vee op 'n plek op die plaas, dorpsgrond of ander stuk grond waar sodanige vee loop en binne 'n tyd nie minder as agt dae nie daarin gespesifiseer te word bymekaarmaak, sodat die brandmerke, wat dit dra, geïnspekteer kan word, met die verstande dat, wanneer enige sodanige bevel gegee is, geen verder bevel ten opsigte van

Bymekaarmaak van vee vir inspeksie en brandmerking.

order shall be issued in respect of the same stock within a period of six months from the date thereof unless it appears to the magistrate upon sworn information laid before him that the issue of such further order is desirable. Any owner who fails or neglects to comply with such order shall be guilty of an offence.

Removal of stock.

15. The holder of a registered brand who permanently removes any of his stock from one farm to another in any magisterial district shall forthwith notify the magistrate, and the holder of a registered brand who permanently removes any of his stock from one magisterial district to another shall forthwith notify the magistrate of the district from which and the magistrate of the district to which the removal takes place. A magistrate who receives any such notification as is required by this section shall forthwith communicate the same to the Senior Veterinary Officer.

Surrender of branding irons.

16. In case the holder of a registered brand ceases to have use for such brand, he shall report the fact to the magistrate of the district in which he resides, and shall surrender all registered branding irons in his possession to the magistrate of the district in which such branding irons are.

The magistrate who receives any such report shall thereupon notify the Senior Veterinary Officer who shall cancel the certificate of registration.

Such brand shall not be re-issued for a period of ten years.

Transfer of ownership.

17. Upon any transfer of ownership of stock a certificate in the form given in the Fourth Schedule hereto and stating all the brands upon every animal transferred shall be given by the transferor to the transferee.

Any transferor who upon transfer of ownership fails or neglects to provide the transferee with a certificate as in this section provided and any transferee who fails or neglects to obtain such certificate from the transferor or who being in possession of any such certificate fails to produce it to a police officer on request shall be guilty of an offence.

Transfer of registered brand.

18. If an owner of stock transfers all his stock in the Territory to another person who is not the holder by allotment or transfer of an uncancelled registered brand, the registered brand may also be transferred to such person, upon notice under the hands of both parties to the Senior Veterinary Officer, stating that the stock have been transferred and stating in which district or districts the stock run or are commonly kept, and upon payment of such fee as may from time to time be prescribed by the Administrator. The Senior Veterinary Officer shall cause a certificate in the form set out in the Fifth Schedule hereto to be issued to the transferee. The Senior Veterinary Officer shall notify the magistrate of any district in which any such stock run or are commonly kept of the fact of the transfer.

Annual publication of list of alterations in brands, and publication of complete list of all uncancelled brands from time to time.

19. The Senior Veterinary Officer shall during the first month of every calendar year publish in the *Gazette* a list of all registered brands allotted, transferred or cancelled during the immediately preceding calendar year. The Senior Veterinary Officer shall, from time to time, as instructed by the Administrator, publish in the *Gazette* a complete list of all registered brands which were uncancelled on the first day of the month immediately preceding the month in which the publication occurs.

Butchers, poundmasters and dealers to keep registers.

20. Every butcher, poundmaster and dealer in stock shall keep a register wherein shall be entered in order of date all stock received by him and all deaths and transfers of stock. In every case the sex of and all the brands upon the animal shall be shown in such register.

Any person, who fails to keep such register or to make the necessary entries therein, and any person, who has such register in his possession or under his control and fails on demand to produce such register to the Senior Veterinary Officer or any person authorized by him in that behalf, the magistrate of the district or a police officer, shall be guilty of an offence.

Pound sales or unbranded stock.

21. Anything to the contrary notwithstanding contained in Proclamation of the Administrator, No. 5 of 1917, dated the twenty-seventh day of July, 1917, or any amendment thereof, the proceeds of any unbranded stock sold at any pound sale, less the amount of pound fees and other fees and charges therein provided and properly chargeable in respect of such animals and less the amount of damages, if any, due and assessed under the provisions thereof, shall upon receipt be handed by the pound master to the magistrate and by him paid into the Territory Revenue Fund.

Obligation to brand stock not to extend to owners of pedigree stock in respect of such stock.

22. (1) Notwithstanding any provision to the contrary contained in this Ordinance or in the Native Stock Brands Proclamation, 1923 (Proclamation No. 15 of 1923), or in any amendment thereof, the obligation to brand stock or to apply to have stock branded shall not extend to any owner of stock the pedigrees of which have been registered in a Stud Book, approved by the Senior Veterinary Officer in so far as those stock are concerned:

Provided that the stock bear such identification marks as are approved in writing by the Senior Veterinary Officer.

dieselfde vee binne 'n tydperk van ses maande vanaf die datum daarvan gegee mag word nie, tensy dit aan die magistraat ten gevolge van aan hom voorgelegde beëdigde informasie blyk, dat die gee van sodanige verder bevel wenslik is. Enige eienaar, wat in gebreke bly of versuim om sodanige bevel na te kom, is skuldig aan 'n oortreding.

Verwydering van vee.

15. Die houer van 'n geregistreerde brandmerk, wat enige van sy vee permanent van een plaas na 'n ander in enige magistraatsdistrik verwyder, moet die magistraat onverwyld daaromtrent in kennis stel, en die houer van 'n geregistreerde brandmerk, wat enige van sy vee van een magistraatsdistrik na 'n ander vervoer, moet die magistraat van die distrik, waaruit en die magistraat van die distrik, waarheen die verwydering plaasvind, daaromtrent in kennis stel. 'n Magistraat, wat enige sodanige kennis soos by hierdie artikel vereis ontvang, moet dit onverwyld aan die Hoofveearts meedeel.

Aflewing van brandysters.

16. Ingeval die houer van 'n geregistreerde brandmerk ophou om vir sodanige brandmerk gebruik te hê, moet hy die feit aan enige magistraat van die distrik, waarin hy woonagtig is, rapporteer en moet hy al die geregistreerde brandysters in sy besit aan die magistraat van die distrik, waarin sodanige brandysters is, aflewer.

Die magistraat, wat enige sodanige rapport ontvang, moet daarop die Hoofveearts in kennis stel, wat die registrasie-sertifikaat moet kansleer.

Sodanige brandmerk mag nie binne 'n tydperk van tien jare weer uitgereik word nie.

Oordrag van eiendomsreg.

17. Na enige oordrag van eiendomsreg op vee moet 'n sertifikaat in die vorm gegee in die Vierde Bylae hiervan, waarin al die brandmerke op elke oorgedrae dierveld vermeld moet word, deur die oordraer aan die persoon, op wie dit oorgedra word, gegee word.

Enige oordraer, wat na oordrag van eiendomsreg in gebreke bly of versuim om die persoon, op wie dit oorgedra word, van 'n sertifikaat, soos in hierdie artikel bepaal, te voorsien, en enige persoon, op wie dit oorgedra word, wat in gebreke bly of versuim om sodanige sertifikaat van die oordraer te verkry, of wat, in besit van enige sodanige sertifikaat synde, in gebreke bly om dit op versoek aan 'n polisie-dienaar te vertoon, is skuldig aan 'n oortreding.

Oordrag van geregistreerde brandmerk.

18. As 'n veeëienaar al sy vee in die Gebied op 'n ander persoon oordra, wat nóg deur toekenning nóg deur oordrag die houer van 'n nie-gekansleerde geregistreerde brandmerk is nie, kan die geregistreerde brandmerk ook op sodanige persoon oorgedra word na 'n desbetreffende deur albei partye getekende kennisgewing aan die Hoofveearts, waarin hulle verklaar dat die vee oorgedra is en meldende in watter distrik of distrikte die vee loop of gewoonlik gehou word, en na betaling van sodanige fooi as van tyd tot tyd deur die Administrateur voorgeskrywe mag word. Die Hoofveearts moet 'n sertifikaat in die vorm uiteengesit in die Eerste Bylae hiervan aan die persoon, op wie dit oorgedra moet word, laat uitreik. Die Hoofveearts moet die magistraat van enige distrik, waarin enige sodanige vee loop of gewoonlik gehou word, omtrent die feit van die oordrag in kennis stel.

19. Die Hoofveearts moet gedurende die eerste maand van elke kalenderjaar 'n lys van al die geregistreerde brandmerke, wat gedurende die onmiddellik voorafgaande kalenderjaar toegeken, oorgedra of gekansleer is, in die *Offisiële Koerant* publiseer. Die Hoofveearts moet, van tyd tot tyd, soos deur die Administrateur gelas, 'n volledige lys van al die geregistreerde brandmerke, wat op die eerste dag van die maand, van die maand waarin die publikasie geskied onmiddellik voorafgaan, nie ingetrek was nie, in die *Offisiële Koerant* publiseer.

Jaarlikse publikasie van lys van veranderinge in brandmerke, en publikasie van volledige lys van al die nie-gekansleerde brandmerke van tyd tot tyd.

9/6/31

20. Elke slagter, skutmeester en veehandelaar moet 'n register hou, waarin al die vee deur hom ontvang en al die sterfgevallen en oordragte van vee in volgorde van datum opgeteken moet word. In elke geval moet die geslag van en al die brandmerke op die dier in sodanige register aangegee word.

Slagters, skutmeesters en veehandelaars moet registers hou.

Enige persoon, wat in gebreke bly om sodanige register te hou of om die nodige optekeninge daarin te doen, en enige persoon, wat sodanige register in sy besit of onder sy beheer het en desverreis in gebreke bly om sodanige register aan die Hoofveearts of enige deur hom in dié voeë gemagtigde persoon, die magistraat van die distrik of 'n polisie-beampte te vertoon, is skuldig aan 'n oortreding.

21. Nieteenstaande enige teenstrydige bepaling bevat in Proklamasie van die Administrateur, No. 5 van 1917, gedagteken die sewe-en-twintigste dag van Julie 1917 of enige wysiging daarvan, moet die opbrings van enige ongebrande vee op enige skutverkoping verkoop, min die bedrag van skutfooie en ander fooie en vorderings daarin voorsien en behoorlik vorderbaar ten opsigte van sodanige diere en min die bedrag van skadevergoeding, indien daar enige is, betaalbaar en geskat kragtens die bepalings daarvan, na ontvangs deur die skutmeester aan die magistraat oorhandig en deur hom in die Inkomstefonds van die Gebied gestort word.

Skutverkopings van ongebrande vee.

22. (1) Nieteenstaande enige teenstrydige bepaling in hierdie Ordonnansie of in "De Naturellen Veebrandmerken Proklamasie 1923" (Proklamasie No. 15 van 1923) of in enige wysiging daarvan bevat, mag die verpligting om vee te brandmerk of om aansoek te doen om vee te laat brandmerk nie uitgebrei word nie op enige eienaar van vee, waarvan die stamboom geregistreer is in 'n stamboek wat deur die Hoofveearts goedgekeur is vir sover daardie vee betrokke is.

Verpligting om vee te brandmerk mag nie op eienaars van stamboekvee ten opsigte van sodanige vee uitgebrei word nie.

Met die verstande dat die vee sodanige erkenningsmerke het as deur die Hoofveearts skriftelik goedgekeur is.

(2) In any proceedings under this Ordinance or under the Native Stock Brands Proclamation, 1923 (Proclamation No. 15 of 1923), in respect of stock whose pedigrees have been so registered, a certificate purporting to be signed by the Senior Veterinary Officer, setting forth what identification marks have been approved by him, shall upon production be received as *prima facie* evidence of the facts stated therein.

(3) Every such owner of stock as is referred to in sub-section (1) hereof shall during the month of January in every year furnish the Senior Veterinary Officer with a list in duplicate of the stock which in accordance with the provisions of the said sub-section he has not branded, containing a full description of such stock and of their respective identification marks. Any person who omits to comply with the provisions of this sub-section shall be guilty of an offence.

Offences.

23. Any person who—

- (a) brands stock not his property;
- (b) brands stock his property with a registered brand which has not been allotted to him;
- (c) alters, defaces, obliterates, removes, destroys or in any way renders or attempts to render illegible or indistinguishable any impression of any brand or any tattooed mark upon any stock, whether that stock is or is not his property, or any earmark upon or any tag or plate attached to the ear of any stock not his property;
- (d) after the receipt by him of a registered brand makes use of any other sign or mark for branding his stock except as provided for in section *nine*;
- (e) except as provided in section *nine*, employs for branding any stock a branding iron which has not been supplied by the Administration;
- (f) fails or neglects to brand stock in accordance with the requirements of this Ordinance;
- (g) either as principal or agent sells or otherwise alienates any stock not distinctly branded with the registered brand of the owner of such stock;
- (h) either as principal or agent purchases or otherwise acquires ownership in any stock not distinctly branded with the registered brand of the owner of such stock,

shall be guilty of an offence.

Penalties.

24. Any person who commits an offence created by this Ordinance shall be liable on conviction to a fine not exceeding fifty pounds and, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months.

Regulations.

25. The Administrator may make regulations as to the manner in which any powers conferred by or under this Ordinance shall be exercised and generally for giving full effect to the objects and purposes of this Ordinance and may by such regulations impose penalties for any contravention of any regulation. The penalties so imposed shall not exceed those prescribed by section *twenty-four*. Any person contravening any regulation for which no penalty is imposed by the regulations shall be liable to the penalties prescribed by section *twenty-four*.

Short title and date of commencement of Ordinance.

26. This Ordinance may be cited for all purposes as the Stock Brands Ordinance, 1931, and its provisions shall commence and come into operation on the first day of July, 1931.

FIRST SCHEDULE.

(Section one.)

No. and year of Proclamation	Title of Proclamation	Extent of Repeal.
No. 36 of 1921	Cattle Brands Proclamation, 1921	The whole, except section <i>seven</i> , which remains in force only to the extent provided in sub-section (2) of section <i>eleven</i> of this Ordinance.
No. 14 of 1923	Cattle Brands Proclamation, Amendment Proclamation, 1923	The whole.
No. 33 of 1923	Cattle Brands Proclamation, Further Amendment Proclamation, 1923.	The whole.
No. 19 of 1924	Cattle Brands Proclamation, Further Amendment Proclamation, 1924.	The whole.
No. 10 of 1925	Unbranded Stock Disposal Proclamation, 1925	The whole.
No. 14 of 1925	Cattle Brands Amendment Proclamation, 1925.	The whole.

(2) In enige hofsaak kragtens hierdie Ordonnansie of kragtens "De Naturellen Veebrandmerken Proklamatie 1923" (Proklamatie No. 15 van 1923) ten opsigte van vee, waarvan die stamboom aldus geregistreer is, moet 'n sertifikaat, wat blykbaar deur die Hoofveearts geteken is, uiteensittende watter erkenningskenmerke deur hom goedgekeur is, na vertoning as *prima facie* bewysstuk van die daarin vermelde feite aangenem word.

(3) Elke sodanige eienaar van vee, waarvan in onderartikel (1) hiervan melding gemaak is, moet die Hoofveearts voorsien van 'n duplikaat-lys van die vee, wat hy ooreenkomstig die bepalings van die voormelde onderartikel nie gebrandmerk het nie, bevattende 'n vol beskrywing van sodanige vee of hulle respektiewe erkenningskenmerke. Enige persoon, wat versuim om die bepalings van hierdie onderartikel na te kom, is skuldig aan 'n oortreding.

23. Enige persoon, wat—

- (a) vee brandmerk, wat nie sy eiendom is nie;
- (b) vee, wat sy eiendom is, met 'n geregistreerde brandmerk brandmerk, wat nie aan hom toegeken is nie;
- (c) enige indruk van enige brandmerk of enige getatoeëerde merk op enige vee onverskillig of daardie vee sy eiendom is al dan nie, of enige oormerk op of enige aanhangsel of plaat bevestig aan die oor van enige vee, wat nie sy eiendom is nie, verander, uitwis, uitkrap, verwyder, vernietig of dit op enige wyse onleesbaar of onsigbaar maak of probeer om dit so te maak;
- (d) na die ontvangs deur hom van 'n geregistreerde brandmerk gebruik maak van enige ander teken of merk vir die brandmerking van sy vee, behalwe soos in artikel *nege* bepaal;
- (e) behalwe soos in artikel *nege* voorsien, vir die brandmerking van enige vee 'n brandyster gebruik, wat nie deur die Administrasie gelewer is nie;
- (f) in gebreke bly of versuim om vee ooreenkomstig die vereistes van hierdie Ordonnansie te brand;
- (g) of as prinsipaal of as agent enige vee, wat nie duidelik met die geregistreerde brandmerk van die eienaar van sodanige vee gebrandmerk is nie, verkoop of andersins vervreem;
- (h) of as prinsipaal of as agent enige vee, wat nie duidelik met die geregistreerde brandmerk van die eienaar van sodanige vee gebrandmerk is nie, koop of andersins die eiendomsreg daarvan verkry,

Oortredings.

is skuldig aan 'n oortreding.

24. Enige persoon, wat enige by hierdie Ordonnansie geskape oortreding pleeg, is na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond en, by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

Strafbepalings.

25. Die Administrateur kan regulasies vasstel aangaande die wyse, waarop enige bevoegdhede verleen by of kragtens hierdie Ordonnansie uitgeoefen moet word, en in die algemeen om vol uitwerking aan die doeleindes en oogmerke van hierdie Ordonnansie te gee, en hy kan deur sodanige regulasies strawwe vir enige oortreding van enige regulasie ople. Die aldus opgelegde strawwe mag die by artikel *vier-en-twintig* voorgeskrywe strawwe nie tebogaan nie. Enige persoon, wat enige regulasie oortree, waarvoor daar geen straf by regulasie opgelê is nie, is blootgestel aan die strawwe by artikel *vier-en-twintig* voorgeskrywe.

Regulasies.

26. Hierdie Ordonnansie kan vir al die doeleindes aangehaal word as die Veebrandmerke-Ordonnansie 1931, en sy bepalings tree in werking en word van krag op die eerste dag van Julie 1931.

Kort titel en datum van inwerking-treding van Ordonnansie.

EERSTE BYLAE.

(Artikel een.)

No. en jaar van Proklamatie	Titel van Proklamatie	Mate van herroeping.
No. 36 van 1921	De Veebrandmerken Proklamatie 1921	Die hele, behalwe artikel <i>sewe</i> , wat net in die mate voorsien in onderartikel (2) van artikel <i>elf</i> van hierdie Ordonnansie van krag bly.
No. 14 van 1923	De Veebrandmerken Proklamatie Wijziging Proklamatie 1923	Die hele.
No. 33 van 1923	De Veebrandmerken Proklamatie Verdere Wijziging Proklamatie 1923	Die hele.
No. 19 van 1924	De Veebrandmerken Proklamatie Verdere Wijzigingproklamatie 1924	Die hele.
No. 10 van 1925	De Niet-gebrandmerkt Vee Beschikkings Proklamatie 1925	Die hele.
No. 14 van 1925	De Veebrandmerken Wijzigings-Proklamatie 1925	Die hele

SECOND SCHEDULE.

(Section four.)

DOMINANT LETTERS FOR THE DISTRICTS.

- | | |
|----------------------|----------------------|
| B. for Bethanie. | N. for Gibeon. |
| D. for Warmbad. | O. for Outjo. |
| E. for Maltahohe. | P. for Keetmanshoop. |
| F. for Grootfontein. | R. for Rehoboth. |
| H. for Aroab. | S. for Gobabis. |
| J. for Okahandja. | T. for Otjiwarongo. |
| K. for Karibib. | U. for Omaruru. |
| L. for Luderitz. | W. for Windhoek. |
| M. for Swakopmund. | |

THIRD SCHEDULE.

(Section seven.)

CERTIFICATE OF ALLOTMENT OF REGISTERED BRAND.

It is hereby notified that the undermentioned brand has been allotted and registered on the date specified below:

Christian Name (or names) and Surname of Owner.	Name of farm(s) or holding(s).	District or districts.	No. of Registration Certificate.	Date of Registration.

Description of Brand

The prescribed fee of £ : : has been paid. Vide Revenue Receipt No. dated

Dated at Windhoek, this day of 19..... Senior Veterinary Officer.

FOURTH SCHEDULE.

(Section seventeen.)

STOCK TRANSFER CERTIFICATE.

I,, of district do hereby certify that the stock hereunder described, have this day been transferred by me to of district, and cease to be my property.

- | | | |
|----------------|---------|---|
| No. of Cattle | branded | x |
| No. of Cattle | branded | x |
| No. of Donkeys | branded | x |
| No. of Donkeys | branded | x |

Signature of Transferor (late Owner).

Witness to Signature 1.

Witness to Signature 2.

(where available).

Place

Date

x State all brands on every animal transferred.

FIFTH SCHEDULE.

(Section eighteen.)

BRANDING IRON TRANSFER CERTIFICATE.

It is hereby notified that the undermentioned Brand has been transferred from residing at, District, to residing at, District, on the date specified below.

Description of Brand.	Full name and Address of New Owner.	No. of Registration Certificate.	Date of Registration.

The prescribed fee of £ : : has been paid. Vide Revenue Receipt No. dated

Dated at Windhoek, this day of 19..... Senior Veterinary Officer.

TWEDE BYLAE.

(Artikel vier.)

STAANDE LETTERS VIR DIE DISTRIKTE.

- | | |
|----------------------|----------------------|
| B. vir Bethanie. | N. vir Gibeon. |
| D. vir Warmbad. | O. vir Outjo. |
| E. vir Maltahohe. | P. vir Keetmanshoop. |
| F. vir Grootfontein. | R. vir Rehoboth. |
| H. vir Aroab. | S. vir Gobabis. |
| J. vir Okahandja. | T. vir Otjiwarongo. |
| K. vir Karibib. | U. vir Omaruru. |
| L. vir Luderitz. | W. vir Windhoek. |
| M. vir Swakopmund. | |

DERDE BYLAE.

(Artikel sewe.)

SERTIFIKAAT VAN TOEKENNING VAN GEREGISTREERDE BRANDMERK.

Hierby word bekend gemaak dat die ondergenoemde brandmerk op die hieronder genoemde datum toegeken en geregistreer is.

Voornaam (of voorname) en van van Eienaar.	Naam van plaas (plase) of hoeve(s).	Distrik of distrikte.	No. van Registrasiesertifikaat.	Datum van Registrasie.

Beskrywing van brandmerk

Die voorgeskrywe fooi van £ : : is betaal. Kyk Inkomste-Kwitansie No.

Gedagteken te Windhoek op hierdie dag van 19..... Hoofveearts.

VIERDE BYLAE.

(Artikel sewentien.)

SERTIFIKAAT VAN VEEOORDRAG.

Ek,, van distrik sertifiseer hiermee dat die hieronder beskrywe vee op hierdie dag deur my op van distrik oorgedra is en ophou om my eiendom te wees.

- | | | |
|----------------|-------------|---|
| Aantal beeste | gebrandmerk | x |
| Aantal beeste | gebrandmerk | x |
| Aantal donkies | gebrandmerk | x |
| Aantal donkies | gebrandmerk | x |

Handtekening van Oordraer (Vorige Eienaar).

Getuie van handtekening 1.

Getuie van handtekening 2.

(waar verkrygbaar).

Plek

Datum

x Gee al die brandmerke op elke oorgedrae dier aan.

VYFDE BYLAE.

(Artikel agtien.)

OORDRAGSERTIFIKAAT VAN BRANDYSTER.

Hierby word bekend gemaak dat die ondergenoemde brandmerk op die hieronder genoemde datum oorgedra is van woonagtig te, distrik, op woonagtig te, distrik

Beskrywing van brandmerk.	Vol naam en adres van nuwe eienaar.	No. van Registrasiesertifikaat.	Datum van Registrasie.

Die voorgeskrywe fooi van £ : : is betaal. Kyk Inkomste-Kwitansie No.

Gedagteken te Windhoek op hierdie dag van 19..... Hoofveearts.

ORDINANCE

To amend the law relating to the trespass of animals upon land situate outside municipalities, and the recovery of fees, penalties and damages therefor, and to provide for the establishment of pounds by municipal councils.

(Assented to 5th June, 1931.)

(Afrikaans text signed by the Administrator.)

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:—

Interpretation.

1. In this Ordinance, unless inconsistent with the context—
 - “animals” means and includes cattle, horses, asses, sheep, goats, ostriches and pigs;
 - “asses” means and includes male asses, ass mares, castrated asses, ass colts and ass fillies and mules;
 - “cattle” means and includes bulls, cows, oxen, heifers, tollies and calves;
 - “flock” means any number of sheep or goats which are in one lot, or under the charge of one person;
 - “goats” means and includes rams, ewes, wethers and kids;
 - “horses” means and includes male horses, mares, geldings, colts and fillies;
 - “ostriches” means and includes domesticated male and female ostriches and ostrich chicks;
 - “owner” means the owner of an animal and includes the manager, agent or caretaker for the owner of the animal;
 - “proprietor” means and includes the owner, lessee or occupier of land;
 - “sheep” means and includes rams, ewes, wethers and lambs;
 - “stallions” means and includes male horses, asses or mules not castrated;
 - “sufficient fence” bears the meaning ascribed to that expression by section *two* of the Game Preservation Ordinance, 1927 (Ordinance No. 5 of 1927);
 - “the Pounds Law” means the Proclamation of the Administrator relating to Trespass by Animals and the establishment and Control of Pounds, dated the twenty-seventh day of July, 1917 (Proclamation No. 5 of 1917), as amended by the Pounds and Trespasses Amendment Proclamation, 1923 (Proclamation No. 20 of 1923), the Pounds and Trespasses Further Amendment Proclamation, 1923 (Proclamation No. 43 of 1923), and the Pounds and Trespasses Further Amendment Proclamation, 1924 (Proclamation No. 15 of 1924).

Application of Ordinance.

2. (1) Subject to the provisions of sub-section (5) of this section, the provisions of this Ordinance shall apply to the trespass of animals on all land not situate within a municipality; and, subject to the provisions of sub-section (5) of this section and of sub-section (3) of section *sixteen*, the provisions of the Pounds Law shall cease to apply to the trespass of animals on land not situate within a municipality.
- (2) In the application of this Ordinance to the trespass of animals on land situate within any area set aside as a native reserve under section *sixteen* of the Native Administration Proclamation, 1922 (Proclamation No. 11 of 1922), the following provisions shall apply:—
 - (a) The rights, duties and obligations of the proprietor of land upon which trespassing animals are found shall be vested in and imposed upon the superintendent of the reserve.
 - (b) The cost of publishing the notice referred to in sub-section (2) of section *seven*, the payments made under sub-section (1) of section *nine*, and all costs incurred by the superintendent for or in connection with the dipping or dressing of sheep or goats infected with scab and found trespassing within the reserve, shall be defrayed out of the administration reserve fund established for the reserve under section *one* of the Native Reserves Trust Funds Administration Proclamation, 1924 (Proclamation No. 9 of 1924).
 - (c) All moneys received by the superintendent under the provisions of sections *eight*, *nine* and *twelve* shall be paid into the said fund.
 - (d) All animals which under the provisions of section *ten* become the property of the superintendent shall be sold by him, and the proceeds thereof shall be paid into the said fund.
- (3) In the application of this Ordinance to the trespass of animals on common pasture lands situate within any village management board area, the village management board shall be deemed to be the owner of such common pasture lands.

ORDONNANSIE

Om die wet betreffende die oortreding van diere op grond buite die munisipaliteite geleë en die verhaal van fooie, boetes en skadevergoeding daarvoor te wysig, en om voorsiening te maak vir die oprigting van skutte deur stadsrade.

(Goedgekeur 5 Junie 1931.)

(Afrikaanse teks deur die Administrateur geteken.)

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 voorsienings 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. In hierdie Ordonnansie, tensy onbestaanbaar met die Woordbepaling. samehang—

- beteken en omvat “diere” beeste, perde, esels, skape, bokke, volstruise en varke;
- beteken en omvat “esels” eselhings, eselmerries, gekastreerde esels, eselvulletjies en esel-merrievullens en muile;
- beteken en omvat “beeste” bulle, koeie, osse, verse, tollies en kalwers;
- beteken “kudde” enige aantal skape of bokke, wat in een klomp of onder die toesig van een persoon is;
- beteken en omvat “bokke” ramme, ooie, kapaters en boklammers;
- beteken en omvat “perde” hingste, merries, reuns, vulletjies en merrievullens;
- beteken en omvat “volstruise” mak volstruis-mannetjies en volstruis-wyfies en volstruis-kuikens;
- beteken “eienaar” die eienaar van ’n dier en omvat die bestuurder, agent of oppasser vir die eienaar van die dier;
- beteken en omvat “besitter” die besitter, huurder of okkuperder van grond;
- beteken en omvat “skaap” ramme, ooie, hamels en lammers;
- beteken en omvat “hingste” perdehings, eselhings of muilhings;
- het “soliede heining” die betekenis aan daardie uitdrukking toegeken by artikel *twee* van die Wildbeskerming-Ordonnansie 1927 (Ordonnansie No. 5 van 1927);
- beteken “die Skutwet” die Proklamasie van die Administrateur met betrekking tot Oortreding deur Diere en die Oprigting en kontrole van skutte, gedagteken die sewen-en-twintigste dag van Julie 1917 (Proklamasie No. 5 van 1917), soos gewysig deur “De Schutten en Overtredingen Wijzigings Proklamatie 1923” (Proklamasie No. 20 van 1923), “De Schutten en Overtredingen Verdere Wijzigingsproklamatie 1923” (Proklamasie No. 43 van 1923), en “De Schutten en Overtredingen Verdere Wijzigingsproklamatie 1924” (Proklamasie No. 15 van 1924).

2. (1) Met inagneming van die bepalings van onder-artikel (5) van hierdie artikel, het die bepalings van hierdie Ordonnansie toepassing op die oortreding van diere op al die grond, wat nie binne ’n munisipaliteit geleë is nie; en, met inagneming van die bepalings van onderartikel (5) van hierdie artikel en van onderartikel (3) van artikel *sestien*, hou die bepalings van die Skutwet op om van toepassing te wees op die oortreding van diere op grond, wat nie binne ’n munisipaliteit geleë is nie.

Toepassing van Ordonnansie.

(2) By die toepassing van hierdie Ordonnansie op die oortreding van diere op grond geleë binne enige gebied, wat kragtens artikel *sestien* van “De Naturelle Administratie Proklamatie 1922” (Proklamasie No. 11 van 1922) as ’n natuurlikeservaat afgesonder is, is die volgende bepalings van toepassing:—

- (a) Die regte, pligte en verpligtings van die eienaar van grond, waarop oortredende diere gevind word, moet berus by en gelê word op die superintendente van die reservaat.
- (b) Die publikasiekoste van die in onderartikel (2) van artikel *sewe* vermelde kennisgewing, die betalings kragtens onderartikel (1) van artikel *nege* gedoen en al die koste deur superintendente beloop vir of in verband met die dip of dres van skape of bokke, wat met brandsiekte besmet is en binne die reservaat oortredende gevind word, moet betaal word uit die administrasiereservaatsfonds, kragtens artikel *een* van “De Naturelle Reservaten-Trustfonds Administratie Proklamatie 1924” (Proklamasie No. 9 van 1924) vir die reservaat gestig.
- (c) Al die gelde, deur die superintendent kragtens die bepalings van artikels *agt*, *nege* en *twalf* ontvang, moet in die voormelde fonds gestort word.
- (d) Al die diere, wat kragtens die bepalings van artikel *tien* die eiendom van die superintendent word, moet deur hom in die voormelde fonds gestort word.

(3) By die toepassing van hierdie Ordonnansie op die oortreding van diere op gemeenskaplike weilande geleë binne enige dorpsbestuursraadgebied, word die dorpsbestuursraad geag die eienaar van sodanige gemeenskaplike weilande te wees.

(4) The provisions of this Ordinance shall not apply to the trespass of animals on land situate within a municipality; and the provisions of the Pounds Law shall continue to apply to the trespass of animals on such land.

(5) (a) The Administrator may, by proclamation in the *Official Gazette*, declare that the provisions of this Ordinance shall not apply to the trespass of animals on land situate within a magisterial district mentioned in that proclamation, if there has been transmitted to the Secretary for South West Africa a certificate signed by the magistrate of the district concerned setting forth that, at a meeting presided over by him and convened as by paragraph (b) required, a resolution was passed, in favour of which not less than two-thirds of the persons present at the meeting, being owners or lessees of land situate within the district, voted, requesting that such a proclamation be issued in respect of that district.

(b) The magistrate of a district shall, upon a written request signed by not less than twelve persons who own or lease land situate in that district, convene a meeting for the purpose of considering a resolution in terms of paragraph (a). One month's notice of the meeting shall be given by advertisement in one or more newspapers circulating in the district.

(c) The provisions of the Pounds Law shall apply to the trespass of animals on land situate in the district in respect of which any such proclamation has been issued.

(d) The Administrator may, by proclamation in the *Official Gazette*, rescind any proclamation issued under the provisions of paragraph (a), if there has been transmitted to the Secretary for South West Africa a certificate signed by the magistrate of the district concerned setting forth that, at a meeting presided over by him and convened as by paragraph (b) read with paragraph (e), required, a resolution was passed, in favour of which a two-thirds majority of the persons present at the meeting, being owners or lessees of land situate within the district, voted, requesting that the proclamation issued under the provisions of paragraph (a) in respect of that district be rescinded.

(e) The provisions of paragraph (b) shall apply to the convening of any such meeting as is referred to in paragraph (d).

(f) Upon the rescission of any proclamation issued under the provisions of paragraph (a), the provisions of this Ordinance shall apply to the trespass of animals on all land situate within the district and not situate within a municipality, and, subject to the provisions of sub-section (3) of section *sixteen*, the provisions of the Pounds Law shall cease to apply to the trespass of animals on land situate within a municipality.

Destruction of pigs, poultry or pigeons trespassing upon cultivated ground.

3. All pigs, poultry or pigeons found trespassing in or upon—

- (a) any garden, vineyard or orchard; or
- (b) any place upon which any species of cultivated crop is growing, or upon which such crop is still lying; or
- (c) any place containing grain,

may be destroyed by the proprietor of the land on which the garden, vineyard, orchard or place is situate or any person acting on his authority, and any dog found trespassing at any time on land enclosed with a sufficient fence in which there are game or animals may be destroyed. The owner of any pigs, poultry or pigeons so found trespassing shall be liable to make good any damage done by such pigs, poultry or pigeons to any such garden, vineyard, orchard, crop or grain, and the owner of any dog so found trespassing shall be liable to make good any damage done by such dog to any such game or animals.

Detention of animals found trespassing.

4. (1) The proprietor of any land shall detain, confine and herd any animal found trespassing thereon or cause it to be detained, confined or herded.

(2) The proprietor of any land on which any stock has been found trespassing shall not be liable for the loss or disappearance of that stock, unless the loss or disappearance was caused by the wilful act of the proprietor of the land.

Proprietor of land must report presence of trespassing animals.

5. (1) Whenever the proprietor of any land observes or otherwise receives knowledge of the presence upon that land of any trespassing animal or animals, he shall forthwith deliver or cause to be delivered to the commander of the police post nearest to that land written notice thereof, or personally report the fact to such commander.

(2) The proprietor of any land who at the date of the commencement of this Ordinance and in the case of land situate within a district in respect of which a proclamation has been issued under paragraph (a) of sub-section (5) of section *two* and rescinded by a proclamation issued under paragraph (d) of that sub-section, the proprietor of any such land who at the date of the taking effect of such last-mentioned proclamation knows of the presence of any trespassing animal or animals upon that land shall forthwith deliver or cause to be delivered to the commander of the police post nearest to that land written notice thereof, or personally report the fact to such commander.

(4) Die bepalings van hierdie Ordonnansie het geen toepassing op die oortreding van diere op grond, wat binne 'n munisipaliteit lê nie; en die bepalings van die Skutwet gaan voort om op die oortreding van diere op sodanige grond van toepassing te wees.

(5) (a) Die Administrateur mag, by proklamasie in die *Offisiële Koerant*, verklaar dat die bepalings van hierdie Ordonnansie geen toepassing het nie op die oortreding van diere op grond, wat binne 'n magistraatsdistrik geleë is, wat in daardie proklamasie genoem word, as daar aan die Sekretaris vir Suidwes-Afrika 'n sertifikaat gestuur is, wat deur die magistraat van die betrokke distrik onderteken is en uiteensit dat daar op 'n vergadering, waarvoor hy presideer het en wat belê is soos bepaal deur paragraaf (b), 'n besluit geneem is, wat versoek dat sodanige proklamasie ten opsigte van daardie distrik uitgevaardig word. Nie minder as tweederde van die persone, wat op die vergadering aanwesig is en wat eienaars of huurders van land is, wat binne die distrik geleë is, moet ten gunste van die besluit gestem het.

(b) Die magistraat van 'n distrik moet op grond van 'n skriftelike versoek, wat deur nie minder as twaalf persone nie onderteken is, wat grond besit of huur, wat in daardie distrik geleë is, 'n vergadering belê om 'n besluit ooreenkomstig paragraaf (a) te oorweeg. Daar moet deur advertensie in een of meer koerante, wat in daardie distrik sirkuleer, een maand kennis gegee word van die vergadering.

(c) Die bepalings van die Skutwet het toepassing op die oortreding van diere op grond, wat in die distrik geleë is, ten opsigte waarvan enige sodanige proklamasie uitgevaardig is.

(d) Die Administrateur mag, by proklamasie in die *Offisiële Koerant* enige proklamasie herroep, wat kragtens die bepalings van paragraaf (a) uitgevaardig is, as daar aan die Sekretaris vir Suidwes-Afrika 'n sertifikaat gestuur is, wat deur die magistraat van die betrokke distrik onderteken is en uiteensit, dat op 'n vergadering, waarvoor hy presideer het en wat belê is soos bepaal deur paragraaf (b) gelees met paragraaf (e), 'n besluit geneem is, wat versoek dat die proklamasie herroep word, wat kragtens die bepalings van paragraaf (a) ten opsigte van daardie distrik uitgevaardig is. Een twee-derde meerderheid van die persone, wat op die vergadering aanwesig was, en wat eienaars of huurders van grond is, wat binne daardie distrik geleë is, moet ten gunste van die besluit gestem het.

(e) Die bepalings van paragraaf (b) het toepassing op die belê van enige sodanige vergadering waarop daar in paragraaf (d) verwys word.

(f) Na die herroeping van enige proklamasie, wat kragtens die voorsienings van paragraaf (a) uitgevaardig is, het die bepalings van hierdie Ordonnansie toepassing op die oortreding van diere op al die grond, wat binne die distrik en nie binne 'n munisipaliteit geleë is nie, en met inagneming van die bepalings van onderartikkel (3) van artikel *sestien*, hou die bepalings van die Skutwet op om van toepassing te wees op die oortreding van diere op grond, wat binne 'n munisipaliteit geleë is.

3. Al die varke, pluimvee of duiwe, wat in of op—

- (a) enige tuin, wingerd of vrugteboord; of
- (b) enige plek, waarop enige soort gesaaide groei, of waarop sodanige gesaaide nog lê; of
- (c) enige plek, wat graan bevat,

oortredende gevind word, kan deur die eienaar van die grond, waarop die tuin, wingerd, vrugteboord of plek geleë is, of deur enige persoon, wat op sy gesag handel, doodgemaak word, en enige hond, wat te enige tyd op grond, wat met 'n soliede heining toegemaak is en waarin wild of diere is, oortredende gevind word, kan doodgemaak word. Die eienaar van enige varke, pluimvee of duiwe, wat aldus oortredende gevind word, is verplig om enige deur sodanige varke, pluimvee of duiwe aan enige sodanige tuin, wingerd, vrugteboord, gesaaide of graan berokkende skade goed te maak, en die eienaar van enige hond, wat aldus oortredende gevind word, is verplig om enige deur sodanige hond aan enige sodanige wild of diere berokkende skade goed te maak.

4. (1) Die besitter van enige grond moet enige dier, wat daarop oortredende gevind word, terughou, opsluit en oppas of laat terughou, opsluit en oppas.

(2) Die besitter van enige grond, waarop enige vee oortredende gevind word, is nie aanspreeklik vir die verlies of wegraak van daardie vee nie, tensy die verlies of wegraak deur die opsetlike handeling van die besitter van die grond veroorsaak is.

5. (1) Wanneer die besitter van enige grond opmerk of andersins kennis kry van die aanwesigheid van enige oortredende dier of diere op daardie grond, moet hy onverwyld skriftelike kennis daaromtrent aan die bevelhebber van die polisiepos, wat naasteby daardie grond geleë is, gee of laat gee of die feit persoonlik aan sodanige posbevelhebber rapporteer.

(2) Die besitter van enige grond, wat op die datum van die inwerkingtreding van hierdie Ordonnansie en, in die geval van grond, wat binne 'n distrik geleë is ten opsigte waarvan 'n proklamasie uitgevaardig is kragtens paragraaf (a) van onderartikkel (5) van artikel *twee* en wat deur 'n proklamasie herroep is, wat kragtens paragraaf (d) van daardie onderartikkel uitgevaardig is, die eienaar van enige sodanige grond, wat op die datum van die inwerkingtreding van sodanige laasgenoemde proklamasie van die aanwesigheid van enige oortredende dier of diere op daardie grond weet, moet onverwyld aan die bevelhebber van die polisiepos, wat naasteby daardie grond geleë is, skriftelike kennis daaromtrent gee, of die feit persoonlik aan sodanige posbevelhebber rapporteer.

Doodmaak van varke, pluimvee of duiwe, wat op bewerkte grond oortree.

Terughouding van diere, wat oortredende gevind word.

Besitter van grond moet aanwesigheid van oortredende diere rapporteer.

(3) Every such notice or report shall include an accurate description of each animal found trespassing, in which shall be stated the species, sex, colour, approximate age, brands, and the places on the animal's body on which the brands are impressed, earmarks and any other characteristics or distinctive marks of or borne by the animal, which may serve to enable the owner of the animal to identify it; and if the proprietor of the land knows who is the owner of the animal, he shall in such notice or report state the name of such owner.

(4) If any animal found trespassing bears no brand or earmark or if the proprietor of the land is unable to read any brand borne by it, that fact shall be stated in the notice or report by the proprietor of the land; and the proprietor shall keep the animal within easy reach of his homestead, where possible, in order that it may be inspected in accordance with section *six*. If the animal cannot be found when the policeman wishes to inspect the same, the owner shall after consultation with the policeman fix a date on which the animal has to be produced for inspection, failing which the notice of trespass becomes void.

6. Whenever in any such notice or report received by the commander of a police post it is stated that any animal found trespassing bears no brand or that the brand which, by reason of the place on the animal's body on which it is impressed, the proprietor of the land judges to be the brand last impressed upon the animal is not legible to the proprietor of the land, the post commander shall cause the animal to be inspected by a policeman as soon as conveniently may be. The policeman making the inspection shall report to the post commander whether the animal bears any brands, and if so, what those brands are and on which places of the animal's body they are impressed.

7. (1) If, from the notice or report referred to in section *five*, from the report by a policeman referred to in section *six*, or from any other source, the commander of the police post ascertains who is the owner of the animal or who is the registered holder of the brand which, by reason of the place on the animal's body on which it is impressed, the post commander judges to be the brand last impressed upon the animal, he shall forthwith notify such owner or holder of the name of the place where the animal then is and the name of the proprietor of the land. The notice shall contain a full description of the animal. The notice shall be served upon such owner or holder personally or left at his place of residence or last known place of residence or be sent to him by registered post. A copy of the notice shall be retained by the post commander.

(2) If the post commander is unable to ascertain who is the owner of the animal or who is the registered holder of the brand which, by reason of the place on the animal's body on which it is impressed, the post commander judges to be the brand last impressed upon the animal, he shall require the proprietor of the land to deposit with him a sum of money sufficient to cover the cost of publishing the notice hereinafter referred to in accordance with the provisions of this section. Such proprietor shall forthwith make such deposit. Upon receipt of the deposit the post commander shall, subject to the provisions of sub-section (3) of section *thirteen*, cause to be published once in each of two newspapers circulating in the district a notice containing a full description of the animal and stating the place where the animal then is and the name of the proprietor of the land: Provided that if in the opinion of the post commander the total value of such animal or animals as may form the subject of any one notice or report will be less than the costs of such publication in the newspapers the post commander shall only put up a notice as is in sub-section (3) hereof provided.

(3) The post commander shall affix at a prominent place at the police post a copy of every notice referred to in sub-section (1) and a copy of every notice referred to in sub-section (2) of this section, and shall keep it so affixed for a period not less than six months: Provided that in the case of donkeys that have been found trespassing it shall be sufficient if such notice has been kept so affixed for a period of six weeks.

8. (1) The owner of any animal found trespassing upon the land of another shall, subject to the provisions of sub-section (2) of section *nine* and sub-sections (1) and (2) of section *twelve*, be entitled to release and remove that animal upon payment to the proprietor of the land of the amounts mentioned hereunder, and shall not be entitled to remove the animal except upon such payment. The amounts so to be paid shall be the following:—

- (a) the cost of publishing the notice referred to in sub-section (2) of section *seven* concerning that animal, if such notice has been published, or, if the notice related to more than one animal, a proportionate share of such cost, the amount of such share being fixed by the post commander; and
- (b) grazing fees in respect of that animal for the whole period of the trespass, reckoned from the date on which the notice or report referred to in sub-section (1) of section *seven* was delivered or made to the post commander, at the following rates:—

(3) Enige sodanige kennisgewing of rapport moet 'n noukeurige beskrywing van elke dier, wat oortredende gevind word, bevat, waarin die soort, geslag, kleur, ouderdom by benadering, brandmerke en die plekke op die dier se liggaam, waarop die brandmerke gedruk is, oormerke en enige ander karakteristieke of onderskeidende kenmerke van of van dier aangegee moet wees, wat kan dien om die eienaar van die dier in staat te stel om hom te identifiseer; en as die besitter van die grond weet wie die eienaar van die dier is, moet hy in sodanige kennisgewing of rapport die naam van sodanige eienaar noem.

(4) As enige dier, wat oortredende gevind word, geen brandmerk of oormerk het nie, of as die besitter van die grond nie enige brandmerk op hom kan lees nie, moet daardie feit in die kennisgewing of rapport deur die besitter van die grond vermeld word; en die besitter moet die dier waar moontlik binne die maklike bereik van sy opstal hou, sodat dit ooreenkomstig artikel *ses* geïnspekteer kan word. Indien die dier nie gevind kan word nie wanneer die polisie-beampte dit wil inspekteer, dan moet die eienaar, na raadpleging met die polisiebeampte, 'n datum bepaal waarop die dier vir inspeksie te voorskyn gebring moet word. By gebreke daarvan word die kennisgewing van oortreding ongeldig.

6. Wanneer in enige sodanige kennisgewing of rapport deur die bevelhebber van 'n polisiepos ontvang, vermeld word dat enige dier, wat oortredende gevind is, geen brandmerk het nie of dat die brandmerk, waaromtrent die besitter van die grond, ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die laaste brandmerk is, wat op die dier gedruk is, nie vir die besitter van die grond leesbaar is nie, moet die posbevelhebber die dier so spoedig as gerieflik mag wees deur 'n polisiebeampte laat inspekteer. Die polisiebeampte, wat die inspeksie maak, moet aan die posbevelhebber rapporteer of die dier enige brandmerke het, en so ja, wat daardie brandmerke is en op watter plekke van die dier se liggaam hulle gedruk is.

7. (1) As die bevelhebber van die polisiepos na aanleiding van die kennisgewing of rapport in artikel *vyf* vermeld, na aanleiding van die rapport deur 'n polisiebeampte in artikel *ses* vermeld, of na aanleiding van enige ander oorsaak vasstel wie die eienaar van die dier is of wie die geregistreerde houër van die brandmerk is, waaromtrent die posbevelhebber, ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die laaste brandmerk is, wat op die dier gedruk is, moet hy sodanige eienaar of houër onverwyld van die naam van die plek, waar die dier dan is, en van die naam van die besitter van die grond in kennis stel. Die kennisgewing moet 'n volledige beskrywing van die dier bevat.

Die kennisgewing moet op sodanige eienaar of houër persoonlik gedien word of by sy woonplek of laasbekende woonplek gelaat word of per geregistreerde pos aan hom gestuur word. 'n Afskrif van die kennisgewing moet deur die posbevelhebber behou word.

(2) As die posbevelhebber nie kan vasstel nie wie die eienaar is van die dier of wie die geregistreerde houër is van die brandmerk, waaromtrent die posbevelhebber, ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die brandmerk is, wat laaste op die dier gedruk is, moet hy van die besitter van die grond verlang dat hy 'n geldsom voldoende om die publikasiekoste van die hierinlater vermelde kennisgewing te dek, ooreenkomstig die bepalings van hierdie artikel by hom deponeer. Sodanige besitter moet sodanige som onverwyld deponeer. Na ontvangs van die deposito moet die posbevelhebber, met inagneming van die bepalings van onderartikel (3) van artikel *dertien*, 'n kennisgewing, bevattende 'n vol beskrywing van die dier en aangewende die plek, waar die dier dan is asook die naam van die besitter van die grond, een maal in elkeen van twee koerante, wat in die distrik in omloop is, laat publiseer: Met die verstande dat, as die posbevelhebber van mening is dat die totale waarde van sodanige dier of diere, wat die onderwerp van enige kennisgewing of rapport mag vorm, minder is as die koste van sodanige publikasie in die koerante, die posbevelhebber slegs 'n kennisgewing, soos bepaal in onderartikel (3) hiervan, moet aanplak.

(3) Die posbevelhebber moet op 'n vername plek by die polisiepos 'n afskrif van elke in onderartikel (1) vermelde kennisgewing en 'n afskrif van elke in onderartikel (2) van hierdie artikel vermelde kennisgewing aanplak, en moet hulle vir 'n tydperk van nie minder as ses maande nie aldus aangeplak hou: Met die verstande dat in die geval van esels, wat oortredende gevind is, dit voldoende sal wees as sodanige kennisgewing vir 'n tydperk van ses weke aldus aangeplak gehou is.

8. (1) Die eienaar van enige dier, wat op die grond van iemand anders oortredende gevind word, is, met inagneming van die bepalings van onderartikel (2) van artikel *nege* en onderartikels (1) en (2) van artikel *twaaft*, geregtig om, na betaling van die hieronder genoemde bedrag aan die besitter van die grond, daardie dier los te laat, en te verwyder en is nie geregtig om die dier te verwyder nie, behalwe na sodanige betaling. Die aldus te betale bedrae is as volg:—

- (a) die publikasiekoste van die in onderartikel (2) van artikel *sewe* vermelde kennisgewing aangaande daardie dier, as sodanige kennisgewing gepubliseer is, of, as die kennisgewing op meer as een dier betrekking gehad het, 'n proporsionele aandeel van sodanige koste. Die bedrag van sodanige aandeel word deur die posbevelhebber bepaal; en
- (b) weifooie ten opsigte van daardie dier vir die hele tydperk van die oortreding, gereken vanaf die datum, waarop die in onderartikel (1) van artikel *sewe* vermelde kennisgewing of rapport aan die posbevelhebber afgelewer of uitgebring is, teen die volgende tarief:—

Inspection by Police of trespassing animals whose owner is not known.

Notice to owners of trespassing animals.

Inspeksie deur polisie van oortredende diere, waarvan die eienaar onbekend is.

Kennisgewing aan eienaars van oortredende diere.

Release of trespassing animals by owner.

Loslating van oortredende diere deur eienaar.

	If the trespass occurred on land enclosed with a sufficient fence.	If the trespass occurred on land not enclosed with a sufficient fence.
Bulls or stallions over eighteen months of age	6d per day, per head.	3d per day, per head.
Other cattle, horses or asses or ostriches or pigs	3d per day, per head.	1d per day, per head.
Sheep rams or goat rams over nine months of age	3d per day, per head.	1½d per day, per head.
Other sheep or goats	1d per day, per head.	½d per day, per head.

	As die oortreding voorgekom het op grond, wat met 'n soliede heining toegemaak is.	As die oortreding voorgekom het op grond, wat nie met 'n soliede heining toegemaak is nie.
Bulle of hingste bo die ouderdom van agtien maande	6d per dag, per stuk.	3d per dag, per stuk.
Ander beeste, perde of esels of volstruise of varke	3d per dag, per stuk.	1d per dag, per stuk.
Skaapramme of bokramme bo die ouderdom van nege maande	3d per dag, per stuk.	1½d per dag, per stuk.
Ander skape of bokke	1d per dag, per stuk.	½d per dag, per stuk.

(2) No person, whether or not he is the owner of the animal, shall remove any animal which is trespassing upon any land without paying the amounts due under sub-section (1) of this section or without the consent of the proprietor of the land, which consent may be given after the act.

(2) Niemand, onverskillig of hy die eienaar van die dier is al dan nie, mag enige dier, wat op enige grond oortredende is, sonder betaling van die kragtens onderartikel (1) van hierdie artikel betaalbare bedrae of sonder die toestemming van die besitter van die grond, watter toestemming na die daad gegee mag word, verwyder nie.

(3) The payment made in accordance with the provisions of sub-section (1) of this section, sub-section (2) of section nine or sub-section (1) or (2) of section twelve by the owner of any animal which has been found trespassing on the land of another shall not affect the liability at common law or under any other statute of the owner of such animal to compensate the proprietor of the land or any other person for any loss caused to such proprietor or other person by such animal; and such proprietor of the land or other person may, notwithstanding any payment made by the owner of such animal in accordance with the provisions mentioned, enforce any such liability against such owner in any court of competent jurisdiction, and in particular, if such trespassing animal is a bull, stallion, sheep ram or goat ram, may recover from the owner thereof the amount of the loss suffered by such proprietor or other person by reason that such bull, stallion, sheep ram or goat ram has covered any cow, mare or sheep ewe or goat ewe lawfully running on such land.

(3) Die betaling, deur die eienaar van enige dier, wat op die grond van iemand anders oortredende gevind is, ooreenkomstig die bepalinge van onderartikel (1) van hierdie artikel, onderartikel (2) van artikel nege of onderartikel (1) of (2) van artikel twaalf gedoen, tas die aanspreeklikheid van die eienaar van sodanige dier na gemenereg of onder enige ander wet om die besitter van die grond of enige ander persoon skadeloos te stel vir enige verlies aan sodanige besitter of ander persoon deur sodanige dier berokken nie aan nie; en sodanige besitter van die grond of ander persoon kan, niesteenstaande enige betaling deur die eienaar van sodanige dier ooreenkomstig die voornoemde bepalinge gedoen, enige sodanige aanspreeklikheid teenoor sodanige eienaar in enige hof van bevoegde regspraak handhaaf, en insonderheid, as sodanige oortredende dier 'n bul, hings, skaapram of bokram is, kan hy die bedrag van die verlies deur sodanige besitter of ander persoon gelyk ter oorsake van die feit dat sodanige bul, hings, skaapram of bokram enige koei, merrie of skaapooi of bokooi, wat wettig op sodanige grond loop, gedek het, op die eienaar daarvan verhaaf.

Following up of trespassing animal by proprietor of land on which trespass took place.

9. (1) Whenever any animal which has trespassed upon the land of any proprietor, thereafter, and before the animal has become the property of that proprietor in accordance with section ten, is found trespassing upon the land of any other proprietor, the first-mentioned proprietor shall be entitled, unless he has by his own wilful act caused the animal so to trespass upon the land of the second-mentioned proprietor to release the animal, upon payment to the second-mentioned proprietor of such amounts as would be payable under this Ordinance upon the release of the animal by the owner thereof; and the first-mentioned proprietor shall be entitled to remove the animal to the land upon which the first-mentioned trespass took place.

9. (1) Wanneer enige dier, wat op die grond van enige besitter oortree het, daarna en voordat die dier ooreenkomstig artikel tien die eiendom van daardie besitter geword het, op die grond van enige ander besitter oortredende gevind word, is die eersgenoemde eienaar geregtig, tensy hy deur sy eie opsetlike daad veroorsaak het dat die dier aldus op die grond van die tweede-genoemde besitter oortree het, om die dier los te koop na betaling aan die tweede-genoemde besitter van sodanige bedrae as kragtens hierdie Ordonnansie na die loskoping van die dier deur die eienaar daarvan betaalbaar sou gewees het, en die eersgenoemde besitter is geregtig om die dier op die grond te bring, waarop die eersgenoemde oortreding plaasgevind het.

Agtervolging van oortredende dier deur besitter van grond, waarop oortreding plaasgevind het.

(2) The owner of the animal shall be bound to pay to the first-mentioned proprietor before the release of the animal by the owner any amount properly paid under the provisions of this section by the first-mentioned proprietor to the second-mentioned proprietor.

(2) Die eienaar van die dier is verplig om aan die eersgenoemde besitter voor die loskoping van die dier deur die eienaar enige bedrag te betaal, wat deur die eersgenoemde aan die tweede-genoemde besitter kragtens die bepalinge van hierdie artikel behoorlik betaal is.

(3) Whenever any animal which has trespassed upon the land of any proprietor returns to the possession of the owner thereof before the animal has become the property of the proprietor of the land in accordance with section ten, the proprietor shall be entitled without payment to re-claim that animal from its owner and remove it to the land upon which the trespass took place.

(3) Wanneer enige dier, wat op die grond van enige besitter oortree het, weer in die besit van die eienaar daarvan terugkom, voordat die dier die eiendom van die besitter van die grond ooreenkomstig artikel tien geword het, is die besitter geregtig om daardie dier van sy eienaar terug te eis en dit op die grond te bring, waarop die oortreding plaasgevind het.

Acquisition by proprietor of land of ownership in animals which have trespassed thereon.

10. If, after the lapse of three months, or in the case of asses after the lapse of six weeks from the date on which the notice by the post commander referred to in sub-section (1) of section seven was served or left or posted in accordance with that section, or, where a notice concerning the animal has been published in accordance with the provisions of sub-section (2) of section seven, after the lapse of six months from the date of the last publication of that notice, the animal has not been released by the owner thereof under the provisions of section eight, read with sections nine and twelve, the proprietor of the land on which the animal is trespassing may report that fact to the post commander. As soon as is convenient after the receipt of such report, the post commander shall cause such animal to be branded with a brand prescribed for the purpose by the Administrator: Provided that the officer deputed to so brand the animal in question shall before branding satisfy himself that the animal in question bears no distinct brand determining its ownership. Thereupon such animal shall become the property of the proprietor of the land.

10. As na afloop van drie maande of in die geval van 'n esel na afloop van ses weke vanaf die datum, waarop die in onderartikel (1) van artikel sewe vermelde kennisgewing deur die posbevelhebber ooreenkomstig daardie artikel gedien, gelaat of gepos is, of, in gevalle waar 'n kennisgewing aangaande die dier ooreenkomstig die bepalinge van onderartikel sewe gepubliseer is, na afloop van ses maande vanaf die datum van die laaste publikasie van daardie kennisgewing, die dier nie deur die eienaar daarvan kragtens die bepalinge van artikel agt, gelees met artikels nege en twaalf, losgekoopt is nie, kan die besitter van die grond, waarop die dier oortree, daardie feit aan die posbevelhebber rapporteer. So spoedig as gerieflik mag wees na die ontvangs van sodanige rapport moet die posbevelhebber sodanige dier met 'n brandmerk, vir die doel deur die Administrateur voorgeskrywe, laat brand: Met die verstande dat die beampte, wat aldus belas is met die brand van die betrokke dier, voordat hy dit brand, homself moet oortuig dat die betrokke dier geen duidelike brandmerk het nie, wat sy eienaar aandui.

Verkryging deur besitter van grond van eiendomsreg op diere, wat daarop oortree het.

Proprietor of land upon which animals have trespassed must notify police if he ascertains who is owner of those animals.

11. (1) The proprietor of any land who has given a notice or made a report such as is referred to in section five to the commander of a police post of the presence upon his land of any trespassing animal, and who at any time after the giving of the notice or the making of the report ascertains who is the owner of that animal, shall forthwith deliver or cause to be delivered to the commander of that police post written notice, or make a personal report to the commander stating who that owner is.

11. (1) Die grondbesitter, wat aan die bevelhebber van 'n polisiepos kennis gegee of 'n rapport uitgebring het, soos in artikel vyf vermeld, aangaande die aanwesigheid van enige oortredende dier op sy grond, en wat te enige tyd na die gewing van die kennis of die uitbringing van die rapport vasstel wie die eienaar van daardie dier is, moet onverwyld aan die bevelhebber van daardie polisiepos skriftelike kennis aflewer of laat aflewer of 'n persoonlike rapport aan die bevelhebber uitbring, meldende wie daardie eienaar is.

Besitter van grond, waarop diere oortree het, moet polisie in kennis stel, as hy vasstel wie die eienaar van daardie diere is.

(2) Upon receipt of any such notice or report the post commander shall forthwith notify the owner of the animal of the name of the place where the animal then is and the name of the proprietor of the land. Such notice shall be served upon or left for or sent to the owner in accordance with the provisions of sub-section (1) of section seven.

(3) If the proprietor of the land fails to give the notice or make the report in accordance with sub-section (1) of this section, the owner of the animal shall, notwithstanding the fact that the animal has been branded by the police in accordance with the provisions of section ten, be entitled at any time to reclaim the animal upon making the payments mentioned in sub-section (1) of section eight, sub-section (2) of section nine and sub-sections (1) and (2) of section twelve, where applicable, grazing fees, however, being reckoned only up to the date upon which the proprietor of the land ascertained who was the owner of the animal.

12. (1) The owner of any sheep or goats infected with scab and found trespassing upon the land of another shall, if the sheep or goats are not found mixed with other sheep or goats lawfully upon that land and free from that disease, be liable to pay to the proprietor of the land in respect of the trespass twice the amount of grazing fees that would have been payable under paragraph (c) of sub-section (1) of section eight in respect of a similar trespass by sheep or goats not so infected. If such trespassing sheep or goats are found mixed with other sheep or goats lawfully upon the land and free from the disease, and if such mixing is not due to the default of the proprietor of the land, the owner shall be liable to pay to the proprietor in respect of the trespass four times the amount of grazing fees that would have been so payable in respect of a similar trespass by sheep or goats not so infected.

(2) The owner of any sheep or goats infected with scab and found trespassing upon the land of another shall be bound to pay to the proprietor of the land before the release thereof all costs reasonably incurred or to be incurred by the proprietor for or in connection with the dipping and dressing of such sheep or goats and of any sheep or goats with which such infected sheep or goats have mixed without the default of the proprietor.

(3) For the purposes of this section, if any sheep or goat found trespassing is infected with scab, all sheep or goats in the same flock and found trespassing at the same time shall be deemed to be similarly infected; and if any sheep or goat in any flock with which any other flock has become mixed is infected with scab, then the entire mixed flock shall be deemed to be similarly infected.

(4) If any dispute arises as to whether any trespassing sheep or goats are or were infected with scab, as to whether any sheep or goats have been mixed with any other sheep or goats, as to whether any such mixing was due to the default of the proprietor of the land, or as to the costs reasonably incurred by the proprietor for or in connection with the dipping and dressing of any sheep or goats, or as to any other question of fact relative to such dispute, the question shall be decided by the majority of three arbitrators, one of whom shall be appointed by the proprietor of the land, one by the owner of the sheep or goats and one by the commander of the nearest police post. If the proprietor of the land or the owner of the sheep or goats fail to appoint an arbitrator, the said post commander shall appoint such arbitrator. No arbitrator appointed under this section shall be entitled to claim payment of any fees and expenses. If for any reason it is not practicable to have the question or questions at issue decided by arbitrators so appointed, such question or questions shall be decided by the post commander.

13. (1) If any head of cattle or any horse or ass found trespassing upon the land of another is so wild as not to be controllable in the way in which cattle, horses or asses are ordinarily controlled, the proprietor of the land may, if he does not know who is the owner of the animal and if the animal bears no brand or he is unable to read the brand which, by reason of the place on the animal's body on which it is impressed, he judges to be the brand last impressed upon the animal, he may, when giving the notice or making the report referred to in section five, apply to the post commander for permission to destroy the animal. Whenever any such application is made, the policeman who inspects the animal as required by section six shall report to the post commander on the subject, and if it appears from his report that the animal is so wild as not to be controllable in the way in which animals of the species to which the animals belong are ordinarily controlled, and if the post commander is unable to ascertain who is the owner of the animal or who is the registered holder of the brand which, by reason of the place on the animal's body on which it is impressed, the post commander judges to be the brand last impressed upon the animal, he shall lay the papers before the magistrate of the district, who may in writing authorise the proprietor of the land to destroy the animal.

(2) No liability, civil or criminal, in respect of the destruction of any animal under any such written authority shall attach to any person concerned in such destruction.

(2) Na ontvangs van enige sodanige kennisgewing of rapport moet die posbevelhebber die eienaar van die dier onterwyld in kennis stel aangaande die naam van die plek, waar die dier dan is, en die naam van die besitter van die grond. Sodanige kennisgewing moet gedien word op of gelaat word by of gestuur word aan die eienaar ooreenkomstig die bepalinge van onderartikel (1) van artikel sewe.

(3) As die besitter van die grond in gebreke bly om kennis te gee of om die rapport uit te bring ooreenkomstig onderartikel (1) van hierdie artikel, is die eienaar van die dier, nieteenstaande die feit dat die dier ooreenkomstig die bepalinge van artikel tien deur die polisie gebrandmerk is, geregtig om die dier te enige tyd terug te eis, nadat hy die in onderartikel (1) van artikel agt, onderartikel (2) van artikel nege en onderartikels (1) en (2) van artikel twaalf vermelde betaling, waar toepaslik, gemaak het. We. foote moet egter net tot die datum gereken word, waarop die besitter van die grond vasgestel het, wie die eienaar van die dier was.

12. (1) Die eienaar van enige met brandsiekte besmette skaap of bok, wat op die grond van iemand anders oortredende gevind word, is, as die skape of bokke nie deurmekaar met ander skape of bokke, wat wettig op daardie grond en vry van daardie siekte is, gevind word nie, verplig om aan die besitter van die grond ten opsigte van die oortreding die dubbel bedrag van weifoote te betaal, wat kragtens paragraaf (c) van onderartikel (1) van artikel agt ten opsigte van 'n gelyksoortige oortreding deur nie aldus besmette skape of bokke betaalbaar sou gewees het. As sodanige oortredende skape of bokke deurmekaar met ander skape of bokke, wat wettig op daardie grond en vry van daardie siekte is, gevind word, en as sodanige opmenging nie te wyte is aan die versuim van die besitter van die grond nie, is die eienaar verplig om aan die besitter die viervoudige van die bedrag, wat aldus ten opsigte van 'n gelyksoortige oortreding deur nie aldus besmette skape of bokke betaalbaar sou gewees het, ten opsigte van die oortreding te betaal.

(2) Die eienaar van enige skape of bokke, wat met brandsiekte besmet is en op die grond van iemand anders oortredende gevind word, is verplig om aan die besitter van die grond voor die loskoping daarvan al die koste, wat redelikerwyse deur die besitter behoort is of behoort sal word, vir of in verband met die dip en dres van sodanige skape of bokke en van enige skape of bokke, waarmee sodanige besmette skape of bokke sonder die versuim van die eienaar deurmekaar gekom het.

(3) As enige skape of bokke, wat oortredende gevind word, met brandsiekte besmet is, word vir die doeleindes van hierdie artikel al die skape of bokke, wat in dieselfde kudde is en op dieselfde tyd oortredende gevind word, geag insgelyks besmet te wees; en as enige skaap of bok in enige kudde, waarmee enige ander kudde deurmekaar gekom het, met brandsiekte besmet is, dan word die hele gemengde kudde geag insgelyks besmet te wees.

(4) As enige geskil ontstaan aangaande die vraag of enige oortredende skape of bokke met brandsiekte besmet is of was, of aangaande die vraag of enige skape of bokke met enige ander skape of bokke deurmekaar gebring is, of aangaande die vraag of enige sodanige deurmekaarbring te wyte was aan die versuim van die besitter van die grond, of aangaande die koste redelikerwys deur die besitter vir of in verband met die dip of dres van enige skape en bokke behoort, of aangaande enige ander feitekwestie met betrekking tot sodanige geskil, moet die vraag deur die meerderheid van drie skeidsregters beslis word, waarvan een deur die besitter van die grond, een deur die eienaar van die skape of bokke en een deur die bevelhebber van die naasby geleë polisiepos benoem moet word. As die besitter van die grond of die eienaar van die skape of bokke in gebreke bly om 'n skeidsregter te benoem, moet die voormelde posbevelhebber sodanige skeidsregter benoem. Geen kragtens hierdie artikel benoemde skeidsregter is geregtig om betaling van enige foote en onkoste te eis nie. As dit om enige rede nie doenlik is nie om die geskilpunt of geskilpunte deur aldus benoemde skeidsregters te laat beslis, moet sodanige punt of punte deur die posbevelhebber beslis word.

13. (1) As enige bees of enige perd of esel, wat op die grond van iemand anders oortredende gevind word, so wild is, dat dit nie op die wyse, waarop beeste, perde of esels gewoonlik bedwing word, bedwingbaar is nie, kan die besitter van die grond, as hy nie weet wie die eienaar van die dier is nie, en as die dier geen brandmerk het nie, of as hy die brandmerk, waaromtrent hy, ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die brandmerk is, wat laaste op die dier gedruk is, kan hy as hy die in artikel vyf vermelde kennis gee of rapport uitbring, by die posbevelhebber aansoek doen vir verlof om die dier dood te maak. Wanneer enige sodanige aansoek gedoen word, moet die polisie-eienaar, wat die dier, soos by artikel ses vereis, inspekteer, aan die posbevelhebber aangaande die onderwerp rapporteer, en as dit uit sy rapport blyk, dat die dier so wild is dat dit op die wyse, waarop diere van die soort, waartoe die diere behoort, gewoonlik bedwing word, nie bedwingbaar is nie, en as die posbevelhebber nie kan vasstel nie wie die eienaar van die dier is of wie die geregistreerde houer van die brandmerk is, waaromtrent die posbevelhebber ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die brandmerk is, wat laaste op die dier gedruk is, moet hy die papiere voor die magistraat van die distrik lê, wat die besitter van die grond skriftelik kan magtig om die dier dood te maak.

(2) Geen aanspreeklikheid, siviël of krimineel, ten opsigte van die doodmaak van enige dier kragtens enige sodanige skriftelike magtiging val op enige persoon, wat in sodanige doodmaak betrokke is, nie.

Scab-infected sheep or goats found trespassing.

Met brandsiekte besmette skape of bokke, wat oortredende gevind word.

Destruction of cattle, horses and asses found trespassing which are uncontrollably wild.

Doodmaak van beeste, perde, en esels, wat oortredende gevind word en onbedwingbaar wild is.

(3) Whenever authority to destroy any animal is granted under the provisions of this section, publication of the notice referred to in sub-section (2) of section seven shall not take place.

Destruction of trespassing animals which are found to be suffering from contagious disease.

14. (1) If any animal trespassing upon the land of another is found to be suffering from a contagious disease, the proprietor of that land may report the matter to the commander of the police post nearest to that land, and apply to him for permission to destroy the animal. The post commander shall, as soon as conveniently may be after the receipt of that report, cause the animal to be inspected by a veterinary officer or policeman, and if such veterinary officer or policeman agree with the proprietor of the land that it is necessary that the animal be destroyed, he shall deliver to the proprietor a written certificate to that effect. The proprietor may thereupon destroy the animal or cause it to be destroyed.

(2) No liability, civil or criminal, in respect of the destruction of any animal upon the authority of any such certificate shall attach to any person concerned in such destruction.

(3) This section shall not apply to any sheep or goat suffering only from scab.

Castration of trespassing bulls, stallions and rams.

15. (1) If any bull or stallion over eighteen months of age, or any sheep ram or goat ram over nine months of age, which is found trespassing upon any land has not been released by his owner under the provisions of section eight, read with sections nine and twelve, within the period of thirty days reckoned from the date on which the notice by the post commander referred to in sub-section (1) of section seven was served or left or posted in accordance with that sub-section, or, where a notice concerning the animal has been published in accordance with the provisions of sub-section (2) of section seven, within the period of thirty days reckoned from the date of the last publication of that notice, the proprietor of the land on which the animal was found trespassing may have the animal inspected by a Government veterinary officer and if in the opinion of the said officer the animal is not suitable for breeding purposes, he shall castrate the same or order same to be castrated or in the alternative the said proprietor of the land may send the animal to the municipal pound of the district notifying the poundmaster at the same time of the fees and expenses due to the said proprietor which the owner shall be compelled to pay in addition to the ordinary pound expenses.

(2) Nothing in this section contained shall affect the provisions of section twenty of the Stock Brands Ordinance, 1931 (Ordinance No. 8 of 1931).

Pounds situate outside municipalities disestablished, and animals found trespassing on land situate outside municipalities not to be received in pounds.

16. (1) After the date of commencement of this Ordinance no animal shall be received in any pound situate within or outside any municipality by reason of the trespass of that animal upon land situate outside a municipality except as is provided by sub-section (1) of section fifteen.

(2) All pounds situate outside a municipality in which at the date of commencement of this Ordinance no animals are impounded shall be deemed to be disestablished as from that date.

(3) All animals which are impounded in any pound situate outside a municipality at the date of commencement of this Ordinance shall be disposed of in accordance with the provisions of the Pounds Law, and as soon as all such animals have been so disposed of, the pound shall be deemed to have been disestablished.

(4) The provisions of this section shall not apply in any district in respect of which a proclamation has been issued under paragraph (a) of sub-section (5) of section two, but upon the rescission of any such proclamation by a proclamation issued under paragraph (d) of that sub-section, the provisions of this section shall, *mutatis mutandis*, apply in that district.

Penalties.

17. (1) Subject to the provisions of sub-section (2) of this section, any person who contravenes or omits to comply with any of the provisions of this Ordinance or of any regulation made thereunder shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

(2) Any person who knowingly and wilfully makes any false statement in any notice or report given or made under section five or section eleven, or who knowingly and wilfully fails to disclose in any such notice or report any material fact which he could reasonably expect might lead to the discovery of the owner of any animals to which that notice or report relates, shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one hundred pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months.

Power conferred upon municipal councils to establish pounds.

18. The council of a municipality or the village management board shall, unless specially exempted in writing by the Administrator establish one or more pounds within the municipality, and all animals impounded in any pound so established shall, in accordance with section sixty-four of the Pounds Law, be subject to the regulations applicable to that pound and made under the provisions of paragraph (o) of section sixty-nine of that law.

(3) Wanneer magtiging om enige dier dood te maak kragtens die bepalings van hierdie artikel verleen is, mag geen publikasie van die in onderartikel (2) van artikel sewe vermelde kennisgewing plaasvind nie.

14. (1) As gevind word dat enige dier, wat op grond van iemand anders oortree, aan 'n aansteeklike siekte ly, kan die besitter van daardie grond die saak aan die bevelhebber van die polisiepos, wat die naasteby daardie grond geleë is, rapporteer en by hom aansoek doen vir verloop om die dier dood te maak. Die posbevelhebber moet so spoedig as gerieflik mag wees na die ontvangs van daardie rapport die dier deur 'n veearts of poliesiedienaar laat inspekteer, en as sodanige veearts of poliesiedienaar met die besitter van die grond ooreenkom dat dit nodig is dat die dier doodgemaak word, moet hy aan die besitter 'n skriftelike sertifikaat te dien effekte aflewer. Daarop kan die besitter die dier doodmaak of laat doodmaak.

Doodmaak van oortredende diere, waaromtrent gevind word dat hulle aan aansteeklike siekte ly.

(2) Geen aanspreeklikheid, siviël of krimineel, ten opsigte van die doodmaak van enige dier kragtens enige sodanige sertifikaat val op enige persoon, wat in sodanige doodmaak betrokke is, nie.

(3) Hierdie artikel het geen toepassing op enige skaap of bok, wat net aan brandsiekte ly nie.

15. (1) As enige bul of hings bo die ouderdom van agtien maande of enige skaapram of bokram bo die ouderdom van nege maande, wat op enige grond oortredende gevind word, nie deur sy eienaar losgekoop is nie kragtens die bepalings van artikel agt, gelees met artikels nege en twaalf, binne die tydperk van dertig dae gereken vanaf die datum, waarop die in onderartikel (1) van artikel sewe vermelde kennisgewing deur die posbevelhebber ooreenkomstig daardie onderartikel gedien of gelaat of gepos was, of, in gevalle waar 'n kennisgewing aangaande die dier ooreenkomstig die bepalings van onderartikel (2) van artikel sewe gepubliseer is, binne die tydperk van dertig dae gereken vanaf die datum van die laaste publikasie van daardie kennisgewing, kan die eienaar van die grond, waarop die dier oortredende gevind is, die dier deur 'n goewermentsveearts laat ondersoek. As die voormelde beampte van mening is, dat die dier nie geskik is nie vir aanteeldoelindes, moet hy dit kastreer of gelas dat dit kastreer word of, as 'n alternatief, kan die voormelde eienaar van die grond die dier na die munisipale skut van die distrik stuur en die skutmeester tegelykertyd die fooie en uitgawes meedeel, wat aan die voormelde eienaar betaalbaar is en wat die eienaar daarvan saam met die gewone skut-uitgawes verplig sal wees om te betaal.

Kastrasie van oortredende bulle, hings en ramme.

(2) Geen van die bepalings in hierdie artikel vervat maak enige inbreuk op die bepalings van artikel twintig van die Veebrandmerke-Ordonnansie 1931 (Ordonnansie No. 8 van 1931) nie.

16. (1) Na die datum van die inwerkingtreding van hierdie Ordonnansie mag geen dier in enige skut geleë binne of buite enige munisipaliteit ter oorsake van die oortreding van daardie dier op grond geleë buite 'n munisipaliteit opgeneem word nie behalwe soos bepaal deur onderartikel (1) van artikel vyftien.

Skutte geleë buite die munisipaliteite word afgeskaf, en diere wat op grond geleë buite munisipaliteite gevind word, mag nie in skutte opgeneem word nie.

(2) Al die skutte, wat buite 'n munisipaliteit geleë is, waarin op die datum van die inwerkingtreding van hierdie Ordonnansie geen diere geskut is nie, word geag vanaf daardie datum afgeskaf te wees.

(3) Al die diere, wat in enige skut geleë buite 'n munisipaliteit op die datum van inwerkingtreding van hierdie Ordonnansie geskut is, moet ooreenkomstig die bepalings van die Skutwet van die hand gesit word, en sodra al sodanige diere aldus van die hand gesit is, word die skut geag afgeskaf te wees.

(4) Die bepalings van hierdie artikel het geen toepassing nie in enige distrik ten opsigte waarvan 'n proklamasie uitgevaardig is kragtens paragraaf (a) van onderartikel (5) van artikel twee. Na die herroeping van enige sodanige proklamasie deur 'n proklamasie, wat uitgevaardig is kragtens paragraaf (d) van daardie onderartikel het die bepalings van hierdie artikel *mutatis mutandis* toepassing in daardie distrik.

17. (1) Met inagneming van die bepalings van onderartikel (2) van hierdie artikel is enige persoon, wat die bepalings van hierdie Ordonnansie of van enige regulasie daarvoor vasgestel oortree, skuldig aan 'n oortreding en blootgestel aan 'n boete van hoogstens vyf-en-twintig pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande.

Strafbepalings.

(2) Enige persoon wat willens en wetens enige valse verklaring maak in enige kennisgewing of rapport gegee of uitgebring kragtens artikel vyf of artikel elf, of wat willens en wetens in gebreke bly om in enige sodanige kennisgewing of rapport enige wesentlike feit te openbaar, waaromtrent hy redelikerwys kon verwag, dat dit tot die ontdekking van die eienaar van enige diere, waarop daardie kennisgewing of rapport betrekking het, sou kan lei, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twaalf maande.

18. Die raad van 'n munisipaliteit of dorpsbestuursraad moet, tensy dit skriftelik spesiaal deur die Administrateur daarvan vrygestel word, een of meer skutte binne die munisipaliteit oprig, en al die diere, wat in enige aldus opgerigte skut geskut is, is ooreenkomstig artikel vier-en-sestig van die Skutwet, onderworpe aan die regulasies toepasbaar op daardie skut en vasgestel kragtens die bepalings van paragraaf (o) van artikel nege-en-sestig van daardie Wet.

Mag verleen aan stadsrade om skutte op te rig.

Regulations.

19. The Administrator may make regulations for the better carrying out of the provisions of this Ordinance.

Short title and date of commencement.

20. This Ordinance may be cited as the Trespass of Animals (Rural Areas) Ordinance, 1931, and shall commence and come into operation on the first day of July, 1931.

Ord. No. 10 of 1931.

ORDINANCE

To amend the law relating to Roads and Outspans.

(Assented to 5th June, 1931.)

(English text signed by the Administrator.)

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

Interpretation of terms.

1. In this Ordinance the expression "the Principal Ordinance" means the Roads and Outspans Ordinance, 1927 (Ordinance No. 15 of 1927), as amended by the Roads and Outspans Ordinance Amendment Ordinance, 1928 (Ordinance No. 10 of 1928), the Roads and Outspans Ordinance Further Amendment Ordinance, 1929 (Ordinance No. 10 of 1929), and the Roads and Outspans Ordinance Further Amendment Ordinance, 1930 (Ordinance No. 13 of 1930).

Amendment of section forty-seven of Ordinance No. 15 of 1927.

2. Section *forty-seven* of the Principal Ordinance is hereby amended by the addition of the following new sub-sections at the end thereof:—

"(5) No person, except a licensed butcher or speculator in stock or the owner, lessee or occupier of land in this Territory, may travel or be with stock on any outspan or area established or set aside under the provisions of this Ordinance, or on any strip of ground on each side of a public road as described in sub-section (1) of section *forty-seven*, unless under the authority of a permit issued by a magistrate. Such permit shall mention the number, type and destination of the stock to which it applies and the period during which it shall be in force. Any person contravening the provisions of this sub-section or failing to comply with the terms of a permit issued thereunder shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

(6) The holder of a permit required under sub-section (5) shall, on demand, produce such permit to any owner, lessee or occupier on whose land such outspan, area or strip of ground is situate and on which the said holder is found with his stock."

Repeal of section forty-eight of Ordinance No. 15 of 1927, and substitution of new section.

3. Section *forty-eight* of the Principal Ordinance is hereby repealed and the following new section *forty-eight* substituted therefor:—

Speed at which travellers shall move and how long travellers may remain on outspans.

48. (1) No person may remain on any outspan or area established or set aside under the provisions of this Ordinance for a longer period than twenty-four successive hours, except with the consent of the owner, lessee or of other person entitled to the grazing on the land on which such outspan or area is situate, or unless he shall be there detained by accident, floods or other unforeseen circumstances.

(2) No person travelling with any stock may, save as is provided by sub-section (1) travel with such stock along any public road or over any strip of ground on each side of any public road as described in sub-section (1) of section *forty-seven* at a lesser speed than five miles in every twenty-four hours, except with the consent of the owner, lessee or of other person entitled to the grazing on the land over which he travels, or unless he shall be detained in his travelling by accident, floods or other unforeseen circumstances.

(3) In calculating any period under this section Sundays shall not be included.

Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month."

Amendment of section forty-nine of Ordinance No. 15 of 1927.

4. Section *forty-nine* of the Principal Ordinance is hereby amended by deleting the words "two pence for every head of large stock and one farthing for every head of small stock" occurring therein and substituting therefor the words "five shillings for every hundred head of large stock and six pence for every hundred head of small stock".

Repeal of section fifty-two of Ordinance No. 15 of 1927.

5. Section *fifty-two* of the Principal Ordinance is hereby repealed.

19. Die Administrateur kan regulasies vasstel vir die beter uitvoering van die bepalings van hierdie Ordonnansie.

Regulasies.

20. Hierdie Ordonnansie kan aangehaal word as die Ordonnansie van 1931 betreffende Oortreding van Diere (Plateland Gebiede) en tree in werking en word van krag op die eerste dag van Julie 1931.

Kort titel en datum van inwerkingtreding.

ORDONNANSIE

Om die wet met betrekking tot Paaie en Uitspanplekke te wysig.

(Goedgekeur 5 Junie 1931.)

(Engelse teks deur die Administrateur geteken.)

Ord. No. 10 van 1931.

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

1. In hierdie Ordonnansie beteken die uitdrukking "die hoofordonnansie" die Paaie en Uitspanplekke Ordonnansie 1927 (Ordonnansie No. 15 van 1927), soos gewysig deur die Paaie en Uitspanplekke Ordonnansie Wysigingsordonnansie 1928 (Ordonnansie No. 10 van 1928), die Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1929 (Ordonnansie No. 10 van 1929), en die Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1930 (Ordonnansie No. 13 van 1930).

Woordbepaling.

2. Artikel *seven-en-veertig* van die hoofordonnansie word hiermee gewysig deur die toevoeging van die volgende nuwe onderartikels aan die end daarvan:—

Wysiging van artikel *seven-en-veertig* van Ordonnansie No. 15 van 1927.

"(5) Geen persoon, behalwe 'n gelisensiëerde slagter of spekulateur in vee, of die eienaar, huurder of bewoner van grond in hierdie Gebied, mag op enige uitspanplek of stuk grond ingevolge hierdie Ordonnansie ingestel of afgesonder, of op enige publieke pad, of op enige streep grond aan weerskante van 'n publieke pad soos in onderartikel (1) van artikel *seven-en-veertig* omskrywe, met vee trek of wees nie, tensy onder magtiging van 'n permit deur 'n magistraat uitgereik. Sodanige permit moet die getal, aard en bestemming aangee van die vee waarop dit betrekking het en die tydperk waarvoor dit van krag is. Enige persoon wat die bepalings van hierdie onderartikel oortree of nalaat om binne die terme van 'n permit daaronder uitgereik, te bly, is skuldig aan 'n oortreding en by skuldigbevinding blootgestel aan 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling aan gevangenisstraf met of sonder harde arbeid van hoogstens drie maande.

(6) Die houër van 'n permit onder onderartikel (5) vereis moet dit op aanvraag toon aan enige eienaar, huurder of bewoner op wie se grond sodanige uitspanplek, stuk grond of streep grond is waarop die genoemde houër hom met sy vee bevind."

3. Artikel *agt-en-veertig* van die hoofordonnansie word hiermee herroep en die volgende nuwe artikel *agt-en-veertig* in die plek daarvan gestel:—

Herroeping van artikel *agt-en-veertig* van Ordonnansie No. 15 van 1927, en substitusie van nuwe artikel.

Spoed waarmee trekkers moet trek en hoe lank trekkers op uitspanplekke mag vertoef.

48. (1) Geen persoon mag langer as vir 'n tydperk van vier-en-twintig opeenvolgende ure op 'n uitspanplek of stuk grond ingevolge hierdie Ordonnansie ingestel of afgesonder vertoef nie, tensy met die toestemming van die eienaar, huurder of ander reghebbende op die weiveld op die grond waarop sodanige uitspanplek of stuk grond geleë is, of tensy hy daar opgehou word deur teenspoed, oorstromings of ander onvoorsiene omstandighede.

(2) Geen persoon wat met vee trek mag, behoudens die bepalings van onderartikel (1), langs 'n publieke pad of oor enige streep grond aan weerskante van 'n publieke pad soos in onderartikel (1) van artikel *seven-en-veertig* omskrywe, minder as vyf myl in elke vier-en-twintig uur met sodanige vee trek nie, tensy met die toestemming van die eienaar, huurder of ander reghebbende op die weiveld op die grond waaroor hy trek of tensy hy deur teenspoed, oorstromings of ander onvoorsiene omstandighede in sy trek vertraag word.

(3) By die berekening van enige tydperk ingevolge hierdie artikel word Sondae nie bygereken nie.

Enige persoon wat die bepalings van hierdie artikel oortree is skuldig aan 'n oortreding en by skuldigbevinding blootgestel aan 'n boete van hoogstens vyf pond, of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens een maand."

4. Artikel *nege-en-veertig* van die hoofordonnansie word hiermee gewysig deur die woorde "twee pennies vir elke stuk grootvee en een oortjie vir elke stuk kleinvee" wat daarin voorkom, weg te laat, en die woorde "vyf sjielings vir elke honderd stuk grootvee en ses pennies vir elke honderd stuk kleinvee" in die plek daarvan te stel.

Wysiging van artikel *nege-en-veertig* van Ordonnansie No. 15 van 1927.

5. Artikel *twee-en-veertig* van die hoofordonnansie word hiermee herroep.

Herroeping van artikel *twee-en-veertig* van Ordonnansie No. 15 van 1927.

Trespassing of stock on outspans, etc.

6. Any stock not being the property of the owner, lessee or occupier of the farm found trespassing on any outspan or area established or set aside in terms of the provisions of the Principal Ordinance or on any public road as described in the Principal Ordinance or on any strip of ground on each side of a public road as described in sub-section (1) of section *forty-seven* of the Principal Ordinance on such farm shall be subject to the provisions of the *Trespass of Animals (Rural Areas) Ordinance, 1931 (Ordinance No. 9 of 1931)*. For the purposes of this section any stock on such outspan, area, public road or strip of ground found in the possession of a person who is obliged to take out a permit under the provisions of sub-section (5) of section *fifty-seven* of the principal Ordinance as amended by section *two* of this Ordinance, but who has not taken out such permit, shall be deemed to have trespassed on such outspan, area, public road or strip of ground; and the stock found in the possession of a person who, contrary to the provisions of section *forty-eight* of the Principal Ordinance as amended by section *three* of this Ordinance, remains with such stock on any such outspan or area for a longer period than twenty-four successive hours or who travels with such stock along such public road or over such strip of ground at a lesser speed than five miles in twenty-four hours, shall be deemed to have trespassed on such outspan, area, public road or strip of ground.

Short title.

7. This Ordinance may be cited for all purposes as the *Roads and Outspans Ordinance Further Amendment Ordinance, 1931*.

Oortreding van vee op uitspanplekke ens.

6. Enige vee, wat nie die eiendom van die eenaar, huurder of bewoner van die plaas is nie, en wat op enige uitspanplek of stuk grond ooreenkomsdig die bepalinge van die hoofordonnansie ingestel of afgesonder, of op enige publieke pad soos in die hoofordonnansie omskrywe, of op enige streep grond aan weerskante van 'n publieke pad soos in onderartikel (1) van artikel *sewen-en-veertig* van die hoofordonnansie omskrywe, op so 'n plaas oortree, is onderhewig aan die bepalinge van die Ordonnansie betreffende Oortreding van Diere (Platteland Gebiede) 1931 (Ordonnansie No. 9 van 1931). Vir die doeleindes van hierdie artikel sal vee, wat op sodanige uitspanplek, stuk grond, publieke pad of streep grond in die besit is van 'n persoon, wat onder onderartikel (5) van artikel *sewen-en-veertig* van die hoofordonnansie soos gewysig deur artikel *twee* van hierdie Ordonnansie, verplig is om 'n permit uit te neem, en sodanige permit nie uitgeneem het nie, beskou word op enige sodanige uitspanplek, stuk grond, publieke pad of streep grond te oortree; en sal die vee, wat in besit is van 'n persoon, wat anders as in ooreenstemming met die bepalinge van artikel *agt-en-veertig* van die hoofordonnansie, soos gewysig deur artikel *drie* van hierdie Ordonnansie, vir meer as vier-en-twintig opeenvolgende ure met sodanige vee op enige sodanige uitspanplek of stuk grond vertoef, of wat minder as vyf myl in vier-en-twintig ure met sodanige vee langs sodanige publieke pad of oor sodanige streep grond trek, beskou word op sodanige uitspanplek, stuk grond, publieke pad of streep grond te oortree.

Kort titel.

7. Hierdie Ordonnansie kan vir al die doeleindes aangehaal word as die *Paaië en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1931*.

Ord. No. 11 of 1931.

ORDINANCE

To amend the law relating to the prevention of disease among stock.

(Assented to 5th June, 1931.)

(Afrikaans text signed by the Administrator.)

ORDONNANSIE

Om die wet betreffende die voorkoming van veesiektes te wysig.

(Goedgekeur 5 Junie 1931.)

(Afrikaanse teks deur die Administrateur geteken.)

Ord. No. 11 van 1931.

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:—

Definition.

1. In this Ordinance the expression "the principal law" means the Diseases of Stock Proclamation, 1920 (Proclamation No. 28 of 1920), as amended by the Diseases of Stock Amendment Proclamation, 1924 (Proclamation No. 24 of 1924), and the Stock Diseases Law Amendment Ordinance, 1928 (Ordinance No. 5 of 1928); and any expression to which, in the principal law, a meaning has been assigned shall, when used in this Ordinance, bear the same meaning.

Deletion of section nine of Proclamation No. 28 of 1920 and substitution of new section.

2. Section *nine* of the principal law is hereby repealed and the following new section substituted therefor:—

9. (1) No person shall remove from one place to another any stock which is infected with disease, except in so far as such removal is permitted under this Proclamation or any regulation.

Prohibition of removal of infected stock.

(2) Whenever any stock has become infected with disease or is suspected of being infected with disease, the owner of the stock shall forthwith report the matter to a Government veterinary officer, sheep inspector, stock inspector, assistant stock inspector, or member of the police who shall transmit the report to the Administrator.

(3) Any such officer may, by written notice served on the owner of land whereon there is any stock infected or suspected of being infected with disease, declare such land or any defined area thereof to be a suspected area, and shall in that notice give such instructions for the isolation of the infected or suspected stock as he may deem necessary. If the disease is scab in sheep or goats every such officer may forthwith declare the area to be an infected area. Any action taken under this sub-section shall forthwith be reported to the Administrator.

(4) Upon receiving any report in terms of sub-section (2) or (3) the Administrator, if satisfied that any stock on the land in question is infected with disease, may declare any defined area of that land, not already declared an infected area, to be an infected area.

(5) A declaration of an infected area shall be by written notice served upon the owner of the land falling within such area, and, if the Administrator so determines, by notice also in the *Gazette* and in a newspaper circulating in the district in which the area is situate. Every such

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, nadat dit vooraf ontvang en aan die Wetgewende Vergadering deur boodskap van die Administrateur, ooreenkomsdig die bepalinge van artikel *ses-en-twintig* van "De Zuidwest-Afrika Konstitutie Wet 1925" van die Parlement van die Unie van Suidafrika meegedeel is, as volg:—

1. In hierdie Ordonnansie beteken die uitdrukking "die hoofwet" "De Veesiekten Proklamatie 1920" (Proklamasie No. 28 van 1920), soos gewysig deur "De Veesiekten Wijzigingsproklamatie 1924" (Proklamasie No. 24 van 1924) en die Veesiekteswet-Wysigingsordonnansie 1928 (Ordonnansie No. 5 van 1928) en enige uitdrukking, waaraan in die hoofwet 'n betekenis geheg is, moet, wanneer in hierdie Ordonnansie gebruik, dieselfde betekenis hê.

Woordbepaling.

2. Artikel *nege* van die hoofwet word hierby herroep en die volgende nuwe artikel in die plek daarvan gestel:—

Verbod van vervoer van besmette vee.

9. (1) Niemand mag vee, dat door ziekte aangetast is, van de ene plek naar de andere vervoeren, behalve voor zover dat vervoer krachtens deze Wet of een regulatie veroorloofd is.

(2) Wanneer vee door ziekte aangetast of vermoedelijk aangetast is, moet de eigenaar van dat vee onverwijld het geval aangeven bij een staatsveearts, schaapsinspekteur, vee-inspekteur, assistent-vee-inspekteur of lid van de politiemacht die de aangifte aan de Administrateur moet inzenden.

(3) Zulk een beambte kan bij schriftelijke kennisgeving aan de eigenaar van grond waarop zich vee bevindt, dat door ziekte aangetast of vermoedelijk aangetast is, die grond of een omschreven deel ervan tot een verdachte kring verklaren en moet in die kennisgeving de voorschriften geven, die hij nodig acht, voor de afzondering van het besmette of verdachte vee. Wanneer de ziekte brandziekte in schapen of bokken is, kan iedere zodanige beambte onmiddellijk de kring tot een besmette kring verklaren. Hetgeen krachtens dit sub-artikel verricht is, moet onverwijld aan de Administrateur bericht worden.

(4) Na ontvangst van een aangifte of bericht ingevolge sub-artikel (2) of (3) kan de Administrateur, indien hij ervan overtuigd is dat vee op de betrokken grond door ziekte aangetast is, een omschreven deel van die grond die nog niet tot een besmette kring verklaard is, tot een besmette kring verklaren.

(5) Een verklaring van een besmette kring geschiedt bij schriftelijke kennisgeving aan de eigenaar van de grond die binnen bedoelde kring valt en indien de Administrateur het beveelt, ook bij kennisgeving in de *Officiële Koerant* en in een nieuwsblad in omloop in het distrikt waarin

Skrapping van artikel *nege* van Proklamasie No. 28 van 1920 en vervanging daarvan deur nuwe artikel.

notice shall be signed by a Government veterinary officer or in the case of scab in sheep and goats by a sheep inspector and shall state the boundaries of, or otherwise describe, the infected area and the disease with which it is declared infected.

(6) The owner of any land upon whom a notice referred to in sub-section (3) or (5) has been served, shall forthwith himself notify every owner of any stock upon such land of the contents and nature of such notice or deliver to him or at his residence a copy of such notice: Provided that the fact that any such owner of stock was not so notified or received no such copy shall be no defence to any charge under this Proclamation or any regulations.

3. Section *twelve* of the principal law is hereby amended—

(a) by the repeal of sub-section (1) thereof and the substitution therefor of the following new sub-section (1):

(1) No person shall, except upon the written permission of an officer, remove or allow to be removed into or out of any infected or suspected area stock liable to any disease with which that area has been declared suspected or infected, or allow such stock to stray into or out of that area or within or beyond such limits therein as may be defined in each case by an officer.

(b) by the addition of the following new sub-sections at the end thereof:—

(5) Any person other than an officer who digs up, exposes, or removes any such buried carcase or portion thereof shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

(6) In any charge under this Proclamation or the regulations of having without permit removed any stock, carcase or other thing for the removal whereof a permit was necessary under this Proclamation or the regulations, the burden of proving that he obtained the necessary permit for the removal shall be upon the accused.

(7) If any stock dies from whatever cause, or is abandoned on account of any sickness whatever or any injury or weakness, upon any public road or public outspan or commonage the person in charge of such stock shall forthwith report such death or abandonment and the name and address of the owner of such stock to the magistrate of the district, any Government veterinary officer or stock inspector or assistant stock inspector or sheep inspector or at the police station for the area in question and also to the owner of the land or to the authority in charge of the outspan or commonage whereon such death or abandonment occurred.

(8) If the person in charge of such stock was the owner thereof, he shall as soon as possible after its death dispose of or destroy its carcase at the place where such stock died, and if the owner of the land or the authority in charge of the outspan or commonage whereon such stock died has given to such person directions as to the place, in the immediate neighbourhood of the place where such stock died, at which the carcase is to be disposed of or destroyed, or as to the manner of such disposal or destruction, he shall, subject to the provisions of the regulations, obey such instructions, unless the owner of such land or such authority agrees with the owner of such stock to dispose of or destroy such carcase.

(9) If the owner of such stock has not disposed of or destroyed the carcase thereof within twenty-four hours after its death, the owner of the land or the authority in charge of the outspan or commonage whereon such stock died shall as soon as possible after the expiration of the said period, dispose of or destroy such carcase and shall thereupon be entitled to recover the reasonable cost of such disposal or destruction from the owner of such stock, subject to any agreement between the parties concerned in regard to such disposal.

(10) The Administrator may by proclamation in the *Gazette* define areas wherein the following provisions of this section shall apply.

(11) The owner of any stock which has died from any cause whatsoever in any area defined in terms of sub-section (10) upon land whereof he is the owner shall, as soon as possible after having become aware of its death, dispose of or destroy the carcase thereof, or, in the case of any stock which has been slaughtered, so much of the carcase as is not used.

de kring gelegen is. Iedere zodanige kennisgeving moet door een staatsveearts ondertekend zijn en de grenzen van de besmette kring aangeven of de kring anderszins omschrijven, met vermelding van de ziekte waarmee hij besmet verklaard is.

(6) De eigenaar van enige grond aan wie in gevolge sub-artikel (3) of (5) kennis gegeven is, moet onverwijld zelf aan iedere eigenaar van enig vee op die grond de inhoud en strekking van die kennisgeving mededelen of een afschrift van die kennisgeving aan hem of bij zijn woning afgeven: Met dien verstande dat het feit dat een zodanige eigenaar van vee geen zodanige mededeling of afschrift ontvangen heeft, niet opgeworpen kan worden als verweermiddel tegen een aanklacht krachtens deze Wet of enige regulaties.

3. Artikel *twaalf* van die hoofwet word hierby gewysig:—

(a) deur die herroeping van onderartikel (1) daarvan en die vervanging daarvan deur die volgende nuwe onderartikel (1):

(1) Niemand mag, behalve op de schriftelijke toestemming van een officier, vee dat vatbaar is voor enige ziekte waarmee die kring verklaard is in verdenking of besmet te zijn, in of uit enige besmette of verdachte kring verwijderen of toelaten dat het verwijderd wordt, of toelaten dat zodanig vee in of uit die kring wegloopt of binnen of buiten zodanige grenzen daarin, als in elk geval door een officier bepaald mogen worden.

(b) deur die toevoeging van die volgende nuwe onderartikel aan die end daarvan:—

(5) Een persoon ander dan 'n officier, die een zodanig begraven karkas of gedeelte daarvan opgraaft, blootstelt of verwijdert is schuldig aan een overtreding en na schuldigbevinding blootgesteld aan een boete niet te bovengaande vijftig pond.

(6) In enige aanklacht op grond van deze Proklamatie of de regulaties dat men enig vee, karkas of ander ding, voor de verwijdering waarvan 'n permit op grond van deze Proklamatie of de regulaties nodig was, verwijderd heeft, rust de last om te bewijzen, dat hij het nodige permit voor het verwijderen verkregen heeft, op de beschuldigde.

(7) Wanneer vee aan een openbare weg of op een openbare uitspanning of op een meent aan welke oorzaak ook sterft of wegens ziekte van welke aard ook of letsel of zwakte verlaten wordt, moet de persoon die het vee onder zijn hoede had, de dood of het verlaten ervan en de naam en het adres van de eigenaar van dat vee onverwijld aangeven bij de magistraat van het distrikt, een staatsveearts of vee-inspekteur of assistent-vee-inspekteur of schaapinspekteur of bij het politiekantoor voor het betrokken gebied en ook aan de eigenaar van de grond of aan het bestuur dat het beheer heeft van de uitspanning of meent waarop het vee gestorven of verlaten is.

(8) Indien de persoon, die bedoeld vee onder zijn hoede had, de eigenaar ervan was, moet hij zo spoedig mogelijk nadat het gestorven is, het karkas wegdoen of vernietigen en wel op de plek waar zodanig vee gestorven is, en, indien de eigenaar van de grond of het bestuur dat het beheer heeft van de uitspanning of meent waarop zodanig vee gestorven is aan zodanige persoon 'n plek voor het wegdoen of vernietigen van het karkas in de onmiddellike nabijheid van de plek, waar zodanig vee gestorven is, of de wijze van zodanig wegdoen of zodanige vernietiging voorgeschreven heeft, moet hij behoudens de bepalingen van de regulaties zodanige voorschriften gehoorzamen, tenzij de eigenaar van zodanige grond of dat bestuur met de eigenaar van het vee overeenkomt om het karkas weg te doen of te vernietigen.

(9) Indien de eigenaar van bedoeld vee het karkas daarvan niet binnen vier-en-twintig uur nadat het gestorven is, weggedaan of vernietigd heeft, moet de eigenaar van de grond of het bestuur dat het beheer heeft van de uitspanning of de meent waarop dat vee gestorven is, zo spoedig mogelijk na verloop van voormeld tijdperk, dat karkas wegdoen of vernietigen, en is daarop gerechtigd om de billike kosten van het wegdoen of vernietigen van het karkas op de eigenaar van het vee te verhalen, behoudens een of andere overeenkomst daaromtrent tussen de betrokken partijen gesloten.

(10) De Administrateur kan bij proklamatie in de *Officiële Koerant* kringen omschrijven waarin de volgende bepalingen van dit artikel van toepassing zullen zijn.

(11) De eigenaars van vee dat aan welke oorzaak ook gestorven is in een volgens sub-artikel (10) omschreven kring op een stuk grond waarvan hij de eigenaar is, moet, zo spoedig mogelijk nadat hij van de dood van dat vee te weten gekomen is, het karkas daarvan, of, in geval van geslacht vee, zo veel ervan als niet gebruikt wordt, wegdoen of vernietigen.

- (12) If the owner of any stock which has died within an area defined in terms of sub-section (10) is not the owner of the land whereon such stock died, he shall, as soon as possible after having become aware of the death of such stock, dispose of or destroy its carcass at the place where such stock died, and if the owner of such land has given to the owner of such stock directions as to the place at which the carcass is to be disposed of or destroyed, or as to the manner of such disposal or destruction, he shall, subject to the provisions of the regulations, obey such instructions, unless the owner of such land agrees with the owner of such stock to dispose of or destroy such carcass.
- (13) If the owner of any stock which has died within an area defined in terms of sub-section (10) upon land whereof he is not the owner has failed to dispose of or destroy the carcass of such stock before it commenced to decompose, the owner of such land shall, as soon as possible, dispose of or destroy such carcass, and shall thereupon be entitled to recover from the owner of such stock the reasonable cost of such disposal or destruction.
- (14) The disposal or destruction of any carcass in terms of sub-sections (8), (9), (11), (12) and (13) shall be effected in the manner prescribed by regulation.

Repeal of section fourteen of Proclamation No. 28 of 1920 and substitution thereof of new section.

4. Section *fourteen* of the principal law is hereby repealed and the following new section substituted therefor:—

Isolation of stock strayed from infected area.

14. (1) If any stock liable to contract any disease with which any area has been declared infected, is reasonably suspected of having strayed, or of having been illegally moved into, from or through such area, whether before or after such area was declared infected, the owner of the land whereon such stock is shall immediately isolate it and immediately report the matter to the magistrate of the district, a Government veterinary officer, stock inspector, assistant stock inspector, sheep inspector, a special justice of the peace within whose area of jurisdiction such land is situate or at the police station for the area in question.

(2) When a Government veterinary officer or a stock inspector has examined any stock liable to contract any disease with which any area has been declared to be infected and has reasonable grounds for suspecting that such stock has strayed or has been illegally moved into, from or through such area, the Administrator may cause it to be destroyed, or otherwise dealt with as he may determine.

(3) If the Administrator causes any stock to be destroyed in terms of sub-section (2) no compensation shall be paid therefor unless the Administrator so directs, in which case compensation shall be paid in terms of the schedule to this Proclamation according to the disease with which the area in question has been declared to be infected: Provided that if the area referred to in sub-section (2) was declared to be infected with East Coast-fever no compensation shall be paid for any stock so destroyed.

Amendment of section eighteen of Proclamation No. 28 of 1920.

5. Section *eighteen* of the principal law is hereby amended by the insertion after the words "diseased stock" in sub-section (1) of the following words: "stock suspected of being infected with disease or stock destroyed to prevent the spread of disease".

Amendment of section twenty-one of Proclamation No. 28 of 1920.

6. Section *twenty-one* of the principal law is hereby amended by—

- (a) the deletion in paragraph (1) of sub-section (1) of the words "to such imprisonment without the option of a fine; or to both such fine and imprisonment", and the substitution thereof of the words "to such fine, or in default of payment, to such imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and

(b) by the deletion of the provisos to sub-section (1).

Amendment of section twenty-two of Proclamation No. 28 of 1920.

7. Section *twenty-two* of the principal law is hereby amended by the insertion of the following new sub-section after sub-section (1), the existing sub-section (2) becoming sub-section (3):—

- (2) In any criminal proceedings under this Proclamation or the regulations in connection with a charge of failing to report that any stock has become infected with disease, it shall not be a sufficient defence for the accused to prove that he, in fact, had no knowledge of such infection, unless he proves in addition that he took all reasonable steps for discovering any infection in such stock, and that his lack of knowledge of the infection which is the subject of the charge was not due to any lack of vigilance on the part of himself or any person in charge of the stock.

Amendment of section twenty-three of Proclamation No. 28 of 1920.

8. Section *twenty-three* of the principal law is hereby amended by the addition of the following words at the end of paragraph (c) of that section:—

- (12) Indien de eigenaar van vee dat gestorven is in een volgens sub-artikel (10) omschreven kring niet de eigenaar is van de grond waarop zodanig vee gestorven is, moet hij, zo spoedig mogelijk nadat hij van de dood van zodanig vee te weten gekomen is, het karkas daarvan wegdoen of vernietigen, en wel op de plek waar zodanig vee gestorven is. Indien de eigenaar van zodanige grond de eigenaar van zodanig vee de plek voorschreven heeft waar het karkas weggedaan of vernietigd worden moet of de wijze van dit wegdoen of deze vernietiging, moet hij, behoudens de bepalingen van de regulaties, zodanige voorschriften gehoorzamen, tenzij de eigenaar van zodanige grond met de eigenaar van zodanig vee overeenkomt om zodanig karkas weg te doen of te vernietigen.

- (13) Indien de eigenaar van vee dat in een volgens sub-artikel (10) omschreven kring gestorven is op een stuk grond waarvan hij niet de eigenaar is, in gebreke gebleven is om het karkas van dat vee weg te doen of te vernietigen voor het in ontbinding overgaat, moet de eigenaar van die grond zo spoedig mogelijk dat karkas wegdoen of vernietigen en is daarop gerechtigd om de billike kosten van het wegdoen of vernietigen van het karkas op de eigenaar van dat vee te verhalen.

- (14) Het wegdoen of vernietigen van karkassen ingevolge sub-artikels (8), (9), (11), (12) en (13) moet geschieden volgens voorschrift van de regulaties.

4. Artikel *veertien* van die hoofwet word hiermee herroep en die volgende nuwe artikel in die plek daarvan gestel:—

Afzondering van vee afkomstig uit besmette kring.

14. (1) Wanneer vee, dat vatbaar is voor een ziekte waarmee een of andere kring besmet verklaard is, om gegronde redenen verdacht wordt in of uit of door die kring heen weggevoerd of onwettig vervoerd te zijn, hetzij vóór of nadat die kring besmet verklaard is, dan moet de eigenaar van de grond waarop dat vee zich bevindt, het onmiddellijk afzonderen en het geval onmiddellijk aangeven by de magistraat van het distrikt, een staatsveearts, vee-inspekteur, assistent-vee-inspekteur of schaapinspekteur of bij een speciale vrede-rechter binnen wiens rechtsgebied die grond gelegen is, of bij het politiekantoor voor het betrokken gebied.

(2) Nadat een staatsveearts of vee-inspekteur vee onderzocht heeft, dat vatbaar is voor een ziekte waarmee een of andere kring besmet verklaard is, en dat hij om gegronde redenen verdenkt in of uit of door die kring heen weggevoerd of onwettig vervoerd te zijn, kan de Administrateur het doen afmaken of op andere wijze ermee handelen, zoals hij mocht bepalen.

(3) Indien de Administrateur ingevolge sub-artikel (2) vee doet afmaken, wordt geen schadevergoeding ervoor uitbetaald, tenzij de Administrateur zulks gelast, in welk geval schadevergoeding uitbetaald wordt volgens de Bijlage tot deze Proklamatie, naar gelang van de ziekte waarmee de betrokken kring besmet verklaard is: Met dien verstande dat indien de kring vermeld in sub-artikel (2) met oostkustkoorts besmet verklaard is, geen schadevergoeding voor aldus afgemaakt vee uitbetaald wordt.

5. Artikel *agtien* van die hoofwet word hiermee gewysig deur die woord "vee" in onderartikel (1), te vervang deur die woorde "of vermoedelik aangetast vee of vee dat afgemaakt is om de verspreiding van ziekte te voorkomen."

6. Artikel *een-en-twintig* van die hoofwet word hiermee gewysig deur—

- (a) die skrapping in paragraaf (1) van onderartikel (1) van die woorde: "met zodanige gevangenis zonder de keuze van boete of met boete en gevangenis" en die vervanging daarvan deur die woorde "met zodanige boete of, bij wanbetaling, met zodanige gevangenis, of met zodanige gevangenis zonder de keuze van een boete of met zodanige boete en gevangenis"; en

(b) die skrapping van die voorbehoudsbepalings tot onderartikel (1).

7. Artikel *twee-en-twintig* van die hoofwet word hiermee gewysig deur invoeging van die volgende nuwe onderartikel na onderartikel (1), waardeur die bestaande onderartikel (2) onderartikel (3) word:—

- (2) In een strafgeding krachtens deze Proklamatie of de regulaties in verband met een aanklacht van verzuim om aan te gevan dat vee met ziekte besmet geworden is, is het geen voldoende verwering als de beschuldigde bewijst dat hij inderdaad van die besmetting geen kennis droeg, tenzij hij bovendien bewijst, dat hij alle redelike maatregelen getroffen heeft, om enige besmetting van dat vee te ontdekken en dat zijn onkunde van de besmetting die het onderwerp van de aanklacht uitmaakt, niet te wijten is aan gebrek aan waakzaamheid hetzij van hemzelf of van iemand onder wiens hoede het vee stond.

8. Artikel *drie-en-twintig* van die hoofwet word hiermee gewysig deur invoeging van die woorde:—

Herroeping van artikel *veertien* van Proklamatie No. 28 van 1920 en vervanging daarvan deur nuwe artikel.

Wysiging van artikel *agtien* van Proklamatie No. 28 van 1920.

Wysiging van artikel *een-en-twintig* van Proklamatie No. 28 van 1920.

Wysiging van artikel *twee-en-twintig* van Proklamatie No. 28 van 1920.

Wysiging van artikel *drie-en-twintig* van Proklamatie No. 28 van 1920.

or which are to be disposed of or destroyed in terms of sub-sections (8), (9), (11), (12) and (13) of section *twelve*, and the circumstances in which the cost of such disposal or destruction may be defrayed from public funds.

Short title.

9. This Ordinance may be cited as the Diseases of Stock (Amendment) Ordinance, 1931, and shall be read as one with the principal law.

Ord. No. 12 of 1931.

ORDINANCE

To amend the law relating to the solemnization of marriages.

(Assented to 5th June, 1931.)
(English text signed by the Administrator.)

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

Amendment of section *seventeen* of Proclamation No. 31 of 1920.

1. Section *seventeen* of the Solemnization of Marriages Proclamation, 1920 (Proclamation No. 31 of 1920), is hereby amended by the addition at the beginning of sub-section (1) thereof of the words "Any person not being a marriage officer who solemnizes a marriage and".

Short title.

2. This Ordinance may be cited as the Solemnization of Marriages Law Amendment Ordinance, 1931, and shall be read as one with the Solemnization of Marriages Proclamation, 1920 (Proclamation No. 31 of 1920), as amended by the Births, Marriages and Deaths Registration Proclamation, 1923 (Proclamation No. 38 of 1923), the Solemnization of Marriages Amendment Proclamation, 1925 (Proclamation No. 3 of 1925), and the Solemnization of Marriages Amendment Proclamation, 1930 (Proclamation No. 18 of 1930).

Ord. No. 13 of 1931.

ORDINANCE

To provide for the construction of motor by-passes in fences across public roads.

(Assented to 5th June, 1931.)
(Afrikaans text signed by the Administrator.)

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

Interpretation of terms.

1. In this Ordinance the expression "motor by-pass" means an opening in a fence fitted with a device designed to prevent the passage of stock but to permit the passage of motor vehicles, the expression "the principal Ordinance" means the Roads and Outspans Ordinance, 1927 (Ordinance No. 15 of 1927), as amended by the Roads and Outspans Ordinance Amendment Ordinance, 1928 (Ordinance No. 10 of 1928), the Roads and Outspans Ordinance Further Amendment Ordinance, 1929 (Ordinance No. 10 of 1929), and the Roads and Outspans Ordinance Further Amendment Ordinance, 1930 (Ordinance No. 13 of 1930), and any expression to which in the principal Ordinance a meaning has been assigned has, when used in this Ordinance, the same meaning.

Construction of motor by-pass by Administration of roads board or roads council.

2. (1) The Administrator, or, in a district for which a roads board or roads council has been constituted, the board or the council, as the case may be, may construct a motor by-pass in any fence across any public road. Whenever the passage of vehicles over that road has not been limited under section *sixty-two* of the principal Ordinance to motor vehicles, any by-pass in any fence across that road shall be constructed next to a gate across the road.

(2) The cost of constructing any such by-pass shall, if the construction is by the Administrator, be paid out of the public revenues, and, if the construction is by the board or council, be paid out of the funds of the board or council, as the case may be.

Construction of motor by-pass by owner of fence.

3. The owner of any fence may at his own cost construct a motor by-pass at any place in that fence.

Specifications for construction of motor by-passes.

4. The Administrator may by notice published in the *Gazette* prescribe specifications for the construction of motor by-passes, and every motor by-pass shall conform to the specifications so prescribed.

Repair of motor by-passes.

5. The owner for the time being of any fence in which a motor by-pass has been constructed under the provisions of section *two* or *three* shall at his own cost as soon as he becomes aware of the fact that such motor by-pass is in need of repair, take the necessary steps to place the same in a proper state of repair. If the fence is owned jointly, the liability hereby imposed shall be borne by the owners jointly. If any such owner fails to maintain any such motor

"of die volgens onderartikels (8), (9), (11), (12) en (13) van artikel *twalf* weggedaan of vernietigd moeten worden, en de omstandigheden waaronder zodanig wegdoen of vernietigen uit staatsgeldten bekostigd kan worden"

aan die end van paragraaf (c) van daardie artikel.

9. Hierdie Ordonnansie kan aangehaal word as die Veesiektes (Wysigings) Ordonnansie 1931 en moet as een gelees word met die hoofwet.

Kort tiitel.

ORDONNANSIE

Om die wet met betrekking tot die voltrekking van huwelike te wysig.

(Goedgekeur 5 Junie 1931.)
(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *sewentien* van "De Huweliksvoltrekkings Proklamatie, 1920" (Proklamasie No. 31 van 1920), word hierby gewysig deur die toevoeging aan die begin van onderartikel (1) daarvan van die woorde "Iedere persoon die geen huweliksambtenaar zijnde een huweliksplechtigheid voltrekt en".

Wysiging van artikel *sewentien* van Proklamasie No. 31 van 1920.

2. Hierdie Ordonnansie kan aangehaal word as die Huweliksvoltrekkingswet-Wysigingsordonnansie 1931 en moet as een gelees word met "De Huweliksvoltrekkings Proklamatie, 1920" (Proklamasie No. 31 van 1920), soos gewysig deur "De Registratie van Geboorten, Huweliken en Sterfgevallen Proklamatie, 1923" (Proklamasie No. 38 van 1923), "De Huweliksvoltrekkings-Wijzigingsproklamatie 1925" (Proklamasie No. 3 van 1925) en die Huweliksvoltrekkings-Wysigingsproklamasie 1930 (Proklamasie No. 18 van 1930).

Kort tiitel.

ORDONNANSIE

Om voorsiening te maak vir die konstruksie van moterdeurgange in omheinings oor publieke paaie.

(Goedgekeur 5 Junie 1931.)
(Afrikaanse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie beteken die uitdrukking "moterdeurgang" 'n opening in 'n omheining, wat van 'n meganisme voorsien is bereken om die deurgang van vee te verhinder, maar om die deurgang van motervoertuie toe te laat. Die uitdrukking "die Hoofordonnansie" beteken die Paaie en Uitspanplekke Ordonnansie 1927 (Ordonnansie No. 15 van 1927), soos gewysig deur die Paaie en Uitspanplekke Ordonnansie Wysigingsordonnansie 1928 (Ordonnansie No. 10 van 1928), die Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1929 (Ordonnansie No. 10 van 1929), en die Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1930 (Ordonnansie No. 13 van 1930), en enige uitdrukking, waaraan in die Hoofordonnansie 'n betekenis toegeken is, het, wanneer in hierdie Ordonnansie gebruik, dieselfde betekenis.

Woordbepaling.

2. (1) Die Administrateur of, in 'n distrik waarvoor 'n padkommissie of padraad ingestel is, die kommissie of die raad, soos die geval mag wees, kan 'n moterdeurgang in enige omheining oor enige publieke pad konstrueer. Wanneer die deurgang van voertuie oor daardie pad nie onder artikel *twee-en-sestig* van die Hoofordonnansie tot motervoertuie beperk is nie, moet enige deurgang in enige omheining oor daardie pad naasaan 'n hek oor die pad gekonstrueer word.

Konstruksie van moterdeurgang deur Administrasie of padkommissie of padraad.

(2) Die koste van die konstrueer van enige sodanige deurgang moet, as die konstruksie deur die Administrateur geskied, uit die staatsfondse, en, as die konstruksie deur die kommissie of raad geskied, uit die fondse van die kommissie of raad, soos die geval mag wees, betaal word.

3. Die eienaar van enige omheining kan op sy eie koste 'n moterdeurgang op enige plek in daardie omheining konstrueer.

Konstruksie van moterdeurgang deur eienaar van omheining.

4. Die Administrateur kan deur kennisgewing in die *Offisiële Koerant* gepubliseer spesifikasies voorskryf vir die konstruksie van moterdeurgange, en elke moterdeurgang moet ooreenstem met die spesifikasies aldus voorgeskryf.

Spesifikasies vir konstruksie van moterdeurgange.

5. Die persoon, wat asdan eienaar van enige omheining is, waarin 'n moterdeurgang kragtens die bepalings van artikel *twee* of *drie* gekonstrueer is, moet op sy eie koste, sodra hy bewus is van die feit dat sodanige moterdeurgang repareer moet word, die nodige stappe doen om dit in 'n goeie toestand te herstel. As die omheining gesamentlik besit word, moet die aanspreeklikheid, wat hierby opgelê word, gesamentlik deur die eienaars gedra word. As enige sodanige eienaar in gebreke bly om enige sodanige moterdeurgang in 'n goeie toestand te hou,

Reparasie van moterdeurgange.

by-pass in good order, the Administrator, the board or the council, as the case may be, may make such repairs to the motor by-pass as are necessary to restore it to good order, and may recover the cost of such repairs from that owner. Any owner who knowing that such motor by-pass is in need of repair fails to comply with the provisions of this section, shall be guilty of an offence and shall be liable on conviction to the penalties imposed by section *sixty-nine* of the principal Ordinance.

Exemption from liability for loss.

6. No liability for any loss suffered by any person through any injury to any person, stock or vehicle caused by the passage or attempted passage of such person, stock or vehicle through or over any motor by-pass shall attach to the Administration, the board, the council or the owner of the fence by reason of the construction, maintenance or repair of any such by-pass in accordance with the provisions of this Ordinance:

Provided that nothing in this section shall exempt the Administration, the board, the council or the owner of the fence by whom any such motor by-pass was constructed from liability for any loss caused by negligence in the construction or by failure to comply with the specifications prescribed under section *four*, or exempt any owner of any fence responsible under section *five* for the maintenance of any such motor by-pass from liability for any loss caused by his failure to maintain such motor by-pass in good order: Provided negligence can be proved by the aggrieved party against any owner or owners of a fence.

Short title.

7. This Ordinance may be cited as the Roads (Motor By-Passes) Ordinance, 1931, and shall be read as one with the principal Ordinance.

Ord. No. 14 of 1931.

ORDINANCE

To amend the law relating to the establishment of townships.

(Assented to 5th June, 1931.)
(English text signed by the Administrator.)

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

Interpretation.

1. In this Ordinance the expression "the principal Ordinance" means the Townships Ordinance, 1928 (Ordinance No. 11 of 1928), and any expression to which in the principal Ordinance a meaning has been assigned has, when used in this Ordinance, the same meaning.

Amendment of section four of Ordinance No. 11 of 1928.

2. Section *four* of the principal Ordinance is hereby amended—

- (a) by the addition immediately after the words "the Registrar of Deeds" of the words "a person to be appointed by the Administrator who shall be charged with the duty of bringing to the notice of the Board the views of municipal councils and the interests of the inhabitants of municipalities";
- (b) by the deletion of the word "other"; and
- (c) by the addition at the end thereof of the words "The Administrator may grant to the member of the Board who is not a member of the public service allowances towards expenses of transport and subsistence, at rates to be fixed by the Administrator."

Amendment of section seven of Ordinance No. 11 of 1928.

3. Section *seven* of the principal Ordinance is hereby repealed, and the following new section is substituted therefor:—

Checks upon attempts to evade Ordinance.

7. (1) If the Administrator after consultation with the Board is of opinion that the steps taken or proposed to be taken by an owner or lessee of land in dividing or disposing of or letting or sub-letting that land or any portion thereof will in effect constitute an evasion of the intention of this Ordinance, he shall by writing signed by the Secretary for South West Africa, call upon such owner or lessee, or both such owner and lessee to show cause, within one month from the date on which such writing has been received, why the proposed division, disposal, lease or sub-lease should not be forbidden, and if the Administrator, after considering such reasons and arguments against the prohibition of the proposed division, disposal, lease or sub-lease, as such owner or lessee, or such owner and lessee may advance, is satisfied that such division, disposal, lease or sub-lease will in effect constitute such an evasion, he may by writing signed by the Secretary for South West Africa notify such owner or lessee that the proposed division or disposal or lease or sub-lease is forbidden, and may attach such conditions as he thinks fit subject to which the division or disposal or lease or sub-lease may be made, effected or entered into. The Secretary shall transmit a copy of every such notice to the Surveyor-General and to the Registrar of Deeds.

kan die Administrateur, die kommissie of die raad, soos die geval mag wees, sodanige reparasies aan die moterdeurgang maak soos nodig is om dit in 'n goeie toestand te herstel, en kan hy die koste van sodanige reparasies op daardie eienaar verhaal. Enige eienaar, wat wetende dat sodanige moterdeurgang repareer moet word in gebreke bly om die bepalings van hierdie artikel na te kom, is aan 'n oortreding skuldig en na skuldigbevinding blootgestel aan die strawwe deur artikel *neg-en-sestig* van die Hoofordonnansie opgelê.

Vrystelling van aanspreeklikheid vir verlies.

6. Geen aanspreeklikheid vir enige verlies deur enige persoon gelyk ten gevolge van enige letsel aan enige persoon, vee of voertuig veroorsaak deur die deurgaang of gepoogde deurgaang van sodanige persoon, vee of voertuig deur of oor enige moterdeurgang sal op die Administrasie, die kommissie, die raad of die eienaar van die omheining ter oorsake van die konstruksie, onderhoud of reparasie van enige sodanige deurgang ooreenkomstig die bepalings van hierdie Ordonnansie rus nie:

Met die verstande dat niks in hierdie artikel die Administrasie, die kommissie, die raad of die eienaar van die omheining, deur wie enige sodanige moterdeurgang gekonstrueer is, van aanspreeklikheid vir enige verlies veroorsaak deur nalatigheid in die konstruksie of deur in gebreke te bly om die spesifikasies kragtens artikel *vier* voorgeskrywe na te kom, sal vrystel nie, of enige eienaar van enige omheining, wat kragtens artikel *vyf* aanspreeklik is vir die onderhoud van enige sodanige moterdeurgang, van aanspreeklikheid vir enige verlies veroorsaak deur sy versuim om sodanige moterdeurgang in 'n goeie toestand te hou sal vrystel nie: Mits nalatigheid aan die kant van enige eienaar of eienaars van 'n omheining deur die benadeelde persoon kan bewys word.

7. Hierdie Ordonnansie kan as die Paaie (Moterdeurgange) Ordonnansie 1931 aangehaal word en moet as een gelees word met die Hoofordonnansie.

Kort titel.

ORDONNANSIE

Om die wet betreffende die stigting van dorpe te wysig.

(Goedgekeur 5 Junie 1931.)
(Engelse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie beteken die uitdrukking "die Hoofordonnansie" die Dorpe-Ordonnansie 1928 (Ordonnansie No. 11 van 1928), en enige uitdrukking, waaraan in die Hoofordonnansie 'n betekenis geheg is, het, wanneer in hierdie Ordonnansie gebruik, dieselfde betekenis.

Woordbepaling.

2. Artikel *vier* van die Hoofordonnansie word hierby gewysig—

Wysiging van artikel vier van Ordonnansie No. 11 van 1928.

- (a) deur die toevoeging onmiddellik na die woorde "die Registrateur van Aktes" van die woorde "en deur die Administrateur te benoem persoon, wat belas sal wees met die plig om die sienswyse van stadsrade en belange van inwoners van munisipaliteite tot die kennis van die Raad te bring";
- (b) deur skraping van die woord "ander"; en
- (c) deur die toevoeging aan die end daarvan van die woorde "Die Administrateur kan aan die lid van die Raad, wat nie 'n lid van die staatsdiens is nie, toelae vir transport- en onderhoudskoste teen 'n deur die Administrateur te bepaal tarief gee".

3. Artikel *sewe* van die Hoofordonnansie word hierby herroep en die volgende nuwe artikel daarvoor gesubstitueer:—

Beheer van pogings om Ordonnansie te ontduik.

7. (1) As die Administrateur na raadpleging met die Raad van mening is dat die stappe, wat deur 'n eienaar of huurder van grond gedoen is of wat hy van plan is om te doen in verband met die verdeling of vandiehandsetting of verhuuring of onderverhuuring van daardie grond of enige gedeelte daarvan in werklikheid 'n ontduiking van die doel van hierdie Ordonnansie uitmaak, moet hy deur middel van 'n geskrif, deur die Sekretaris vir Suidwes-Afrika geteken, sodanige eienaar of huurder of sodanige eienaar sowel as huurder versoek om binne een maand vanaf die datum waarop sodanige geskrif ontvang is, bewys te lewer waarom die voorgestelde verdeling, vandiehandsetting, verhuuring of onderverhuuring nie belet moet word nie. As die Administrateur, na oorweging van sodanige redes en bewysgronde teen die verbod van die voorgestelde verdeling, vandiehandsetting, verhuuring of onderverhuuring, wat sodanige eienaar of huurder of sodanige eienaar sowel as huurder mag opper, oortuig is dat sodanige verdeling, vandiehandsetting, verhuuring of onderverhuuring in werklikheid 'n dergelyke ontduiking sal uitmaak, mag hy deur middel van 'n geskrif deur die Sekretaris vir Suidwes-Afrika geteken, sodanige eienaar of huurder in kennis stel, dat die voorgestelde verdeling of vandiehandsetting of verhuuring of onderverhuuring belet is, en kan hy sodanige kondisies daaraan heg, as hy doelmatig ag, onderhewig waaraan die verdeling of vandiehandsetting of verhuuring of onderverhuuring gemaak, teweeggebring of aangegaan mag word. Die Sekretaris moet 'n kopie van elke sodanige kennisgewing aan die Landmeter-generaal en die Registrateur van Aktes oorstuur.

Wysiging van artikel sewe van Ordonnansie No. 11 van 1928.

Ord. No. 14 van 1931.

(2) Any owner or lessee of land who divides or disposes of or lets or sub-lets that land or any portion thereof in disobedience to any such prohibition shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding six months.

(3) The Surveyor-General shall not approve of any diagram of any division and the Registrar of Deeds shall not register a transfer or lease made, effected or entered into in disobedience to any such prohibition.

Applicability of section seven of Ordinance No. 11 of 1928, as amended by section three of this Ordinance, to letting of houses already built.

4. The provisions of section seven of the principal Ordinance, as amended by section three of this Ordinance, shall not apply to the letting or sub-letting of any land on which a house has been built before the commencement of this Ordinance:

Provided that if the Administrator after consultation with the Board is of opinion that in the interests of the health of the community living in the neighbourhood of any such land the said provisions ought to be applied to such land, he may by writing signed by the Secretary for South West Africa, call upon the owner, lessee, sub-lessee and mortgagee (if any), of such land, to show cause, within one month after such writing has been received by such owner, lessee, sub-lessee and mortgagee, why the said provisions should not be applied to such land; and, if the Administrator, after considering such reasons and arguments against the application of the said provisions to such land as may be advanced by such owner, lessee, sub-lessee and mortgagee, is satisfied that in the interest of the health of such community the said provisions should be applied to such land, he may, after further consultation with the Board, by writing signed by the Secretary for South West Africa notify the owner and the lessee and sub-lessee (if any) of such land that the said provisions are applied to such land, and if no valid lease of such land has been entered into, the said provisions shall thereupon apply to such land forthwith, and if a valid lease of such land has been entered into, the said provisions shall apply to such land at the termination of the said lease or at the expiration of one year after the said notification, whichever date be the earlier.

Short title.

5. This Ordinance shall be read as one with the principal law and may be cited as the Townships Ordinance Amendment Ordinance, 1931.

Ord. No. 15 of 1931.

ORDINANCE

To provide for the Manufacture, Storage, Sale, Transport, Importation, Exportation, and the Use of Explosives.

(Assented to 5th June, 1931.)

(Afrikaans text signed by the Administrator.)

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:—

Repeal.

1. The Act of the German Empire dated the ninth day of June, 1884, to prevent the use of explosives for criminal purposes and in a manner dangerous to the public, and the Ordinance of the Imperial Governor of German South West Africa dated the twenty-fourth day of June, 1911, relating to the traffic in explosives, or such portions of those laws as are now in force in the Territory, are hereby repealed.

Interpretation of terms.

2. In this Ordinance and in any regulations made thereunder, unless inconsistent with the context,—

“authorized explosive” means an explosive named in a list approved by the Administrator and published by notice in the *Gazette*;

“blasting material” means any explosive used for the purpose of blasting;

“danger building” means any building or part thereof used as an explosives factory or explosives magazine, or in connection therewith, unless in respect of that building or part thereof a certificate has been granted in accordance with regulation;

“explosives magazine” means any building licensed under this Ordinance for the storage of explosives;

“explosives factory” means any site licensed under this Ordinance for the manufacture of any explosives, together with every mound, building (including a magazine), and work thereon for whatsoever purpose used;

(2) Enige eienaar of huurder van grond, wat die grond of enige gedeelte daarvan in ongehoorsaamheid aan enige sodanige verbod verdeel of van die hand set of verhuur of onderverhuur, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens tweehonderd pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

(3) Die Landmeter-generaal mag geen diagram van enige verdeling goedkeur nie en die Registrateur van Aktes mag geen transport of huurkontrak, wat in ongehoorsaamheid aan enige sodanige verbod gemaak, teweeggebring of aangegaan is, registreer nie.

4. Die bepalinge van artikel sewe van die Hoofordonnansie, soos gewysig deur artikel drie van hierdie Ordonnansie, het geen toepassing op die verhuur of onderverhuur van enige grond, waarop 'n huis voor die inwerking-treding van hierdie Ordonnansie gebou is nie:

Met die verstande dat, as die Administrateur na raadpleging met die Raad van mening is dat die voormelde bepalinge in die belang van die gesondheid van die mense, wat in daardie buurt woon, op sodanige grond behoort toegepas te word, hy die eienaar en die huurder en onderverhuurder (as daar enige is) van sodanige grond deur middel van 'n geskrif, geteken deur die Sekretaris vir Suidwes-Afrika, mag versoek om binne een maand na ontvangs van sodanige geskrif deur sodanige eienaar, huurder, onderverhuurder en verbandhouer bewys te lewer waarom voormelde bepalinge nie op sodanige grond toegepas moet word nie. As die Administrateur na oorweging van sodanige redes en bewysgronde teen die toepassing van voormelde bepalinge op sodanige grond, wat sodanige eienaar, huurder, onderverhuurder en verbandhouer mag opper, oortuig is, dat voormelde bepalinge in die belang van die gesondheid van sodanige mense op sodanige grond toegepas moet word, mag hy, na verder oorweging met die Raad, deur middel van 'n geskrif, geteken deur die Sekretaris vir Suidwes-Afrika, die eienaar, huurder, onderverhuurder en die verbandhouer (as daar enige is) van sodanige grond, in kennis stel, dat die voormelde bepalinge op sodanige grond toegepas is, en, as daar geen geldige huurkontrak ten opsigte van sodanige grond aangegaan is nie, het die voormelde bepalinge dadelik toepassing op sodanige grond, en as daar 'n geldige huurkontrak ten opsigte van sodanige grond aangegaan is, het die voormelde bepalinge toepassing op sodanige grond by die beëindiging van die voormelde huurkontrak of na verloop van een jaar na die voormelde inkennisstelling, al na watter datum vroeër is.

5. Hierdie Ordonnansie moet as een gelees word met die hoofwet en kan vir al die doeleindes aangehaal word as die Dorpe-Ordonnansie Wysigings-Ordonnansie 1931.

Toepaslikheid van artikel sewe van Ordonnansie No. 11 van 1928, soos gewysig deur artikel drie van hierdie Ordonnansie op die verhuur van alreeds geboude huise.

Kort titel.

ORDONNANSIE

Om voorsiening te maak vir die vervaardiging, bewaring, verkoop, vervoer, invoer, uitvoer en die gebruik van ontplofbare stowwe.

(Goedgekeur 5 Junie 1931.)

(Afrikaanse teks deur die Administrateur geteken.)

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 voorsienings 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. Die Wet van die Duitse Ryk gedagteken die negende dag van Junie 1884 om die gebruik van ontplofbare stowwe vir kriminele doeleindes en op 'n wyse wat vir die publiek gevaarlik is, te verhinder en die Ordonnansie van die Keiserlike Goewerneur van Duits Suidwes-Afrika gedagteken die vier-en-twintigste dag van Junie 1911 betreffende die verkeer met ontplofbare stowwe, of sodanige gedeeltes van daardie wette wat nou in die Gebied van krag is, word hierby herroep.

Herroeping.

2. In hierdie Ordonnansie en in enige regulasies daarunder, tensy onbestaanbaar met die samehang:—

beteken “erkende ontplofbare stof” 'n ontplofbare stof opgenoem in 'n lys, wat deur die Administrateur goedgekeur en by kennisgewing in die *Offisiële Koerant* gepubliseer is;

beteken “springstof” enige ontplofbare stof, wat gebruik word om ontploffingsarbeid te verrig;

beteken “gevaarlike gebou” enige gebou of deel daarvan, wat gebruik word as 'n fabriek van ontplofbare stowwe of as 'n magasyn vir ontplofbare stowwe of in verband daarmee, tensy vir daardie gebou of deel daarvan 'n sertifikaat ooreenkomstig regulasie uitgereik is;

beteken “magasyn vir ontplofbare stowwe” enige gebou, wat onder hierdie Ordonnansie gelisensieer is, vir die bewaring van ontplofbare stowwe;

beteken “fabriek van ontplofbare stowwe” enige terrein, wat onder hierdie Ordonnansie gelisensieer is vir die vervaardiging van enige ontplofbare stowwe, daaronder begryp al die daarop staande walle, geboue (met inbegrip van magasyn) en werke, vir watter doel hulle ook gebruik mag word;

Woordbepaling.

Ord. No. 15 van 1931.

"explosives" means—

- (a) gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance whether similar to those herein mentioned or not, which is used or manufactured with a view to produce a practical effect by explosion or a pyro-technic effect;
- (b) any fuse, rocket, detonator, cartridge, and every adaption or preparation of an explosive as herein defined;
- (c) any other substance which the Administrator may from time to time by proclamation in the *Gazette* declare to be an explosive;

"inspector" means, unless otherwise qualified, the inspector of explosives, or a sub-inspector of explosives, or any person deputed to act as a sub-inspector under section *three* of this Ordinance;

"manufacture" means the making and division of any explosive from or into its component parts by any process, the conversion of an explosive into an explosive of another kind, and the alteration, fitting for use, or repair of any explosive;

"premises" means any land, road, harbour, river, building, structure, ship, boat or other vessel, or any part thereof, or any tent, railway truck, cart, van, or other vehicle;

"regulation" means a regulation made and in force under this Ordinance;

"unauthorized explosive" means an explosive not named in a list of authorized explosives published as by this Ordinance, required.

3. (1) The Administrator may appoint an inspector of explosives and such sub-inspectors of explosives, and such other officers, as to him may seem necessary for carrying out the provisions of this Ordinance and the regulations.

(2) The Administrator may depute other persons to act as sub-inspectors in certain localities and for certain purposes; and, in so far as any such person is authorised so to act, he shall have the same powers and be subject to the same duties as are conferred and imposed upon inspectors by this Ordinance and the regulations. A person so deputed shall have no jurisdiction under section *four* to try breaches of regulations or special rules.

4. (1) An inspector shall have jurisdiction to try a breach of any regulation or of any special rule made under section *twenty-six*, unless the death of any person has been caused by any such breach.

(2) An inspector when acting under this section may, on finding any accused person guilty of a breach of a regulation or rule, impose a sentence of fine not exceeding five pounds, and such sentence shall, as soon as record of the inspector's finding and sentence has been lodged with the magistrate of the district in terms of sub-section (3), be enforceable in the same way as if it had been passed by a magistrate's court.

Where the offender is an employee the inspector shall, on default of payment of the fine, notify the amount to the offender's employer, who shall withhold the amount so notified from any wages due or to become due to the offender, and pay it over to the inspector aforesaid, or to the magistrate of the district for the benefit of the Territory Revenue Fund.

Whenever payment of such fine or any portion thereof is made to the magistrate with whom the record of the inspector's finding and sentence has been lodged, such magistrate shall forthwith notify the inspector of such payment; and whenever any such payment is made to the inspector, the latter shall forthwith notify the said magistrate thereof.

(3) At every such trial every such inspector shall, with the assistance, if necessary, of an interpreter, take down the evidence in writing and record his finding and sentence in writing and transmit the same to the Magistrate of the district and an appeal shall lie to that Magistrate against any such finding or sentence, if, within twenty-one days after the date of the sentence, notice stating the grounds of appeal be given in writing to the magistrate and the inspector aforesaid. The decision of the magistrate upon any such appeal shall be final.

(4) For the purposes of any such trial the inspector may summon witnesses to give evidence or to produce documents or any article or thing which he may deem requisite for properly conducting the trial.

(5) Any person so summoned who fails, without reasonable excuse, to comply with the terms of the summons, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month.

beteken "ontploffbare stowwe"—

- (a) buskruit, nitro-glycerien, dinamiet, skietkatoen, springpoeiers, fulminaat van kwiksilwer of van ander metale, gekleurde vuurwerk en al die ander stowwe, onverskillig of hulle verwant aan die hierin opgenoemde is al dan nie, wat gebruik of vervaardig word om deur ontploffing 'n praktiese gevolg teweeg te bring of 'n piero-tegniese uitwerking;
- (b) enige lont, vuurpyl, doppie, patroon en elke bewerking of bereiding van 'n ontploffbare stof, soos hierin bepaal;
- (c) enige ander stof, wat die Administrateur van tyd tot tyd by proklamasie in die *Offisiële Koerant* as 'n ontploffbare stof mag verklaar;

beteken "inspekteur", waar die uitdrukking nie anders bepaal word nie, die inspekteur van ontploffbare stowwe of 'n sub-inspekteur van ontploffbare stowwe of enige persoon, aan wie die funksies van 'n sub-inspekteur opgedra word kragtens artikel *drie* van hierdie Ordonnansie;

beteken "vervaardiging" die saamstelling van 'n ontploffbare stof uit, en die ontleding van 'n ontploffbare stof in sy bestanddele deur enige proses, die omsetting van 'n ontploffbare stof in 'n ontploffbare stof van 'n ander soort, en die verandering, die geskikmaking vir gebruik of die herstelling van enige ontploffbare stof;

beteken "perseel" enige terrein, pad, hawe, rivier, gebou, werk, skip, boot of ander vaartuig, of enige gedeelte daarvan, of enige tent, trok, kar, pakwa of ander voertuig;

beteken "regulasie" 'n regulasie, wat kragtens hierdie Ordonnansie gemaak en van krag is;

beteken "nie-erkende ontploffbare stof" 'n ontploffbare stof, wat nie opgenoem is nie in 'n lys van erkende ontploffbare stowwe, wat, soos deur hierdie Ordonnansie vereis, gepubliseer is.

3. (1) Die Administrateur kan 'n inspekteur van ontploffbare stowwe aanstel en sodanige sub-inspekteurs van ontploffbare stowwe en sodanige ander beamptes as syns insiens benodig is vir die uitvoering van die bepalings van hierdie Ordonnansie en die regulasies.

Mag van Administrateur om inspekteur en sub-inspekteurs aan te stel.

(2) Die Administrateur kan ander persone belas om in sekere lokaliteite en vir sekere doeleindes as sub-inspekteurs te fungeer. Vir sover hierdie persone aldus mag fungeer het hulle dieselfde bevoegdhede en vervul hulle dieselfde pligte as aan inspekteurs by hierdie Ordonnansie en die regulasies toegeken en opgelê is. 'n Persoon aldus belas het geen jurisdiksie onder artikel *wier* om inbreuke op die regulasies of op besonder voorskrifte te bereg nie.

4. (1) 'n Inspekteur is bevoeg om 'n inbreuk op enige regulasie of op enige besonder voorskrifte, kragtens artikel *ses-en-twintig* gegee, te bereg, tensy die dood van enige persoon deur sodanige inbreuk veroorsaak is.

Beregting deur inspekteurs van oortreding van regulasies of besonder voorskrifte.

(2) Wanneer 'n inspekteur kragtens hierdie artikel handel, kan hy, as hy enige beskuldigde persoon skuldig vind aan 'n inbreuk op 'n regulasie of voorskrif, 'n vonnis of boete van hoogstens vyf pond ople, en sodanige vonnis is, sodra die verslag van die inspekteur se bevinding en vonnis by die magistraat van die distrik ooreenkomstig onderartikel (3) ingedien is, op hom uitvoerbaar asof dit deur 'n magistraats-hof gevel was.

Waar die oortreder 'n geëmplojeerde is, moet die inspekteur, by wanbetaling van die fooi, die bedrag aan die werkgewer van die oortreder bekend maak, wat die aldus bekend gemaakte bedrag van enige loon, wat aan die oortreder betaalbaar is of sal word, moet agterhou en dit aan die voormelde inspekteur of aan die magistraat van die distrik ten bate van die Gebied se Inkomstefonds moet oorbetal.

Wanneer betaling van sodanige fooi of gedeelte daarvan aan die magistraat, by wie die verslag van die inspekteur se bevinding en vonnis ingedien is, geskied, moet sodanige magistraat die inspekteur onverwyld van sodanige betaling in kennis stel; en wanneer enige sodanige betaling aan die inspekteur geskied, moet die laasgenoemde die voormelde magistraat onverwyld daarvan in kennis stel.

(3) By elke sodanige beregting moet elke sodanige inspekteur die getuënis, desverreis, met die hulp van 'n tolk, in geskifte opteken en sy bevinding en uitspraak in geskrif boekstaaf en dit aan die magistraat van die distrik oorstuur en teen enige sodanige bevinding of uitspraak kan by daardie magistraat in appèl gekom word as, binne een-en-twintig dae na die datum van die vonnis, 'n kennisgewing, die gronde van appèl aangewende, in geskifte aan die voormelde magistraat en die inspekteur gegee word. Die beslissing van die magistraat aangaande enige sodanige appèl is finaal.

(4) Vir die doeleindes van enige sodanige beregting kan die inspekteur getuënis dagvaar om getuënis af te lê of om dokumente of enige artikel of ding, wat hy vir die behoorlike uitvoering van die beregting benodig mag ag, voor te lê.

(5) Enige aldus gedagvaarde persoon, wat sonder redelike verontskuldiging versuim om die terme van die dagvaring na te kom, is aan 'n oortreding skuldig en, na skuldbevinding, blootgestel aan 'n boete van hoogstens tien pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens een maand.

(6) Any person, whether summoned or not, who while under examination refuses to answer to the best of his knowledge or belief all questions lawfully put to him by or with the concurrence of the inspector, or who at the trial wilfully insults the said inspector or wilfully interrupts the proceedings, shall be guilty of an offence and liable on conviction to the penalties mentioned in sub-section (5).

(7) At any such trial the inspector shall administer an oath to every witness or require him to make an affirmation of the truth of his evidence, and, if any witness to whom an oath has been so administered or has made such affirmation, give false evidence, material to the issue at the trial, knowing it to be false, he shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(8) Any such witness shall have the same privileges in respect of answering questions or producing documents as he would have under the same circumstances if he were summoned as a witness before a superior court.

MANUFACTURE OF EXPLOSIVES.

5. (1) No person shall manufacture any unauthorized explosive unless—

- (a) it be manufactured solely for purposes of chemical experiment and not for sale, and in quantities not exceeding one pound in weight at any one time, or five pounds in all; or
- (b) it be manufactured solely for practical trial as an explosive and not for sale, and in such quantities and under such conditions as may be in writing prescribed by an inspector.

(2) Any person who contravenes the provisions of this section or any condition prescribed under the powers thereof shall be liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months, and the explosive in respect of which the contravention has taken place shall be forfeited.

(3) The owner and the occupier of any premises in or on which an unauthorized explosive has been manufactured in contravention of this section shall be deemed to be the manufacturer, unless such owner or occupier (as the case may be) satisfy the court before which he is charged that he was unaware that any such contravention was occurring or had occurred.

(4) The burden of proving that any manufacture of an unauthorised explosive was solely for purposes of chemical experiment or practical trial and not for sale, shall, in any prosecution under this section, be upon the accused.

6. No person shall manufacture any authorized explosive in any place other than an explosives factory.

Any person who contravenes the provisions of this section shall be liable on conviction to a fine not exceeding one hundred pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months and the explosive in respect of which any such contravention has taken place shall be forfeited.

STORAGE OF EXPLOSIVES.

7. (1) No person shall keep, store, or be in possession of any unauthorised explosive—

- (a) unless it has been manufactured as provided by paragraph (a) of sub-section (1) of section five and does not exceed five pounds in weight; or
- (b) unless it has been manufactured as provided by paragraph (b) of sub-section (1) of section five and is kept stored or possessed in such manner and such quantities as have been approved in writing by an inspector.

(2) The provisions of sub-sections (2), (3) and (4) of section five shall apply *mutatis mutandis* in the event of any contravention of this section or of any of the conditions prescribed thereunder.

8. (1) No person shall keep, store, or be in possession of any authorised explosive in or on any premises—

- (a) except in an explosives factory or explosives magazine; or
- (b) unless the explosive be kept for private use, and not for sale or other disposal and in accordance with regulation; or
- (c) unless the explosive be kept for use in the construction of any railway, road, or other public work, in quantities not exceeding five thousand pounds in weight and be stored in a temporary magazine approved by an inspector and under conditions prescribed in writing by an inspector; or
- (d) unless the explosive be kept in quantities not exceeding one thousand pounds in weight, and be stored in an isolated place approved by an inspector and under conditions prescribed in writing by an inspector; or

(6) Enige persoon, hetsy gedagvaar al dan nie, wat weier om na sy beste wete en gewete al die vrae, wettig deur of met die instemming van die inspekteur aan hom gestel, te beantwoord, terwyl hy onder verhoor is, of wat die voormelde inspekteur met opset by die verhoor beledig of die verrigtings met opset onderbreek, is aan 'n oortreding skuldig en, na skuldigbevinding, blootgestel aan die strawwe opgenoem in onderartikel (5).

(7) By enige sodanige beregting moet die inspekteur van elke getuie 'n eed afneem of hom 'n plegtige verklaring van die waarheid van sy getuieis laat aflê, en as enige getuie, van wie 'n eed aldus afgeneem is, of wat sodanige plegtige verklaring afgelê het, valse getuieis wesenlik vir die uitslag van die beregting aflê, wetende dat dit vals is, is hy aan 'n oortreding skuldig en, na skuldigbevinding, aan die strawwe, deur die wet weens meened voorgeskryf, blootgestel.

(8) Enige sodanige getuie het dieselfde voorregte ten opsigte van die beantwoording van vrae of die voorlê van dokumente, as hy onder dieselfde omstandighede sou hê, as hy as 'n getuie voor 'n hoër gereghof gedagvaar was.

VERVAARDIGING VAN ONTPLOFBARE STOWWE.

5. (1) Niemand mag enige nie-erkende ontplofbare stof vervaardig nie, tensy—

- (a) dit uitsluitlik vervaardig word vir skeikundige proefnemings en nie vir verkoop nie, en in gewigshoeveelhede van ten hoogste een pond op een tyd, of vyf pond in die geheel, of
- (b) dit uitsluitlik vervaardig word ter toetsing op praktiese wyse van sy waarde as ontplofbare stof en nie vir verkoop nie, en in sodanige hoeveelhede en onder sodanige voorwaardes as 'n inspekteur skriftelik mag voorskryf.

(2) Enige persoon, wat die bepalings van hierdie artikel of enige voorwaarde uit kragte daarvan vasgestel oortree, is na skuldigbevinding blootgestel aan 'n boete van hoogstens een honderd pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande, en die ontplofbare stof, ten opsigte waarvan die oortreding plaasgevind het, word verbeurd verklaar.

(3) Die eienaar en die bewoner van enige perseel, waarin of waarop 'n nie-erkende ontplofbare stof in stryd met hierdie artikel vervaardig is, word beskou as die vervaardiger, tensy sodanige eienaar of bewoner (soos die geval mag wees) die hof, waarvoor hy teregstaan, oortuig dat hy geen kennis gedra het nie dat die oortreding plaasvindende was of plaasgevind het.

(4) Die las om te bewys dat enige vervaardiging van 'n nie-erkende ontplofbare stof uitsluitlik vir skeikundige proefnemings of praktiese toetsing en nie vir verkoop nie geskied het, berus in enige vervolging kragtens hierdie artikel by die beskuldigde.

6. Niemand mag enige erkende ontplofbare stof elders vervaardig nie as in 'n fabriek van ontplofbare stowwe.

Enige persoon, wat die bepalings van hierdie artikel oortree, is na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande en die ontplofbare stof, ten aansien waarvan enige sodanige oortreding plaasgevind het, word verbeurd verklaar.

BEWARING VAN ONTPLOFBARE STOWWE.

7. (1) Niemand mag 'n nie-erkende ontplofbare stof hou, bewaar of in besit hê nie—

- (a) tensy dit vervaardig is ooreenkomstig paragraaf (a) van onderartikel (1) van artikel vyf en die gewig van vyf pond nie tebogaan nie; of
- (b) tensy dit vervaardig is ooreenkomstig paragraaf (b) van onderartikel (1) van artikel vyf en op sodanige wyse en in sodanige hoeveelhede bewaar of besit word as skriftelik deur 'n inspekteur goedgekeur is.

(2) Die bepalings van onderartikels (2), (3) en (4) van artikel vyf is *mutatis mutandis* van toepassing in die geval van enige oortreding van hierdie artikel of van enige van die voorwaardes daaronder voorgeskrywe.

8. (1) Niemand mag enige erkende ontplofbare stof in of op 'n perseel hou, bewaar of in besit hê nie—

- (a) behalwe in 'n fabriek van ontplofbare stowwe of 'n magasyn vir ontplofbare stowwe; of
- (b) tensy die ontplofbare stof vir eie gebruik gehou word, en nie vir verkoop of ander beskikking, en ooreenkomstig regulasie; of
- (c) tensy die ontplofbare stof gehou word vir gebruik by die aanlê van enige spoorweë, paaie of ander openbare werke in gewigshoeveelhede van ten hoogste vyfduisend pond en bewaar word in 'n tydelik deur 'n inspekteur goedgekeurde magasyn en onder voorwaardes skriftelik deur 'n inspekteur voorgeskrywe; of
- (d) tensy die ontplofbare stof gehou word in gewigshoeveelhede van ten hoogste duisend pond en bewaar word in 'n afgesonderde plek deur 'n inspekteur goedgekeur en onder voorwaardes deur 'n inspekteur skriftelik voorgeskrywe; of

Prohibition of manufacture of unauthorized explosives except in small quantities for chemical experiment.

Prohibition of manufacture of authorised explosives except in licensed factories.

Prohibition of storage or possession of unauthorised explosives save in accordance with section five.

Prohibition of storage of authorised explosives except in licensed premises.

Nie-erkende ontplofbare stowwe mag slegs in klein hoeveelhede vir skeikundige proefnemings vervaardig word.

Erkende ontplofbare stowwe mag slegs in gelisensieerde fabriek vervaardig word.

Nie-erkende ontplofbare stowwe mag slegs bewaar en gehou word ooreenkomstig artikel vyf.

Erkende ontplofbare stowwe mag slegs in gelisensieerde persele bewaar word.

(e) unless the explosive be kept by a person in possession of a licence, as provided in section nine, possession of explosives, and in accordance with any conditions attached to that licence, or prescribed by regulation.

(2) Any person who contravenes the provisions of this section or any condition prescribed thereunder shall be liable on conviction to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months, and the explosive in respect of which the contravention has taken place shall be forfeited.

(3) The owner and the occupier of any premises in or on which any contravention of this section has occurred, shall be liable to the penalties prescribed for such contravention, unless such owner or occupier (if any such may be) satisfy the court before which he is charged that he was unaware that any such contravention had occurred.

LICENSED DEALERS IN EXPLOSIVES.

9. No person, other than the manufacturer, shall sell, deal in, or dispose of, any explosive unless he be in possession of a licence granted under the regulations.

For the purpose of this section a mine manager, who in outlying districts and in accordance with the regulations supplies other consumers, shall not be deemed to be a dealer, unless he sell at a profit.

IMPORTATION, EXPORTATION, AND USE OF EXPLOSIVES.

10. No person shall import into or export from the Territory or cause to be imported thereto or exported therefrom any explosive, unless he has obtained a permit therefor in the case of blasting materials, under the authority of an inspector, or, in the case of other explosives, under the authority of a person authorised by the Administrator to issue permits.

11. No person shall use or cause to be used any blasting materials, unless—

(a) he be in possession of a permit issued under the authority of an inspector, or of the Inspector of the Mines or of a magistrate or of a special justice of the peace, or of a police officer not below the rank of sergeant;

(b) he be under the immediate supervision of a person who has such a permit.

No such permit shall be issued unless the issuing authority be satisfied that the applicant may be safely entrusted with the use of blasting materials, and that there is no necessity for his using the same.

12. Any person who contravenes the provisions of section nine, ten or eleven shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

LICENSING OF FACTORIES AND EXPLOSIVES MAGAZINES.

13. (1) Every person who desires to erect, establish, or maintain any factory for the manufacture of explosives shall by diagrams or plans of the proposed factory accompanied by scales or scales as the Administrator may prescribe, on such application shall set forth and specify—

(a) the situation and extent or area of the land on which it is proposed to erect the factory, together with the area of land surrounding the same which is proposed to leave free of buildings;

(b) the several distances which it is proposed to maintain between those danger buildings and other buildings or works used in connection with the factory;

(c) the materials to be used in, and the methods of construction of, all danger buildings and works used in connection with the factory;

(d) the nature of the processes of manufacture to be used in the factory, the place at which each process is to be carried on in the factory, and the places in which it is proposed to keep in store any explosives or other articles liable to spontaneous ignition or combustion or otherwise dangerous;

(e) the quantity of explosives or of any particular mixed ingredients thereof, which it is proposed to use simultaneously in or near any building or in or near any machine;

(f) the maximum number of persons which it is proposed to employ in each danger building in the factory, and whether those persons are white or coloured persons;

(e) tensy die ontplofbare stof gehou word deur iemand, wat in besit is van die lisensie, soos voorsien by artikel nege, om in ontplofbare stowwe handel te drywe, en ooreenkomstig enige voorwaardes verbind aan daardie lisensie of voorgeskrywe by regulasie.

(2) Enige persoon, wat die bepalinge van hierdie artikel of enige voorwaarde daaronder voorgeskryf of daarin opgeneem oortree, staan na skuldigbevinding bloot aan 'n boete van hoogstens vyftig pond of, by wanbetaling, aan gevangenisstraf van 'n tydperk van hoogstens drie maande met of sonder harde arbeid, en die ontplofbare stof, ten opsigte waarvan die oortreding plaasgevind het, word verbeurd verklaar.

(3) Die eienaar en die bewoner van 'n perseel, waarin, waarby of waarop enige oortreding van hierdie artikel gepleeg word, is blootgestel aan die strawwe voorgeskrywe vir enige sodanige oortreding, tensy sodanige eienaar of bewoner (soos die geval mag wees) die hof, waarvoor hy tereg staan, oortuig dat hy geen kennis gedra het nie dat enige sodanige oortreding plaasvindende was of plaasgevind het.

GELISENSIËERDE HANDELAARS IN ONTPLOFBARE STOWWE.

9. Met uitsondering van die fabrikant is niemand geregtig om ontplofbare stowwe te verkoop, te verhandel of van die hand te sit nie, tensy hy in besit is van 'n lisensie uitgereik onder die regulasies.

Vir die doeleindes van hierdie artikel word 'n mynbestuurder, wat in afgeleë distrikte en ooreenkomstig regulasies ander verbruikers van ontplofbare stowwe voorsien, slegs dan as 'n handelaar beskou, as hy met wins verkoop.

INVOER, UITVOER EN GEBRUIK VAN ONTPLOFBARE STOWWE.

10. Niemand mag ontplofbare stowwe binne die Gebied invoer of laat invoer of uit die Gebied uitvoer of laat uitvoer nie, tensy hy 'n permit gekry het, uitgereik, wat springstowwe betref, op gesag van 'n inspekteur, of, wat ander ontplofbare stowwe betref, deur enige persoon deur die Administrateur gemagtig om sodanige permit uit te reik.

11. Niemand mag springstowwe gebruik of laat gebruik nie, tensy hy—

(a) in besit is van 'n permit uitgereik op gesag van 'n inspekteur of van die Inspekteur van Mynwese of van 'n magistraat of van 'n spesiale vrederegter of van 'n polisiebeampte van geen minder rang as sersjant nie; of

(b) onder die onmiddellike opsig staan van iemand, wat sodanige permit besit.

Geen sodanige permit mag uitgereik word nie, tensy die uitreiker verseker is dat aan die aanvrager die gebruik van springstowwe veilig toevertrou kan word, en dat daar noodsaaklikheid bestaan vir die gebruik daarvan deur hom.

12. Enige persoon, wat die bepalinge van artikel nege, tien of elf oortree, is by skuldigbevinding blootgestel aan 'n boete van ten hoogste vyftig pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande.

LISENSIËER VAN FABRIEKE EN MAGASYNEN VIR ONTPLOFBARE STOWWE.

13. (1) Elke persoon, wat wens om 'n fabriek vir die vervaardiging van ontplofbare stowwe op te rig, te vestig of te onderhou, moet 'n skriftelike applikasie aan die Administrateur stuur onder byvoeging van diagramme of planne van die voorgestelde fabriek, vervaardig op die skaal of skale, wat deur die Administrateur voorgeskryf mag word, en die applikasie moet uiteensit en spesifiseer:—

(a) die ligging en uitgestrektheid van die terrein, waarop dit die plan is om die fabriek op te rig, asook die uitgestrektheid van die omringende terrein, wat dit die plan is om onbebou te laat;

(b) die verskillende afstande, wat dit die plan is om tussen die onderskeie gevaarlike geboue respektiefflik en tussen daardie gevaarlike geboue en ander geboue of werke, wat in verband met die fabriek gebruik word, te hou;

(c) die materiaal, wat gebruik moet word vir en die wyse van konstruksie van al die gevaarlike geboue en werke op, in of gebruik in verband met die fabriek;

(d) die aard van die vervaardigingsmetodes, wat in die fabriek toegepas moet word, die plek, waar dit die plan is om elke metode van vervaardiging en elke soort van werk in die fabriek te verrig, en die plekke, waarop of waarin dit die plan is om enige bestanddele van ontplofbare stowwe of ander dinge, wat vir selfontbranding of verbranding vatbaar of andersins gevaarlik is, in bewaring te hou;

(e) die hoeveelheid ontplofbare stowwe of die hoeveelheid gedeeltelik of geheel gemengde bestanddele daarvan, wat dit die plan is om tegelykertyd in of naby enige gebou of in of naby enige masjien te gebruik;

(f) die maksimum aantal persone, wat dit die plan is om in elke gevaarlike gebou in die fabriek te werk te stel, en of daardie persone blanke of gekleurde persone is.

Lisensie vereis vir handel in ontplofbare stowwe.

Lisensie vereis vir handel in ontplofbare stowwe.

Importation and exportation of explosives without permit.

Permit vereis vir invoer en uitvoer van ontplofbare stowwe.

Prohibition of use of blasting materials without permit.

Permit vereis vir die gebruik van springstowwe.

Penalties.

Strafbepaling.

Particulars to be stated in application for licence to erect factory.

Besonderhede moet in applikasie vir lisensie om 'n fabriek op te rig vermeld word.

(g) any further particulars which the Administrator may require, having regard to any special circumstances arising from the locality or construction of any buildings or works, or to the nature of any process to be carried on therein.

(2) The Administrator may refuse any such application or direct that a public inquiry be held, as in the next succeeding section is provided, as to the expediency of granting the application.

Notice of inquiry into expediency of granting licence and objections to such grant.

14. (1) In the event of the Administrator directing that such an inquiry as aforesaid be held, he shall cause a notice to be published at the cost of the applicant, stating that application has been made under this Ordinance for the grant of a licence to erect a factory for the manufacture of explosives, describing as far as possible the proposed site of the factory, and stating that a commission will sit to hear any objections to the grant of such a licence, and the date, time, and place on or at which that commission will sit to hear the application.

(2) The said notice shall be published in three consecutive issues of the *Gazette* and once a week during three consecutive weeks in one or more newspapers circulating in the district in which it is proposed to erect or establish the factory.

(3) The local authority having jurisdiction in an area in which, or within one mile of which, is situate the site of the proposed factory, and any person residing or carrying on business within a like distance, or any person who can show a substantial interest in opposing the grant of a licence, may, either individually or jointly with others, lodge an objection in writing to the grant of any such licence with the chairman of the commission not later than seven days prior to the sitting of the commission.

(4) Every applicant for a licence or objector thereto may appear before the commission in support of his application or objection, either in person or by deputy authorised thereto in writing by the applicant or objector.

Constitution, powers, and duties of the commission.

15. The commission shall consist of an inspector (who shall be the chairman of the commission) and two other persons appointed for the purpose by the Administrator, and it shall, as soon as may be after the conclusion of its sitting, make a report to the Administrator, with such recommendations as it may think fit.

Powers of Administrator to grant or refuse licence on consideration of the report of the commission.

16. Upon consideration of the report and recommendations of the commission the Administrator may refuse the application for a licence, or may grant the application with or without modifications and conditions.

Issue of licence by the Administrator.

17. Any licence under this Ordinance to erect, establish, and maintain a factory for the manufacture of explosives shall, if granted, be issued by the Administrator upon payment of a sum of fifty pounds: Provided that no explosive shall be manufactured until the inspector of explosives is satisfied that the premises in respect of which the licence has been granted are in a sufficiently complete state to enable the provisions of this Ordinance and the regulations to be carried out and complied with in all respects.

Amendment of licence by Administrator.

18. Any such licence or the conditions thereof may, upon application, be amended by the Administrator, who shall not consent to the amendment except upon a report by an inspector that the safety of the public or of any person employed in or at the licensed factory will not be thereby diminished: Provided that no such amendment shall be inconsistent with the provisions of this Ordinance or of any regulation.

A fee of one pound shall be payable on every occasion that a licence is amended under this section.

Transfer of licence by Administrator.

19. Any such licence may be transferred into the name of another: Provided that four weeks' notice in writing of a desire to transfer be sent to the Administrator, who shall not refuse such a transfer except upon the ground that the proposed transferee is not a suitable person to hold such a licence.

Revocation of licence by Administrator and lapse of same.

20. The Administrator may revoke any such licence. Every such licence shall *ipso facto* expire if the holder thereof has ceased to carry on, for a period of two years, any works authorised by the licence, and shall become void if the premises in respect of which the licence was granted have been used for any trade or work, not authorised by the licence.

Penalties for contravention of conditions of licence.

21. Any person who contravenes or fails to comply with any condition upon which any such licence was granted shall be liable on conviction to a fine not exceeding two hundred and fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months.

Permission to erect or use explosives magazine.

22. (1) Any person desiring to erect or carry on a magazine for the storage of explosives shall make application for a licence for the same to an inspector who may grant such a licence, subject to the observance of the regulations and after consultation with the local authority, if any, and upon such other conditions as he may think fit to attach to the licence.

(g) enige verder besonderhede, wat die Administrateur mag verlang uit aanmerking van enige besonder omstandighede voortvloeiende uit die ligging of konstruksie van geboue of werke of uit hoofde van die aard van enige vervaardigingsmetode, wat dit die plan is om daarin toe te pas.

(2) Die Administrateur kan enige sodanige applikasie van die hand wys of hy kan gelas dat 'n openbare ondersoek ingestel word, soos in die naasvolgende artikel voorsien, aangaande die wenslikheid om die applikasie in te willig.

14. (1) Ingeval die Administrateur gelas dat sodanige voormelde ondersoek ingestel word, moet hy ten koste van die applikant 'n kennisgewing laat publiseer, waarin verklaar word dat kragtens hierdie Ordonnansie applikasie gemaak is vir die uitreiking van 'n lisensie tot oprigting van 'n fabriek vir die vervaardiging van ontplofbare stowwe, en waarin sover doenlik die terrein, waar dit die plan is om die fabriek op te rig, beskryf is, en waarin verklaar word dat 'n kommissie sal sit om enige besware teen die uitreiking van sodanige lisensie te hoor onder opgawe van die datum en die uur waarop, en die plek waar daardie kommissie sal sit om die applikasie te hoor.

(2) Die voormelde kennisgewing moet gepubliseer word in drie opeenvolgende uitgawes van die *Offisiële Koerant* en een keer per week gedurende drie opeenvolgende weke in een of meer koerante, wat in omloop is in die distrik, waaruit dit die plan is om die fabriek op te rig of te vestig.

(3) Die plaaslike bestuur binne die magskring waarvan, of binne die omtrek van een myl waarvan, die terrein van die fabriek, wat dit die plan is om op te rig, geleë is, en enige persoon, wat binne 'n gelyke afstand woon of 'n bedryf uitoefen, of enige persoon, wat 'n aanmerklike belang kan aantoon teen die uitreiking van 'n lisensie, kan, hetsy afsonderlik, hetsy in vereniging met ander persone, by die voorsitter van die kommissie nie later nie as sewe dae voor die sitting van die kommissie teen die uitreiking van die lisensie skriftelik beswaar indien.

(4) Elke applikant vir 'n lisensie of elke persoon, wat teen die uitreiking daarvan verset aangeteken het, kan, hetsy in persoon hetsy deur sy skriftelik daartoe gemagtigde plaasvervanger, sy applikasie of beswaar voor die kommissie bepleit.

15. Die kommissie moet bestaan uit 'n inspekteur (wat die voorsitter van die kommissie moet wees) en twee ander persone, vir die doel deur die Administrateur benoem, en hy moet, sodra doenlik na afloop van sy sitting aan die Administrateur 'n verslag met sodanige aanbevelings, as hy doelmatig mag ag, uitbring.

16. Die Administrateur kan op grond van die verslag en die aanbevelings van die kommissie die applikasie vir 'n lisensie hetsy weier hetsy toestaan met of sonder wysigings en voorwaardes.

17. Enige lisensie onder hierdie Ordonnansie tot oprigting, vestiging en instandhouding van 'n fabriek vir die vervaardiging van ontplofbare stowwe moet, indien toegestaan, deur die Administrateur teen betaling van 'n som van vyftig pond uitgereik word: Met die verstande dat geen ontplofbare stof vervaardig mag word nie, voordat die inspekteur van ontplofbare stowwe oortuig is, dat die perseel, waarvoor die lisensie toegestaan is, in 'n genoegsaam gevorderde staat is om te veroorloof dat die bepalinge van hierdie Ordonnansie en die regulasies in elke opsig toegepas en nagekom word.

18. Enige sodanige lisensie of die voorwaardes daarvan kan deur die Administrateur op aansoek gewysig word, wat nie die wysiging mag inwillig nie behalwe op 'n rapport deur 'n inspekteur dat die veiligheid van die publiek of van enige persoon, wat in of aan die gelisensieerde fabriek werkzaam is, nie daardeur verminder sal word nie:

Met die verstande dat geen sodanige wysiging onbestaanbaar met die bepalinge van hierdie Ordonnansie of enige regulasie mag wees nie.

Iedere keer dat 'n lisensie kragtens hierdie artikel gewysig word, is 'n fooi van een pond betaalbaar.

19. Enige sodanige lisensie kan in die naam van 'n ander oorgedra word, mits vier weke van tevore 'n skriftelike kennisgewing van 'n begeerte om oor te dra aan die Administrateur gestuur word, wat sodanige oordrag nie mag weier nie, behalwe op grond dat die persoon, aan wie die oordrag moet geskied, nie 'n geskikte persoon is nie om sodanige lisensie te hou.

20. Die Administrateur kan enige sodanige lisensie intrek. Elke sodanige lisensie verval *ipso facto*, as die houder daarvan 'n werksaamheid, waartoe die lisensie vergunning gee, gedurende 'n tydperk van twee jare gestaak het, en hy word ongeldig, as die perseel, waarvoor die lisensie uitgereik is, vir 'n bedryf of werksaamheid gebruik word, waartoe die lisensie geen vergunning verleen nie.

21. Enige persoon, wat enige voorwaarde, waaronder enige sodanige lisensie uitgereik is, oortree of in gebreke bly om daaraan te voldoen, is na skuldigbevinding blootgestel aan 'n boete van hoogstens tweehonderd en vyftig pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twaalf maande.

22. (1) Enige persoon, wat wens om 'n magasyn vir die bewaring van ontplofbare stowwe op te rig of aan te hou, moet by 'n inspekteur applikasie maak vir 'n lisensie daarvoor, wat sodanige lisensie kan toestaan onder voorwaarde, dat die regulasies nagekom word, en na oorleg met die plaaslike outoriteit, indien daar enige is, en onder sodanige ander voorwaardes, as hy doelmatig mag ag om aan die lisensie te verbind.

Kennisgewing van wenslikheid van uitreiking van lisensie en indiening van besware teen uitreiking.

Samestelling, voegdhede, pligte van kommissie.

Bevoegdheid Administrateur op grond van verslag van kommissie die lisensie toe te staan of te weier.

Uitreiking van lisensie deur Administrateur.

Wysiging van sensie deur Administrateur.

Oordrag van sensie deur Administrateur.

Intrekking van sensie deur Administrateur verval daarvan.

Strawwe vir treding van waardes van lisensie.

Vergunning tot oprigting of houding van magasyn vir ontplofbare stowwe.

(2) Any person who contravenes any condition of a licence granted under this section shall be liable on conviction to the penalties mentioned in the last preceding section.

(3) The provisions of sections *eighteen, nineteen and twenty* shall *mutatis mutandis* apply in respect of any licence granted under this section.

(4) A fee of five pounds shall be payable for any licence granted under this section.

23. It shall be lawful for any inspector—

- (a) to enter any explosives factory or explosives magazine at any hour of the day or night for the purpose of inspecting the same and of making inquiries relative to the compliance with the provisions of this Ordinance and the regulations, or relative to the means used therein for preserving the safety of the public or of any person employed therein;
- (b) to enter at any hour of the day or night upon any premises in which explosives are kept, or in which there is good reason to suspect that explosives are being manufactured or stored or kept or conveyed in contravention of the provisions of this Ordinance or the regulations, and inspect any such premises and to make all such inquiries thereon as he may think fit;
- (c) to require the occupier or other person for the time being in charge of any explosives factory, explosives magazine, or other premises in this section mentioned, to furnish for purpose of analysis or test, samples of explosives or ingredients of explosives or any substance found therein or suspected of being an explosive or an ingredient of an explosive:

Provided that no such powers as are conferred by this section shall be so exercised as unnecessarily to hinder the work carried on in any such factory, magazine, or premises aforesaid.

24. Any person who wilfully obstructs or hinders any inspector in the exercise of the powers or duties conferred or imposed upon him by this Ordinance or the regulations or disobeys any lawful order of an inspector, or who upon demand fails to answer as far as he may be able any question lawfully put by an inspector, or who gives false information to an inspector, whether in answer to any such question or not, shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

25. If upon any such inspection an inspector discovers that any method of work, packing, transport or storage is being used which is in conflict with the provisions of this Ordinance or of any regulation, or which in his opinion, is calculated to endanger the safety of the public or of any person employed in the premises inspected, he may require the immediate discontinuance of that method.

Provided that any person who is dissatisfied with a decision that a method is calculated to endanger safety, may, within fourteen days thereof, lodge an appeal as provided by regulation.

26. (1) Every occupier of a factory shall, subject to the approval of the inspector of explosives make special rules for controlling the persons employed in that factory with a view to securing the observance therein of the provisions of this Ordinance and the regulations, the safety and proper discipline of all such persons and the safety of the public.

(2) The occupier of any magazine or of any premises where explosives are dealt in, shall, if it seem to an inspector to be necessary, make such special rules as are described in sub-section (1), or if instructed by an inspector in writing to do so, amend such special rules in accordance with his instructions.

(3) In respect of penalties, any special rules made under this section shall be deemed to be regulations under this Ordinance.

(4) The occupier of any such factory, magazine, or premises shall take all reasonable steps for ensuring or enforcing the observance of any such special rules.

27. (1) Any person causing an explosion whereby life or property is endangered shall be guilty of an offence and shall be liable to the following penalties, according as the explosion was negligently or wilfully caused that is to say,—

- (a) if the explosion be negligently caused and property be endangered, he shall be liable to a fine not exceeding two hundred and fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months, or to such imprisonment without the option of a fine;
- (b) if the explosion be negligently caused and life be endangered, he shall be liable to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months or to such imprisonment without the option of a fine;

(2) Enige persoon, wat enige voorwaarde van 'n lisensie, op grond van hierdie artikel toegestaan, oortree is, na skuldigbevinding, blootgestel aan die strawwe in die laas voorafgaande artikel opgenoem.

(3) Die bepalinge van artikels *agtien, negentien en twintig* is *mutatis mutandis* van toepassing op enige lisensie, uitgereik kragtens hierdie artikel.

(4) 'n Fooi van vyf pond is betaalbaar vir enige lisensie, uitgereik kragtens hierdie artikel.

23. 'n Inspekteur is bevoeg—

- (a) om enige fabriek vir ontplofbare stowwe of magasyn vir ontplofbare stowwe te enige tyd by dag of by nag binne te gaan vir die doel om hulle te inspekteer en om navraag te doen aangaande die nakoming van die bepalinge van hierdie Ordonnansie en die regulasies, of aangaande die voorsorgsmaatreëls, wat daarin geneem is om die veiligheid van die publiek of enige persoon daarin aangestel te bewaar;
- (b) om te enige tyd by dag of by nag persele te betree, waarin ontplofbare stowwe gehou word, of waar daar gegronde rede bestaan om te vermoed dat daar ontplofbare stowwe vervaardig of bewaar of gehou of vervoer word in stryd met die bepalinge van hierdie Ordonnansie of die regulasies, en om enige sodanige persele te inspekteer en om al sodanige navrae daarop te doen as hy doelmatig mag ag;
- (c) om van die eienaar of ander persoon, wat asdan die toesig het oor 'n fabriek van ontplofbare stowwe, magasyn van ontplofbare stowwe of ander persele in hierdie artikel genoem, te verlang, dat hy monsters van ontplofbare stowwe of van bestanddele van ontplofbare stowwe of van enige stof, wat daarin gevind is, of wat vermoedelik ontplofbare stowwe of bestanddele van ontplofbare stowwe is, vir die doel van ontleding en toetsing lewer;

Met die verstande dat geen sodanige bevoegdhede, soos deur hierdie artikel verleen, op sodanige wyse uitgeoefen mag word nie, dat dit die werk, wat in enige sodanige voormelde fabriek, magasyn of perseel gedoen word, nodeloos belemmer.

24. Enige persoon, wat opsetlik enige inspekteur in die uitoefening van die bevoegdhede of pligte hom by hierdie Ordonnansie of by die regulasies toegeken of opgelê belemmer of hinder, of wat enige wettige bevel van 'n inspekteur nie gehoorsaam nie, of wat versuim om desverre enige vraag op wettige wyse deur 'n inspekteur gestel, vir sover dit in sy vermoë staan, te beantwoord, of wat valse inligtings aan 'n inspekteur gee, hetsy al dan nie in antwoord op sodanige vraag, is na skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande.

25. As 'n inspekteur by sodanige inspeksie bevind dat enige metode van werk, pak, vervoer of bewaar toegepas word, wat in stryd is met die bepalinge van hierdie Ordonnansie of van enige regulasie, of wat syns insiens bereken is om die veiligheid van die publiek of van enige persoon in die geïnspekteerde perseel geëmplojeer in gevaar te bring, kan hy die onmiddellike staking van daardie metode gelas: Met die verstande dat enige persoon, wat ontevrede is met 'n beslissing dat 'n metode bereken is om die veiligheid in gevaar te bring, binne veertien dae daarna, soos deur regulasie bepaal, in appèl kan kom.

26. (1) Elke houer van 'n fabriek moet, behoudens die goedkeuring van die inspekteur van ontplofbare stowwe, besonder voorskrifte vasstel tot kontrolering van die persone, wat in daardie fabriek geëmplojeer is, ten einde die nakoming daarin te verseker van die bepalinge van hierdie Ordonnansie en die regulasies, van die veiligheid en behoorlike tug van al sodanige persone en van die veiligheid van die publiek.

(2) Die houer van enige magasyn of van enige perseel, waarin ontplofbare stowwe verhandel word, moet, as 'n inspekteur dit nodig oordeel, sodanige besonder voorskrifte as in onderartikel (1) beskryf is vasstel, of moet, as hy deur 'n inspekteur skriftelik gelas word om dit te doen, sodanige besonder voorskrifte ooreenkomstig sy instruksies wysig.

(3) Ten opsigte van strawwe word enige besonder voorskrifte op grond van hierdie artikel vasgestel geag regulasies onder hierdie Ordonnansie te wees.

(4) Die houer van enige sodanige fabriek, magasyn, of perseel moet al die stappe doen, wat na redelikheid vereis is, om die nakoming of uitvoering van enige sodanige besonder voorskrifte te verseker.

27. (1) Enige persoon, wat 'n ontploffing teweeg bring, waardeur lewensgevaar of gevaar vir goedere veroorsaak word, is blootgestel aan die volgende strawwe, na gelang die ontploffing deur nalatigheid of opset teweeggebring word, dit wil sê:—

- (a) as die ontploffing deur nalatigheid veroorsaak en goedere in gevaar gebring word, is hy blootgestel aan 'n boete van hoogstens tweehonderd en vyftig pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twaalf maande, of aan sodanige gevangenisstraf sonder die keuse van 'n boete;
- (b) as die ontploffing deur nalatigheid veroorsaak en lewe in gevaar gebring word, is hy blootgestel aan 'n boete van hoogstens vyfhonderd pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twaalf maande, of aan sodanige gevangenisstraf sonder die keuse van 'n boete;

Powers of inspectors to enter and inspect factories and other premises where explosives are stored or suspected of being stored.

Penalties for obstructing inspector, or refusing to answer inquiries, etc.

Power of inspector to order discontinuance of dangerous methods subject to appeal in accordance with regulation.

Duty of occupier of a factory to make special rules.

Penalties for endangering safety or causing loss of life.

Bevoegdhede van inspekteurs tot besigtiging van fabriek en ander persele, waar ontplofbare stowwe bewaar word of waaromtrent vermoed word dat hulle daar bewaar word.

Strawwe vir belemmering van inspekteur of weiering om navrae te beantwoord, ens.

Bevoegdheid van inspekteur om te gelas dat gevaarlike metodes gestaak word, behoudens hoër beroep ooreenkomstig regulasie.

Plig van fabriekhouer om besonder voorskrifte vas te stel.

Strawwe vir in gevaar bring van veiligheid of vir veroorsaaking van verlies van lewe.

- (c) if the act or omission causing the danger to life or property be wilful, the maximum penalty hereinbefore mentioned in this section shall, if death do not result therefrom, be twelve years' imprisonment with hard labour without the option of a fine;
- (d) if the explosion be negligently caused and death results, he shall be liable on conviction to a fine not exceeding one thousand pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years, or to such imprisonment without the option of a fine.

(2) Nothing in this section contained shall be construed as exempting any person from being charged and punished under the common law or any other statute in respect of any such act or omission, as is described in this section.

Special jurisdiction of magistrates' courts to try offences under this Ordinance.

28. Anything to the contrary notwithstanding in any law relating to magistrates' courts, a magistrate's court shall have special jurisdiction to try offences against this Ordinance and the regulations and to impose the maximum penalties provided for any such offences, except the penalties mentioned in paragraphs (c) and (d) of sub-section (1) of the last preceding section.

Regulations.

29. The Administrator may make regulations, not inconsistent with this Ordinance, as to all or any of the following matters, namely—

- (a) the construction of explosives factories, explosives magazines, and other danger buildings;
- (b) the conditions under which the manufacture of explosives may be carried on;
- (c) the storage of explosives, whether in explosives magazines or elsewhere;
- (d) the use of explosives;
- (e) the packing, transport, importation, and exportation of explosives, and the making of special rules governing the packing and transport at individual places, and the landing and handling of explosives in ports and harbours;
- (f) the issue of licences to dealers in explosives, the conditions of any such licence, the restrictions which may be placed upon the sale or disposal of explosives to particular classes of persons, and the quantity of any explosive which may be purchased by any person or company under permit from the officer authorised by such regulation;
- (g) the inquiry into the circumstances of explosions endangering or causing injury to persons or property or death, and for the giving of notice of all such explosions;
- (h) the prevention of trespass in or upon an explosives factory, or in or upon any magazine or other place where explosives are kept;
- (i) the tests to which explosives, or the raw materials from which explosives are manufactured, are liable to be submitted;
- (j) the manner in which appeals under section *twenty-five* shall be notified and conducted, and inspectors shall try a contravention of or failure to comply with the regulations, or breaches of special rules made under section *twenty-six*;
- (k) prescribing the statistics which manufacturers and dealers may be called upon to supply;

and generally for the protection of life and property and for the better carrying out of the objects and purposes of this Ordinance.

Any such regulations may provide penalties for the contravention thereof or failure to comply therewith not exceeding in any case a fine of one hundred and fifty pounds, or, in default of payment, imprisonment with or without hard labour for a period of twelve months, and the regulations may further provide that the explosive, if any, in respect of which the contravention or non-compliance has taken place may be forfeited.

No fine exceeding five pounds shall be imposed by an inspector for an offence which, under this Ordinance, he is empowered to try.

The regulations may prescribe daily penalties for a continuing contravention or non-compliance or increased penalties for a second or subsequent contravention or non-compliance. Different regulations may be made in respect of different districts or areas in the Territory.

Saving clause.

30. (1) Nothing in this Ordinance shall apply—

- (a) to the importation, storage, use or transport, of any explosive by the Burgher Force, the South West Africa Police, the Defence Force of the Union, the South African Police or His Majesty's Regular Naval or Military Forces;
- (b) to any ammunition, a licence to possess or to deal in which is regulated by any other law;

(c) as die handeling of die versuim, waardeur die gevaar vir lewe of goed veroorsaak word, opsetlik is, is die in hierdie artikel voormelde maksimumstraf, as iemand se dood nie die gevolg daarvan is nie, gevangenisstraf van twaalf jare met harde arbeid sonder die keuse van 'n boete;

(d) as die ontploffing deur nalatigheid veroorsaak word en iemand se dood ten gevolge het, is hy na skuldigebevestiging blootgestel aan 'n boete van hoogstens eenduuisend pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twee jare of aan sodanige gevangenisstraf sonder die keuse van 'n boete.

(2) Niks in hierdie artikel bevat mag so uitgelê word nie, as sou dit enige persoon vrystel van vervolging en bestrawwing onder die Algemene Landswet of ander wetsbepalings ten opsigte van enige sodanige handeling of versuim, soos in hierdie artikel beskryf is.

28. Nieteenstaande teenoorgestelde bepalings van enige wet, wat betrekking op magistraatshowe het, het 'n magistraatshof besonder regs mag om oortredings van hierdie Ordonnansie en die regulasies te bereg en om die maksimumstrawwe vir enige sodanige oortredings voorsien op te lê, met uitsondering van die strawwe vermeld in paragrawe (c) en (d) van onderartikel (1) van die laas voorafgaande artikel.

Besonder regs mag van magistraatshowe tot beregting van oortredings van hierdie Ordonnansie.

29. Die Administrateur kan regulasies, nie teenstrydig met hierdie Ordonnansie nie, vasstel ten aansien van al of party van die volgende onderwerpe, naamlik—

Regulasies.

- (a) die konstruksie van fabriek van ontplofbare stowwe, van magasyn vir ontplofbare stowwe en van ander gevaarlike geboue;
- (b) die voorwaardes, waaronder die vervaardiging van ontplofbare stowwe mag plaasvind;
- (c) die bewaring van ontplofbare stowwe hetsy in magasyn vir ontplofbare stowwe of elders;
- (d) die gebruik van ontplofbare stowwe;
- (e) die verpakking, vervoer, invoer en uitvoer van ontplofbare stowwe en die vaststelling van besonder voorskrifte betreffende die verpakking en vervoer in afsonderlike plekke, en die landing en hantering van ontplofbare stowwe in hawens;
- (f) die uitreiking van lisensies aan handelaars in ontplofbare stowwe, die voorwaardes van enige sodanige lisensie, die beperkings, wat gelê mag word op die verkoop of die van-die-hand-sit van ontplofbare stowwe aan bepaalde klasse van persone en die hoeveelheid van enige ontplofbare stof, wat gekoop kan word deur enige persoon of maatskappy onder permit van die beampte deur sodanige regulasie gemagtig;
- (g) die ondersoek aangaande die omstandighede, waardeur persone of goedere deur ontploffings in gevaar gebring of beskadig word, of waardeur die dood van iemand veroorsaak word, en die gee van kennis aangaande dergelike ontploffings;
- (h) die verhinderende van onbevoegde betreding van fabriek van ontplofbare stowwe of van magasyn of van 'n ander plek, waar ontplofbare stowwe gehou word;
- (i) die toetse, waaraan ontplofbare stowwe of die ruwe materiale, waaruit ontplofbare stowwe vervaardig word, onderwerp kan word;
- (j) die wyse, waarop appèl onder artikel *vyf-en-twintig* aangeteken en die saak in appèl behandel moet word, en waarop inspekteurs oortredings of versuim om hierdie regulasies na te kom of inbreuke op besonder voorskrifte kragtens artikel *ses-en-twintig* vasgestel moet bereg;
- (k) die voorskrywe van statistieke, wat fabrikante en handelaars desgeveer moet lewer;

en in die algemeen vir die beskerming van lewe en eiendom en vir die beter uitvoering van die doel en strekking van hierdie Ordonnansie.

Enige sodanige regulasies kan strawwe stel op die oortreding daarvan of op die versuim om hulle na te kom, in elke geval 'n boete van eenhonderd en vyftig pond of, by wanbetaling, gevangenisstraf met of sonderharde arbeid vir 'n tydperk van twaalf maande nie tebogaande nie, en die regulasies kan verder bepaal dat die ontplofbare stof, indien daar enige is, ten opsigte waarvan die oortreding of die nienakoming plaasgevind het, verbeurd verklaar kan word.

'n Inspekteur mag geen hoër strawwe opleë nie vir oortredings, wat hy uit hoofde van hierdie Ordonnansie gemagtig is om te bereg, as 'n geldboete van vyf pond.

Die regulasies kan daaglikse strawwe stel op 'n deurlopende oortreding of nienakoming of verhoogde strawwe vir 'n tweede of verder oortreding of nienakoming. Verskillende regulasies kan vasgestel word vir verskillende distrikte of kringe in die Gebied.

30. (1) Niks in hierdie Ordonnansie het toepassing nie—

Voorbehoudsbepaling.

- (a) op die invoer, bewaring, gebruik of vervoer van enige ontplofbare stowwe deur die Burgermag, die Suidwes-Afrikaanse Polisie, die Verdedigingsmag van die Unie, die Suid-Afrikaanse Polisie of Sy Majesteit se Gereëde See- en Landmag;
- (b) op enige ammunisie, vir die besit waarvan of vir die handel waarin 'n lisensie deur enige ander wet gereël word;

- (c) to the possession or conveyance of any explosive taken as a sample for the purpose of this Ordinance by an inspector or other duly authorised person, provided that the quantity be not more than is reasonably necessary for the performance of his duty and every such sample be kept and conveyed with all due precaution;
- (d) to the keeping for sale of fireworks, in such quantities and subject to such conditions as may be prescribed by regulation.

(2) Nothing in this Ordinance shall effect the operation of section *fourteen* of the Riotous Assemblies and Criminal Law Amendment Ordinance, 1930 (Ordinance No. 9 of 1930).

31. This Ordinance may be cited as the Explosives Ordinance, 1931, and shall commence and come into operation on the first day of July, 1931.

Short title and date of commencement of Ordinance.

Ord. No. 16 of 1931.

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.

(Assented to 5th June, 1931.)
(Afrikaans text signed by the Administrator.)

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.

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

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

(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.

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.

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.

(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*.

Establishment of Dairy Produce Control Board.

Constitution of board and appointment of members.

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

Term of members of the board.

(c) op die besit of vervoer van enige ontplofbare stowwe, wat vir die doeleindes van hierdie Ordonnansie as monsters geneem is deur 'n inspekteur of ander hooftelik daartoe gemagtigde persoon, mits die hoeveelheid nie groter is nie as redelikerwys benodig is vir die uitvoering van sy plig, en mits elke sodanige monster met die nodige voorsorg gehou en vervoer word;

(d) op die te koop hou van vuurwerk in sodanige hoeveelhede en onderworpe aan sodanige voorwaardes as by regulasie voorgeskryf mag word.

(2) Niks in hierdie Ordonnansie mag die werking van artikel *veertien* van die Oproerige Samekomste en Kriminele Wet Wysigingsordonnansie 1930 (Ordonnansie No. 9 van 1930) aantast nie.

31. Hierdie Ordonnansie kan aangehaal word as die Ontplofbare Stowwe Ordonnansie 1931 en tree in werking en word van krag op die eerste dag van Julie 1931.

Kort titel en datum van inwerkingtreding van Ordonnansie.

Ord. No. 16 van 1931.

ORDONNANSIE

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.

(Goedgekeur 5 Junie 1931.)
(Afrikaanse teks deur die Administrateur geteken.)

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 bepalinge 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 (hierinafter 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 bepalinge van hierdie Ordonnansie, al die handelings kan verrig, wat regs persone regtens kan verrig.

Instelling van 'n Raad van Toesig op die Suiwelnywerheid.

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

Samestelling van raad en aanstelling van lede.

- (a) ene 'n amptenaar in die staatsdiens moet wees (deur die Administrateur genomineer) wat die voorsitter van die raad moet wees;
- (b) ene boere moet verteenwoordig, wat room aan botterfabrieke of melk aan kaasfabrieke lewer (hierinafter melkboerverteenwoordigers genoem);
- (c) ene die eienaars van botterfabrieke en die eienaars van kaasfabrieke moet verteenwoordig (hierinafter fabrikan-teenwoordiger genoem);
- (d) ene die vervaardigers van plaasmelkerybotter moet verteenwoordig (hierinafter 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.

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.

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

(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-veertig* van die Wet, moet deur die Administrateur benoem word op aanbeveling van die raad.

4. (1) Die eerste lede van die raad benoem kragtens paragrafe (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.

Ampduur van lede van raad.

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

(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.

(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.

(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.

(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—

- (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) 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;

(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 ampswerkzaamhede 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.

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.

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.

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.

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 werkzaamhede;
- (c) om op al die fabrieksbutter, op al die plaasmelkerybutter en op al die battersurrogate, wat in die Gebied vervaardig word, en op al die botter en battersurrogate, wat in die Gebied ingevoer word, hoogstens een pennie per pond van sodanige botter of battersurrogate 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;
- (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 bepaling van artikel vyf-en-veertig 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 bepaling 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 benodig 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;

Quorum, majority decision and chairman's casting vote.

Allowances of members of board.

Meetings of the board.

Powers of the board.

Kworum, meerderheidsbeslissing en beslissende stem.

Toelae van lede van raad.

Raadsvergaderings.

Bevoegdheid van die raad.

- (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 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) 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.

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

(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 fabriek 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 aggregaat, 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 fabriek van gekondenseerde melk buitengewoon laag is in vergelyking met die prys gewoonlik betaal vir botter of kaas of gekondenseerde melk vervaardig in die Gebied, kan die raad met goedkeuring van die Administrateur 'n mienimumsprys 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 mienimumsprys (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 fabriek van gekondenseerde melk.

(5) Enige mienimumsprys 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.

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 bottersurrogate en die registrasie van enige nuwe botterfabriek, kaasfabriek, room-depôt of fabriek van bottersurrogate; en

(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.

Committees of board.

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.

(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.

Notification of levy in Gazette.

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.

Levy on creamery butter.

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).

(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.

Levy on farm dairy butter.

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.

(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.

Levy on butter substitutes.

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).

(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) 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.

Levy on cheese.

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.

(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.

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.

11. Enige heffing deur die raad kragtens artikel 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.

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 botterfabriek vervaardig is.

13. (1) Behoudens die bepalinge 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.

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.

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

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 Suiwelamptenaar ingestuur ooreenkomstig onderartikel (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 Suiwelamptenaar 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 Suiwelamptenaar voldoende ag) van die hele hoeveelheid vars kaas vervaardig en van die hele hoeveelheid melk gebruik op elke dag in sodanige fabriek.

Komitees van raad.

Bekendmaking van heffing in *Offisiële Koerant*.

Heffing op fabrieksbotter.

Heffing op plaasmelkerybotter.

Heffing op battersurrogate.

Heffing op kaas.

(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.

17. (1) The board shall establish a fund to be known as the butter levy fund into which it shall pay all moneys derived from such levy on butter and butter substitutes.

(2) The board shall establish a fund to be known as the cheese levy fund into which it shall pay all moneys derived from such levy on cheese.

18. (1) Any contribution made by the board under paragraph (e) 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.

(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.

(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.

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 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 of the levies 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 substitutes 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) 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 verkoop 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.

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

17. (1) Die raad moet 'n fonds instel, wat bekend sal staan as die botter-heffingsfonds, waarin hy al die gelde moet stort, wat sodanige heffing op botter en battersurrogate oplewer.

(2) Die raad moet 'n fonds instel, wat bekend sal staan as die kaas-heffingsfonds, waarin hy al die gelde moet stort, wat sodanige heffing op kaas oplewer.

18. (1) Enige bydrae deur die raad gegee kragtens paragraaf (e) van onderartikel (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 botter-heffingsfonds en die kaas-heffingsfonds respektieflik oorbly, nadat enige gelde wat in die algemene fonds oorbly teruggestort is in die botter-heffingsfonds en die kaas-heffingsfonds ooreenkomstig onderartikel (4) van artikel *twintig* en die bydraes vermeld in die laasvooraafgaande onderartikel 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.

19. (1) Enige uitgawe deur die raad gemaak ingevolge paragraaf (g) van onderartikel (1) van artikel *agt* moet, nadat die betalings vermeld in die laasvooraafgaande artikel gedoen is, of uit die botter-heffingsfonds of uit die kaas-heffingsfonds 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.

(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.

20. (1) Behalwe die fondse vermeld in artikel *sewentien* 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 uit die botter-heffingsfonds 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 botter-heffingsfonds en uit die kaas-heffingsfonds in die algemene fonds oorgedra word, moet eweredig wees met die algemene hoeveelheid botter en battersurrogate 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 battersurrogate vervaardig gedurende sulke tye onbekend is, daardie hoeveelheid geag word gelyk te wees aan die hoeveelheid van sodanige klas van botter of battersurrogate vervaardig gedurende die laaste tydperk van twaalf maande, waarvoor die informasie beskikbaar is.

Levy on imported butter and cheese.

Butter levy fund and cheese levy fund.

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

Apportionment of expenditure for propaganda.

General Fund.

Heffing op ingevoerde botter en kaas.

Botter-heffingsfonds en kaas-heffingsfonds.

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.

Verdeling van koste van propaganda.

Algemene fonds.

(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 the actual levies on butter, butter substitutes and cheese shall be paid into the general fund.

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*.

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.

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.

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

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 "plaasmelkery-botter" 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", "plaasmelkery-botter", "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) 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 "plaasmelkery-botter" 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.

(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 "eerste Klasse", "zweite Klasse", "dritte 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.

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

(5) Aan die end van elke kalenderjaar kan die raad uit die botter-heffingsfonds en uit die kaas-heffingsfonds na 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 stort as hy wenslik ag.

(6) Al die gelde, wat die raad uit watter ander bron dan ook mag ontvang as die werklike heffings op botter, battersurrogate en kaas moet in die algemene fonds gestort word.

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 regsgeging ingevolge hierdie Ordonnansie, meedeling doen van enige informasie in terme van onderartikel (2) van artikel *twaalf*, of onderartikel (2) van artikel *veertien* of onderartikel (2) of (4) van artikel *vyftien* aan die raad verstrekk.

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 verleen of opgedra.

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 surrogaat, 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 verleen vir sodanige hoeveelhede gedurende sodanige tydperk en op die voorwaardes, wat die Administrateur volgens goedvinde mag bepaal.

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

25. (1) Niemand mag enige plaasmelkery-botter verkoop nie, tensy op die buitekant van die pakket, waarin dit afgelewer word, in duidelik, sigbare, gedrukte hoofletters die woorde "farm dairy butter" of "plaasmelkery-botter" 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 grootvoorraad 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 as 'n half duim in die vierkant as die botter in die bedoelde pakket meer as een pond weeg.

(4) Niemand mag plaasmelkerybotter te koop uitstal nie, tensy dit bevat is in 'n pakket, wat voldoen aan die vereistes van onderartikels (1), (2) en (3), of tensy 'n etiket, waarop die woorde "farm dairy butter" of "plaasmelkery-botter" 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.

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-heffingsseël van 'n waarde, wat ooreenkom met die heffing op die hoeveelheid botter in sodanige pakket geheg word.

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", of "cooking butter" of "eerste graad", "tweede graad", "derde graad" of "kombuisbotter", of "eerste Klasse", "zweite Klasse", "dritte 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 een pond of minder weeg, en nie kleiner nie as 'n duim in die vierkant as die botter in sodanige pakket bevat meer as een pond weeg.

Disclosure of information prohibited.

Freedom from liability.

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

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

Description on farm dairy butter.

Description on farm butter.

Description on creamery butter.

Bekendmaking van informasie is belet.

Vrystelling van aanspreeklikheid.

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

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

Beskrywing van plaasmelkery-botter.

Beskrywing van plaasbotter.

Beskrywing van fabrieksbotter.

(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 "Molkereibutter" or "Fabrikbutter" or "imported butter" or "ingevoerde butter" 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.

(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.

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.

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.

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.

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.

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.

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.

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

(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 uistal nie, tensy dit bevat is in 'n pakket, wat voldoen aan die vereistes van onderartiekels (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 "Molkereibutter" 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.

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.

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.

30. Niemand mag enige suiwelprodukt of enige pakket, wat 'n suiwelprodukt bevat, voorsien van enige onjuiste gewens wat betref die graad of kwaliteit van daardie produkt 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.

31. Nieteenstaande enige bepaling van die Hoofordonnansie, kan die Administrateur, op aanbeveling van die raad belet dat enige perseel as 'n botterfabriek, kaasfabriek, room-depôt, fabriek van gekondanseerde 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.

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.

33. Die Administrateur kan die vernuwung weier van 'n sertifikaat van registrasie, kragtens die Hoofordonnansie, van 'n botterfabriek, kaasfabriek, room-depôt, fabriek van battersurrogate, of margarinefabriek, as die eienaar 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.

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

35. (1) 'n Perseel wat kragtens die Hoofordonnansie geregistreer is as 'n botterfabriek mag nie ook kragtens daardie Ordonnansie as 'n fabriek van battersurrogate 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 battersurrogate, op die eerskomende dertigste dag van Junie na bedoelde inwerkingtreding.

(2) Geen perseel mag as 'n fabriek van battersurrogate 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 battersurrogate, 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.

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

Description of imported butter.

Words may be in smaller letters.

Incorrect statement on dairy produce.

Restriction on establishment of creameries, etc.

Prohibition of registration of margarine factory and limitation of production.

Refusal of renewal of registration of creamery, etc.

Factory premises must comply with regulations.

Butter substitutes factory and creamery to be kept apart.

Beskrywing van ingevoerde botter.

Woorde mag in kleiner letters wees.

Onjuiste opschrift op suiwelprodukte.

Beperking van oprigting of voortsetting van botterfabrieke, ens.

Verbod van registrasie van margarinefabriek en beperking van produksie.

Weiering van vernuwung van registrasie van suiwelabriekke.

Fabriekpersele moet aan regulasies voldoen.

Fabriek van battersurrogate en botterfabriek moet afsonderlik wees.

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

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.

(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.

Manner of sampling, weighing and testing milk purchased on butter-fat basis.

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.

Grading of cheese.

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.

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

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

(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.*

Grading and testing of cream in creameries.

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.

(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) 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.

Limitation and cancellation of testers' and graders' certificates.

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.

36. (1) Op versoek van vyf-en-sewentig persent van die eienaars 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 gekoopte melk nie.

(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.

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.

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.

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

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

(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.

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.

(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—

- (a) vir derdegraads-room as vir room van die laagste graad;
- (b) vir tweedegraads-room as vir derdegraads-room;
- (c) vir eerstegraads-room as vir tweedegraads-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 onder-artikel (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.

Betaling vir melk op grondslag van bottervet in sekere gebiede.

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

Gradeer van kaas.

Gradeer en toets van room in botterfabrieke.

Bepanking en intrekking van toetsers- en gradeerssertifikate.

Certificate in cheese-making.

41. 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 and inspectors jointly as to his knowledge of cheese at least two 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.

Supervision of persons taking part in making of cheese in cheese factories and after certain period no registration of cheese factory, unless a holder of certificate in cheese-making works in such factory.

42. (1) The owner of a cheese factory shall not permit any person other than the holder of a certificate referred to in section forty-one to take part in the actual making of cheese in such factory except under the immediate supervision of a person approved by the Senior Dairy Officer.

(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 this Ordinance, 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 commencement of this Ordinance and the date of registration shall, on application to the Senior Dairy Officer, be entitled to receive a certificate of exemption from examination and shall accordingly be furnished with such a certificate which shall for the purpose 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 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.

Particulars to be furnished to suppliers of cream or of milk.

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 weight of green from every pound of butter-fat used in a pound) made of such cheese in that factory during the said year or period.

and shall, at the request of any person who may be supplied with cream or milk to such creamery or cheese factory furnish such person with a copy of such statement.

Investigation of particulars furnished to suppliers.

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 in which such statement has been prepared, request the Administrator to investigate the correctness of that statement in writing.

(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 the statement is or is not correct, and for that purpose such statement 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 whether the result of such investigation is 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 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 appointed that at least one-half per cent. more butter or cheese was made in the creamery or cheese factory in question than is set forth in the statement, the Administrator shall recover from the person concerned the cost of such investigation.

Powers of inspectors.

45. Any inspector may, in addition to the powers conferred on him by any act which he is empowered to perform by virtue of the principal Ordinance or any regulation made thereunder, at any reasonable time—

- (a) examine or grade any dairy produce, whether in whatever receptacle or packaging 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 or for the purpose of notifying any person who has an interest in such examination of the result thereof; and

41. Die Senior Suiwelamptenaar moet op enigiens 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.

Sertifikaat van kaasvervaardiging.

42. (1) Die eienaar van 'n kaasfabriek mag geen persoon ander as die houër van 'n sertifikaat genoem in artikel een-en-veertig toelaat om deel te neem aan die eintlike maak van kaas in sodanige fabriek nie, tensy hy onder die onmiddellike toesig van 'n deur die Senior Suiwelamptenaar goedgekeurde persoon staan.

Toesig op persone, wat deel neem aan die kaasvervaardiging in kaasfabrieke en na seker tydperk geen registrasie van kaasfabriek nie, tensy 'n houër van sertifikaat van kaasvervaardiging in sodanige fabriek werk.

(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 enige persoon, wat as kaasvervaardiger in 'n kaasfabriek werksaam was tussen die datum van die inwerkingtreding van hierdie Ordonnansie en die datum van sodanige proklamasie op 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.

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—

Besonderhede wat aan leweransiers van room of melk verstrekk moet word.

- (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,

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 gelever het, aan sodanige persoon 'n afskrif van sodanige staat verstrekk.

44. (1) Enige persoon, aan wie 'n staat bedoel in artikel drie-en-veertig verstrekk 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.

Ondersoek van besonderhede verstrekk aan leweransiers.

(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.

45. Enige inspekteur kan, buiten enige handeling, wat hy kragtens die Hoofordonnansie of 'n daaroponder uitgevaardigde regulasie mag verrig, op al die redelike tye—

Bevoegdheids van inspekteurs.

- (a) enige suiwelproduk ondersoek of gradeer, waar of in watter houer of pakket dit ook mag wees en sonder betaling so veel daarvan neem, as wat hy redelikerwys nodig het om daardie suiwelproduk te gradeer of te toets, en kan, volgens sy goedvinde, enigiens wat 'n belang by sodanige ondersoek het, van die uitslag daarvan in kennis stel; en

(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.

De-grading of butter and cheese.

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: Provided that if the owner of such butter informs the board in writing that he does not accept the finding of such inspector, the board shall determine the question in issue as he may think fit.

(2) Whenever the finding of the first inspection referred to in sub-section (1) of this section is upheld by a final decision of the board, the owner of the butter shall pay to the board all costs necessarily entailed by further examination of the butter.

(3) 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.

Condemned dairy produce.

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.

Regulations.

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—

- (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 places from which any dairy produce for which is claimed a bounty or premium in terms of sub-section (1) (e) of section *thirteen* of the Act shall be exported;
- (d) the method of handling, cleaning, maintenance and storing of milking machines;
- (e) the methods of weighing, grading, sampling and testing of dairy produce and the manner in which the result thereof shall be recorded;
- (f) the manner in which the price of milk based on its butter-fat content or milk solids content shall be calculated;
- (g) the nature of the contracts by which dairy produce shall be acquired from the producers thereof and the medium in which payments shall be made for dairy produce;
- (h) 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;
- (i) 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;
- (j) 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;
- (k) the form of any book or document whatever to be used for the purposes of this Ordinance; and
- (l) the keeping of accounts by the board and the audit of such accounts;
- (m) the nature and quality of the various packages for dairy produce.

Offences.

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.

(b) al die boeke en dokumente nagaan, wat betrekking het op enige botterfabriek, kaasfabriek, fabriek van gekondenseerde melk, room-depôt, fabriek van bottersurrogate of margarinefabriek: Met die verstande dat hy geen toegang mag hê nie tot geheime dokumente betreffende die vervaardiging van gekondenseerde melk.

46. (1) As 'n inspekteur 'n besending, pak of lot fabrieksbotter, 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 graads-aanduiding op daardie pakkette uitgewis is en deur 'n aangifte van die juiste graad vervang is: Met die verstande dat as die eienaar van sodanige botter die raad skriftelik in kennis stel dat hy die bevinding van sodanige inspekteur nie aanneem nie, die raad die betrokke vraag mag beslis soos hy dit goed ag.

(2) Wanneer die bevinding van die eerste inspeksie, waarna in onderartikel (1) van hierdie artikel verwys word, deur 'n finale beslissing van die raad goedgekeur word, moet die eienaar van die botter aan die raad al die koste betaal wat deur verdere ondersoek van die botter noodwendig geword het.

(3) As die graad op enige kaas aangegee, volgens 'n inspekteur se mening nie die kwaliteit van daardie kaas juis 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.

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.

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, afwating, ventilasie, verligting, inrigting en toestelle van botterfabrieke, kaasfabrieke, room-depôts, fabriek van gekondenseerde melk, fabriek van bottersurrogate en margarinefabrieke en die masjienerie en appaarte, 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) die plekke waarvandaan enige suiwelprodukte, waarvoor 'n premie ooreenkomstig onderartikel (1) (e) van artikel *dertien* van die Wet verlang word, uitgevoer moet word;
- (d) hoe melkmasjiene gehanteer, skoongemaak, onderhou en bewaar moet word;
- (e) hoe suiwelprodukte geweeg, gegradeer en getoets moet word, hoe monsters daarvan geneem moet word en hoe die uitslag van daardie handelings opgeteken moet word;
- (f) hoe die prys van melk op die grondslag van sy gehalte aan bottervet of vaste melkbestanddele bereken moet word;
- (g) die aard van die kontrakte, waardeur suiwelprodukte van die vervaardigers daarvan verkry moet word, en die betaalmiddel, waardeur betalings vir suiwelprodukte moet geskied;
- (h) 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;
- (i) hoe enige stof (wat nie 'n suiwelprodukt 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;
- (j) 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;
- (k) die vorm van watter boek of dokument ook al, wat vir die doeleindes van hierdie Ordonnansie gebruik moet word; en
- (l) die hou van rekenings deur die raad en die ouditering van sodanige rekenings;
- (m) die aard en kwaliteit van die verskillende pakkette vir suiwelprodukte.

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 verstrekk, valse informasie verstrekk; 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 skuldigbevinding blootgestel aan 'n boete van hoogstens vyftig pond.

Afgradeer van botter en kaas.

Afgekeurde suiwelprodukte.

Regulasies.

Misdrywe.

Exemption under certain circumstances from levy on butter and cheese imported from other States or territories.

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.

Amendment of section one of Ordinance No. 2 of 1926.

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.

Amendment of section two of Ordinance No. 2 of 1926.

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".

Amendment of section eight of Ordinance No. 2 of 1926.

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".

Substitution of section thirteen of Ordinance No. 2 of 1926.

54. Section thirteen of the principal Ordinance is hereby repealed and the following new section substituted therefor:—

Special provisions relating to margarine.

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 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.

Amendment of section fourteen of Ordinance No. 2 of 1926.

55. Section fourteen of the principal Ordinance is hereby amended by the deletion of sub-section (1) and the substitution therefor of the following new sub-section:—

"(1) Any person shall be guilty of an offence against this Ordinance—

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", "kunstbotter" 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 artikel:—

Spesiale bepalinge aangaande margarine.

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 bottersurrogaat, 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 registrasienommer van die perseel, waarop 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 gemerk is.

(2) Niemand mag enige sodanige stof te koop uitstal nie, tensy dit bevat is 'n pakket beskrywe in paragraaf (d) van onderartikel (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 bottersurrogaat, 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.

55. Artikel veertien van die Hoofordonnansie word hierby gewysig deur onderartikel (1) te skrap en te vervang deur die volgende nuwe onderartikel:—

"(1) Enige persoon is skuldig aan 'n oortreding van hierdie Ordonnansie—

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.

Wysiging van artikel veertien van Ordonnansie No. 2 van 1926.

- (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 nett 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 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."
- (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 onderartikel (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 onderartikel (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 onderartikel (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 onderartikel (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 onderartikel 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 valende 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 onderartikel (3) van artikel *drie*, of as hy enige stof verkoop, wat, 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."

Ordinance to apply to natives.

56. This Ordinance shall apply to all natives and to all butter, cheese or dairy produce produced by natives.

Ordinance not to apply to butter, cheese or dairy produce in transit to another State or country.

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.

Definitions.

58. (1) In this Ordinance, unless inconsistent with the context—

"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;

56. Hierdie Ordonnansie het toepassing op al die natuurle en op al die botter, kaas of suiwelprodukte deur natuurle vervaardig.

Ordonnansie het toepassing op natuurle.

57. Niks in hierdie Ordonnansie bevat het toepassing nie op enige botter, kaas of suiwelprodukt 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.

Ordonnansie het geen toepassing op botter, kaas of suiwelprodukte in transito na 'n ander staat of land nie.

58. (1) Tensy uit die samehang anders blyk, het onderstaande woorde in hierdie Ordonnansie die volgende betekenis—

Woordbepaling.

"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 suiwelprodukt 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;

“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.

Short title.

59. This Ordinance may be cited as the Dairy Industry Control Ordinance, 1931.

“gradeer”, beteken die rangskikking van suiwelprodukte volgens kwaliteit en “gradering” en “gegradeer” het ’n ooreenstemmende betekenis; en “graad” beteken die kwaliteitssoort van ’n suiwelprodukt;

“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 suiwelprodukt bevat of toegemaak is;

“Hoofordonnansie”, beteken die Suiwelnywerheid 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 vervreemding teen enige vergoeding hoegenaamd, en die woorde “verkoper”, “verkoop” en “verkoop”, as selfstandige naamwoord, het ’n ooreenstemmende betekenis;

“die Wet”, beteken die Wet op die Beheer van die Suwelynywerheid 1930 (Wet No. 35 van 1930) van die Parlement van die Unie van Suid-Afrika, soos gewysig by die Beheer van die Suwelynywerheid 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.

59. Hierdie Ordonnansie kan aangehaal word as die Ordonnansie op die Beheer van die Suwelynywerheid 1931. Kort titel.