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Die volgende Ontwerpordonnansies, wat gedurende die Vierde Sessie van die Twede Wetgewende Vergadering voorgelê sal word, word vir algemene informasie gepubliseer.

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

Administrateurskantoor,
Windhoek.

Die Waterordonnansie 1932 7749
Die Wysigingsordonnansie van 1932 betreffende Volks-
gesondheid 7754
Die Ordonnansie op Mate en Gewigte 1932 7754

The following Draft Ordinances which will be introduced during the Fourth Session of the Second Legislative Assembly are published for general information.

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

Administrator's Office,
Windhoek.

The Water Ordinance, 1932 7749
The Public Health Amendment Ordinance, 1932 7754
The Weights and Measures Ordinance, 1932 7754

ONTWERPORDONNANSIE

Om die Wette omtrent die Afleiding, Bewaring en Gebruik van Water te wysig.

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied Suidwes-Afrika met die toestemming van die Goewerneur-generaal, vir sover sodanige toestemming benodig is, wat vooraf verkry is en deur boodskap van die Administrateur ooreenkomstig die bepalings van artikel *ses-en-twintig* van "De Zuidwest-Afrika Konstitutie Wet 1925" (Wet No. 42 van 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 samehang—

beteken "arbitrasie" skeidsregterlike beslissing ooreenkomstig die bepalings van "De Arbitratieproklamatie 1926" (Proklamasie No. 3 van 1926);

beteken "magtiging" 'n magtiging om werke kragtens hierdie Ordonnansie aan te lê;

beteken "Departement" die Departement van Werke van hierdie Administrasie;

beteken "groter besproeiingswerke" sodanige werke as volgens die mening van die Raad groter besproeiingswerke is;

beteken "eienaar" met betrekking tot grond die persoon, by wie die eiendomsreg op die grond berus, en sluit in—

(a) enige persoon, aan wie enige grond toegeken is ooreenkomstig die bepalings van enige wet, wat die Administrateur magtig om grond toe te ken onder die belofte van eiendomstiel, mits die ontvanger aan sekere voorgeskrywe voorwaardes voldoen het; en

(b) die wetlike verteenwoordiger van 'n eienaar (soos hierin bepaal), wat oorlede is, insolvent geword het, 'n minderjarige, kranksinnig of andersins regtens onbekwaam is, en die likwidateur van 'n maatskappy, wat die grond besit;

beteken "regulasies" regulasies vasgestel ingevolge hierdie Ordonnansie;

sluit "hierdie Ordonnansie" die regulasies in;

beteken "die Raad" die Waterraad kragtens hierdie Ordonnansie ingestel;

beteken "waterloop" 'n bekende wel bepaalde bedding wat verder gaan as die perke van een enkele plaas en waarin water, hetsy bestendig of in tussenpose, loop;

beteken "werke" enige wen- of ander dam of enige versperring bo die bed van 'n waterloop gemaak vir die doel om die oppervlakte van die water in sodanige waterloop te hef.

In hierdie Ordonnansie word van water gesê dat dit vir "huishoudelike doeleindes" gebruik word, as dit vir huishoudelike en sanitêre doeleindes, die watergee en dip van vee en die essensiële benodighede van sodanige boerdery-werksaamhede gebruik word, en dat dit vir "kleiner besproeiingsdoeleindes" gebruik word, as dit vir die besproeiing van grond gebruik word, wat vir vrugteboorde, tuine, kwekerie of ander benodighede in verband met boerdery-werksaamhede van hoogstens een hektaar in omvang gebruik word.

2. (1) Vir die doel om die bepalings van hierdie Ordonnansie uit te voer, word 'n Waterraad deur die Administrateur ingestel.

(2) Die lede van die Waterraad moet die volgende persone wees, n.l.:—

(a) 'n gekwalifiseerde ingenieur in die staatsdiens deur die Administrateur te word benoem;

(b) die Prokureur-generaal of sodanige ander beampte as die Administrateur mag benoem; en

(c) drie verteenwoordigers van die publiek, wat van tyd tot tyd deur die Administrateur benoem moet word en hulle amp vyf jare lank moet beklee.

Met die verstande dat in die geval van afwesigheid of onbekwaamheid om by te woon, enige van die amptenare ingesluit in die bestaande paragrawe (a) en (b) deur 'n plaasvervanger deur die Administrateur benoem, verteenwoordig kan word.

DRAFT ORDINANCE

To amend the Laws relating to the Diversion, Storage and Use of water.

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:—

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

"arbitration" means arbitration in accordance with the provisions of the Arbitration Proclamation, 1926 (Proclamation No. 3 of 1926);

"authorisation" means an authorisation to construct works under this Ordinance;

"Department" means the Works Department of this Administration;

"major irrigation works" means such works as the Board may deem to be major irrigation works;

"owner" in relation to land means the person in whom is vested the dominium in the land, and includes—

(a) any person to whom any land has been allotted in accordance with the provisions of any law empowering the Administrator to allot lands upon the promise of title subject to the fulfilment by the allottee of prescribed conditions; and

(b) the legal representative of an owner (as herein defined) who has died, become insolvent, is a minor, is of unsound mind, or is otherwise under disability, and the liquidator of a company owning the land;

"regulations" means regulations made under this Ordinance;

"this Ordinance" includes the regulations;

"the Board" means the Water Board established under this Ordinance;

"watercourse" means a known and well defined channel extending beyond the limits of any one farm and along which any volume of water flows during ordinary seasons whether continuously or intermittently;

"works" means any storage or other dam or any obstruction above the bed of a watercourse made for the purpose of raising the level of the water in such watercourse.

In this Ordinance, water is said to be used for "domestic purpose" when it is used for household and sanitary purposes, the watering and dipping of stock, and the essential requirements of farming operations; and to be used for "minor irrigation purpose" when it is used for the irrigation of land used for orchards, gardens, nurseries or other requirements in connection with farming operations, not exceeding one hectare in area.

2. (1) For the purpose of carrying out the provisions of this Ordinance, a Water Board shall be established by the Administrator.

(2) The members of the Water Board shall be the following persons, viz:—

(a) A qualified engineer in the Public Service to be appointed by the Administrator;

(b) The Attorney-General, or such other officer as the Administrator may appoint; and

(c) Three representatives of the public, who shall be appointed from time to time by the Administrator, and who shall hold office for five years.

Provided that, in the case of absence or inability to attend any of the officers included in paragraphs (a) and (b) above may be represented by a deputy appointed by the Administrator.

(3) Die Voorsitter van die Raad moet deur die lede daarvan op hulle eerste sitting gekies word.

(4) Die Raad kom op sodanige tye en plekke byeen as die Voorsitter mag bepaal.

(5) Die bevoegdhe, pligte en verpligtings van die Raad kan te enige tyd uitgeoefen word deur 'n kworum daarvan, bestaande uit nie minder as drie van die ledetal nie.

(6) Op enige vergadering van die Raad presideer die Voorsitter, en in sy afwesigheid kies die Raad een van die lede, wat by die vergadering teenwoordig is, as Voorsitter.

(7) Die ingenieur en die Prokureur-generaal of ander amptenaar bedoel in paragrawe (a) en (b) respektieflik van onderartikel (2) bly in hulle amp solank as dit die Administrateur behaag.

(8) Die Voorsitter, wat op 'n vergadering presideer, het in die geval van 'n staking van stemme 'n tweede of beslissende stem.

(9) Geen lid van die Raad is geoorloof om ten opsigte van enige saak te stem nie, waarin hy 'n belang, geldelike of andersins, mag hê.

(10) Die Raad kan van tyd tot tyd reëls, wat nie onbestaanbaar met hierdie Ordonnansie is nie, vasstel, wat sy prosedure reël.

(11) Die uitvoeringswerk en benodighede van die Raad moet verrig word deur sodanige ingenieurs, landmeters, inspekteurs en klerke of ander staf van die Departement as spesiaal vir die doel van die uitvoering van hierdie Ordonnansie benoem mag word, en deur sodanige ander persone as die Administrateur mag benoem.

(12) Daar moet sodanige hidrografiese opmetings en ondersoeke gedoen word, as nodig mag wees om die Raad in staat te stel om sy funksies onder hierdie Ordonnansie uit te oefen.

3. Die funksies van die Raad is—

- (a) om die Administrateur van raad te dien aangaande al die kwessies in verband met die waterbronne van die Gebied;
- (b) om applikasies vir magtigings benodig vir die aanleg of verandering van werke of die afleiding van water ingevolge hierdie Ordonnansie te oorweeg en daaromtrent te besluit;
- (c) om aansoeke vir bevele wat die hoeveelheid water bepaal wat opgegaar, vasgehou of in enige waterloop afgelei mag word, of vir die verkryging, kanselering of wysiging van serwitute of waterregte te oorweeg en daaromtrent te besluit;
- (d) om sodanige stappe te doen, deur die toevlug te neem tot geregshowe of deur summiere handeling in ooreenstemming met die bepalings van hierdie Ordonnansie, as hy doeltreffend ag om gehoorsaamheid ten opsigte van sy besluite af te dwing:

Met die verstande dat die Raad in enige geval, waarin die publieke belang syns insiens nie sy tussenkoms vereis nie, die afdwing van gehoorsaamheid ten opsigte van sy besluite aan die persone kan oorlaat, wat in sodanige afdwinging belang het;

- (e) om notule van al sy verrigtings te hou; en
- (f) om in die algemeen al die pligte te vervul en al die bevoegdhe uit te oefen, wat by hierdie Ordonnansie op hom gelê en aan hom verleen is, of wat redelikerwys diensbaar aan of bykomend by die vervulling van sodanige pligte of die uitoefening van sodanige bevoegdhe is.

4. (1) By die uitoefening van sy funksies moet die Raad 'n billike verdeling van water beoog, en behoorlik rekening hou met die voordelige en doelmatige gebruik van water, en moet hy die ontwikkeling van die waterbronne van die Gebied in die beste belange van die Gebied beoog.

(2) Die gebruik van water vir huishoudelike doeleindes moet die voorkeur van die Raad kry bo die gebruik van water vir enige ander doel.

5. (1) Die Administrateur kan, na oorleg met die Raad, 'n Distrikswaterraad benoem om behulpsaam te wees by die uitvoering van die Ordonnansie in enige kringe van die Gebied.

(2) Die samestelling, lidmaatskap, voorsitterskap, vergaderings, pligte, bevoegdhe en werkkringe van 'n Distrikswaterraad is soos by regulasie bepaal.

(3) 'n Distrikswaterraad moet die Waterraad van raad dien in sake betreffende die funksies van die Raad onder hierdie Ordonnansie in enige gedeelte van die kring van sodanige Distrikswaterraad.

(4) Die Administrateur kan, na oorleg met die Raad, enige plaaslike bestuur of liggaam van persone met hulle toestemming benoem om binne enige kring sodanige van die pligte en bevoegdhe van 'n Distrikswaterraad uit te oefen as hy mag besluit.

(3) The chairman of the Board shall be elected by the members thereof at their first sitting.

(4) The Board shall meet at such times and places as the Chairman may direct.

(5) The powers, duties, and obligations of the Board may, at any time, be exercised by a quorum thereof consisting of not less than three of the members thereof.

(6) At any meeting of the Board the Chairman shall preside, and in his absence the Board shall elect one of the members present at such meeting as Chairman.

(7) The engineer and the Attorney-General or other officer referred to in paragraphs (a) and (b) respectively of sub-section (2) shall hold office during the Administrator's pleasure.

(8) The Chairman presiding at a meeting shall, in the event of an equal division of votes, have a second or casting vote.

(9) No member of the Board shall be allowed to vote on any matter in which he may have an interest, pecuniary or otherwise.

(10) The Board may from time to time make rules regulating its procedure, not inconsistent with this Ordinance.

(11) The executive work and requirements of the Board shall be carried out by such engineers, surveyors, inspectors and clerks or other staff of the Department as may be specially appointed for the purpose of the administration of this Ordinance and by such other persons as the Administrator may appoint.

(12) There shall be made such hydrographic surveys and investigations as may be necessary to enable the Board to exercise its functions under this Ordinance.

3. The functions of the Board shall be—

- (a) to advise the Administrator upon all questions connected with the water resources of the Territory;
- (b) to consider and decide upon applications for authorisations required for the construction or alteration of works or the diversion of water under this Ordinance;
- (c) to consider and decide upon applications for orders declaring the quantity of water to be stored, impounded or diverted in any watercourse, or for the acquisition, cancellation or modification of servitudes or water rights;
- (d) to take such steps, by recourse to courts of justice or by summary action in accordance with the provisions of this Ordinance, as it considers expedient to enforce obedience to its decisions:

Provided that the Board may, in any case in which in its opinion the public interest does not demand its intervention, leave the enforcement of obedience to its decisions to the persons interested in such enforcement;

- (e) to keep records of all its proceedings; and
- (f) generally, to perform the duties and exercise the powers imposed and conferred upon it by this Ordinance, or reasonably ancillary or incidental to the performance of such duties or the exercise of such powers.

4. (1) In performing its functions, the Board shall aim at an equitable distribution of water, having due regard to the most beneficial and efficient use of water, and shall aim at the development of the water resources of the Territory in the best interests of the Territory.

(2) The use of water for domestic purpose shall receive preference from the Board over the use of water for any other purposes.

5. (1) The Administrator may, after consultation with the Board, appoint District Water Boards to assist in the administration of this Ordinance in any areas of the Territory.

(2) The constitution, membership, chairmanship, meetings, duties, powers and areas of operation of a District Water Board shall be as provided by regulation.

(3) A District Water Board shall be advisory to the Board on matters pertaining to the functions of the Board under this Ordinance in any part of the area of such District Water Board.

(4) The Administrator may, after consultation with the Board, appoint any local authority or body of persons with their concurrence, to exercise within any area such of the duties and powers of a District Water Board as he may decide.

6. (1) Niemand mag enige werke in enige waterloop aanlê of verander nie, behalwe in ooreenstemming met spesifikasies deur 'n gekwalifiseerde ingenieur goedgekeur en kragtens 'n magtiging deur die Raad uitgereik, of die water wat in enige waterloop stroom op enige wyse aflei nie, behalwe vir kleiner besproeiingsdoeleindes, vir huishoudelike of sanitêre doeleindes of vir die watergee en dip van vee, uitgesonderd kragtens sodanige magtiging.

(2) Die Raad kan, as hy dit doelmatig ag, net 'n provisionele magtiging uitreik, wat van tyd tot tyd, soos deur die Raad gelas mag word, hernubaar is.

(3) Behalwe in gevalle van groter besproeiingswerke, is daar geen fooi betaalbaar in verband met die goedkeuring van spesifikasies deur 'n ingenieur in die staatsdiens nie.

(4) Enige persoon wat enige werke aanlê of verander of enige water aflei in oortreding van die bepalings van hierdie artikel, is skuldig aan 'n misdryf.

(5) Niks in hierdie artikel bevat, het toepassing op werke wat aangelê is, of op die afleiding van water, wat by die inwerkingtreding van hierdie Ordonnansie in werking is nie.

7. (1) Wanneer enige aansoek vir 'n magtiging kragtens die laasvooraangaande artikel gedoen word, moet die Raad, tensy hy oortuig is dat die magtiging waarvoor aansoek gedoen is, nie behoort uitgereik te word nie, op enige eienaar, huurder of verbandhouer van grond wat, volgens die sienswyse van die Raad deur die uitreiking van sodanige magtiging geraak kan word, 'n skriftelike kennisgewing dien, waarin sodanige besonderhede met betrekking tot die werke ten opsigte waarvan magtiging verlang word, gegee word as die Raad wenslik mag ag, en waarin sodanige eienaar, huurder en verbandhouer opgeroep word om binne een maand vanaf die datum van die diening van sodanige kennisgewing rede op te gee, waarom sodanige magtiging nie behoort verleen te word nie.

(2) In enige geval waarin sodanige kennisgewing gedien word, mag die uitreiking van 'n magtiging nie deur die Raad in oorweging geneem word nie tot na afloop van die voormelde tydperk van een maand.

8. (1) As enige persoon wat deur die opgaring, vashouding of afleiding van die water in 'n waterloop benadeel is, nie met die eienaar van die grond waarop sodanige water opgegaan, vasgehou of afgelei is ooreen kan kom nie aangaande die hoeveelheid water wat op sodanige grond in sodanige waterloop opgegaan, vasgehou of afgelei mag word, kan hy by die Raad aansoek doen vir 'n bevel wat die hoeveelheid water wat aldus opgegaan, vasgehou of afgelei mag word bepaal, en die Raad kan die aansoek of van die hand wys of, onderhewig aan die betaling van sodanige skadevergoeding vir die loslating of beperking van afleiding van sodanige water deur die applikant, soos die Raad mag bepaal, so 'n bevel gee, onderhewig aan sodanige voorwaardes as hy billik ag, en daarna is niemand gedurende die voortbestaan van die regte deur die voormelde bevel verleen, geregtig om enige groter hoeveelheid water op sodanige grond in sodanige waterloop op te gaan, vas te hou of af te lei nie as hy deur sodanige bevel gemagtig is.

(2) Enige persoon wat moedswillig in gebreke bly om 'n bevel van die Raad kragtens die bepalings van hierdie artikel gegee, of enige voorwaarde wat aan sodanige bevel verbonde is, na te kom, is skuldig aan 'n misdryf.

9. As enige persoon wat wens om 'n serwituut of waterreg ten opsigte van grond wat hy besit te kanceleer of te wysig of om 'n serwituut of waterreg ten opsigte van grond waarvan hy nie die eienaar is nie te verkry of te wysig, nie met die houer van die serwituut of waterreg of met die eienaar van die grond ten opsigte waarvan hy wens om 'n serwituut of waterreg te verkry, te kanceleer of te wysig, aangaande die verlening, kanselering of wysiging van sodanige serwituut of waterreg of die aard en omvang daarvan ooreenkom nie, kan hy by die Raad aansoek doen vir sodanige verlening, kanselering of wysiging, en die Raad kan sodanige aansoek of van die hand wys of hy kan, onderhewig aan die betaling van sodanige skadevergoeding daarvoor deur die applikant as die Raad mag vasstel, sodanige serwituut of waterreg of sodanige kanselering of wysiging van 'n serwituut of waterreg aan die applikant toeken, met of sonder wysigings en onderhewig aan sodanige voorwaardes as hy billik mag ag.

10. (1) Wanneer enige aansoek kragtens artikel *agt* of artikel *nege* gedoen word, moet die Raad, tensy hy oortuig is dat die aansoek van die hand behoort gewys te word, op die eienaar, huurder of verbandhouer van die grond waarop die water opgegaan, vasgehou of afgelei is, of van die grond wat deur die serwituut of waterreg waarop die aansoek betrekking het geraak is of geraak sal word, soos die geval mag wees, 'n skriftelike kennisgewing dien, waarin sodanige besonderhede met betrekking tot sodanige aansoek as die Raad wenslik mag ag, en waarin sodanige eienaar, huurder en verbandhouer opgeroep word om binne een maand vanaf die datum van die diening van sodanige kennisgewing rede op te gee, waarom sodanige aansoek nie toegestaan behoort te word nie.

6. (1) No person shall construct or alter any works in any watercourse except in accordance with specifications approved by a qualified engineer and under an authorisation issued by the Board, or divert in any manner, except for minor irrigation purpose, for household or sanitary purposes or for the watering and dipping of stock, the water flowing in any watercourse save under such authorisation.

(2) The Board may, if it deems fit, issue a provisional authorisation only, which may be renewable from time to time as may be directed by the Board.

(3) Except in cases of major irrigation works no fee shall be payable in connection with the approval of specifications by an engineer in the public service.

(4) Any person who constructs or alters any works or diverts any water in contravention of the provisions of this section, shall be guilty of an offence.

(5) Nothing in this section contained shall apply to works which have been constructed or to the diversion of water in operation at the commencement of this Ordinance.

7. (1) Whenever any application is made for an authorisation under the last preceding section the Board shall, unless it is satisfied that the authorisation applied for should not be issued, serve any owner, lessee or mortgagee of land who, in the opinion of the Board, might be affected by the issue of such authorisation, with a written notice stating such details in relation to the works in respect of which authorisation is desired, as the Board may deem desirable, and calling upon such owner, lessee, and mortgagee to show cause within one month from the date of the service of such notice why such authorisation should not be granted.

(2) In any case in which such a notice is served the issue of an authorisation shall not be considered by the Board until after the expiration of the said period of one month.

8. (1) If any person aggrieved by the storage, impounding or diversion of the water in a watercourse cannot reach an agreement with the owner of the land upon which such water is stored, impounded or diverted, as to the quantity of water to be stored, impounded or diverted upon such land in such watercourse, he may apply to the Board for an order declaring the quantity of water which may be so stored, impounded or diverted, and the Board may either dismiss the application or, subject to the payment of such compensation for the release, or restriction of diversion of such water, by the applicant, as the Board may determine, make such order, subject to such conditions as it deems just, and thereafter no person shall, during the continuance of the rights conveyed by the said order, be entitled to store, impound, or divert any greater quantity of water on such land in such watercourse than is authorised by such order.

(2) Any person who wilfully fails to comply with an order of the Board made under the provisions of this section or with any condition attached to such order, shall be guilty of an offence.

9. If any person desirous of cancelling or modifying a servitude or water right in respect of land owned by him, or of acquiring or modifying a servitude or water right in respect of land of which he is not the owner, cannot reach an agreement with the holder of the servitude or water right or the owner of the land in respect of which he desires to obtain, cancel, or modify a servitude or water right, as to the grant, cancellation, or modification of such servitude or water right, or the nature and extent thereof, he may apply to the Board for such grant, cancellation or modification, and the Board may either dismiss such application or, subject to the payment of such compensation therefor by the applicant as the Board may determine, award such servitude or water right or such cancellation or modification of a servitude or water right to the applicant, with or without modifications and subject to such conditions as it deems just.

10. (1) Whenever any application is made under section *eight* or section *nine*, the Board shall, unless it is satisfied that the application should be dismissed, serve the owner, lessee or mortgagee of the land upon which the water is stored, impounded or diverted, or of the land affected or to be affected by the servitude or water right to which the application relates, as the case may be, with a written notice stating such particulars relative to such application as the Board may deem desirable, and calling upon such owner, lessee and mortgagee to show cause within one month from the date of the service of such notice, why such application should not be granted.

(2) In enige geval waarin sodanige kennisgewing gedien word, mag die aansoek nie deur die Raad in oorweging geneem word nie tot na afloop van die voormelde tydperk van een maand.

11. As die partye nie ooreenkom nie aangaande die deur die Raad vasgestelde en deur die applikant te betale skadevergoeding vir die loslating of die beperking van die afleiding van water kragtens artikel *agt*, of vir die verlening, kanselering of wysiging van 'n serwituut of waterreg kragtens artikel *nege*, moet die bedrag by arbitrasie vasgestel word.

12. Wanneer die Raad enige reg onder artikel 8 of artikel 9 verleen, kan die Raad beveel dat die verleende reg bybehorend is aan 'n bepaalde stuk grond.

Ingeval daar geen appèl ooreenkomstig artikel 24 aangeteken is nie, dan na afloop van die tydperk vir die aantekening van die appèl, en ingeval daar appèl aangeteken is en uitspraak van die Hooggeregshof van Suidwes-Afrika verkry is wat die verlening van sodanige reg bekragtig, dan nadat die voormelde uitspraak deur die Raad opgeteken is, word sodanige reg bybehorend aan sodanige stuk grond en gaan oor met enige vervreemding, transport of ander vandiehandsitting daarvan, hetsy deur werking van wet of andersins.

13. (1) Enige reg op die aanleg en verandering van werke verkry kragtens die bepalings van hierdie Ordonnansie vervel, as die aanleg van die werke wat dit die plan is om uit te voer, nie binne een jaar vanaf die datum van die magtiging met betrekking tot sodanige werke of binne sodanige verder tydperk as die Raad mag bepaal, begin word nie.

(2) Enige reg op die loslating of die beperking van die afleiding van water of enige ander waterreg kragtens die bepalings van hierdie Ordonnansie verkry, en enige serwituut aldus verkry of gewysig, vervel, tensy geen teenoorgestelde ooreenkoms deur die partye aangegaan is nie, as sodanige reg of serwituut nie vir enige tydperk van een jaar of vir sodanige verder tydperk as die Raad mag bepaal, uitgeoefen of gebruik word nie.

14. (1) Enige lid van die Raad en enige persoon deur die Raad afgevaardig kan enige grond betree en al sodanige handeling daarop verrig as nodig is vir of gepaard gaan met die uitoefening van die bevoegdhede verleen of verrigting van die pligte by hierdie Ordonnansie die Raad opgelê, en kan hom summier inmeng om enige werk te verwyder, wat in oortreding van die bepalings van hierdie Ordonnansie aangelê is of om aan enige afleiding of gebruik van water, wat in stryd met die bepalings van hierdie Ordonnansie is, stop te sit.

(2) Enige persoon wat enige betreding of die uitoefening van enige bevoegdhede by hierdie artikel gemagtig verhinder, of wat moedswillig enige persoon wat aldus betree, belemmer of hinder om sy bevoegdhede of pligte kragtens hierdie Ordonnansie wettig uit te voer, is skuldig aan 'n misdryf.

(3) Skadevergoeding moet aan die houër van enige sodanige grond betaal word vir enige werklike skade deur die maatreëls, ander as die maatreëls vir die verwydering van ongeoutoriseerde werke of die stopsit aan onwettige afleiding of gebruik van water, wat kragtens die bevoegdhede by hierdie artikel verleen getref is, en by ontstentenis van 'n ooreenkoms moet die bedrag van sodanige skadevergoeding by arbitrasie vasgestel word.

15. Enige kennisgewing of bevel wat kragtens hierdie Ordonnansie op enige persoon gedien moet word, sal geag word doelmatig gedien te wees, as dit persoonlik aan sodanige persoon afgelewer of per aangetekende pos na sy laas bekende woonplek gestuur word, of, ingeval sodanige persoon nie gevind kan word nie of van die Gebied afwesig is, as die kennisgewing in die *Offisiële Koerant* gepubliseer word.

16. (1) Behoudens die betaling van skadevergoeding daarvoor kan die Administrateur, as hy dit te enige tyd in die publieke belang raadsaam ag om dit te doen, na oorleg met die Raad die werke van enige kragtens hierdie Ordonnansie gemagtigde persoon of wat voor die inwerkingtrede van hierdie Ordonnansie aangelê is, oorneem en daarmee werk of andersins daarvoor beskik.

(2) In die geval van 'n verskil van mening aangaande die bedrag van skadevergoeding wat vir onteie werke betaal moet word, moet dit by arbitrasie vasgestel word.

17. Behoudens die wet betreffende private vervolgings is die Raad geregtig om enige geregtelike stappe in enige hof teen enige persoon, wat beskuldig is van enige oortreding teen hierdie Ordonnansie, in te stel en aan die gang te hou, en kan hy in sy eie naam enige siviele stappe teen enige persoon instel om enige deur die Raad verleende bevel of uitgevaardigde beletting of enige reg, wat die Raad besit of wat aan hom toekom, te handhaaf.

(2) In any case in which such a notice is served, the application shall not be considered by the Board until after the expiration of the said period of one month.

11. If the amount of compensation fixed by the Board for the release, or the restriction of the diversion of water under section *eight*, or for the grant, cancellation or modification of a servitude or water right under section *nine*, to be paid by the applicant, is not agreed to by the parties, the amount shall be settled by arbitration.

12. When granting any right under Section 8 or Section 9 the Board may direct that the right granted shall be appurtenant to a specified piece of land.

In the event of no appeal having been lodged in terms of Section 24, then upon the expiration of the period for lodging appeal, and in the event of appeal having been lodged and the judgment of the High Court of South West Africa confirming the granting of such right, then upon the said judgment being recorded by the Board, such right shall become appurtenant to such piece of land and shall pass with any alienation, transfer or other disposition of the same, whether by operation of law or otherwise.

13. (1) Any right to the construction or alteration of works acquired under the provisions of this Ordinance shall lapse if the construction of the works proposed to be executed is not commenced within one year of the date of the authorisation relating to such works, or within such further period as the Board may determine.

(2) Any right to the release or the restriction of the diversion of water, or any other water right acquired under the provisions of this Ordinance, and any servitude so acquired or modified, shall, if no agreement to the contrary is come to by the parties, lapse if such right or servitude is not exercised or utilised for any period of one year, or for such further period as the Board may determine.

14. (1) Any member of the Board and any person deputed by the Board, may enter upon any land and do all such acts thereon as are necessary for or incidental to the exercise of the powers conferred or the performance of the duties imposed on the Board by this Ordinance, and may interfere summarily to remove any works constructed in contravention of the provisions of this Ordinance, or to stop any diversion or use of water which is contrary to the provisions of this Ordinance.

(2) Any person who prevents any entry or the exercise of any powers authorised by this section or wilfully obstructs or hinders any person so entering in lawfully carrying out his powers or duties under this Ordinance, shall be guilty of an offence.

(3) Compensation shall be paid to the holder of any such land for any actual injury by the measures, other than measures for the removal of unauthorised works or the stopping of illegal diversion or use of water, taken under the powers conferred by this section, and failing agreement the amount of such compensation shall be settled by arbitration.

15. Any notice or order required by this Ordinance to be served upon any person shall be deemed to have been effectually served if delivered personally to such person or sent by registered post to his last known place of abode, or, whenever such person cannot be located or is absent from the Territory, if the notice be published in the *Gazette*.

16. (1) Subject to the payment of compensation therefor, the Administrator may, if at any time he deems it advisable in the public interest to do so, and after consultation with the Board, take over and operate or otherwise dispose of the works of any person authorised under this Ordinance, or constructed before the commencement of this Ordinance.

(2) In the event of disagreement regarding the amount of compensation to be paid for expropriated works it shall be settled by arbitration.

17. The Board shall, subject to the law relating to private prosecutions, be entitled to institute and maintain any proceeding in any court against any person accused of any offence against this Ordinance, and may in its own name take any civil proceeding against any person to enforce any order made or prohibition issued by the Board or any right possessed by or vested in the Board.

18. Teen die Administrasie, die Raad of enige amptenaar van die Administrasie of die Raad mag geen hofsak ahangig gemaak of aan die gang gehou en geen geregtelike stappe in enige gereghof ingestel word nie vir enige daad verrig op grond van 'n magtiging, bevel of uitspraak of weens enige skade veroorsaak deur sodanige handeling of deur sodanige magtiging, bevel of uitspraak.

19. Niks, in hierdie Ordonnansie bevat, stel enige persoon wat enige werk aanlê, vry van enige aanspreeklikheid vir enige verlies deur enige persoon gely, wat ontstaan is deur die loslating van enige deur sodanige persoon opgedamde of versperde water, onverskillig of die loslating veroorsaak is deur die breek van enige werke al dan nie.

20. (1) Elke persoon wat enige misdryf onder hierdie Ordonnansie pleeg, en elke persoon, wat enige regulasie, waarvoor geen straf uitdruklik by regulasie neergelê is nie, oortree of in gebreke bly om daaraan te voldoen, is 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, en, in die geval van 'n voortgesitte misdryf, aan 'n verder boete van hoogstens een pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twee dae, vir elke dag gedurende welke die oortreding voortgesit word.

(2) Die Administrateur kan by regulasies strawwe vir die oortreding of nie-nakoming van enige regulasie voorskrywe, wat die in onderartikel (1) genoemde nie te bowe gaan nie.

21. Die Administrateur kan na oorleg met die Raad regulasies vasstel vir al of enige doeleindes, hetsy in die algemeen of om besonder gevalle tegemoet te kom of vir besonder kringe, wat nodig of gerieflik mag wees vir die uitvoering van hierdie Ordonnansie, of wat nodig of wenslik mag wees om die oogmerke en doeleindes van hierdie Ordonnansie uit te voer, en om, sonder afbreuk te doen aan die voormelde bevoegdhede, voorsiening te maak vir al of enige van die volgende sake, dit wil sê:—

- (a) die prosedure, wat deur die Raad gevolg moet word nadat aansoeke kragtens hierdie Ordonnansie aan hom gedoen is, met inbegrip van kennisgewing aan persone, wat in sodanige aansoeke belang het, en die ontvangs en oorweging van besware daarteen;
- (b) die verlening van die Raad aan applikante of persone, wat van plan is om kragtens hierdie Ordonnansie by die Raad aansoek te doen vir verlof om die gronde van ander persone te betree, ten einde die nodige voorlopige ondersoek in verband met die aansoek in te stel, insluitende die meet van hoogtes of die doen van opmetings, en die voorwaardes, wat aan sodanige verlof geheg mag wees;
- (c) stappe wat geneem mag word ter oorsake van oor-gawe, nie-gebruik, wangebruik of net gedeeltelike gebruik van regte kragtens hierdie Ordonnansie verleen, of nie-nakoming van enige voorwaardes wat deur die Raad aan die uitoefening van sodanige regte geheg is;
- (d) die aanleg, herstel en onderhoud van werke en die loslating van water daardeur bewaar en die inspeksie en kontrole deur die Raad van sodanige aanleg, herstel, onderhoud en loslating;
- (e) die registrasie by die Registrateur van Aktes of andersins van al die werke in die Gebied en van waterregte, serwitute en wysigings van serwitute deur die Raad verleen, die regte in sodanige serwitute ingesluit en die beperkings en voorwaardes op sodanige regte gelê en daaraan geheg;
- (f) die toepassing van hierdie Ordonnansie op en ten opsigte van grond wat aan natuurlike behoort, en in kringe wat as natuurereservate afgesonder is;
- (g) die diening van kennisgewings of bevale;
- (h) die verifikasie deur beëdigde verklaring, eed of plegtige verklaring van enige verklaring wat kragtens hierdie Ordonnansie of enige ander regulasie verlang of gelewer word, en die bewys en beslissing van feitkwessies wat uit aansoeke by die Raad gedoen, ontstaan;
- (i) die voorlê vir inspeksie en die bewys van magtiging, kaarte, planne, spesifikasies, tekenings of ander dokumente met betrekking tot werke of tot die loop van water in of deur werke;
- (j) die kwalifikasies wat deur ingenieurs besit moet word;
- (k) die samestelling, bevoegdhede, verpligtings, pligte, lidmaatskap, voorsitterskap en prosedure van Distrikswater-rade en al die sake wat in verband daarmee staan.

18. No action shall lie against, or be maintainable against, and no proceedings shall be instituted in any court of law against, the Administration, the Board, or any officer of the Administration or the Board for any act done on account of any authorisation order or award, or for any damage caused by such act, or by such authorisation, order or award.

19. Nothing in this Ordinance contained shall relieve any person who constructs any works from any liability for any loss sustained by any person arising from the release of any water stored or obstructed by such person, whether the release was caused by the breaking of any works or not.

20. (1) Every person who commits any offence under this Ordinance, and every person who contravenes or fails to comply with any regulation for which no penalty is expressly imposed by regulation, shall be liable 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, in the case of a continuing offence, an additional fine not exceeding one pound or, in default of payment, imprisonment with or without hard labour for a period not exceeding two days, for every day during which the offence is continued.

(2) The Administrator may by regulation prescribe penalties, not exceeding those set forth in sub-section (1), for the contravention of or non-compliance with any regulation.

21. The Administrator may, after consultation with the Board, make regulations for all or any purposes, whether general or to meet particular cases or for particular areas, that may be necessary or convenient for the administration of this Ordinance, or that may be necessary or expedient for carrying out the objects and purposes of this Ordinance, and without prejudice to the foregoing powers, providing for all or any of the matters following, that is to say:—

- (a) the procedure to be followed by the Board upon applications made to it under this Ordinance, including notice to persons interested in such applications, and the receipt and consideration of objections thereto;
- (b) the grant by the Board to applicants or persons contemplating the making of applications to the Board under this Ordinance of permission to enter upon the lands of others to make the necessary preliminary investigation in connection with the application, including the taking of levels and the making of surveys, and the conditions that may be attached to such permission;
- (c) action that may be taken by reason of abandonment, non-use, misuse or partial use only of rights granted under this Ordinance or non-compliance with any conditions attached by the Board to the exercise of such rights;
- (d) the construction, repair and maintenance of works and the release of water stored thereby and the inspection and control by the Board of such construction, repair, maintenance and release;
- (e) the registration with the Registrar of Deeds or otherwise, of all works in the Territory and of water rights, servitudes or modifications of servitudes granted by the Board, the rights comprised in such servitudes and the limitations and conditions to be imposed upon and attached to such rights;
- (f) the application of this Ordinance in and to land belonging to natives and areas set aside as native reserves;
- (g) the service of notices or orders;
- (h) the verification by affidavit, oath or affirmation of any statement called for or furnished under this Ordinance, and the proof and decision of questions of fact arising out of applications made to the Board;
- (i) the production for inspection and the proof of authorisations, maps, plans, specifications, drawings or other documents relating to works or to the flow of water in or through works;
- (j) the qualifications to be held by engineers;
- (k) the constitution, powers, obligations, duties, membership, chairmanship and procedure of District Water Boards and all matters pertaining thereto.

22. Elke verwysing in "De Artesies Water Kontrole Proklamatie 1921" (Proklamasie No. 49 van 1921) na die Landraad ingestel ingevolge "De Nederzettings Proklamatie 1920" (Proklamasie No. 14 van 1920), word geag 'n verwysing te wees na die Waterraad kragtens hierdie Ordonnansie ingestel.

23. (1) Met inagneming van die bepalings van hierdie Ordonnansie bly al die bestaande regte aangaande water onaangetas.

(2) Niks in hierdie Ordonnansie bevat mag die reg van die Administrasie van Spoorweë en Hawens om enige water van, in of op enige grond, wat nou of later onder die beheer van daardie Administrasie val, te onttrek, af te lei, te bewaar of te gebruik of om enige waterreg, nou of later deur daardie Administrasie verwerf of beheer, uit te oefen, verminder of op enige wyse aantans nie.

24. (1) Enige party in 'n aksie voor die Raad ooreenkomstig artikel 7 (1), artikel 8 (1) en artikel 9 kan as hy daardeur benadeel is, in beroep gaan na die Hooggeregshof van Suidwes-Afrika teen enige beslissing van die Raad waardeur 'n bevel na aplikasie ooreenkomstig artikel 7 (1), artikel 8 (1) of artikel 9 verleen of geweier word, behalwe 'n bevel waardeur 'n bedrag van skadevergoeding ooreenkomstig artikel 8 (1) vasgestel word.

(2) Elke appèl kragtens hierdie artikel moet voorgedra word op wyse by wet voorgeskrywe vir appèls na die Hooggeregshof van Suidwes-Afrika teen 'n siviele vonnis of bevel van 'n magistratshof, behalwe dat die tydperk binne welke die appèl aangeteken moet word, drie maande na die datum van die beslissing of sodanige verder tydperk moet wees as die Hooggeregshof van Suidwes-Afrika na aplikasie by hom mag toestaan.

(3) Nadat die Hooggeregshof van Suidwes-Afrika die appèl gehoor het, kan hy die beslissing van die Raad bekrachtig, nietig verklaar of verander of kan hy die aksie na die Raad terugverwys met sodanige instruksies vir verder aksie of verhoor as die Hooggeregshof van Suidwes-Afrika doelmatig mag ag om te gee, en kan hy sodanige bevel aangaande die koste van die appèl verleen as hy billik mag ag.

(4) Die uitspraak van die Hooggeregshof van Suidwes-Afrika na appèl moet deur die Raad opgeteken word en word daarna 'n beslissing van die Raad.

25. Hierdie Ordonnansie kan aangehaal word as die Waterordonnansie 1932 en word van kring en tree in werking op 'n datum wat deur die Administrateur bepaal en by Goewermentskennisgewing in die *Offisiële Koerant* gepubliseer moet word.

22. Every reference in the Artesian Water Control Proclamation, 1921 (Proclamation No. 49 of 1921), to the Land Board constituted under the Land Settlement Proclamation, 1920 (Proclamation No. 14 of 1920), shall be deemed to be a reference to the Water Board constituted under this Ordinance.

23. (1) Subject to the provisions of this Ordinance, all existing rights relating to water shall remain unaffected.

(2) Nothing in this Ordinance contained shall diminish or in any way affect the right of the Railways and Harbours Administration to divert, store or use any water from, in or upon any land now or hereafter under the control of that Administration or to exercise any water right now or hereafter acquired or controlled by that Administration.

24. (1) Any party to proceedings before the Board in terms of Section 7 (1), Section 8 (1) and Section 9 may if aggrieved thereby, appeal to the High Court of South West Africa against any decision of the Board granting or refusing an order upon an application in terms of Section 7 (1), Section 8 (1) or Section 9, except an order fixing an amount of compensation in terms of Section 8 (1).

(2) Every appeal under this section shall be presented in the manner prescribed by law for appeals to the High Court of South West Africa against a civil judgment or order of a Magistrate's Court, save that the period within which the appeal shall be noted shall be three months after the date of the decision, or such further time as the High Court of South West Africa may on application thereto allow.

(3) Upon the hearing of the appeal the High Court of South West Africa may confirm, reverse or vary the decision of the Board or may remit the proceedings to the Board with such instructions for further proceedings or evidence to be taken as the High Court of South West Africa may think fit to give, and may make such order as it may think just as to the costs of the appeal.

(4) The judgment of the High Court of South West Africa on appeal shall be recorded by the Board, and shall thereupon become a decision of the Board.

25. This Ordinance may be cited as the Water Ordinance, 1932, and shall commence and come into operation on a date to be fixed by the Administrator and published by Government Notice in the *Official Gazette*.

ONTWERPORDONNANSIE

Om die Volksgesondheidswet te wysig.

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

1. Artikel *ses-en-dertig* van "De Volksgezondheids Wet 1919" (Wet No. 36 van 1919) van die Parlement van die Unie van Suid-Afrika, soos op hierdie Gebied toegepas en vir die doel gewysig deur "De Publieke Gezondheids Proklamatie 1920" (Proklamasie No. 36 van 1920), word hierby gewysig ten opsigte van sodanige toepassing deur die invoeging van die woorde "de betaling van fooien door zodanige personen ten opzichte van zodanige overbrenging en ten opzichte van hun opneming en behandeling in zodanige inrichtingen" tussen die woorde "hun ontslag daaruit" en die woorde "de klassifikatie van en kontrôle" in paragraaf (c) daarvan.

2. Hierdie Ordonnansie kan aangehaal word as die Wysigingsordonnansie van 1932 betreffende Volksgesondheid.

ONTWERPORDONNANSIE

Om voorsiening te maak vir die beter kontrole oor die gebruik van mate en gewigte, en weeg- en meet-instrumente.

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, ooreenkomstig die bepalings van artikel *ses-en-twintig* van "De Zuidwest-Afrika Konstitutie Wet 1925" (Wet No. 42 van 1925) van die Parlement van die Unie van Suid-Afrika meegedeel is, as volg:—

DRAFT ORDINANCE

To amend the law relating to Public Health.

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

1. Section *thirty-six* of the Public Health Act, 1919 (Act No. 36 of 1919), of the Parliament of the Union of South Africa, as applied to this Territory and modified for the purpose, by the Public Health Proclamation, 1920 (Proclamation No. 36 of 1920), is hereby amended in respect of such application by the insertion in paragraph (c) thereof, between the words "their discharge therefrom" and the words "the classification and control", of the words "the payment of fees by such persons in respect of such removal and in respect of their accommodation and treatment in such institutions".

2. This Ordinance may be cited as the Public Health Amendment Ordinance, 1932.

DRAFT ORDINANCE

To provide for the better control of the use of weights and measures, and weighing and measuring instruments.

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:—

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

beteken "geyk", wanneer in verband met mate of gewigte gebruik, geik ooreenkomstig die bepalings van "De Wet op Maten en Gewichte 1922" (Wet No. 32 van 1922) van die Parlement van die Unie van Suid-Afrika en enige wysiging daarvan;

sluit "verkoop" (selfstandige naamwoord en werkwoord) ruilhandel in;

omvat "besigheid" enige sodanige kontrak, onderhandeling, verkoop of transaksie as in artikel *agt* genoem is;

beteken "voertuig" enige rytuig, wa, trok, handkar of ander vervoermiddel, maar sluit nie rollende spoorwegmateriaal in nie.

2. Die standaard mate van gewig, inhoud en lengte in die hele Gebied is dié wat in die Eerste Bylae van hierdie Ordonnansie beskrywe is.

3. Die beskrywings van standaard mate en gewigte uiteengesit in die Tweede Bylae van hierdie Ordonnansie is die wettige beskrywings van daardie standaards, en al die mate en gewigte wat in besigheid gebruik word, moet uitgedruk word in terme van daardie beskrywings of van veelvoude daarvan.

4. (1) So spoedig as kan wees na die inwerkingtreding van hierdie Ordonnansie, en daarna soos omstandighede dit mag vereis, moet die Administrateur sodanige stalle van gekte mate en gewigte verskaf, as hy vir die doeleindes van hierdie Ordonnansie nodig mag ag.

(2) Die Administrateur moet een of meer van sodanige stalle van mate en gewigte by elkeen van die Magistrate van die verskillende distrikte van hierdie Gebied en by sodanige ander persone as hy mag beveel, laat deponeer.

(3) Die Administrateur moet sodanige stalle van mate en gewigte minstens eenmaal in elke jaar laat heryk.

(4) Die mate en gewigte wat by 'n magistraat of ander persoon vir die doeleindes van hierdie Ordonnansie gedeponeer is, word, totdat die teenoorgestelde bewys is, geag waar en korrek te wees.

5. (1) Elke magistraat of ander persoon by wie enige mate of gewigte kragtens die bepalings van die laasvoorgaande artikel gedeponeer is, moet op al die redelike tye en nadat redelike skriftelike kennis deur enige persoon gegee is, sodanige van die voormelde mate en gewigte vertoon, as deur sodanige persoon vir die doel van toetsing van die juistheid van enige maat of gewig of enige meet- of weeginstrument benodig mag wees.

(2) 'n Fooi van sikspens is deur sodanige persoon ten opsigte van elke aldus vertoonde maat of gewig betaalbaar.

6. (1) Enige magistraat of ander persoon by wie enige mate of gewigte kragtens die bepalings van onderartikel (2) van artikel vier gedeponeer is, en enige polisiekonstabel of -offisier, kan op al die redelike tye al die meet- en weeginstrumente, mate en gewigte wat in besigheid gebruik word, of wat in die besit van enige persoon of op enige perseel vir die doel van besigheid is, inspekteer, en kan enige sodanige meet- of weeginstrument, maat of gewig met enige meet- of weeginstrument, maat of gewig, wat kragtens die bepalings van hierdie Ordonnansie verbeurd verklaar kan word, laat vergelyk en toets, enige plek, hetsy 'n gebou of in die oop lug en hetsy oop of omhein, of enige voertuig, waar hy rede het om te glo dat daar enige meet- of weeginstrument, maat of gewig is, wat hy ingevolge hierdie Ordonnansie gemagtig is om te inspekteer, betree.

(2) Enige persoon wat versuim of weier om enige meet- of weeginstrument, maat of gewig in sy besit of op sy perseel vir inspeksie op grond van onderartikel (1) te vertoon, of wat weier om die ondersoek daarvan toe te laat of dit belemmer, is skuldig aan 'n misdryf.

7. Die las om te bewys dat 'n bepaalde meet- of weeginstrument, maat of gewig nie in besigheid in gebruik is nie of nie in die besit van enige persoon vir besigheidsdoeleindes is nie, berus by die eienaar, gebruiker of besitter, soos die geval mag wees.

8. (1) Elke kontrak, onderhandeling, verkoop of transaksie wat in hierdie Gebied aangegaan of teweeggebring word vir enige goedere, ware of negosiegoed of ander ding moet, as dit gedoen, verkoop, afgelewer, vervoer of as daaromtrent ooreengekom is volgens maat of gewig, aangegaan en teweeggebring word ooreenkomstig beskrywings wat deur hierdie Ordonnansie bewillig is, en is van nul en gener waarde, as dit nie aldus aangegaan of teweeggebring is nie.

(2) Enige kontrak, onderhandeling, verkoop of transaksie wat in die Gebied deur middel van enige meet- of weeginstrument, maat of gewig wat vals, onwettig of onjuis is, aangegaan of teweeggebring word, is van nul en gener waarde.

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

"assized" when used in connection with weights or measures, means assized in accordance with the provisions of the Weights and Measures Act, 1922 (Act No. 32 of 1922) of the Parliament of the Union of South Africa and any amendment thereof;

"sale" or "sell" includes barter;

"trade" includes any such contract, bargain, sale or dealing, as is in section *eight* mentioned;

"vehicle" means any carriage, wagon, truck, barrow or other means of conveyance, but does not include railway rolling stock.

2. The Standard measures of weight, capacity and length throughout the Territory, shall be those described in the First Schedule to this Ordinance.

3. The denominations of standard weights and measures set out in the Second Schedule to this Ordinance shall be the lawful denominations of those standards, and all weights and measures used in trade shall be expressed in terms of those denominations or of multiples thereof.

4. (1) As soon as may be after the commencement of this Ordinance, and thereafter as occasion may require, the Administrator shall procure such sets of assized weights and measures as he may deem to be required for the purposes of this Ordinance.

(2) The Administrator shall cause one or more of such sets of weights and measures to be deposited with each of the Magistrates of the several districts of this Territory, and with such other persons as he may direct.

(3) The Administrator shall cause such sets of weights and measures to be re-assized at least once in every year.

(4) The weights and measures deposited with a magistrate or other person for the purposes of this Ordinance shall, until the contrary be proved, be deemed to be true and correct.

5. (1) Every magistrate or other person with whom any weights or measures have been deposited under the provisions of the last preceding section shall, at all reasonable times and upon reasonable notice being given in writing by any person, produce such of the said weights and measures as may be required by such person for the purpose of testing the correctness of any weight or measure, or any weighing or measuring instrument.

(2) A fee of sixpence shall be payable by such person in respect of every weight or measure so produced.

6. (1) Any magistrate or other person with whom any weights or measures have been deposited under the provisions of sub-section (2) of section *four*, and any police constable or officer, may at all reasonable times inspect all weighing and measuring instruments, weights and measures which are used in trade, or are in the possession of any person or on any premises for purposes of trade, and may cause any such weighing or measuring instrument, weight or measure, to be compared or tested with any weight or measure so deposited, and may seize and detain any weighing or measuring instrument, weight or measure which is liable to confiscation under the provisions of this Ordinance, and may, for the purpose of such inspection, enter any place whether a building or in the open air and whether open or enclosed, or any vehicle, where he has cause to believe there is any weighing or measuring instrument, weight or measure which he is authorized by this Ordinance to inspect.

(2) Any person who neglects or refuses to produce for inspection under sub-section (1), any weighing or measuring instrument, weight or measure in his possession or on his premises, or refuses to permit, or obstructs the examination of the same shall be guilty of an offence.

7. The burden of proving that a particular weighing or measuring instrument, weight or measure is not in use in trade or is not in possession of any person for purposes of trade shall lie on the owner, user or possessor as the case may be.

8. (1) Every contract, bargain, sale or dealing made or effected in the Territory, for any goods, wares or merchandise or other thing shall, when the same has been or is to be done, sold, delivered, carried or agreed for by weight or measure, be made and effected according to denominations authorized by this Ordinance and if not so made or effected shall be void.

(2) Any contract, bargain, sale or dealing made or effected in the Territory by means of any weighing or measuring instrument, weight or measure which is false, unlawful or unjust shall be void.

(3) Enige persoon wat enige artikel deur beskrywings verkoop wat nie beskrywings deur hierdie Ordonnansie bewillig is nie, is skuldig aan 'n misdryf.

9. (1) Enige persoon wat in besigheid gebruik of in sy besit het vir sodanige gebruik —

- (a) enige meet- of weeginstrument, maat of gewig wat vals, beskadig of onjuis is;
- (b) enige maat of gewig wat nie van die beskrywing van enige deur hierdie Ordonnansie bewilligde standaard is nie;
- (c) enige weeginstrument waarop die maksimum-weegkapasiteit nie behoorlik gemerk is nie;
- (d) enige gewig wat van erdewerk of van lood of tin of enige mengsel daarvan gemaak is, behalwe wanneer 'n prop van lood of tin nodig is vir die doel om die gewig in orde te bring;
- (e) enige inhoudsmaat wat van materiale gemaak is wat dit maklik laat induik of sy vorm laat verloor; of
- (f) enige lengtemaat wat van materiaal gemaak is wat voldoende elastiek is om wesenlike veranderings van sy lengte te veroorsaak of waarvan die lengte wesenlik deur veranderings in die atmosferiese temperatuur en vogtigheid beïnvloed word,

is skuldig aan 'n misdryf.

(2) Enige meet- of weeginstrument, maat of gewig wat in die besit van enige persoon gevind word wat besigheid drywe, of op enige perseel, straat of oop ruimte waar besigheid gedrywe word, vir die doel van hierdie Ordonnansie, geag deur die persoon wat die toesig daarvoor het, in besigheid gebruik te wees, tensy en totdat die teenoorgestelde oewers word.

(3) Enige persoon wat in besit van enige valse, beskadigde of onjuiste meet- of weeginstrument, maat of gewig vir gebruik in besigheid gevind word, word geag te weet dat dit vals, beskadig of onjuis was, tensy en totdat die teenoorgestelde bewys is.

10. Elke persoon wat 'n maat of gewig in besigheid gebruik is verplig, behalwe wanneer die kleinheid van die maat of gewig dit onprakties maak, om toe te sien dat die beskrywing van sodanige maat of gewig in leesbare syfers of letters op die bo- of sykant daarvan gestempel is.

11. Elke persoon wat 'n meet- of weeginstrument vir die doel van besigheid in die klein gebruik, is verplig om dit so te plaas en te hou dat dit heeltemal sigbaar is vir persone wat met hom handel.

12. (1) Niemand mag medisinale mate en gewigte gebruik nie, behalwe vir die afmeet van vergifte, geneesmiddels en medisyne.

(2) 'n Inhoudsmaat of kubieke grootte of 'n maat van gewig mag gebruik word in die verkoop van vloeibare of half vloeibare stowwe, tensy anders by regulasie voorsien.

(3) Niemand mag 'n inhoudsmaat gebruik in die verkoop van enig ander ding as vloeibare en half vloeibare stowwe nie.

(4) Vir die doel om aan hierdie Ordonnansie te voldoen bevat 'n sak of baal en word daaronder verstaan 'n bepaalde gewig van daardie goedere of ware soos deur die Administrateur by kennisgewing in die *Offisiële Koerant* vasgestel mag word, en in die verkoop van wyne, drank, paraffien, petrol en ander vloeibare en half vloeibare stowwe moet houers soos vate, kuipe, ystervate, flesse, groot mandeflesse en ander vate gewoonlik bedoel as mate, duidelik gemerk word met die werklike inhoud van vloeistowwe uitgedruk in inhoudsmate vermeld in die Tweede Bylae van hierdie Ordonnansie; behalwe dat waar bier, wyn of 'n ander bedwelmende drank te koop aangebied of verkoop word in hoeveelhede van eensesde, een-twaalfde, of een-vier-en-twintigste van 'n gelling in flesse die inhoud waarvan respektieflik een-sesde, een-twaalfde of een-vier-en-twintigste van 'n gelling is, dit nie nodig is om op die flesse die werklike inhoud van die vloeistof te merk nie.

(5) Nieteestaande enigiets in hierdie Ordonnansie vervat, mag niemand wat 'n besigheid in die klein drywe, 'n maat of 'n gewig van 'n beskrywing wat in die Tweede Bylae van hierdie Ordonnansie as 'n metrieke maat of gewig beskrywe is, sonder die skriftelike toestemming van die magistratuur in sy besit hê nie, as hy 'n maat of gewig van 'n beskrywing wat nie so beskrywe is nie, in sy besit het.

13. (1) Enige persoon wat deur middel van woorde, beskrywings of ander aanwysings, direk of indirek, 'n valse onnoukeurige of onjuiste inligting of opgawe verstrekkende betreffende aantal, hoeveelheid, maat, maatstaf of gewig van goedere of voorwerpe deur hom verkoop, of wat andersins enigiets wat by die maat of gewig te kort skiet in die van die koper verlangde of deur hom voorgestelde hoeveelheid, aan 'n koper verkoop of laat verkoop, of lewer of laat lewer, is skuldig aan 'n misdryf.

(3) Any person who sells any article by denominations other than denominations authorized by this Ordinance shall be guilty of an offence.

9. (1) Any person who uses in trade or has in his possession for such use—

- (a) any weighing or measuring instrument, weight or measure which is false, defective or unjust;
 - (b) any weight or measure which is not of the denomination of some standard authorized by this Ordinance;
 - (c) any weighing instrument upon which the maximum weighing capacity is not properly marked;
 - (d) any weight which is made of earthen-ware or of lead or pewter or any mixture thereof, except when a plug of lead or pewter is necessary for the purpose of adjusting the weight;
 - (e) any measure of capacity made of such materials as to cause it easily to be dented or lose its shape; or
 - (f) any measure of length made of material which is sufficiently elastic to cause material variations in its length or the length whereof is materially influenced by variations in atmospheric temperature and humidity,
- shall be guilty of an offence.

(2) Any weighing or measuring instrument, weight or measure found in the possession of any person carrying on trade, or on any premises, street or open space where trade is carried on, shall, for the purpose of this Ordinance, be deemed to be used in trade by the person in charge thereof, unless and until the contrary is proved.

(3) Any person found in possession of any false, defective or unjust weighing or measuring instrument, weight or measure for use in trade, shall be presumed to know such to be false, defective or unjust unless and until the contrary is proved.

10. Every person who uses a weight or measure in trade, shall, except where the small size of the weight or measure renders it impracticable, have the denomination of such weight or measure stamped on the top or side thereof in legible figures or letters.

11. Every person who uses a weighing or measuring instrument for the purpose of retail trade shall have and keep the same so as to be wholly exposed to the view of persons dealing with him.

12. (1) No person shall use apothecaries weights and measures except in the dispensing of poisons, drugs and medicines.

(2) A measure of capacity or cubic content or a measure of weight may be used in selling liquids or semi-liquids unless otherwise provided by regulation.

(3) No person shall use a measure of capacity for selling anything other than liquids or semi-liquids.

(4) For the purpose of complying with this Ordinance a sack or bag shall consist of or mean such stated weight of that commodity or those goods as may be declared by the Administrator by notice in the *Gazette*, and for the sale of wines, liquor, paraffin, petrol and other liquids or semi-liquids, containers such as barrels, casks, drums, bottles, demijohns and other vessels ordinarily intended as measures shall be clearly labelled with actual liquid contents expressed in measures of capacity given in the Second Schedule to this Ordinance; except that where beer, wine or any other intoxicating liquor is offered for sale or sold in quantities of one-sixth, one-twelfth or one-twenty-fourth of a gallon in bottles the capacity of which is one-sixth, one-twelfth or one-twenty-fourth of a gallon respectively, it shall not be necessary to label the bottles with the actual liquid contents.

(5) Notwithstanding anything in this Ordinance contained no person who carries on a retail trade shall have in his possession except with the written consent of the magistrate a weight or measure of a denomination described in the Second Schedule to this Ordinance as a metric weight or measure if he has in his possession a weight or measure of a denomination not so described.

13. (1) Any person who by means of words, description or other indication, direct or indirect, makes any false, incorrect or untrue declaration or statement as to number, quantity, measure, gauge or weight of any goods, wares or merchandise sold by him, or who otherwise sells, or causes to be sold, or delivers or causes to be delivered to a purchaser anything by weight or measure short of the quantity demanded of or represented by the seller, shall be guilty of an offence.

(2) Enige persoon wat opsetlik enige bedrog of misleiding in die gebruik van meet- of weeginstrumente, mate of gewigte pleeg, daarby betrokke is, daarin behulpsaam is of 'n ander persoon daartoe aanhits, is skuldig aan 'n misdryf.

14. (1) Niemand mag enige goedere, ware of negosiegoed by maat of gewig verkoop en dit aan die koper daarvan anderste as op die perseel waarop sodanige goedere, ware of negosiegoed verkoop is, aflewer of dit laat aflewer nie, tensy sodanige goedere, ware of negosiegoed vergesel is deur 'n faktuur of afleweringsbewys, bevattende 'n opgawe van die gewig of hoeveelheid daarvan, soos die geval mag wees.

(2) Enige polisiekonstabel of -offisier kan sodanige goedere, ware of negosiegoed in beslag neem, terwyl dit in die loop van aflewering is, vir die doel om vas te stel of 'n oortreding van onderartikel (1) van artikel *dertien* ten opsigte van sodanige goedere, ware of negosiegoed gepleeg is.

15. (1) Enige persoon wat 'n bepaling van hierdie Ordonnansie oortree of in gebreke bly om daaraan te voldoen, of wat skuldig is aan 'n misdryf teen hierdie Ordonnansie, kan, by eerste skuldigbevinding, gestraf word met 'n boete van hoogstens vyftig pond, en, by tweede of verder skuldigbevinding, met sodanige boete of gevangenisstraf sonder alternatief van 'n boete vir 'n tydperk van hoogstens ses maande.

(2) By 'n derde of verder skuldigbevinding kragtens hierdie Ordonnansie kan die Hof wat uitspraak doen, na goeë dunde en onderhewig aan die goedkeuring van die Administrateur gelas dat enige lisensie benodig in verband met die besigheid in die loop waarvan die misdryf waarop sodanig skuldigbevinding betrekking het, gepleeg is, verbeurd verklaar word.

16. Enige meet- of weeginstrument, maat of gewig in verband waarmee 'n misdryf teen hierdie Ordonnansie gepleeg is, kan op bevel van die Hof wat uitspraak op sodanige misdryf doen, verbeurd verklaar word, en moet daarna, indien aldus verbeurd verklaar, van die hand gesit word, soos die Administrateur mag gelas.

17. Die Administrateur kan regulasies vasstel betreffende —

- (a) die verbied van die gebruik van meet- of weeginstrumente, mate of gewigte wat onjuis kan word of wat aanleiding kan gee tot bedrog of misleiding, of wat bedrog of misleiding kan vergemaklik;
- (b) die bepaling van die limiete van afwykings wat in enige meet- of weeginstrumente, mate of gewigte geoorloof kan word, en die limiete van afwykings wat in die gewig of hoeveelheid van enige goedere in enige houër geoorloof kan word;
- (c) die reëling van en kontrole oor die verkoop by standaard maat en gewig en, waar kragtens hierdie Ordonnansie veroorloof by ander mate, van brood, steenkool, hout, landbouvoortbringsels, melk, vleis en ander ware grootliks deur die publiek gebruik, en die bevel dat hulle net by maat en gewig en ooreenkomstig 'n voorgeskrywe maatstaf van hoeveelhede verkoop mag word;
- (d) die voorskrywe van tafels wat die wetlike ekwivalent aandui van die beskrywings van een standaard maat of gewig uitgedruk in terme van beskrywings van 'n ander standaard maat of gewig;
- (e) die voorskrywe van tafels aantonende die wetlike gewigte van gars, semels, bone, boekweit, sement, graan, dholl, fynmeel, brandhout, kunsmis, kalk, mielies, meel, neut, hawer, uie, ertappels, erte, semelmeel, rys, rog, sout, suiker, gestampde mielies, koring en ander droë ware per sak of ander maat of houër in besigheid gebruik;

en in die algemeen vir die beter verwesenliking van die doeleindes en oogmerke van hierdie Ordonnansie.

18. Die Ordonnansie van die Keiserlike Goewerneur van Duits Suidwes-Afrika van die agste dag van November 1899 betreffende die invoering van die Duitse stelsel van mate en gewigte in hierdie Gebied, word, vir sover dit in hierdie Gebied van krag is, hierby herroep.

19. Niks in hierdie Ordonnansie vervat —

- (a) het toepassing op die gebruik van enige gewigte by die verkoop van goud, silwer of edelgesteentes nie;
- (b) mag uitgelê word nie, as sou dit die verkoop van 'n artikel in 'n vat of ander houër waarvan die inhoud nie een van die beskrywings by hierdie Ordonnansie bewillig is nie, belet of as sou dit 'n persoon blootstel aan enige straf kragtens hierdie Ordonnansie weens die verkoop van sodanige artikel: Met die verstande dat sodanige vat of houër nie as 'n maat voorgestel word nie;

(2) Any person who wilfully commits, or is a party to, or aids in or incites any other person to the commission of any fraud or deception in the use of any weighing or measuring instrument, weight or measure shall be guilty of an offence.

14. (1) No person shall sell any goods, wares or merchandise by weight or measure and deliver or cause the same to be delivered to the purchaser thereof otherwise than on the premises on which such goods, wares or merchandise are sold, unless such goods, wares or merchandise are accompanied by an invoice or delivery note containing a statement of the weight or quantity thereof, as the case may be.

(2) Any police constable or officer may seize such goods, wares or merchandise, while in the course of delivery for the purpose of ascertaining whether a contravention of sub-section (1) of section *thirteen* has been committed in respect of such goods, wares or merchandise.

15. (1) Any person who contravenes or fails to comply with any provision of, or is guilty of an offence against this Ordinance, shall be liable on a first conviction to a fine not exceeding fifty pounds, and on a second or subsequent conviction to such a fine or to imprisonment without the option of a fine for a period not exceeding six months.

(2) Upon a third or subsequent conviction under this Ordinance the Court passing sentence may, in its discretion, and subject to the approval of the Administrator order that any licence which may be required in connection with the trade in the course of which the offences to which such convictions relate have been committed, be forfeited.

16. Any weighing or measuring instrument, weight or measure in connection with which an offence against this Ordinance has been committed, shall be liable to be confiscated by order of the court passing sentence for such offence, and, if so confiscated, shall thereafter be disposed of as the Administrator may direct.

17. The Administrator may make regulations—

- (a) prohibiting the use of weighing and measuring instruments, weights and measures which are liable to inaccuracy and to result in or facilitate fraud or deception;
- (b) defining the limits of error which may be allowed in any weighing or measuring instrument, weight or measure and the limits of error which may be allowed in the weight or quantity of any commodity in any container;
- (c) regulating and controlling the sale by standard measure and weight and where permissible by this Ordinance, by other measure, of bread, coal, wood, agricultural produce, milk, meat and other commodities largely used by the public and requiring that the same shall be sold by weight or measure only and according to a prescribed scale of quantities;
- (d) prescribing tables giving the lawful equivalent of the denominations of one standard weight or measure expressed in terms of denominations of another standard weight or measure;
- (e) prescribing tables giving the lawful weights per bag or other measure or container used in trade of barley, bran, beans, buckwheat, cement, corn, dholl, flour, firewood, fertiliser, lime, mealies, meal, nuts, oats, onions, potatoes, peas, pollard, rice, rye, salt, sugar, samp, wheat or other dry commodities;

and generally for more effectually carrying out the objects and purposes of this Ordinance.

18. The Ordinance of the Imperial Governor of German South West Africa, of the eighth day of November, 1899, relating to the introduction of the German system of weights and measures in this Territory, is, in so far as it is in force in this Territory, hereby repealed.

19. Nothing in this Ordinance contained shall—

- (a) apply to the use of any weights in the sale of gold, silver or precious stones;
- (b) be construed as prohibiting the sale of or subject a person to any penalty under this Ordinance for selling an article in a vessel or other container the capacity of which is not of one of the denominations authorized by this Ordinance: Provided that such vessel or container is not represented as a measure;

(c) mag 'n persoon blootstel aan enige straf weens die besit van sodanige vat of houer, waar aangetoon word dat sodanige vat of houer nie as 'n maat gebruik word of vir gebruik as 'n maat bedoel is nie: Met die verstande dat, vir die doel om enige regulasie na te kom wat vereis dat enige artikel by inhoudsmaat of gewig verkoop moet word, dit nodig sal wees om sodanige artikel met 'n getoetste meet- of weeginstrument af te meet of te weeg.

20. Hierdie Ordonnansie kan aangehaal word as die Ordonnansie op Mate en Gewigte 1932.

EERSTE BYLAE.

STANDAARD MATE VAN GEWIG, INHOUD OF LENGTE.

1. Die eenheid van die standaard maat van gewig ter vergelyking is die kilogram wat voorgestel is deur die voorwerper deur die Internasionale Konferensie van Mate en Gewigte aangeneem as die Internasionale Oorspronklike Model van die kilogram en neergelê in die Internasionale Buro van Mate en Gewigte.

Die standaard pond vir die Gebied is die Imperiale Standaard Pond.

Die wetlike ekwivalente van die kilogram en die pond is dié wat by die Internasionale Buro van Mate en Gewigte verkry is, naamlik:

- 1 pond = 0.4535924 kilogram.
- 1 kilogram = 2.2046225 pond (avoir).

2. Die eenheid van die standaard maat van lengte ter vergelyking is die meter wat voorgestel is deur die afstand bestaande by 'n temperatuur van smeltende ys tussen twee strepe aangebring op die staaf aangeneem deur die Internasionale Konferensie van Mate en Gewigte as die Internasionale Oorspronklike Model van die Meter en neergelê in die Internasionale Buro van Mate en Gewigte.

Die standaard jaart vir die Gebied is die Imperiale Standaard Jaart.

Die wetlike ekwivalente van die Meter en die Jaart is dié wat by die Internasionale Buro van Mate en Gewigte verkry is, naamlik:

- 1 jaart = 0.9143992 meter.
- 1 meter = 1.0936143 jaart.

3. Die eenheid van die standaard maat van inhoud ter vergelyking is die liter, wat is die volume van een kilogram gedistilleerde water by sy grootste digtheid en onder normale lugdruk.

Die standaard gelling vir die Gebied is die Imperiale Gelling, wat is die volume ingeneem deur 10 pond gedistilleerde water in lug geweeg teen kopeergewigte by 62 grade Fahrenheit onder 'n druk van 30 duim.

Die wetlike ekwivalente van die liter en die gelling is as volg:—

- 1 gelling = 4.545963 liter.
- 1 liter = 0.219975 gelling.

TWEDE BYLAE.

BESKRYWINGS VAN GEWIGTE EN MATE WAT GEYK EN IN BESIGHEID GEBRUIK MAG WORD:

I. GEWIGTE.

1. AVOIRDUPOIS GEWIG.

- Cental (cl) = 100 pond.
- 50 pond.
- 20 pond.
- 10 pond.
- 5 pond.
- 2 pond.
- 1 pond (lb.).
- 8 ons of halfpond.
- 4 ons.
- 2 ons.
- 1 ons (oz.) (=437.5 grein = 28.3495 gram).
- 8 drachmas of 1 halfons.
- 4 drachmas.
- 2 drachmas.
- 1 drachma (dr.).
- 1/2 drachma.
- Die ton weeg 2000 pond.
- Die halfcental weeg 50 pond.
- Die kwartcental weeg 25 pond.

(c) subject a person to any penalty for the possession of such vessel or container where it is shewn that such vessel or container is not used or intended for use as a measure: Provided that for the purpose of complying with any regulation requiring that any article be sold by measure of capacity or weight, it shall be necessary to measure out or weigh such article with a tested measure or weighing instrument.

20. This Ordinance may be cited as the Weights and Measures Ordinance, 1932.

FIRST SCHEDULE.

STANDARD MEASURES OF WEIGHT, CAPACITY OR LENGTH.

1. The reference unit of the standard measure of weight is the kilogram, which is represented by the mass of the piece recognised by the General International Conference of Weights and Measures as the International Prototype of the kilogram and deposited at the International Bureau of Weights and Measures.

The standard pound for the Territory shall be the Imperial Standard Pound.

The legal equivalents for the kilogram and the pound are those derived at the International Bureau of Weights and Measures, namely:—

- 1 pound = 0.4535924 kilogram.
- 1 kilogram = 2.2046225 pounds (avoir).

2. The reference unit standard measure of length is the Metre, which is represented by the distance existing at the temperature of melting ice between two lines traced upon the bar sanctioned by the General International Conference of Weights and Measures as the International Prototype of the Metre and deposited at the International Bureau of Weights and Measures.

The standard Yard for the Territory shall be the Imperial Standard Yard.

The legal equivalents for the Metre and the Yard are those derived at the International Bureau of Weights and Measures, namely:—

- 1 yard = 0.9143992 metre.
- 1 metre = 1.0936143 yard.

3. The reference unit of the standard measure of capacity is the litre, which is the volume of one kilogram of distilled water at its maximum density and under normal atmospheric pressure.

The Imperial gallon for the Territory shall be the Imperial Gallon, which is the volume occupied by 10 pounds of distilled water weighed in air against brass weights at 62 degrees Fahrenheit under a pressure of 30 inches.

The legal equivalents for the litre and the gallon are as follows:—

- 1 gallon = 4.545963 litres.
- 1 litre = 0.219975 gallon.

SECOND SCHEDULE.

DENOMINATIONS OF WEIGHTS AND MEASURES WHICH MAY BE USED IN TRADE.

I. WEIGHTS.

1. AVOIRDUPOIS WEIGHTS.

- Cental (cl.) = 100 pounds.
- 50 pounds.
- 20 pounds.
- 10 pounds.
- 5 pounds.
- 2 pounds.
- 1 pound (lb.).
- 8 Ounces or half pound.
- 4 ounces.
- 2 ounces.
- 1 ounce (oz.) (= 437.5 grains = 28.3495 grams).
- 8 drams or half ounce.
- 4 drams or quarter ounce.
- 2 drams.
- 1 dram (dr.).
- 1/2 dram.
- The ton shall weigh 2,000 pounds.
- The half cental shall weigh 50 pounds.
- The quarter cental shall weigh 25 pounds.

2. MEDISINALE GEWIG.

- 10 ons.
- 8 ons.
- 6 ons.
- 4 ons.
- 2 ons.
- 1 ons (oz. Med.) (= 480 grein).
- 4 drachmas of een halfons.
- 2 drachmas.
- 1 drachma (= 3 scrupels).
- 2 scrupels.
- 1½ scrupels of een halfdrachma.
- 1 scrupel.
- ½ scrupel.
- 6 grein.
- 5 grein.
- 4 grein.
- 3 grein.
- 2 grein.
- 1 grein.
- ½ grein.

3. METRIEKE GEWIG.

- 20 kilogram.
- 10 kilogram.
- 5 kilogram.
- 2 kilogram.
- 1 kilograam.
- 500 tot 1 gram.
- 5 tot 1 decigram (0.1 gram).
- 5 tot 1 centigram (0.1 decigram).
- 5 tot 1 milligram (0.1 centigram).
- Metrieke ton = 1,000 kilogram.

II. INHOUDSMAAT.

1. VLOEISTOFMATE.

- Een gelling (gell.) en meer.
 4. 1/6 gellings wanneer gebruik om die netto-inhoud van blikke wat parafien bevat, aan te dui.
 Halfgelling.
 Kwart (qt.) = ¼ gelling.
 Pint (pt.) = ½ kwart.
 Halfpint.
 Gill = ¼ pint.
 Halfgill.
 Kwartgill.

Vir die verkoop van vloeistof in flesse kan die beskrywings 1/6 gelling, 1/12 gelling en 1/24 gelling gebruik word om die netto-inhoud aan te dui.

2. MEDISINALE MATE.

- Pint.
- Halfpint.
- 40 vloeibare onse tot een halwe vloeibare ons (vl. oz.).
- 16 vloeibare drachmas tot een halwe vloeibare drachma [(vl. dr.).
- 60 minims tot een minim (min. of M.).

3. METRIEKE MATE (VLOEISTOF).

- 20 liters.
- 10 liters (decaliter).
- 5 liters.
- 2 liters.
- 1 liter (l.).
- 0.5 liter.
- 0.2 liter.
- 0.1 liter (1 deciliter).
- 0.05 liter.
- 0.02 liter.
- 0.01 liter (1 centiliter).
- 0.005 liter.
- 0.002 liter.
- 0.001 liter (1 milliliter).

III. LENGTEMAAT, VLAKTEMAAT EN KUBIEKE INHOUDSMAAT.

1. LENGTEMAAT.

Die gebruiklike veelvoude en onderdele van die jaart (jt.), die voet (vt.), die duim (dm.) en meter (m.).

2. VLAKTEMAAT.

Die standaard vlaktemaat word verkry deur die standaard lengtemate tot die tweede mag te verhef.

Die hektar = 10,000 vierkantmeters.

3. KUBIEKE INHOUDSMAAT.

Die standaard kubieke inhoudsmate word verkry deur die standaard lengtemate tot die derde mag te verhef.

2. APOTHECARIES WEIGHTS.

- 10 ounces.
- 8 ounces.
- 6 ounces.
- 4 ounces.
- 2 ounces.
- 1 ounce (oz. Apoth. (= 480 grains).
- 4 drachms or half an ounce.
- 2 drachms.
- 1 drachm (= 3 scruples).
- 2 scruples.
- 1½ scruples or half a drachm.
- 1 scruple.
- ½ scruple.
- 6 grains.
- 5 grains.
- 4 grains.
- 3 grains.
- 2 grains.
- 1 grain.
- ½ grain.

3. METRIC WEIGHTS.

- 20 kilograms.
- 10 kilograms.
- 5 kilograms.
- 2 kilograms.
- 1 kilogram.
- 500 to 1 gram.
- 5 to 1 decigram (0.1 gram).
- 5 to 1 centigram (0.1 decigram).
- 5 to 1 milligram (0.1 centigram).
- The Metric Tonne = 1,000 kilograms.

II. MEASURES OF CAPACITY.

1. LIQUID MEASURES.

- One gallon (gal.) and over.
 4.1/6 gallons, when used for indicating the net contents of tins containing paraffin.
 Half gallon.
 Quart (qt.) = ¼ gallon.
 Pint (pt.) = ½ quart.
 Half pint.
 Gill = ¼ pint.
 Half gill.
 Quarter gill.

For the sale of liquid in bottles, the denominations 1/6 gallon, 1/12 gallon and 1/24 gallon may be used for indicating the nett contents.

2. APOTHECARIES MEASURES.

- Pint.
- Half pint.
- 40 fluid ounces to half a fluid ounce (fl. oz.).
- 16 fluid drachms to half a fluid drachm (fl. dr.).
- 60 minims to one minim (min. or M.).

3. METRIC MEASURES (LIQUID).

- 20 litres.
- 10 litres (decalitre).
- 5 litres.
- 2 litres.
- 1 litre (l)
- 0.5 litre.
- 0.2 litre.
- 0.1 litre (1 decilitre).
- 0.05 litre.
- 0.02 litre.
- 0.01 litre (1 centilitre).
- 0.005 litre.
- 0.002 litre.
- 0.001 litre (1 millilitre).

III. MEASURES OF LENGTH, AREA AND CUBIC CONTENTS.

1. LENGTH.

Customary multiples and parts of the yard (yd.), the foot (ft.), the inch (in.), and metre (m.).

2. AREA.

The Standard measures of area are those obtained by squaring the standard measures of length and

The Hectare = 10,000 square metres.

3. CUBIC CONTENT.

The Standard measures of cubic content are those obtained by cubing the Standard measures of length.