



OFFICIAL GAZETTE

EXTRAORDINARY

of South West Africa.

Published by Authority.

—
BUITENGEWONE

OFFISIËLE KOERANT

van Suidwes-Afrika.

Uitgegeë op gesag.

1/- Friday, 29th November, 1935. WINDHOEK. Vrydag, 29 November 1935. No. 643

Government Notice.

Goewermentskennisgewing.

The following Government Notice is published for general information.

F. P. COURTNEY CLARKE,
Secretary for South West Africa.

Office of the Administrator,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

F. P. COURTNEY CLARKE,
Sekretaris vir Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 161.] [28th November, 1935.

No. 161.] [28 November 1935.

ORDINANCES, 1935: PROMULGATION OF.

ORDONNANSIES 1935: UITVAARDIGING VAN.

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:—

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

No.	Title.	Page.
13.	Licences Consolidation Ordinance, 1935 . . .	9721
14.	Liquor Licensing Amendment Ordinance, 1935 . . .	9737
15.	Sunday Trading Amendment Ordinance, 1935 . . .	9738
16.	Cigarettes and Cigarette Tobacco Sales Tax Amendment Ordinance, 1935 . . .	9738
17.	Guardian's Fund (Interest on Minors and Lunatics Moneys) Amendment Ordinance, 1935 . . .	9739
18.	Divorce Laws Amendment Ordinance, 1935 . . .	9739
19.	Cattle Improvement Further Amendment Ordinance, 1935 . . .	9741
20.	Meat Trade Control Amendment Ordinance, 1935 . . .	9741
21.	The Professional Tax Ordinance, 1935 . . .	9742
22.	Taxation of Landed Property Further Amendment Ordinance, 1935 . . .	9743
23.	Transfer Duty Consolidation and Amendment Ordinance, 1935 . . .	9744

No.	Titel.	Bladsy.
13.	Konsolidasie-Ordonnansie betreffende Lisensies 1935 . . .	9721
14.	Dranklisensiewet Wysigingsordonnansie 1935 . . .	9737
15.	Wysigingsordonnansie op Handeldrywe op Sondag 1935 . . .	9738
16.	Sigarette en Sigarettabak Verkoopsbelasting Wysigingsordonnansie 1935 . . .	9738
17.	Wysigingsordonnansie op Voogdyfonds (Rente op Gelde van Minderjariges en Kranksinniges) 1935 . . .	9739
18.	Egskeidingswette Wysigingsordonnansie 1935 . . .	9739
19.	Beesteverbeterings Verdere Wysigingsordonnansie 1935 . . .	9741
20.	Wysigingsordonnansie betreffende die Kontrole van Vleishandel 1935 . . .	9741
21.	Die Beroepsbelasting Ordonnansie 1935 . . .	9742
22.	Verdere Wysigingsordonnansie betreffende Belasting van Grondeïendom 1935 . . .	9743
23.	Ordonnansie betreffende die Konsolidasie en Wysigings van Hereregte 1935 . . .	9744

No. 13 of 1935.]

ORDINANCE

To provide for the consolidation of the law relating to the licensing of trades and occupations within the Territory of South West Africa and to fix the licence duties payable.

(Assented to 26th November, 1935.)
(English 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. All definitions, exemptions and other provisions contained in the First Schedule to this Ordinance shall be deemed to be and shall be read as part of this Ordinance.

2. (1) As from the first day of January, 1936, the licence duties specified in the First Schedule to this Ordinance and the penalties specified in this Ordinance and the First Schedule thereto shall be charged and payable in respect of the carrying on of trades or occupations or the doing or failure to do the acts or things in this Ordinance or such Schedule described.

(2) The licence duties and penalties collected under this Ordinance and the First Schedule thereto shall be paid to the Territory Revenue Fund of the Administration of South West Africa.

3. The licences specified in the First Schedule to this Ordinance shall be of full force and effect throughout the Territory of South West Africa except in the case of those licences which in terms of the provisions of this Ordinance and the said Schedule thereto are required for or restricted to specific premises or areas.

4. (1) Liability for licence duty arises as from the date on which any trade or occupation is commenced, or in the case of a renewal, on the first day of January in each year, and in respect of every licence issued under this Ordinance there shall be charged and payable the amount specified in the First Schedule to this Ordinance:

Provided that if such liability to take out any licence commences on or after the 1st day of July in any year, the amount payable shall, save and except as otherwise provided, be one half of that amount.

(2) Every such licence shall be taken out in the district where the trade or occupation is carried on or in which the liability for the licence first arises and shall, except as otherwise provided, be taken out and paid for yearly and shall expire on the thirty-first day of December of the year of issue.

(3) All licences requiring to be renewed shall be so renewed not later than the thirty-first day of January in each year, and failure so to renew will constitute an offence.

5. Any person who fails to take out a licence as required by this Ordinance within one month of the date when his liability commenced or pays an amount less than the sum due for or in respect of such licence, including any amount calculated on turnover, shall pay for each month or part of a month during which he carries on any trade or occupation without the prescribed licence or during which any amount due in respect thereof is short paid, a sum calculated at the rate of ten per cent of the yearly licence duty prescribed in respect of such trade or occupation or of the amount short paid in respect of such licence, as the case may be, in addition to the duty specified in the First Schedule to this Ordinance:

No. 13 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die konsolidasie van die wet betreffende die lisensieverlening aan handel en bedrywe binne die Gebied Suidwes-Afrika en om die betaalbare lisensieregte te bepaal.

(Goedgekeur 26 November 1935.)
(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied van Suidwes-Afrika, met die toestemming van die Goewerneur-Generaal, insover sodanige toestemming nodig is, nadat dit vooraf ontvang en aan die Wetgewende Vergadering 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, meegedeel is, as volg:—

1. Alle definisies, vrystellings en ander bepalinge in die Eerste Bylae van hierdie Ordonnansie bevat, word geag te wees en sal gelees word as 'n deel van hierdie Ordonnansie.

2. (1) Vanaf die eerste dag van Januarie 1936 sal die lisensieregte gespesifiseer in die Eerste Bylae van hierdie Ordonnansie en die boetes gespesifiseer in hierdie Ordonnansie en die Eerste Bylae daarvan ingevorder word en betaalbaar wees ten opsigte van die uitoefening van handel of bedrywe of die doen van of ingebreke bly om te doen van die dade of dinge in hierdie Ordonnansie of sodanige Bylae omskrywe.

(2) Die lisensieregte en boetes ingevorder kragtens hierdie Ordonnansie en die Eerste Bylae daarvan moet gestort word in die Gebieds-Inkomste-Fonds van die Administrasie van Suidwes-Afrika.

3. Die lisensies gespesifiseer in die Eerste Bylae van hierdie Ordonnansie is van volle krag en werking deur die hele Gebied Suidwes-Afrika, behalwe in die geval van daardie lisensies wat ooreenkomstig die bepalinge van hierdie Ordonnansie en die voormelde Bylae daarvan benodig is vir of beperk is tot spesifieke persele of wyke.

4. (1) Die verpligting om die lisensieregte te betaal begin vanaf die datum waarop enige handel of bedryf begin word, of in die geval van 'n hernuwing, op die eerste dag van Januarie in elke jaar, en ten opsigte van elke lisensie uitgereik kragtens hierdie Ordonnansie word die bedrag wat in die Eerste Bylae van hierdie Ordonnansie gespesifiseer is, gevorder en betaalbaar:

Met die verstande dat as sodanige verpligting om enige lisensie uit te neem op of na die 1ste dag van Julie in enige jaar begin, die betaalbare bedrag, uitgesonderd en behalwe soos andersins bepaal, die helfte van daardie bedrag moet wees.

(2) Elke sodanige lisensie moet uitgeneem word in die distrik waar die handel of bedryf uitgeoefen word, of waarin die verpligting vir die lisensie eerste ontstaan en moet, behalwe soos andersins bepaal, jaarliks uitgeneem en betaal word en vervel op die een-en-dertigste dag van Desember van die jaar van uitreiking.

(3) Alle lisensies wat hernu moet word mag nie later as die een-en-dertigste dag van Januarie in elke jaar aldus hernu word nie, en versuim om aldus te hernu sal 'n misdryf uitmaak.

5. Enige persoon wat in gebreke bly om (binne een maand vanaf die datum waarop sy verpligting begin) 'n lisensie uit te neem, soos deur hierdie Ordonnansie vereis, of 'n bedrag te betaal wat minder is as die betaalbare bedrag vir of ten opsigte van sodanige lisensie, insluitende enige bedrag op omset bereken, moet vir elke maand of gedeelte van 'n maand gedurende welke hy enige handel of bedryf uitoefen sonder die voorgeskrewe lisensie of gedurende welke enige betaalbare bedrag ten opsigte daarvan onderbetaal is, 'n som betaal, bereken teen tien persent van die jaarlikse lisensieregte wat voorgeskrewe is ten opsigte van sodanige handel of bedryf of van die bedrag wat te min betaal is ten opsigte van sodanige lisensie, soos die geval mag wees, boonop die belasting in die Eerste Bylae van hierdie Ordonnansie gespesifiseer:

Provided that such additional amount shall not exceed the amount of the licence duty so specified or of the amount short paid, as the case may be.

Provided further that where any portion of licence duty is assessed upon turnover that portion shall be deemed to be due and payable by the 31st day of January of the ensuing year.

The payment by any person of any sum under this section shall not be deemed to relieve such person of any criminal liability incurred through his failure to take out a licence, nor shall the fact of any criminal liability having been imposed upon any person for any such failure relieve him from any obligation to pay any amount under this section.

6. Save as is specially provided in this Ordinance, every person who carries on in any shop or place of business any trade for which one of the licences specified in Part I of the First Schedule to this Ordinance is required to be taken out shall take out a separate licence at the rate prescribed in that Schedule in respect of every shop or place of business in which that trade is carried on.

7. Licences may be issued by any Magistrate or other duly authorised public officer on application being made to him as hereinafter provided.

8. (1) An application form must in every case be completed by the applicant for a licence or by his duly authorised representative. All licences and applications for licences shall be in such form as the Secretary may from time to time prescribe.

(2) Every application for a licence and every licence issued must disclose *inter alia*:

- (a) the full name of the individual to whom the licence is to be issued;
- (b) in the case of a firm, the full names of each member of the firm;
- (c) in the case of a partnership, the full names of each of the partners;
- (d) in the case of a Joint Stock Company or Co-operative Society, the full names of the Directors and of the Manager or Secretary;
- (e) a description of the trade, or occupation in respect of which the licence is required.

In addition such application and licence shall contain the full name or style under which and the address at which the trade or occupation is to be carried on.

9. (1) A Court (hereinafter called a "licensing Court") for the consideration of applications for or relating to the granting or removal, of any licence mentioned in Part I of the First Schedule to this Ordinance (save and excepting temporary licences and the licences mentioned in items 16 and 17 of Part I of the aforesaid Schedule) is hereby constituted and shall be held in and for each district of the Territory, on the first Wednesday in the months of March, June, September and December in each year, the said Court consisting of the Magistrate of the District.

(2) Applications for the granting, or removal of such licences as aforesaid must be made on the prescribed form to the Magistrate or other duly authorised officer concerned at least one month before the sitting of the licensing Court at which such application is to be considered, and must be accompanied by a deposit sufficient to cover the expense connected with the newspaper notice mentioned in the next succeeding sub-section, which said expense shall be borne by the applicant: Provided that late applications may be accepted up to twenty-one days before such sitting on payment of such penalty, not amounting to a sum greater than the annual licence duty payable in respect of the licence concerned, as the aforesaid Magistrate or other duly authorised officer may decide.

(3) On receipt of any such application as aforesaid, the Magistrate or other duly authorised officer concerned shall cause a notice to be posted in some conspicuous place at or in his office, and to be published in a newspaper circulating in his district, containing the name of the applicant, the description of the premises referred to in the application, the nature of the application, and the day on which and the place where the Court will sit for hearing such application.

Such notice shall be posted and published at least fourteen days before the sitting of the said Court, provided that, in the case of late notices, publication up to seven days before such sitting shall be lawful.

Met die verstande dat sodanige bykomende bedrag nie die bedrag van die lisensieregte aldus gespesifiseer of van die te min betaalde bedrag, soos die geval mag wees, te bowe mag gaan nie.

Met die verstande verder dat waar enige gedeelte van lisensieregte op omset geskat word, sodanige gedeelte geag word op die 31ste dag van Januarie van die eersvolgende jaar verskuldig en betaalbaar te wees.

Die betaling deur enige persoon van enige som op grond van hierdie artikel word nie geag sodanige persoon te vrywaar teen enige kriminele aanspreeklikheid op die hals gehaal deur sy versuim om 'n lisensie uit te neem nie, ook sal die feit dat enige kriminele aanspreeklikheid op enige persoon weens enige sodanige versuim opgelê is, hom nie vrystel van enige verpligting om enige bedrag onder hierdie artikel te betaal nie.

6. Behoudens die spesiale bepalings in hierdie Ordonnansie, moet elke persoon wat in enige winkel of besigheidsplek enige handel uitoefen waarvoor een van die lisensies gespesifiseer in Deel I van die Eerste Bylae van hierdie Ordonnansie uitgeneem moet word, 'n afsonderlike lisensie uitneem teen die fooi wat in daardie Bylae ten opsigte van elke winkel of besigheidsplek, waarin daardie handel uitgeoefen word, voorgeskrywe is.

7. Lisensies kan uitgereik word deur enige magistraat of ander behoorlik gemagtigde publieke amptenaar, nadat aansoek aan hom, soos hierna bepaal, gemaak is.

8. (1) 'n Applikasievorm moet in elke geval deur die applikant vir 'n lisensie of deur sy behoorlik gemagtigde verteenwoordiger ingevul word. Alle lisensies en applikasies vir lisensies moet in sodanige vorm wees, as die Sekretaris van tyd tot tyd mag voorskrywe.

(2) Elke applikasie vir 'n lisensie en elke uitgereikte lisensie moet onder andere bekendstel:

- (a) die volle naam van die individu aan wie die lisensie uitgereik moet word;
- (b) in die geval van 'n firma, die volle name van elke lid van die firma;
- (c) in die geval van 'n vennootskap, die volle name van elkeen van die vennote;
- (d) in die geval van 'n naamlose vennootskap of koöperatiewe vereniging, die volle name van die direkteure en van die bestuurder of sekretaris;
- (e) 'n beskrywing van die handel of bedryf ten opsigte waarvan die lisensie benodig is.

Buitendien moet sodanige applikasie en lisensie die volle naam of firma waaronder, en die adres waar die handel of bedryf uitgeoefen sal word, bevat.

9. (1) 'n Hof (hierna 'n "lisensiehof" genoem) vir die oorweging van applikasies vir of met betrekking tot die uitreiking of verwydering van enige lisensie in Deel I van die Eerste Bylae van hierdie Ordonnansie (uitgesonderd en behalwe tydelike lisensies en die lisensies in items 16 en 17 van Deel I van die voormelde Bylae) genoem, word hierby gevorm en word in en vir elke distrik van die Gebied op die eerste Woensdag in die maande Maart, Junie, September en Desember van elke jaar gehou. Die voormelde Hof bestaan uit die Magistraat van die distrik.

(2) Applikasies vir die uitreiking of verwydering van sodanige voormelde lisensies moet op die voorgeskrewe vorm aan die betrokke Magistraat of ander behoorlik gemagtigde amptenaar ten minste een maand voor die sitting van die lisensiehof wat sodanige applikasie moet oorweeg, gemaak word, en moet vergesel word deur 'n deposito wat voldoende is om die onkoste verbonde met die kennisgewing in die koerant wat in die eersvolgende sub-artikel genoem word, te dek en welke gesegde onkoste deur die applikant gedra moet word: Met die verstande dat applikasies wat laat gemaak word, tot een-en-twintig dae voor sodanige sitting aangeneem mag word teen betaling van sodanige boete, wat nie 'n groter som bedra as die jaarlikse lisensieregte wat betaalbaar is ten opsigte van die betrokke lisensie, soos die voormelde Magistraat of ander behoorlik gemagtigde amptenaar mag bepaal.

(3) Op ontvangs van enige sodanige applikasie, soos voormeld, moet die betrokke Magistraat of ander behoorlik gemagtigde amptenaar veroorsaak dat 'n kennisgewing op 'n in die oog vallende plek by of in sy kantoor opgeplak word, en dat dit gepubliseer word in 'n koerant wat in sy distrik sirkuleer, wat die applikant se naam, die beskrywing van die persele in die applikasie na verwys, die geaardheid van die applikasie, en die dag wanneer en die plek waar die Hof sal sit om sodanige applikasie te hoor, bevat.

Sodanige kennisgewing moet ten minste veertien dae voor die sitting van genoemde Hof opgeplak en gepubliseer word, met die verstande dat, in die geval van laat kennisgewings, publikasie tot sewe dae voor sodanige sitting wettig sal wees.

(4) In case the applicant for any licence shall die or shall become insolvent after applying for the grant, transfer or removal of a licence, but on or before the day for considering such application by the licensing Court, such Court may, if it shall think fit, grant the application as on behalf of the widow of any deceased applicant, or to the executor, curator bonis, or trustee, as the case may be, of the estate of such applicant. Thereafter the provisions of sub-section (1) of section fifteen shall apply *mutatis mutandis* in respect of such licence.

(5) Any interested party may object in writing or personally at any meeting of the licensing Court to the granting of any such application as aforesaid; and such objection shall be duly considered by the Court.

(6) The Court may in its discretion decide to grant, refuse or otherwise deal with the licence applied for. In arriving at its decision the Court may call for and take into consideration a police, town engineer or medical officer's report with regard to the desirability of granting such application. Where any trade is carried on or is to be carried on at certain premises, the licence if issued shall be granted in respect of such premises.

10. Temporary licences as provided for in section eight, the licences mentioned in items 16 and 17 of Part I and the licences mentioned in Part II of the First Schedule, may be granted, refused or otherwise dealt with by the Magistrate or other duly authorised officer to whom application is made, out of hand and at any time. Applications for such licences must be made on the prescribed form and the provisions of sub-section (6) of the preceding section shall apply *mutatis mutandis* in regard to such applications.

11. From any decision of the Court under section nine or of the Magistrate or other duly authorised officer under section ten, any aggrieved party will have the right of appeal to the Administrator-in-Executive-Committee, who may after calling for and considering any reasons given by the Court or the Magistrate or other duly authorised public officer, as the case may be, confirm or set aside such decision: Provided that where the Court, or the Magistrate or other duly authorised officer, as the case may be, has refused to issue a fresh licence in respect of an existing business, such business may continue to operate, pending the decision of any appeal as aforesaid, on condition that notice of intention to appeal is given to the Magistrate or officer concerned and that such appeal is prosecuted within fourteen days after the applicant is informed that his application has been refused.

12. If any licence is issued inadvertently or not in conformity with the provisions of this Ordinance such licence shall be null and void, and the person in whose name such licence has been issued shall be deemed to be unlicensed, but shall suffer no penalties in that regard, if upon demand by any European member of the South West Africa Police or any duly authorised revenue officer, the said licence is surrendered forthwith.

13. An official record of the licences issued in each district under this Ordinance, which shall contain all the information referred to in section eight, as also the date of issue and number of licence, shall be kept by the Magistrate of such district or his clerk. Such record shall at all reasonable times be open to inspection by any European member of the South West Africa Police or any duly authorised revenue officer.

14. The licences specified in the Second Schedule to this Ordinance shall not be granted in respect of Crown Land or any area which in pursuance of regulations framed hereunder may be declared a Native Reserve for the purposes of this Ordinance, without the sanction of the Administrator issued under the hand of the Secretary for South West Africa. The Administrator may by regulation further prescribe the conditions under which such licence shall be granted, which conditions shall be endorsed upon the licence by the Magistrate or other duly authorised public officer issuing the same.

15. (1) In the event of the death of the holder of any licence, the widow or widower or executor of the deceased person, and failing the appointment of an executor, any *curator bonis* appointed by the Master of the High Court for taking charge of the estate of such deceased person or any person approved by the Magistrate, and in case of insolvency or assignment the trustee or assignee of the estate of such person, and in case of a

(4) Ingeval dat die applikant vir enige lisensie sterwe of insolvent gaan nadat hy vir die uitreiking, oordrag of verwydering van 'n lisensie applikasie gemaak het, maar op of voor die dag wanneer sodanige applikasie deur die lisensiehof oorweeg moet word, mag sodanige Hof, as hy dit goedvind, die applikasie toestaan soos namens die weduwe van enige oorlede applikant, of aan die eksekuteur, *curator bonis*, of kurator, soos die geval mag wees, van die boedel van sodanige applikant. Daarna is die bepalings van sub-artikel (1) van artikel vyftien *mutatis mutandis* van toepassing ten opsigte van sodanige lisensie.

(5) Enige belanghebbende persoon mag skriftelik of persoonlik op enige vergadering van die Lisensiehof besware maak teen die toestaan van enige sodanige applikasie as voormeld; en sodanige beswaar word behoorlik deur die Hof oorweeg.

(6) Die Hof mag na goedvinde beslis om die lisensie waarvoor applikasie gemaak is, te verleen, weier of op 'n ander wyse handel. Die Hof mag die rapport van 'n polisie, stadsingenieur of mediese beampte ten opsigte van die wenslikheid om sodanige applikasie toe te staan, inroep en in oorweging neem ten einde die Hof in staat te stel om sy beslissing te maak. Waar enige bedryf uitgeoefen word of uitgeoefen sal word op 'n sekere perseel, moet die lisensie, indien dit uitgereik word, ten opsigte van sodanige perseel verleen word.

10. Tydelike lisensies soos in artikel agtien bepaal, die lisensies genoem in items 16 en 17 van Deel I en die lisensies in Deel II van die Eerste Bylae genoem, mag verleen, geweier of andersins daarmee gehandel word deur die Magistraat of ander behoorlik gemagtigde amptenaar aan wie die applikasie gemaak word, uit die hand en te eniger tyd. Applikasies vir sodanige lisensies moet op die voorgeskrewe vorm gemaak word en die bepalings van sub-artikel (6) van die voorgaande artikel is *mutatis mutandis* ten opsigte van sodanige applikasies van toepassing.

11. Enige gekrenkte persoon het die reg van appèl van enige beslissing van die Hof ooreenkomstig artikel nege of van die Magistraat of ander behoorlik gemagtigde amptenaar ooreenkomstig artikel tien aan die Administrateur-in-Uitvoerende-Komitee, wat nadat hy enige redes deur die Hof of die Magistraat of ander behoorlik gemagtigde publieke amptenaar, soos die geval mag wees, ingeroep en oorweeg het, sodanige beslissing mag bekragtig of verwerp: Met die verstande dat wanneer die Hof, of die Magistraat of ander behoorlik gemagtigde amptenaar, soos die geval mag wees, geweier het om 'n nuwe lisensie ten opsigte van 'n bestaande besigheid uit te reik, sodanige besigheid verder mag voortbestaan, hangende die besluit van enige appèl soos voormeld, onder die voorwaarde dat kennisgewing van voorneme van appèl aan die betrokke Magistraat of amptenaar gegee word en dat sodanige appèl binne veertien dae, nadat die applikant in kennis gestel is dat sy applikasie geweier is, voortgesit word.

12. Wanneer enige lisensie op agtelosige wyse uitgereik of nie in ooreenstemming met die bepalings van hierdie Ordonnansie is nie, is sodanige lisensie van nul en gener waarde, en die persoon op wie se naam sodanige lisensie uitgereik is, word geag ongelisensieër te wees, maar sal aan geen strawwe in daardie opsig onderhewig wees nie, indien die voormelde lisensie op versoek van 'n blanke lid van die Suidwes-Afrika Polisie of enige behoorlik gemagtigde inkomste-amptenaar onmiddellik teruggegee word.

13. 'n Offisiële register van die lisensies in elke distrik uitgereik kragtens hierdie Ordonnansie, wat al die informasie waarna in artikel agt verwys word, asook die datum van uitreiking en die nommer van die lisensie moet bevat, moet deur die Magistraat van sodanige distrik of sy klerk gehou word. Sodanige register moet te alle redelike tye ter insage oop lê vir enige blanke lid van die Polisie van Suidwes-Afrika of enige behoorlik gemagtigde inkomste-amptenaar.

14. Die lisensies in die Tweede Bylae van hierdie Ordonnansie gespesifiseer mag nie sonder die goedkeuring van die Administrateur, gegee onder die hand van die Sekretaris van Suidwes-Afrika, verleen word nie ten opsigte van Kroonlande of enige gebied, waaromtrent ingevolge die regulasies hieronder opgestel verklaar kan word dat 'n natuurlike reservaat vir die doeleindes van hierdie Ordonnansie is. Die Administrateur kan verder by regulasie die voorwaardes voorskrywe, waaronder sodanige lisensie toegestaan sal word, watter voorwaardes deur die Magistraat of ander behoorlik gemagtigde publieke amptenaar wat dit uitgee, op die lisensie geëndosseer moet word.

15. (1) In geval van die dood van enige lisensiehouer mag die weduwe of wewenaar of eksekuteur van die oorlede persoon, en in geval daar geen eksekuteur aangestel is nie, enige *curator bonis* aangestel deur die Meester van die Hooggeregshof om die boedel van sodanige oorlede persoon te beheer, of enige persoon deur die Magistraat goedgekeur, en in geval van insolvensie of boedelfafstand die trustee of kurator van die boedel van sodanige persoon, en in geval van 'n maatskappy in likwidasie die likwidateur, en in enige geval

company in liquidation the liquidator, and in any case where the holder comes under any legal disability, any *curator bonis* appointed under any Order of Court, may, without payment of any fee, obtain a transfer licence from the Magistrate or other duly authorised officer concerned to carry on the trade or occupation in respect of which the existing licence was issued, for the unexpired term covered by such licence, and, on payment of licence duty, for such further period as may be required for the beneficial winding up of the estate. The existing licence shall thereupon be cancelled and retained as a voucher for the issue of the transfer licence.

(2) In the event of one or more of the partners retiring from a partnership before the 31st day of December in any year in respect of which a licence was issued to such partnership, the remaining partner or partners of the partnership may, on payment of a fee of one pound, obtain a transfer licence from the Magistrate or other duly authorised officer concerned to carry on the trade or occupation in respect of which the existing licence was issued, for the unexpired term covered by such licence, except that in the case of any licence of the value of £1 or less, the transfer licence duty shall be the sum of five shillings. The existing licence shall thereupon be cancelled and retained as a voucher for the issue of the transfer licence: Provided that any change in the membership of a partnership occasioned through the admission of a new partner shall necessitate the taking out of a new licence.

16. Any person who has acquired or proposes to acquire an existing business, for which a licence has been issued in respect of certain premises, may apply for a new licence in respect of such business, upon proof that the present holder has given fourteen days notice of his intention to sell or transfer the said business, stating the name of the district and street or place where the said business is situated, in the Official Gazette and in one newspaper circulating in the district in which such business is carried on. Upon issue of a new licence to the transferee of such business, the existing licence shall be deemed to be automatically cancelled.

17. If at any time during the continuance of a licence the holder of any trade or occupational licence which has been granted in respect of certain premises, desires to remove his business to other premises in the same district, he may obtain from the Licensing Court, on proof that such trade or occupation has in fact been discontinued at the place for which such licence was granted, a removal licence to the new address in exchange for the existing licence. The existing licence shall thereupon be cancelled and retained as a voucher for the issue of the removal licence. A charge of ten shillings for each removal licence shall be made.

If any such person as aforesaid shall remove from the premises mentioned in his licence and shall neglect or omit to obtain a removal licence the existing licence shall be null and void and the person in whose name such licence was issued shall be deemed to be unlicensed.

The provisions of section *nine* shall apply in respect of applications made in terms of this section.

18. Any person being the holder of a current licence in respect of any of the following trades, who desires to trade at any exhibition or show held by any agricultural or industrial organisation may be granted a temporary licence in respect of the trade for which he holds a licence upon payment of the sum of ten shillings. A separate licence shall be required for each stand and shall be available for a period of three days:

Baker,
Butcher,
Fresh Produce Dealer,
General Dealer,
Game Dealer,
Restaurant, Refreshment or Tea Room Keeper.

Provided that it shall be competent for the Secretary, upon application made to him, to exempt from payment of licence duty any person exercising temporarily any of the above-mentioned trades, or the trade of aerated or mineral water dealer, whether at an exhibition or show as aforesaid or elsewhere, if the proceeds of such trade, after the deduction of reasonable expenses, are to be devoted wholly—

- (a) to religious, charitable or educational purposes in this Territory, or
- (b) to a club or society formed for the advancement of athletics or any outdoor game or games.

waar die houer onder enige wetlike onbevoegdheid kom, enige *curator bonis* benoem kragtens enige order van die Hof, sonder betaling van enige fooi 'n oordraglisensie van die betrokke Magistraat of ander behoorlik gemagtigde amptenaar kry om die handel of bedryf ten opsigte waarvan die bestaande lisensie uitgereik is, vir die onverstreke tyd deur sodanige lisensie gedek, en na betaling van lisensieregte vir sodanige verdere tydperk as wat nodig mag wees vir die voordelige likwidasië van die boedel, uitoefen. Die bestaande lisensie moet daarna gekanselleer en teruggehou word as bewys van die uitreiking van die oordraglisensie.

(2) Ingeval een of meer van die vennote wat voor die 31ste dag van Desember in enige jaar ten opsigte waarvan 'n lisensie aan sodanige vennootskap uitgereik is, uit 'n vennootskap uittree, kan die orige vennoot of vennote van die vennootskap, na betaling van 'n fooi van een pond 'n oordraglisensie van die betrokke Magistraat of ander behoorlik gemagtigde amptenaar kry om die handel of bedryf ten opsigte waarvan die bestaande lisensie uitgereik is, vir die onverstreke tyd deur sodanige lisensie gedek, uit te oefen, behalwe dat ingeval van enige lisensie van die waarde van £1 of minder die oordraglisensieregte die som van vyf shillings moet bedra. Die bestaande lisensie moet daarna gekanselleer en teruggehou word as bewys van die uitreiking van die oordraglisensie: Met die verstande dat enige verandering in die lidmaatskap van 'n vennootskap veroorsaak deur die toelating van 'n nuwe vennoot, die uitneming van 'n nuwe lisensie nodig maak.

16. Enige persoon wat 'n bestaande besigheid waarvoor 'n lisensie uitgereik is ten opsigte van sekere persele ooreeneem het of voornemens is om sodanige besigheid oor te neem, kan aansoek doen vir 'n nuwe lisensie ten opsigte van sodanige besigheid, nadat bewys gelever is dat die teenswoordige houer 'n kennisgewing van veertien dae van sy voorneme om die voormelde besigheid te verkoop of oor te dra, wat die naam aantoon van die distrik en straat of plek waar die voormelde besigheid geleë is, in die Offisiële Koerant en in een koerant wat in die distrik waarin sodanige besigheid uitgeoefen word, sirkuleer, geplaas het. Na uitreiking van 'n nuwe lisensie aan die konsessionaris van sodanige besigheid word die bestaande lisensie geag outomaties gekanselleer te wees.

17. As die houer van enige handels- of bedryfslisensie wat ten opsigte van sekere perseel verleen is, te eniger tyd wens om sy besigheid gedurende die voortbestaan van 'n lisensie na 'n ander perseel in dieselfde distrik te verwyder, kan hy van die Lisensiehof, nadat bewys gelever is dat sodanige handel of bedryf inderdaad op die plek waarvoor sodanige lisensie verleen is, gestaak is, 'n lisensie vir verwydering na die nuwe adres in ruiling vir die bestaande lisensie kry. Die bestaande lisensie word daarna gekanselleer en teruggehou as 'n bewys vir die uitreiking van die verwyderingslisensie. 'n Vordering van tien shillings word vir elke verwyderingslisensie gemaak.

As enige persoon soos voormeld van die perseel in sy lisensie genoem wegtrek en verstuim of nalaat om 'n verwyderingslisensie te verkry, word die bestaande lisensie van nul en gener waarde en die persoon in wie se naam sodanige lisensie uitgereik is, word geag ongeldig te wees.

Die bepalinge van artikel *nege* is van toepassing ten opsigte van applikasies ooreenkomstig hierdie artikel gemaak.

18. Aan enige persoon wat die houer van 'n lopende lisensie ten opsigte van enige van die volgende bedrywe is, en wat wens om sy bedryf uit te oefen op enige tentoonstelling of vertoning deur enige landbou of industriële organisasie gehou, kan na betaling van die som van tien shillings 'n tydelike lisensie ten opsigte van die bedryf waarvoor hy 'n lisensie hou, verleen word. 'n Aparte lisensie is nodig vir elke standplaas en is beskikbaar vir 'n tydperk van drie dae:

Bakker,
Slagter,
Handelaar in vars produkte,
Algemene handelaar,
Wildhandelaar,
Houer van 'n restaurant, verversings- of teekamer.

Met die verstande dat die Sekretaris bevoeg sal wees, op aansoek aan hom gerig, om enige persoon wat tydelik enige van die bovermelde handel, of die bedryf van spuit- of mineraalwater-handelaar uitoefen van die betaling van lisensieregte vry te stel, hetsy op 'n tentoonstelling of vertoning soos voormeld of elders, as die opbrengs van sodanige bedryf, nadat die redelike onkoste afgetrek is, heeltemal bestee word —

- (a) aan godsdienstige, liefdadigheids- of opvoedkundige doeleindes in hierdie Gebied, of
- (b) aan 'n klub of vereniging wat vir die bevordering van atletiek of enige opelugspel of spelle in die lewe ge-roep is.

19. The revenues derived from the licences specified in the Third Schedule hereto shall, where the licence holder exercises his trade, occupation or calling within the limits of a municipality or village management board, be paid by the Administration to such municipality or village management board less a deduction of ten *per cent.* on the total amount collected.

20. Every holder of any trade or occupational licence shall have his name painted or affixed on the outside of any shop or place in which the trade or occupation is carried on, and such name shall be kept painted or affixed in a conspicuous place and in letters easily legible. No person not licensed shall have any words or letters on a shop or place of business, purporting that he is licensed.

21. When licence duty in respect of any licence issued under this Ordinance is assessed partly on turnover, such turnover shall be the total amount of gross sales in a business during each year for the period of twelve months ending on the 30th day of June in the year preceding the payment of licence duty: Provided —

- (1) In the case of a new business the minimum licence only shall be payable until the period during which trading has been carried on will admit of turnover being ascertained; thereafter a tax on turnover will be due and payable, even if the licence is not renewed, as if the licence had in fact been renewed.
- (2) In the case of a business which has been carried on for a period less than twelve months prior to the 30th day of June in any year the licence duty shall be levied on the amount of turnover during such actual period of trading.
- (3) In the case of a business which has been carried on for a period of twelve months prior to the 30th day of June in any year, the licence duty shall be levied on the amount of turnover during that period.
- (4) In the case of goods purchased in the Territory which are sold outside the Territory, such sales shall not be included in the calculation of turnover.

For the purpose of assessing turnover, the term "gross sales" shall include transactions of barter, as well as leases of goods with an option of purchase, if in terms of such leases the rent paid by the lessee is, in effect, wholly or partly an instalment of the ultimate purchase price.

22. It shall be the duty of every person carrying on any business in respect of which the licence duty payable is assessed on turnover, gross receipts or purchases —

- (1) to furnish the Magistrate of the District where the licence in respect of the business concerned was issued, as for the year preceding the payment of licence duty, with returns for the assessment of such duty in the form as prescribed by regulation. The said returns shall be furnished before the 30th day of September in each year;
- (2) to keep proper books and to have at hand at all times waybills, invoices and other documents giving all necessary particulars with regard to turnover, gross receipts or purchases.

23. (1) For the purposes of satisfying himself as to the correctness of any information contained in the return referred to in section *twenty-two*, the Magistrate of the district concerned or any other duly authorised public officer may require the licensee to produce for his inspection any books, accounts, deeds, trade-lists, stock-lists or other documents which he may deem to be necessary for the purpose of ascertaining the amount of turnover, gross receipts or purchases and of making the assessment.

(2) In the event of the information furnished by a licensee in accordance with sub-section (1) hereof being insufficient to enable the aforesaid Magistrate or other duly authorised public officer to determine the correctness of any information contained in the aforesaid return, the said Magistrate or officer shall make such an estimate of turnover, gross receipts or purchases as he may think to be proper and assess the licence duty payable on such estimate. Any assessment of licence duty so made by the Magistrate or other duly authorised public officer shall be subject to appeal in accordance with the provisions of section *eleven*.

24. It shall be lawful for a European member of the South West Africa Police, or a Magistrate or other duly authorised public officer at any reasonable time to demand from a person carrying on any trade, or occupation for which a licence is required under this Ordinance, the production of the necessary licence, and unless such person shall upon demand produce a proper licence then in force or is able to satisfy the Court that at the time of demand

19. Die inkomste verkry uit die lisensies noukeurig vermeld in die Derde Bylae hiervan moet, waar die lisensiehouer sy besigheid, beroep of bedryf binne die grense van 'n munisipaliteit of dorpsbestuursraad uitoefen, deur die Administrasie aan sodanige munisipaliteit of dorpsbestuursraad betaal word min 'n aftrekking van tien persent op die totale bedrag ingesamel.

20. Elke houer van enige handels- of bedryfslisensie moet sy naam aan die buitekant van enige winkel of plek waarin die handel of bedryf uitgeoefen word, skilder of aanheg, en sodanige naam moet op 'n in die oog vallende plek en in maklik leesbare letters geskilder of aangeheg gehou word. Geen ongelisensieerde persoon mag enige woorde of letters op 'n winkel of besigheidsplek hê nie wat te kenne gee dat hy gelisensieër is.

21. Wanneer lisensieregte ten opsigte van enige lisensie kragtens hierdie Ordonnansie uitgereik gedeeltelik op omset geskat word, moet sodanige omset die totale bedrag van bruto verkopinge in 'n besigheid gedurende elke jaar vir die tydperk van twaalf maande eindigende op die 30ste dag van Junie in die jaar wat die betaling van lisensieregte voorafgaan, wees:

Met die verstande dat —

- (1) In die geval van 'n nuwe besigheid net die minimum lisensie betaalbaar is, totdat die tydperk gedurende welke 'n handel uitgeoefen is, dit moontlik maak dat 'n omset vasgestel kan word; daarna is 'n belasting op omset verskuldig en betaalbaar selfs as die lisensie nie hernu is nie, asof die lisensie feitlik hernu is.
- (2) In die geval van 'n besigheid wat vir 'n tydperk van minder as twaalf maande voor die 30ste dag van Junie in enige jaar uitgeoefen is, moet die lisensieregte op die bedrag van die omset gedurende sodanige werklike tydperk van handelsuitoefening gehef word.
- (3) In die geval van 'n besigheid wat vir 'n tydperk van twaalf maande voor die 30ste dag van Junie in enige jaar uitgeoefen is, moet die lisensieregte op die bedrag van omset gedurende daardie tydperk gehef word.
- (4) In die geval van goedere wat in die Gebied gekoop en buitekant die Gebied verkoop word, mag sulke verkopinge nie in die berekening van die omset ingesluit word nie.

Vir die doel om omset te bereken, sluit die uitdrukking "bruto verkopinge" ruilhandel-transaksies in, asook huurkontrakte van goedere met 'n opsie om hulle te koop, as ooreenkomstig sodanige huurkontrakte die huur deur die huurder betaal in werklikheid geheel of gedeeltelik 'n paalement van die uiteindelijke koopsom is.

22. Dit is die plig van elke persoon wat enige besigheid drywe ten opsigte waarvan die betaalbare lisensieregte op omset, bruto ontvangste of inkope bereken word, om —

- (1) die Magistraat van die distrik waar die lisensie ten opsigte van die betrokke besigheid uitgereik is, vir die jaar wat die betaling van lisensieregte voorafgaan, te voorsien van opgawe vir die berekening van sodanige regte in die vorm soos by regulasie voorgeskrywe is. Die voormelde opgawe moet voor die 30ste dag van September in elke jaar verskaf word.
- (2) Behoorlike boeke te hou en om altyd vragbriewe, fakture en ander dokumente wat al die nodige besonderhede aangaande omset, bruto ontvangste of inkope gee, by die hand te hê.

23. (1) Vir die doel om homself te oortuig aangaande die juistheid van enige informasie bevat in die opgaaf waarna in artikel *twee-en-twintig* verwys is, mag die Magistraat van die betrokke distrik of enige ander behoorlik gemagtigde publieke amptenaar van die lisensiehouer verlang dat hy enige boeke, rekenings, aktes, handelslyste, voorraadslyste of ander dokumente wat hy nodig mag ag vir die doel om die bedrag van die omset, bruto ontvangste of inkope vas te stel en om die raming te maak, vir sy inspeksie voorlê.

(2) Ingeval die informasie deur die lisensiehouer gelewer ooreenkomstig sub-artikel (1) hiervan onvoldoende is om die voormelde Magistraat of ander behoorlik gemagtigde publieke amptenaar in staat te stel om die juistheid van enige informasie in die voormelde opgaaf bevat vas te stel, moet die voormelde Magistraat of amptenaar sodanige skatting van omset, bruto ontvangste of inkope maak, as hy mag ag gepas te wees en die betaalbare lisensieregte op sodanige skatting bereken. Enige berekening van lisensieregte aldus deur die Magistraat of ander behoorlik gemagtigde publieke amptenaar gedoen, is onderhewig aan appèl ooreenkomstig die bepalinge van artikel *elf*.

24. Dit is wettig vir 'n blanke lid van die Polisie van Suidwes-Afrika of 'n magistraat of ander behoorlik gemagtigde publieke amptenaar om te eniger redelike tyd van 'n persoon wat enige handel of bedryf uitoefen waarvoor 'n lisensie kragtens hierdie Ordonnansie benodig is, te verlang dat hy die nodige lisensie voorlê, en tensy sodanige persoon op aanvraag 'n behoorlike lisensie wat dan geldig is voorlê of die Hof kan oortuig dat ten tyde van die aanvraag hy

he was the lawful holder of a licence, he shall be liable to the penalties herein prescribed for carrying on a trade or occupation without having previously taken out the particular licence or licences in that behalf required.

For the purposes of this section a certificate of revenue under the hand of the proper officer may be accepted in lieu of a licence.

25. In any prosecution for infringement of any section of this Ordinance by doing anything without a licence, it shall be *prima facie* sufficient for the prosecutor to produce a certificate signed by the officer for the time being charged with the duty of keeping the official record of licences issued in the district in which the offence is alleged to have been committed, to the effect that his name does not appear therein as the holder of a licence; but it shall be lawful for such accused person to rebut such evidence by proof that he was in fact, at the time he was alleged to have committed the offence, the lawful holder of such licence.

26. Any person who carries on any trade, or occupation without being in possession of a licence as required by this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three times the amount of the unpaid duty or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and such imprisonment.

27. Any person who obtains or endeavours to obtain a licence under this Ordinance by making any false representation in his application, or by any falsehood, fraud, art or contrivance whatever, shall be guilty of an offence and liable on conviction to a fine not exceeding £50, or to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and such imprisonment.

28. Any person guilty of the contravention of any provision of this Ordinance or of any regulation framed thereunder for which no other penalty has been provided shall be liable to a fine not exceeding £50 or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

29. It shall be within the discretion of any competent Court to cancel any licence issued under the provisions of this Ordinance as an additional penalty upon the conviction of any holder of such licence for contravention of any of the provisions of this Ordinance, or of the Liquor Licensing Proclamation, 1920, as amended, or of the Public Health Act, 1919, as applied to this Territory by the Public Health Proclamation, 1920.

30. For the purposes of this Ordinance—

“duly authorised revenue officer” or “duly authorised public officer” shall mean an officer authorised by the Secretary to act in such capacity;

“person” shall include a firm, partnership, company or co-operative society;

“Magistrate” shall include Assistant Magistrate and Additional Magistrate;

“Secretary” shall mean the Secretary for South West Africa;

“this Ordinance” shall include the Schedules and the regulations made thereunder.

31. The Administrator may make regulations for the proper carrying out of the objects and purposes of this Ordinance, and may provide penalties for the contravention of such regulations.

32. The laws set out in the Fourth Schedule to this Ordinance are hereby repealed as from the 1st day of January, 1936, to the extent set out in the third column of that Schedule, provided that the Regulations framed under such laws shall notwithstanding such repeal remain in force until repealed, and shall be deemed for all purposes to be regulations framed under the provisions of this Ordinance.

33. This Ordinance may be cited as the Licences Consolidation Ordinance, 1935, and shall take effect as from the 1st day of January, 1936.

FIRST SCHEDULE.

PART I. TRADING LICENCES.

Item 1.

Aerated or Mineral Water Manufacturers £1.
In addition £2, if annual turnover is at least £250.

die wettige houër van 'n lisensie was, is hy blootgestel aan die boetes hierin voorgeskrywe weens uitoefening van 'n handel of bedryf sonder dat hy vooraf die besonder lisensie of lisensies te dien behoeve vereis, uitgeneem het.

Vir die doeleindes van hierdie artikel mag 'n inkomste-sertifikaat deur die regte amptenaar geteken in plaas van 'n lisensie aangeneem word.

25. In enige vervolging weens oortreding van enige artikel van hierdie Ordonnansie deurdat enigiets sonder lisensie gedoen is, is dit vir die vervolger *prima facie* voldoende om 'n sertifikaat voor te lê geteken deur die amptenaar wat toentertyd belas was met die plig om die offisiële register van lisensies uitgereik in die distrik waarin beweer word dat die oortreding begaan is, te hou, behelsende dat sy naam nie daarin as lisensiehouer voorkom nie; maar dit is vir sodanige beskuldigde persoon wettig om sodanige getuienis te weerlê deur bewys te lewer dat hy gedurende die tyd waaromtrent beweer word dat hy die misdryf gepleeg het, feitlik die wettige houër van sodanige lisensie was.

26. Enige persoon wat enige handel of bedryf uitoefen sonder dat hy in besit is van 'n lisensie soos deur hierdie Ordonnansie vereis, is skuldig aan 'n misdryf en is na skuldigbevinding blootgestel aan 'n boete van hoogstens drie maal die bedrag van die onbetaalde regte of, by wanbetaling, aan gevangenisstraf met of sonder harde-arbeid vir 'n tydperk van hoogstens drie maande, of aan albei, sodanige boete en sodanige gevangenisstraf.

27. Enige persoon wat 'n lisensie kragtens hierdie Ordonnansie verkry of probeer om te verkry deur enige valse voorstelling in sy applikasie te maak, of deur enige onwaarheid, bedrog, bedriegery of lis, is skuldig aan 'n oortreding en is na skuldigbevinding blootgestel aan 'n boete van hoogstens £50, of aan gevangenisstraf met of sonder harde-arbeid vir 'n tydperk van hoogstens ses maande of aan albei, sodanige boete en sodanige gevangenisstraf.

28. Enige persoon wat skuldig is aan die oortreding van enige bepaling van hierdie Ordonnansie of van enige regulasie daaronder opgestel waarvoor geen ander strafbepaling voorsien is nie, is blootgestel aan 'n boete van hoogstens £50, of, by wanbetaling, aan gevangenisstraf met of sonder harde-arbeid vir 'n tydperk van hoogstens ses maande.

29. Dit sal binne die diskresie van enige bevoegde hof lê om enige lisensie onder die bepalings van hierdie Ordonnansie uitgereik as 'n addisionele straf te kanselleer, nadat enige houër van sodanige lisensie skuldig gevind is aan oortreding van enige bepaling van hierdie Ordonnansie of van “De Drank Licentie Proklamatie 1920”, soos gewysig, of van “De Publieke Gezondheids Wet 1919”, soos op hierdie Gebied deur “De Publieke Gezondheids Proklamatie 1920” toegepas.

30. Vir die doeleindes van hierdie Ordonnansie —

beteken “behoorlik gemagtigde inkomste-amptenaar” of “behoorlik gemagtigde publieke amptenaar” 'n amptenaar deur die Sekretaris gemagtig om in sodanige hoedanigheid te handel;

sluit “persoon” in 'n firma, vennootskap, maatskappy of koöperatiewe vereniging;

sluit “magistraat” in 'n assistent-magistraat en addisionele magistraat;

beteken “Sekretaris” die Sekretaris vir Suidwes-Afrika;

sluit “hierdie Ordonnansie” in die bylae en die regulasies daaronder uitgevaardig.

31. Die Administrateur kan regulasies uitvaardig vir die behoorlike uitvoering van die oogmerke en doeleindes van hierdie Ordonnansie, en kan voorsiening maak vir strafbepalinge weens die oortreding van sodanige regulasies.

32. Die wette opgenoem in die Vierde Bylae van hierdie Ordonnansie word hiermee herroep vanaf die 1ste dag van Januarie 1936, in die omvang uiteengesit in die derde kolom van daardie Bylae, met die verstande dat die Regulasies kragtens sodanige wette opgestel niesteenstaande sodanige herroeping in krag bly, totdat hulle herroep word en dat hulle vir alle doeleindes geag word regulasies te wees wat kragtens die bepalings van hierdie Ordonnansie opgestel is.

33. Hierdie Ordonnansie kan aangehaal word as die Konsolidasie-Ordonnansie betreffende Lisensies 1935 en tree in werking vanaf die 1ste dag van Januarie 1936.

EERSTE BYLAE.

DEEL I. HANDELSLISENSIES.

Item 1.

Vervaardigers van spuit- of mineraalwater £1.
Boonop £2, as die jaarlikse omset ten minste £250 is.

This licence shall be required by every person who manufactures for the purpose of sale any aerated or mineral waters, ginger beer, hop beer, Weiss Bier, or other beverage of a similar nature the sale of which is not made subject to the holding of a licence under any law relating to the sale of intoxicating liquor.

Item 2.

Aerated or Mineral Water Dealer £2.

(1) This licence shall be required by every person, including any person licensed to sell by retail wines, spirits or other intoxicating liquors, who sells or supplies aerated or mineral waters for the manufacture of which an aerated or mineral water manufacturer's licence is required, whether in quantities for consumption off the premises or served in glasses or other receptacles either separately or mixed with any intoxicating liquor or non-intoxicating cordials.

(2) A temporary licence to sell aerated or mineral waters may be granted to any person on payment of the sum of two shillings and six pence. Such licence shall be available for a period of one day.

Item 3.

Apothecary £8.

In addition £1 on every £1000 or part thereof of Turnover up to £5000, and £2 on every £1000 or part thereof of Turnover exceeding £5,000.

Maximum addition £300.

(1) This licence shall be required by every person who sells or supplies by retail any drug or medicine, or who compounds or dispenses prescriptions and shall cover the sale of medical or surgical appliances, photographic materials, toilet requisites and such other articles of a like nature as are by custom sold by persons carrying on businesses of this nature.

(2) This licence shall only be issued to a person who is duly registered as a qualified chemist and druggist under the laws and regulations relating to medical practitioners and apothecaries in force in this Territory: Provided that a licence may be issued to a firm, partnership or company if a duly qualified and registered chemist and druggist is in charge of the place where such business is carried on, whose name shall be endorsed on the licence issued in respect thereof.

(3) This licence shall not be required by medical practitioners in respect of the compounding and dispensing of their own prescriptions.

Item 4.

Baker £5.

In addition £1 on every £1000 or part thereof of Turnover up to £5000, and £2 on every £1000 or part thereof of Turnover exceeding £5,000.

Maximum addition £300.

(1) This licence shall be required by every person who carries on the business of selling, whether by wholesale or by retail, bread, biscuits, cakes or pastry baked or made by him, but shall not be required by the holder of a general dealer's licence who sells such baker's products as aforesaid, which are baked and made at the place or premises of any person who shall have taken out a baker's licence.

(2) A licence shall not be required in respect of the sale by any servant of a duly licensed baker from a delivery van or cart of any bread, biscuits, cakes or pastry baked or made by such baker.

Item 5.

Boarding and Lodging House Keeper 2/6d.

This licence shall be required by every person who carries on the business of a boarding or lodging house keeper by supplying meals and lodging to others for money or its equivalent or who carries on the business of letting residential flats or rooms.

Exemptions:

(1) Any hotel-keeper who is the lawful holder of a retail liquor licence or light liquor licence in terms of the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), or any amendment thereof.

(2) Any person keeping or conducting a boarding or lodging house exclusively for school-going children or students.

Hierdie lisensie is benodig deur elke persoon wat vir die doel van verkoop, enige spuit- of mineraalwater, gemmerbier, hobbier, weissbier of ander drank van soortgelyke aard vervaardig, die verkoop waarvan nie onderhewig gemaak is aan die besit van 'n lisensie kragtens enige wet betreffende die verkoop van bedwelvende drank nie.

Item 2.

Handelaar in spuit- of mineraalwater £2.

(1) Hierdie lisensie is benodig deur elke persoon, insluitende enige persoon gelisensieër om wyne, spirituaalies of ander bedwelvende drankte te verkoop, wat spuit- of mineraalwater vir die vervaardiging waarvan 'n spuit- of mineraalwater-vervaardigerslisensie benodig is, verkoop of verskaf, hetsy in hoeveelhede vir verbruik buite die perseel of opgedien in glase of ander vergaarbakke of afsonderlik of gemeng met enige bedwelvende drank of nie-bedwelvende likeurs.

(2) 'n Tydelike lisensie om spuit- of mineraalwater te verkoop kan verleen word aan enige persoon na betaling van die som van twee sielings en sikspens. Sodanige lisensie is geldig vir 'n tydperk van een dag.

Item 3.

Apteker £8.

Boonop £1 op elke £1000 of gedeelte daarvan van omset tot £5000, en £2 op elke £1000 of gedeelte daarvan van omset £5000 te bowegaande.

Maksimum toevoeging £300.

(1) Hierdie lisensie is benodig deur elke persoon wat enige geneeskruie of medisyne by die kleinmaat verkoop of verskaf, of wat resepte meng of klaarmaak, en is ook geldig vir die verkoop van mediese of heelkundige toestelle, fotografiese materiale, toiletbenodighede en sodanige ander artikels van soortgelyke aard wat gewoonlik deur persone verkoop word, wat besigheid van hierdie aard drywe.

(2) Hierdie lisensie word alleen uitgereik aan 'n persoon wat behoorlik geregistreer is as 'n bevoegde apteker en drogis kragtens die wette en regulasies betreffende mediese praktisyns en aptekers wat in hierdie Gebied van krag is: Met die verstande dat 'n lisensie aan 'n firma, vennootskap of maatskappy uitgereik kan word, as 'n behoorlik gekwalifiseerde en geregistreerde apteker en drogis die toesig het oor 'n plek waar sodanige besigheid gedrywe word, wie se naam op die lisensie ten opsigte daarvan uitgereik, geëndosseer moet word.

(3) Hierdie lisensie is nie benodig deur mediese praktisyns ten opsigte van die meng en klaarmaak van hulle eie resepte nie.

Item 4.

Bakker £5.

Boonop £1 op elke £1000 of gedeelte daarvan van omset tot £5000, en £2 op elke £1000 of gedeelte daarvan van omset £5000 te bowegaande.

Maksimum toevoeging £300.

(1) Hierdie lisensie is benodig deur elke persoon wat die besigheid drywe van verkoop, hetsy by die groot- of kleinmaat, van brood, beskuit, koek of gebak deur hom vervaardig, maar is nie benodig deur die besitter van 'n algemene handelaarslisensie nie wat sodanige voormelde bakkersprodukte gebak en vervaardig op 'n plek of perseel van enige persoon wat 'n bakkerslisensie uitgeneem het, verkoop.

(2) 'n Lisensie is nie benodig ten opsigte van die verkoop van enige brood, beskuit, koek of gebak nie wat deur sodanige bakker gebak of vervaardig is, deur enige bediende van 'n behoorlik gelisensieërde bakker vanaf 'n aflewer-wa of kar.

Item 5.

Kos- en Losieshuishouer 2/6d.

Hierdie lisensie is benodig deur elke persoon wat die besigheid van 'n kos- of losieshuishouer drywe, deurdat hy maaltye en losies verskaf aan andere vir geld of iets gelykwaardigs of wat die besigheid van die verhuur van verdiepingshuise of kamers drywe.

Vrystellinge:

(1) Enige hotelhouer wat die wetlike houër is van 'n kleinhandel-dranksiensie of ligte-dranksiensie ooreenkomstig "De Drank Licentie Proclamatie, 1920" (Proklamasie No. 6 van 1920) of enige wysiging daarvan.

(2) Enige persoon wat 'n kos- of losieshuis uitsluitlik vir skoolgaande kinders of studente hou.

Item 6.

Butcher: (1) Wholesale £50.
 In addition £1 on every £1000 or part thereof of Turnover up to £5000, and £2 on every £1000 or part thereof of Turnover exceeding £5,000.
 Maximum addition £300.

(i) This licence shall be required by every person who carries on the business of selling meat in large quantities to retail butchers.

(ii) The holder of this licence shall be entitled to carry on at the same place of business only the business of a retail butcher without taking out the licence chargeable in respect of such a business.

(2) Retail £5.
 In addition £1 on every £1000 or part thereof of Turnover up to £5000, and £2 on every £1000 or part thereof of Turnover exceeding £5,000.
 Maximum addition £300.

This licence shall be required by every person who carries on the business of offering or exposing meat for sale by retail in a shop or fixed place or by offering meat for sale for delivery from some other place: Provided that the holder of a retail butcher's licence may sell thereunder sausages, polonies, tripe, ham, bacon, and salted, frozen or preserved meat or fish.

Exemptions:

This licence shall not be required in respect of —

- (a) exposing or offering for sale meat on any public or municipal market for sale by the market master or out of hand in accordance with market regulations for the time being in force.
- (b) sales by a wholesale butcher at the place of business licensed for the conduct of his wholesale business.

Item 7.

Fresh Produce Dealer £2.
 This licence shall be required by every person who sells in a shop or other premises fresh fish, fruit, nuts, fresh vegetables, eggs, poultry, honey, bread, biscuits, cakes and pastry (provided such bread, biscuits, cakes or pastry have not been baked or made by himself), confectionery, sweets or dairy produce, provided that the articles so sold are the produce or manufacture of the Union or of South West Africa, and shall entitle the holder to sell, either personally or by employees, milk from delivery carts.

Item 8.

Game Dealer £4.
 This licence shall be required by every person who sells, barter or exposes for sale any game: Provided that nothing in this section contained shall apply to the selling, bartering, hawking or exposing for sale by the owner of land of any game killed upon the land owned by him.
 For the purpose of this licence game biltong shall be deemed to be game.

Item 9.

General Dealer: (Retail or Wholesale):
 When the turnover does not exceed £1000 — £ 7.10.0.
 When the turnover does exceed £1000 — £10. 0.0.
 In addition £1 on every £1000 or part thereof of Turnover exceeding £1000 and up to £5000 and £2 on every £1000 or part thereof of Turnover exceeding £5000.
 Maximum addition £300.

This licence shall be required by every person who carries on a trade or business in any shop, store or place where goods, wares, merchandise, farm produce or livestock are sold, bartered or exchanged or offered or exposed for sale, barter or exchange:

- (a) by retail to the general public, in the case of a retail licence;
- (b) for the supply in any quantity to traders duly licensed in terms of Items 3, 4, 9, 10, 12 and 14, in the case of a wholesale licence:

Provided that the trade or business so carried on is not covered by any other licence issuable under this Ordinance.

Provided further that a wholesale licence is endorsed as follows, when issued:

"To cover wholesale transactions only."

Item 6.

Slagter: (1) Groothandel £50.
 Boonop £1 op elke £1000 of gedeelte daarvan van omset tot £5000, en £2 op elke £1000 of gedeelte daarvan van omset £5000 te bowe gaande.
 Maksimum toevoeging £300.

(i) Hierdie lisensie is benodig deur elke persoon wat die besigheid drywe van vleis verkoop in groot hoeveelhede aan slagters wat by die kleinmaat verkoop.

(ii) Die houer van hierdie lisensie is geregtig om op net dieselfde besigheidsplek die besigheid van slagter wat by die kleinmaat verkoop te drywe, sonder om die lisensie wat ten opsigte van sodanige besigheid vorderbaar is, uit te neem.

(2) Kleinhandel £5.
 Boonop £1 op elke £1000 of gedeelte daarvan van omset tot £5000, en £2 op elke £1000 of gedeelte daarvan van omset £5000 te bowe gaande.
 Maksimum toevoeging £300.

Hierdie lisensie is benodig deur elke persoon wat besigheid drywe deur vleis by die kleinmaat in 'n winkel of bepaalde plek te koop, aan te bied of uit te stal, of deur vleis te koop, aan te bied vir aflewering vanaf enige ander plek: Met die verstande dat die besitter van 'n kleinmaat slagterlisensie worste, afval, ham, spek en gesoute, bevroese of ingelegde vleis of vis op grond daarvan mag verkoop.

Vrystelling:

Hierdie lisensie is nie benodig nie ten opsigte van

- (a) die uitstal of aanbied van vleis vir verkoop op enige publieke of munisipale mark deur die markmeester of uit die hand ooreenkomstig die markregulasies wat dan van krag is;
- (b) verkope deur 'n groothandel-slagter op die besigheidsplek wat vir die drywe van sy groothandelbesigheid gelisensieër is.

Item 7.

Handelaar in vars produkte £2.
 Hierdie lisensie is deur elke persoon benodig wat vars vis, vrugte, neute, vars groente, eiers, pluimvee, heuning, brood, beskuit, koek en gebak (mits sodanige brood, beskuit, koek of gebak nie deur homself gebak of vervaardig is nie), suikergoed, lekkers of suiwelprodukte in 'n winkel of ander perseel verkoop, mits die aldus verkoopte artikels die produk of fabrikaat van die Unie of Suidwes-Afrika is en, geregtig die houer om, of persoonlik of deur geëmplojeerdes, melk vanaf afleweringsskarre te verkoop.

Item 8.

Wildhandelaar £4.
 Hierdie lisensie is benodig deur elke persoon wat enige wild verkoop, verruil of vir verkoop uitstal: Met die verstande dat niks in hierdie artikel bevat toepassing het op die verkoop, verruiling, smousery, of uitstalling vir verkoop van enige wild deur die grondeienaar doodgemaak op die grond deur hom besit.
 Vir die doeleindes van hierdie lisensie word wild-biltong geag "wild" te wees.

Item 9.

Algemene Handelaar (Groot- of kleinhandel):
 As die omset £1000 nie te bowe gaan nie . £ 7.10.0.
 As die omset £1000 te bowe gaan . £10. 0.0.
 Boonop £1 op elke £1000 van omset of gedeelte daarvan £1000 te bowe gaande tot £5000 en £2 op elke £1000 van omset of gedeelte daarvan £5000 te bowe gaande.
 Maksimum toevoeging £300.

Hierdie lisensie word benodig deur elke persoon wat 'n bedryf uitoefen of besigheid drywe in enige winkel, pakhuys of plek waar goedere, ware, koopware, boerderyprodukte of lewende hawe verkoop, verruil of uitgewissel of vir verkoop, verruiling of uitwisseling aangebied of uitgestal word:

- (a) by die kleinmaat aan die algemene publiek, in die geval van 'n kleinhandel-lisensie;
- (b) vir die lewering in enige hoeveelheid aan behoorlik gelisensieërde handelaars in terme van items 3, 4, 9, 10, 12 en 14, in die geval van 'n groothandel-lisensie.

Met die verstande dat die bedryf of besigheid wat aldus uitgeoefen of gedrywe word nie deur enige ander lisensie wat kragtens hierdie Ordonnansie uitreikbaar is, gedek is nie.

Met die verstande verder dat 'n groothandel-lisensie wanneer uitgereik, as volg geëndosseer moet wees:

"Net om transaksies by die grootmaat te dek."

Exemptions:

- (i) A farmer or market gardener in respect of the sale of produce raised or grown by himself.
- (ii) A manufacturer as hereinafter defined in respect of the sale of goods manufactured or produced by him within South West Africa; subject to the provisions of the Brewers and Distillers Licences Duty Proclamation, 1924 (Proclamation No. 3 of 1924), or any amendment thereof.

"Manufacturer" means any person or association of persons or company engaged within South West Africa in the production of a finished article from raw materials or from a combination of other materials.

- (iii) Any builder or contractor, artisan or any other person who supplies materials or fixtures in fulfilment of his contract to do any work or as part of work done or who sells to order only the product of his own skill and labour.

Item 10.

Hawker —

To trade as a hawker in one district only outside township areas	£5.
For each vehicle, pack animal or carrier in excess of one	£1.
To hawk fruit, fish, fresh vegetables, ice cream, eggs, poultry, honey or dairy produce only — in one district —	
Outside township areas for each vehicle, pack animal or carrier	5/-.
Within one township area, for each vehicle, pack animal or carrier	5/-.

(1) A hawker's licence shall be required by every person who, whether as principal, agent, or employee of any person, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods, wares, farm produce, fish, ice cream or merchandise and for that purpose travels about from place to place with goods on a motor-car, wagon, cart or other vehicle (other than a hand-barrow or vehicle propelled by himself) or with a pack animal or carrier: Provided that a hawker shall not be entitled to carry on his trade on any farm on which is the place of business of any licensed general dealer and shall not trade for longer than two consecutive business days at any one particular place.

Exemptions:

- (a) any person who offers or exposes for sale, barter or exchange the produce of land of which he is the owner, lessee, or occupier, or of his own livestock: provided such trading is not carried on by such person through an agent other than an employee of such person;
- (b) any fisherman who offers or exposes for sale, barter or exchange any fish caught by himself;
- (c) any person selling goods at any public or municipal market;
- (d) any seller of wood and salt only;
- (e) any street vendor of matches, bootlaces, flowers or newspapers (including any other printed matter not being a bound volume);
- (f) Any native resident within any native reserve area declared as such by the Administrator in pursuance of the powers conferred upon him by section eleven of this Ordinance who carries on the trade or business of selling or offering or exposing for sale, barter or exchange within that area any goods, wares or merchandise grown or produced in the said area.

(2) Whenever the Magistrate or other duly authorised revenue officer for the District of Rehoboth grants a hawker's licence he may grant it subject to the restriction that such licence shall not be available for the territory referred to as the Gebiet in the agreement set out in the Schedule to Proclamation of the Administrator dated the 28th day of September, 1923 (Proclamation No. 28 of 1923), as extended by section 14 of the Rehoboth Gebiet Affairs Proclamation, 1928 (Proclamation No. 9 of 1928), (hereinafter referred to as "the Gebiet").

In such cases there shall be written upon the face of such licence the words "not available for trading in the Rehoboth Gebiet"; and the duty payable upon the licence shall be the sum of £3.

(3) Any hawker selling or hawking any goods not covered by a licence or not exempted in terms of paragraph (1) hereof, shall be guilty of an offence under this Ordinance.

Vrystellinge:

- (i) 'n Boer of marktuinier ten opsigte van die verkoop van produkte deur homself aangekweek of gegroei.
- (ii) 'n Vervaardiger, soos hierin later omskrywe, ten opsigte van die verkoop van goedere wat deur hom binne Suidwes-Afrika vervaardig of voortgebring is; onderhewig aan die bepalings van "De Brouwers en Distilleerders Licentie Belasting Proklamatie 1924" (Proklamasie No. 3 van 1924), of enige wysiging daarvan.

"Vervaardiger" beteken enige persoon of vereniging van persone of maatskappy wat binne Suidwes-Afrika besig is met die produksie van 'n klaargemaakte artikel van ruwe materiaal of van 'n verbinding van ander materiale.

- (iii) Enige bouer of aannemer, ambagsman of enige ander persoon wat materiale of vaste uitrusting in nakoming van sy kontrak om enige werk te doen of as gedeelte van gedane werk of wat op bestelling net die produkte van sy eie bedrewenheid en werk verkoop.

Item 10.

Smous —

Om as 'n smous te handel net in een distrik buite stadsgebiede	£5.
Vir elke rytuig, pakkier of draer een te bowe gaande	£1.
Om net met vrugte, vis, vars groente, roomys, eiers, pluimvee, heuning of suiwelprodukte in een distrik te smous —	
Buite stadsgebiede, vir elke rytuig, pakkier of draer	5/-.
Binne een stadsgebied, vir elke rytuig, pakkier of draer	5/-.

(1) 'n Smouslisensie is benodig deur elke persoon wat, hetsy as prinsipaal, agent of werknemer van enige persoon, die bedryf of besigheid uitoefen van enige goedere, ware, boerdery-produkte, vis, roomys, of koopware elders as op 'n bepaalde plek te koop, vir ruiling of uitwisseling aan te bied of uit te stal en wat vir daardie doel met goedere op 'n motorkar, wa, kar of ander rytuig (ander dan 'n kruitwa of voertuig deur homself voortbeweeg) of met 'n pakkier of draer van plek tot plek rondry: Met die verstande dat 'n smous nie geregtig is om sy handel op enige plaas waarop die besigheidsplek van enige gelisensieerde algemene handelaar lê, te drywe nie, en nie langer as twee opeenvolgende besigheidsdae op enige besondere plek te handel nie.

Vrystellinge:

- (a) Enige persoon wat die produkte van grond waarvan hy die eienaar, huurder of bewoner is, of van sy eie lewende hawe te koop, vir ruiling of uitwisseling aanbied of uitstal; mits sodanige handel nie deur sodanige persoon gedrywe word nie deur middel van 'n agent ander dan 'n werknemer van sodanige persoon.
- (b) Enige visser wat enige vis deur homself gevang te koop, vir ruiling of uitwisseling aanbied of uitstal.
- (c) Enige persoon wat goedere op enige publieke of munisipale mark verkoop.
- (d) Enige verkoper van net hout en sout.
- (e) Enige straatverkoper van vuurhoutjies, skoenveters, blomme of koerante (met inbegrip van enige ander drukwerk wat nie 'n gebonde band is nie).
- (f) Enige naturel woonagtig binne enige naturelle-reservaatgebied deur die Administrateur as sodanige verklaar ingevolge die bevoegdheid hom verleen by artikel elf van hierdie Ordonnansie, wat die bedryf of besigheid uitoefen van binne daardie gebied enige goedere, ware of koopware in die voormelde gebied gegroei of voortgebring te verkoop of te koop, vir ruiling of uitwisseling aan te bied of uit te stal.

(2) Wanneer die magistraat of ander behoorlik gemagtigde inkomste-amptenaar vir die distrik Rehoboth 'n smouslisensie verleen, kan hy dit verleen onderhewig aan die beperking dat sodanige lisensie nie geldig is nie vir die gebied wat die *Gebiet* genoem word in die Ooreenkoms vervat in die Bylae van Proklamasie van die Administrateur gedagteken die 28ste dag van September 1923 (Proklamasie No. 28 van 1923), soos uitgebrei deur artikel 14 van die Rehoboth-Gebiet-Aangeleenthede Proklamasie 1928 (Proklamasie No. 9 van 1928), (hierna "die Gebiet" genoem).

In sulke gevalle moet daar op die voorkant van sodanige lisensie die woorde "nie geldig vir handel in die Rehoboth-Gebiet nie" geskrywe word, en die regte wat op die lisensie betaalbaar is, is die som van £3.

(3) Enige smous wat enige goedere nie deur 'n lisensie gedek of nie vrygestel ooreenkomstig paragraaf (1) hiervan nie, verkoop of daarmee smous, is skuldig aan 'n misdryf kragtens hierdie Ordonnansie.

Item 11.

Motor-Garage £3.

(1) This licence shall be required by every person who carries on the trade or business of repairing, receiving, stabling or storing motor-cars, motor-cycles, or other mechanically propelled vehicles for payment or reward and shall be additional to any licence as a General Dealer for which the licensee may be liable.

(2) The holder of this licence shall be entitled to sell thereunder petrol, oil, tyres and other motor accessories other than motor cars, motor-cycles or other self propelled vehicles.

Item 12.

Patent and Proprietary Medicines (to sell) £1.

This licence shall be required by every person other than the holder of a licence as an apothecary who sells patent or proprietary medicines, provided that the holder of a general dealer's licence shall be allowed to sell thereunder the so-called Dutch medicines.

This licence shall only be issued to duly licensed general dealers.

"Patent and proprietary medicine" means any medicine—

- (a) protected in this Territory under current Letters Patent; or
- (b) prepared, or purporting, or professed to have been prepared from some secret formula; or
- (c) prepared, or purporting, or professed to have been prepared by some secret or occult art, whether or not the formula is or is professed to be secret; or
- (d) sold under a name or trade-mark registered specially in regard thereto; or
- (e) sold under any description which implies or indicates proprietary rights.

Item 13.

Pawnbroker £10.

(1) This licence shall be required by every person who carries on the business of a pawnbroker in taking or receiving goods or articles of value in pledge or as security for money lent or advanced.

(2) If a pawnbroker is convicted of any fraud in his business or of receiving stolen goods knowing them to be stolen, the Court before which he is convicted may if it thinks fit cancel his licence.

Item 14.

Pedlar —

To trade as a pedlar within one district outside municipal areas only, in respect of each person engaged in selling whether as principal, agent or employee £1.10.0.

To trade as a pedlar in fruit, fish, ice cream, fresh vegetables, eggs, poultry, honey or dairy produce only, in respect of each person engaged in selling, whether as principal, agent or employee —

- For one district outside municipal areas only 5/-
- For one municipal area only 5/-

(1) A pedlar's licence shall be required by every person who, whether as principal, agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange any goods, and for that purpose travels with his goods from place to place either on foot or with a vehicle propelled by himself: Provided that no such licence shall be required by:—

- (a) any street vendor of matches, bootlaces, flowers or newspapers (including any printed matter not being a bound volume);
- (b) any native resident within any native reserve area declared as such by the Administrator in pursuance of the powers conferred upon him by section *fourteen* of this Ordinance, who carries on the trade or business of selling or offering or exposing for sale, barter or exchange, within that area any goods grown or produced in that area; or

Item 11.

Motorgarage £3.

(1) Hierdie lisensie is benodig deur elke persoon wat die handel uitoefen of besigheid drywe om motorkarre, motorfiets of enige werktuiglik voortbeweegde rytuie teen betaling of beloning te repareer, ontvang, stal of bêre, en moet verkry word behalwe enige lisensie as 'n algemene handelaar wat die lisensiehouer verplig mag wees om te verkry.

(2) Die houer van hierdie lisensie is geregtig om petrol, olie, bande en ander motorbenodighede ander dan motorkarre, motorfiets of ander selfbeweegde rytuie daaronder te verkoop.

Item 12.

Patente en Eiendomsgeneesmiddels (te verkoop) £1.

Hierdie lisensie is benodig deur elke persoon, ander dan die houer van 'n lisensie as 'n apteker, wat patente of eiendomsgeneesmiddels verkoop, mits die houer van 'n algemene handelaarslisensie verlof kry om die sogenaamde Hollandse Medisyne daaronder te verkoop.

Hierdie lisensie word alleen aan behoorlik gelisensieërde algemene handelaars uitgereik.

"Patente en Eiendomsgeneesmiddels" beteken enige medisyne —

- (a) in hierdie Gebied beskerm onder lopende oktroobriewe; of
- (b) aangemaak of waaromtrent beweer of voorgegee word dat dit aangemaak is volgens 'n geheime formule; of
- (c) aangemaak of waaromtrent beweer of voorgegee word dat dit aangemaak is deur 'n geheime of verborge kuns, onverskillig of die formule geheim is of voorgegee word dat dit geheim is; of
- (d) verkoop onder 'n naam of handelsmerk spesiaal ten opsigte daarvan geregistreer; of
- (e) verkoop onder enige beskrywing wat eiendomsregte behels of aandui.

Item 13.

Pandhouer £10.

(1) Hierdie lisensie is benodig deur elke persoon wat die besigheid van 'n pandhouer drywe, deurdat hy goedere of artikels van waarde in pand of as sekuriteit vir geleende of voorgeskiete geld neem of ontvang.

(2) As 'n pandhouer skuldig gevind word aan enige bedrog in sy besigheid of aan die ontvang van gesteelde goedere, wetende dat hulle gesteel is, kan die hof wat hom skuldig vind, sy lisensie na goedvinde kanselleer.

Item 14.

Voetsmous (bondeldraer) —

Om as 'n voetsmous te handel net binne een distrik buite munisipale gebiede, ten opsigte van elke persoon wat besig is met verkoop, onverskillig of as prinsipaal, agent of werknemer £1.10.0.

Om as 'n voetsmous net in vrugte, vis, roomys, vars groente, eiers, pluimvee, heuning of suiwelprodukte te handel, ten opsigte van elke persoon wat besig is met verkoop, hetsy as prinsipaal, agent of werknemer —

- Net vir een distrik buite munisipale gebiede 5/-
- Net vir een munisipale gebied 5/-

(1) 'n Voetsmouslisensie is benodig deur elke persoon wat, onverskillig of as prinsipaal, agent of werknemer, die bedryf uitoefen of besigheid drywe van enige goedere te koop, vir ruiling of uitwisseling aan te bied of uit te stal, en wat vir die doel met sy goedere van plek tot plek reis, hetsy te voet of met 'n rytuig deur homself voortbeweeg: Met die verstande dat geen sodanige lisensie benodig is deur:

- (a) enige straatverkoper van vuurhoutjies, skoenveters, blomme of koerante (met inbegrip van enige drukwerk wat nie 'n gebonde band is nie);
- (b) enige natuur woonagtig binne enige natuurlike-reservaatgebied deur die Administrateur ingevolge die bevoegdhede hom verleen by artikel *veertien* van hierdie Ordinance as sodanige verklaar, wat die bedryf uitoefen of besigheid drywe van enige goedere wat in daardie gebied gegroei of geproduseer is binne daardie gebied, te koop, vir ruiling of uitwisseling aan te bied of uit te stal; of

(c) any person who trades as a pedlar in the produce, including livestock, of land of which he is the owner, lessee or occupier: Provided such trading is not carried on by such person through an agent other than an employee of such person;

(d) any person who trades as a pedlar in respect of fish caught by himself.

(2) Whenever the Magistrate or other duly authorised revenue officer for the District of Rehoboth grants a pedlar's licence, he may grant it subject to the restriction that such licence shall not be available for the Gebiet.

In such cases there shall be written upon the face of such licence the words: "Not available for trading in the Rehoboth Gebiet", and the duty payable on such licence shall be £1.

(3) Any pedlar offering or exposing for sale, barter or exchange any goods not covered by a licence or not exempted in terms of paragraph (1) hereof, shall be guilty of an offence under this Ordinance.

Item 15.

Restaurant, Refreshment or Tea Room Keeper . . . £2.10.0.

This licence shall be required by every person who keeps a public restaurant, café or tea room, whether indoors or in the open air, for the sale or supply of meals or liquid refreshments (not being intoxicating liquors for the sale of which a liquor licence is required), including confectionery and sweets.

Item 16.

Buyers of Karakul Pelts —

One district £10.
The whole Territory £25.

In addition £1 on every £1000 or part thereof of the total purchase price or value of Karakul pelts bought, bartered or exchanged during the 12 months ending 30th June of the year preceding payment of licence duty up to £5000 and £2 on every £1000 or part thereof exceeding £5000.

The principles of section *twenty-one* of the Ordinance shall apply *mutatis mutandis* in regard to the assessment of licence duty.
Maximum addition £300.

(1) This licence shall be required by every person who buys, or acquires for valuable consideration any karakul pelts for the purpose of sale, consignment, barter or exchange whether by auction or out of hand, and whether or not the person so dealing has a recognised place of business. It shall be sufficient *prima facie* evidence that pelts are bought for the purpose of sale if they are bought for and on behalf of any mercantile firm.

(2) (a) All buyers of Karakul pelts shall keep a record of all pelts purchased, stating in every case —

- (i) the date and place of the transaction;
- (ii) the quantity of pelts purchased;
- (iii) the name and address of the sellers;
- (iv) the purchase price.

The said record shall be open to inspection at all reasonable times by an European member of the South West Africa Police, or any duly authorised public officer. Any such police officer or public officer who, except in the course of his duties or on the order of a competent court, divulges any information obtained by him as the result of such inspection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment for a period not exceeding three months.

(b) Any person who does not keep a proper record as aforesaid or refuses to allow inspection as aforesaid shall be guilty of an offence and liable on conviction to a fine not exceeding £50 or in default of payment to imprisonment for a period not exceeding three months.

(3) In the case of a person not resident in the Territory, any agent operating in the Territory on his behalf, may be held responsible in all respects for the payment of licence duty as if he were the principal concerned.

(c) enige persoon wat as 'n voetsmous handel met die produkte, met inbegrip van lewende hawe, van grond waarvan hy die eienaar, huurder of bewoner is: Mits sodanige handel nie deur sodanige persoon deur middel van 'n agent ander dan 'n werknemer van sodanige persoon gedrywe word nie;

(d) enige persoon wat handel as 'n voetsmous ten opsigte van vis wat hy self gevang het.

(2) Wanneer die magistraat of ander behoorlik gemagtigde inkomste-amptenaar vir die distrik Rehoboth 'n voetsmouslisensie verleen, mag hy dit verleen onderhewig aan die beperking dat sodanige lisensie nie vir die Gebiet geldig is nie.

In sodanige gevalle moet daar op die voorkant van sodanige lisensie die woorde:

"Nie geldig vir handel in die Rehoboth-Gebiet nie" geskrywe word, en die regte wat op sodanige lisensie betaalbaar is, is £1.

(3) Enige voetsmous wat enige goedere nie deur 'n lisensie gedek of nie vrygestel ooreenkomstig paragraaf (1) hiervan nie vir verkoop, vir rulling of uitwisseling aanbied of uitstal, is skuldig aan 'n misdryf onder hierdie Ordonnansie.

Item 15.

Houer van 'n restaurant, verversings- of teekamer . . . £2.10.0.

Hierdie lisensie is benodig deur elke persoon wat 'n openbare restaurant, koffiehuis of teekamer hou, onverskillig of binnenshuis of buitenshuis, vir die verkoop of verskaffing van maaltye of verversingsdranke (wat nie bedwelmende drank is nie vir die verkoop waarvan 'n drank lisensie benodig is), insluitende suikergoed en lekkers.

Item 16.

Kopers van karakoelvelle —

Een distrik £10.
Die hele Gebiet £25.

Boonop £1 op elke £1000 of gedeelte daarvan van die hele koopprys of waarde van karakoelvelle wat gedurende die 12 maande eindigende op die 30ste Junie van die jaar wat aan die betaling van lisensieregte voorafgaan, gekoop, geruil of uitgewissel is tot £5000 en £2 op elke £1000 of gedeelte daarvan £5000 te bowe gaande.

Die beginsels van artikel *een-en-twintig* van die Ordonnansie het *mutatis mutandis* toepassing ten opsigte van die vasstelling van lisensieregte.

Maksimum toevoeging £300.

(1) Hierdie lisensie is benodig deur elke persoon wat enige karakoelvelle koop of teen waardevolle vergoeding verwerf vir die doel van verkoop, versending, rullings of uitwisseling, hetsy deur veiling of uit die hand, onverskillig of die aldus handelende persoon 'n erkende besigheidsplek het-al dan nie. Dit sal voldoende *prima facie* bewys wees dat velle gekoop is vir die doel van verkoop, as hulle vir en ten behoeve van 'n handelsfirma gekoop is.

(2) (a) Al die kopers van karakoelvelle moet 'n register van alle gekoopte velle hou en in elke geval aangee —

- (i) die datum en plek van die transaksie;
- (ii) die hoeveelheid velle wat gekoop is;
- (iii) die naam en adres van die verkoper;
- (iv) die koopprys.

Die voormelde register moet op alle redelike tye ter insage van 'n blanke lid van die Suidwes-Afrikaanse polisie of enige behoorlik gemagtigde staatsamptenaar ooplê. Enige sodanige polisie-amptenaar of staatsamptenaar wat enige informasie deur hom as gevolg van sodanige inspeksie, behalwe in die loop van sy plig of op bevel van 'n bevoegde hof verkry, versprei, is skuldig aan 'n oortreding en na skuldigbevinding blootgestel aan 'n boete van hoogstens eenhonderd pond en by wanbetaling aan gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(b) Enige persoon wat nie 'n behoorlike register, soos voormeld, hou nie, of wat die voormelde insage weier, is skuldig aan 'n misdryf en na skuldigbevinding blootgestel aan 'n boete van hoogstens £50 of by wanbetaling aan gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(3) In die geval van 'n persoon wat nie in die Gebiet woonagtig is nie, kan enige agent wat vir hom in die Gebiet werk, in alle opsigte verantwoordelik gehou word vir die betaling van lisensieregte, asof hy die betrokke prinsipaal was.

Item 17.

Speculator in Livestock and Farm Produce £10.

In addition £1 on every £1000 or part thereof of total purchase price or value of Livestock and Farm Produce bought, bartered or exchanged during the twelve months ending 30th June of the year preceding payment of licence duty up to £10,000 and £2 on every £1000 or part thereof exceeding £10,000. The principles of section *twenty-one* of the Ordinance shall apply *mutatis mutandis* in regard to the assessment of licence duty.
Maximum addition £300.

(1) This licence shall be required by every person who carries on the trade or business (otherwise than in the course of his business as a General Dealer) of buying livestock or farm produce other than Karakul pelts for the purpose of sale, consignment, barter or exchange whether by auction or out of hand and whether or not the person so dealing has a recognised place of business.

It shall be sufficient *prima facie* evidence that livestock or farm produce is bought for the purpose of sale if it is bought for and on behalf of any mercantile firm.

(2) In the case of a person not resident in the Territory, any agent operating in the Territory on his behalf, may be held responsible in all respects for the payment of licence duty as if he were the principal concerned.

For the purpose of this licence "livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and ostriches, but does not include poultry or other birds.

Exemption:

A farmer or breeder of livestock in respect of the sale, barter or exchange of livestock bred or produce grown by him or purchased and re-sold in the course of his ordinary farming operations.

Item 18.

Tobacco — Selling by Retail £3.

This licence shall be required by every person who sells tobacco, cigars, and cigarettes by retail within any Municipality or Village Management Board Area.

Exemption:

Any person who is already licensed as a general dealer and any producer, in regard to sales of tobacco produced by him.

PART II. OCCUPATIONAL LICENCES.

Item 1.

Agent or commercial traveller of a foreign firm —

A. Wholesale £50.

Provided that the duty payable by any such agent or traveller who has been ordinarily resident within the Territory of South West Africa for two years immediately prior to the taking out by him of any such licence shall be £10.

Provided further that the duty payable by any such agent or traveller who has been ordinarily resident within the Territory of South West Africa for two years immediately prior to the taking out by him of any such licence, and who is the *bona fide* employee of a duly licensed agent or traveller of a foreign firm shall be the sum of £ 5.

(1) This licence shall be required by every person in addition to any other licence held by him, who in any way advertises or holds himself out as the authorised representative, agent or traveller of any manufacturing or trading establishment outside this Territory or the Union of South Africa, and who, whether as principal or as agent or employee of any duly licensed person actually invites, solicits, canvasses or accepts orders for the sale or supply of goods by any such manufacturing or trading establishment in any quantity to traders duly licensed in terms of Items 3, 4, 9, 10, 12 and 14 of Part I of this Schedule.

Item 17.

Spekulateur in lewende hawe en boerderyprodukte £10.

Boonop £1 op elke £1000 of gedeelte daarvan van totale koopprys of waarde van lewende hawe en boerderyprodukte wat gedurende die twaalf maande eindigende op die 30ste Junie van die jaar wat die betaling van lisensieregte voorafgaan, gekoop, geruil of uitgewissel is, tot £10,000 en £2 op elke £1000 of gedeelte daarvan £10,000 te bowe gaande. Die beginsels van artikel *een-entwintig* van die Ordonnansie het *mutatis mutandis* toepassing ten opsigte van die vaststelling van lisensieregte.

Maksimum toevoeging £300.

(1) Hierdie lisensie is benodig deur elke persoon wat die bedryf uitoefen of besigheid drywe (ander dan in die loop van sy besigheid as 'n algemene handelaar) van lewende hawe of boerdery produkte, ander dan karakoelvelle koop vir die doel van verkoop, versending, ruiling of uitwisseling, hetsy deur veiling of uit die hand, en onverskillig of die persoon wat aldus handel 'n erkende besigheidsplek het al dan nie.

Dit sal voldoende *prima facie* bewys wees dat lewende hawe of boerderyprodukte vir die doel van verkoop gekoop is, as dit vir en ten behoeve van enige handelsfirma gekoop is.

(2) In die geval van 'n persoon wat nie in die Gebied woonagtig is nie, kan enige agent wat vir hom in die Gebied werk, in alle opsigte verantwoordelik gehou word vir die betaling van lisensieregte, asof hy die betrokke prinsipaal was.

Vir die doel van hierdie lisensie beteken "lewende hawe" perde, beeste, skape, bokke, varke, muile, donkies en volstruise, maar sluit nie pluimvee of ander voëls in nie.

Vrystelling:

'n Boer of veeteler ten opsigte van die verkoop, ruiling of uitwisseling van lewende hawe deur hom aangeteel of produkte deur hom gegroei of in die loop van sy gewone boerdery-werksaamhede gekoop en weer verkoop.

Item 18.

Tabak — verkoop by die kleinmaat £3.

Hierdie lisensie is benodig deur elke persoon wat tabak, sigare en sigarette by die kleinmaat binne enige munisipaliteit of dorpsbestuursraadsgebied verkoop.

Vrystelling:

Enige persoon wat alreeds as 'n algemene handelaar gelisensieër is en enige produseerder, ten opsigte van verkopings van tabak deur hom geproduseer.

DEEL II. BEDRYFSLISENSIES.

Item 1.

Agent of handelsreisiger van uitheemse firma —

A. Groothandel £50.

Met die verstande dat die regte betaalbaar deur enige sodanige agent of reisiger wat twee jare lank onmiddellik voordat hy enige sodanige lisensie uitgeneem het, gewoonlik binne die Gebied Suidwes-Afrika metterwoon gevestig was, £10 is.

Met die verstande verder dat die regte betaalbaar deur enige sodanige agent of reisiger wat twee jare lank onmiddellik voordat hy enige sodanige lisensie uitgeneem het, gewoonlik binne die Gebied Suidwes-Afrika metterwoon gevestig was en wat die *bona fide* geëmplojeerde van 'n behoorlik gelisensieërde agent of reisiger van 'n uitheemse firma is, die som van £5

(1) Behalwe enige ander lisensie deur hom gehou, hierdie lisensie benodig deur elke persoon wat op enige wyse adverteer of voorspieël dat hy die gemagtigde verteenwoordiger, agent of reisiger van enige fabrieks- of handelsinrigting buite hierdie Gebied of die Unie van Suid-Afrika is, of wat, hetsy as prinsipaal of as agent of geëmplojeerde van enige behoorlik gelisensieërde persoon, werklik bestellings vra, versoek, werf of aanneem vir die verkoop of verskaffing van goedere deur enige sodanige fabrieks- of handelsinrigting in enige hoeveelheid aan behoorlik gelisensieërde handelaars ooreenkomstig items 3, 4, 9, 10, 12 en 14 van Deel I van hierdie Bylae.

(2) Every licence shall be made out in the name of the person licensed and shall state the full address at which he is ordinarily resident, and if he is an employee of a duly licensed agent or commercial traveller of a foreign firm, then also the full name and address of such employer, and shall be endorsed as follows: "To cover wholesale transactions only".

(3) In the event of any holder of such licence who is the *bona fide* employee of a duly licensed agent or commercial traveller of a foreign firm being unable during the currency of such licence to make use of it, the said licence may on application being made by the employer to any magistrate or other duly authorised officer, and on payment of a fee of £1, be transferred for the remainder of the period for which it is current to another employee nominated by such employer.

B. Retail £100

Provided that the duty payable by any such agent or traveller who has been ordinarily resident within the Territory of South West Africa for two years immediately prior to the taking out by him of any such licence shall be £25.

Provided further that the duty payable by any such agent or traveller who has been ordinarily resident within the Territory of South West Africa for two years immediately prior to the taking out by him of any such licence, and who is the *bona fide* employee of a duly licensed agent or traveller of a foreign firm shall be the sum of £10.

(1) This licence shall be required by every person, in addition to any other licence held by him, who in any way advertises or holds himself out as the authorised representative, agent or traveller of any manufacturing or trading establishment outside this Territory or the Union of South Africa, and who, whether as principal or as agent or employee of any duly licensed person, actually invites, solicits, canvasses or accepts orders on behalf of any such manufacturing or trading establishment from the general public for the sale or supply to them of goods, wares or merchandise.

(2) Every licence shall be made out in the name of the person licensed and shall state the full address at which he is ordinarily resident; and if he is an employee of a duly licensed agent or commercial traveller of a foreign firm, then also the full name and address of such employer, and shall be endorsed as follows:—"To cover retail transactions only".

(3) In the event of any holder of such licence who is the *bona fide* employee of a duly licensed agent or commercial traveller of a foreign firm being unable during the currency of such licence to make use of it, the said licence may on application being made by the employer to any magistrate or other duly authorised officer, and on payment of a fee of £1, be transferred for the remainder of the period for which it is current to another employee nominated by such employer

Item 2.

Agent or Commercial Traveller of a Union firm.

The provisions of item 1 shall apply *mutatis mutandis* in regard to manufacturing or trading establishments in the Union of South Africa.

Item 3.

Agent or Commercial Traveller of a South West Africa firm.

No wholesale licence, as provided in Items 1 and 2 will be required in regard to manufacturing or trading establishments in the Territory.

Retail £7.10.0.

Provided that the duty payable by any such agent or traveller who is the *bona fide* employee of a duly licensed agent or traveller of a South West Africa firm shall be the sum of £5.

(1) This licence shall be required by every person, in addition to any other licence held by him, who in any way advertises or holds himself out as the authorised representative, agent or traveller of any manufacturing or trading establishment carrying on business in the Territory and who, whether as principal or as agent or employee of any duly licensed person actually invites, solicits, canvasses or accepts orders on behalf of any such manufacturing or trading establishment from the general public for the sale or supply to them of goods, wares or merchandise:

(2) Elke lisensie moet in die naam van die gelisensieerde persoon uitgemaak word en moet die volledige adres waar hy gewoonlik woonagtig is, aangee, en as hy 'n geëmplojeerde van 'n behoorlik gelisensieerde agent of handelsreisiger van 'n uitheemse firma is, dan ook die volle naam en adres van sodanige werkgever en moet as volg geëndosseer word: "Net om groothandeltransaksies te dek".

(3) Ingeval enige houer van sodanige lisensie wat die *bona fide* geëmplojeerde van 'n behoorlik gelisensieerde agent of handelsreisiger van 'n uitheemse firma is, nie in staat is om gedurende die geldigheid van sodanige lisensie gebruik daarvan te maak nie, kan die voormelde lisensie, as deur die werkgever by enige magistraat of ander behoorlik gemagtigde amptenaar aansoek gedoen word, en na betaling van 'n fooi van £1, vir die res van die tydperk waarvoor dit geldig is aan 'n ander geëmplojeerde deur sodanige werkgever genomineer, oorgedra word.

B. Kleinhandel £100.

Met die verstande dat die regte betaalbaar deur enige sodanige agent of reisiger wat twee jare lank onmiddellik voordat hy enige sodanige lisensie uitgeneem het, gewoonlik binne die Gebied Suidwes-Afrika metterwoon gevestig was £25 is.

Met die verstande verder dat die regte betaalbaar deur enige sodanige agent of reisiger wat twee jare lank onmiddellik voordat hy enige sodanige lisensie uitgeneem het, gewoonlik binne die Gebied Suidwes-Afrika metterwoon gevestig was en wat die *bona fide* geëmplojeerde van 'n behoorlik gelisensieerde agent of reisiger van 'n uitheemse firma is, die som van £10 is.

(1) Behalwe enige ander lisensie deur hom gehou, is hierdie lisensie benodig deur elke persoon wat op enige wyse adverteer of voorspieël dat hy die gemagtigde verteenwoordiger, agent of reisiger van enige fabrieks- of handelsinrigting buite hierdie Gebied of die Unie van Suid-Afrika is, of wat, hetsy as prinsipaal of as agent of geëmplojeerde van enige behoorlik gelisensieerde persoon, werklik ten behoeve van enige sodanige fabrieks- of handelsinrigting bestellings van die algemene publiek vir die verkoop of verskaffing van goedere, ware of koopware aan hulle vra, versoek, werf of aanneem.

(2) Elke lisensie moet in die naam van die gelisensieerde persoon uitgemaak word en moet die volledige adres waar hy gewoonlik woonagtig is, aangee, en as hy 'n geëmplojeerde agent of handelsreisiger van 'n uitheemse firma is, dan ook die volle naam en adres van sodanige werkgever, en moet as volg geëndosseer word: "Net om kleinhandel-transaksies te dek".

(3) Ingeval enige houer van sodanige lisensie wat die *bona fide* geëmplojeerde van 'n behoorlik gelisensieerde agent of handelsreisiger van 'n uitheemse firma is, nie in staat is om gedurende die geldigheid van sodanige lisensie gebruik daarvan te maak nie, kan die voormelde lisensie, as deur die werkgever by enige magistraat of ander behoorlik gemagtigde amptenaar aansoek gedoen word, en na betaling van 'n fooi van £1, vir die res van die tydperk waarvoor dit geldig is aan 'n ander geëmplojeerde deur sodanige werkgever genomineer, oorgedra word.

Item 2.

Agent of Handelsreisiger van 'n Unie-firma.

Die voorsiening van item 1 het *mutatis mutandis* toepassing op die fabrieks- of handelsinrigtinge in die Unie van Suid-Afrika.

Item 3.

Agent of Handelsreisiger van 'n Suidwes-Afrikaanse firma.

Geen groothandel-lisensie, soos voorsien in items 1 en 2, is benodig ten opsigte van fabrieks- of handelsinrigtinge in die Gebied nie.

Kleinhandel £7.10.0.

Met die verstande dat die regte betaalbaar deur enige sodanige agent of reisiger wat die *bona fide* geëmplojeerde van 'n behoorlik gelisensieerde agent of reisiger van 'n Suidwes-Afrikaanse firma is, die som van £5.0.0 is.

(1) Behalwe enige ander lisensie deur hom gehou, is hierdie lisensie benodig deur elke persoon wat op enige wyse adverteer of voorspieël dat hy die gemagtigde verteenwoordiger, agent, of reisiger van enige fabrieks- of handelsinrigting wat besigheid in die Gebied drywe, is, en wat, hetsy as prinsipaal of as agent of geëmplojeerde van enige behoorlike gelisensieerde persoon, werklik ten behoeve van enige sodanige fabrieks- of handelsinrigting bestellinge van die algemene publiek vir die verkoop of verskaffing van goedere, ware, of koopware aan hulle vra, versoek, werf of aanneem:

Provided that such licence shall not be required for inviting, canvassing, soliciting or accepting orders within any magisterial district in which such manufacturing or trading establishment has a place of business.

(2) Every licence shall be made out in the name of the person licensed and shall state the full address at which he is ordinarily resident; and if he is an employee of a duly licensed agent or commercial traveller of a South West Africa firm, then also the full name and address of such employer.

(3) In the event of any holder of such licence who is the *bona fide* employee of a duly licensed agent or commercial traveller of a South West Africa firm being unable during the currency of such licence to make use of it, the said licence may, on application being made by the employer to any magistrate or other duly authorised officer, and on payment of a fee of £1, be transferred for the remainder of the period for which it is current to another employee nominated by such employer.

Item 4.

Auctioneer £15.

(1) This licence shall be required by every person who sells any article or thing including fixed property and livestock at any public sale where the highest bidder, whether the bidding be by the rise or by the fall, becomes the purchaser.

(2) Every such licence shall be issued under the name of one individual only and shall not be issued in the name of any company, firm or partnership, and shall, save as is hereinafter provided, be required by any person who as the employee of a person carrying on business as an auctioneer, conducts sales on behalf of his employer.

(3) An auctioneer's licence shall not cover sales out of hand by an auctioneer and sales of new or unused goods or merchandise by an auctioneer either by auction or out of hand; such sales shall be covered by the appropriate licence provided under this Ordinance: Provided that sales of livestock or immovable property out of hand by a duly licensed auctioneer on the day of an auction sale shall be covered by the licence held by him as an auctioneer: Provided further that if a duly licensed auctioneer obtains a general dealer's licence he may sell new and unused goods by auction anywhere in the Territory and not merely at the premises in respect of which his general dealer's licence has been issued.

Exemptions:

- (a) a messenger of a Magistrate's Court or his deputy, or a Sheriff or his deputy, or any other duly authorised officer of the Court or trustee of an insolvent estate or an executor of a deceased estate when acting in his capacity as such, and a market master or pound master when acting in his capacity as such;
- (b) Persons appointed to sell movable or immovable property for or on account of the South West Africa Administration, or the South African Railways and Harbours Administration, when acting under such appointment;
- (c) Persons appointed to sell by auction on behalf of any association or society for the promotion of Agriculture and the improvement of livestock when acting under such appointment, at any agricultural shows, fairs, or markets held by such association or society;
- (d) Any employee or other individual nominated by the holder of an auctioneer's licence to conduct sales on behalf of such licence holder during a period of temporary absence not connected with the conduct of sales in any other place: Provided that any individual so nominated shall not be permitted to conduct sales on behalf of the licence holder during any continuous period exceeding six months in any one year; and provided further that the licence of the auctioneer is endorsed with the name of the nominee and the period of the temporary transfer of the licence.

Item 5.

(1) Bagatelle Table Keeper (for each table) £1.

This licence shall be required by every person who keeps a public bagatelle table, whether a charge is made for the right to play or not.

Met die verstande dat sodanige lisensie nie benodig is, om bestellinge binne enige magistrataatsdistrik waarin sodanige fabrieks- of handelsinrigting 'n besigheidsplek het, te vra, te versoek, te werf, of aan te neem nie.

(2) Elke lisensie moet in die naam van die gelisensieerde persoon uitgemaak word en moet die volledige adres waar hy gewoonlik woonagtig is, aangee, en as hy 'n geëmployeerde van 'n behoorlik gelisensieerde agent of handelsreisiger van 'n Suidwes-Afrikaanse firma is, dan ook die volle naam en adres van sodanige werkgever.

(3) Ingeval enige houer van sodanige lisensie wat die *bona fide* geëmployeerde van 'n behoorlik gelisensieerde agent of handelsreisiger van 'n Suidwes-Afrikaanse firma is, nie in staat is om gedurende die geldigheid van sodanige lisensie gebruik daarvan te maak nie, kan die voormelde lisensie, as deur die werkgever by enige magistraat of ander behoorlik gemagtigde amptenaar aansoek gedoen word, en na betaling van 'n fooi van £1, vir die res van die tydperk waarvoor dit geldig is, aan 'n ander geëmployeerde deur sodanige werkgever genomineer, oorgedra word.

Item 4.

Afslaer £15.

(1) Hierdie lisensie is benodig deur elke persoon wat enige artikel of ding met inbegrip van vaste eiendom en lewende hawe op enige publieke veiling verkoop, waar die hoogste bieder, hetsy die bod op prysverhoging of prysdaling berus, die koper word.

(2) Elke sodanige lisensie moet onder die naam van een enkele individu uitgereik word en mag nie in die naam van enige maatskappy, firma of vennootskap uitgereik word nie, en word, behalwe soos hierna bepaal, deur enige persoon benodig wat as die werknemer van 'n persoon wat besigheid as 'n afslaer drywe, veilings ten behoeve van sy werkgever lei.

(3) 'n Afslaerslisensie dek nie verkope uit die hand deur 'n afslaer en verkope van nuwe en gebruikte goedere of ware deur 'n afslaer of by veiling of uit die hand nie; sodanige verkope moet gedek word deur die toepaslike lisensie kragtens hierdie Ordonnansie bepaal: Met die verstande dat verkope van lewende hawe of onroerende eiendom uit die hand deur 'n behoorlik gelisensieerde afslaer op die dag van die veiling gedek sal word deur die lisensie wat hy as afslaer hou. Met die verstande verder dat as 'n behoorlik gelisensieerde afslaer 'n algemene handelaarslisensie verkry mag hy nuwe en ongebruikte goedere deur veiling op enige plek in die Gebied verkoop en nie slegs op die persele ten opsigte waarvan sy algemene handelaarslisensie uitgereik is.

Vrystellinge:

- (a) 'n bode van 'n magistrataatshof of sy plaasvervanger of 'n balju of sy plaasvervanger, of enige ander behoorlik gemagtigde amptenaar van die hof of kurator van 'n insolvente boedel of 'n eksekuteur van 'n oorlede boedel wanneer hy in sy hoedanigheid as sodanige optree, en 'n markmeester of skutmeester, wanneer hy in sy hoedanigheid as sodanige optree;
- (b) persone aangestel om roerende en onroerende goedere vir of ten behoeve van die Administrasie van Suidwes-Afrika, of die Suid-Afrikaanse Spoorweë en Hawens Administrasie te verkoop, wanneer hy kragtens sodanige aanstelling handel;
- (c) persone aangestel om ten behoeve van enige assosiasie of vereniging vir die bevordering van landbou en die verbetering van lewende hawe op enige landboutoonstellinge, jaarmarkte of markte deur sodanige assosiasie of vereniging gehou, by veiling te verkoop, wanneer hy kragtens sodanige aanstelling handel;
- (d) enige werknemer of ander individu deur die houer van 'n afslaerslisensie aangestel om verkope ten behoeve van sodanige lisensiehouer te lei gedurende 'n tydperk van tydelike afwesigheid wat geen verbinding het met die lei van verkope in enige ander plek nie: Met die verstande dat enige individu wat aldus aangestel is nie geoorloof is nie om verkope te lei ten behoeve van die lisensiehouer gedurende enige aanhoudende tydperk wat ses maande in enige jaar te bowe gaan; met die verstande verder dat die lisensie van die afslaer met die naam van die aangestelde persoon en die tydperk van die tydelike oordrag van die lisensie geëndosseer is.

Item 5.

(1) Bakateltafelhouer (vir elke tafel) £1.

Hierdie lisensie is benodig deur elke persoon wat 'n openbare bakateltafel hou onverskillig of 'n vordering gemaak word vir die reg om te speel al dan nie.

(2) Billiard Table Keeper (for each table) £5.

This licence shall be required by every person who keeps a public billiard table, whether a charge is made for the right to play or not.

When temporary transfer of a liquor licence shall have been granted under the provisions of the liquor licensing laws in force in the Territory and the original holder of that licence shall also be the holder of a licence to keep a bagatelle table and/or billiard table upon the licensed premises, he may, by application to and endorsement under the hand of the Magistrate, make transfer of the licence to keep such bagatelle table and/or billiard table for the unexpired period thereof to the person to whom the first-mentioned licence has been temporarily transferred.

Item 6.

Board of Executors or Trust Company —

For the head office	£15.
For each branch office	£ 5.

This licence shall be required by any board of executors or trust company or other company of like kind.

Item 7.

Broker or Agent £10.

(1) This licence shall be required by every person who carries on the business:

- of negotiating bargains or contracts between other persons in matters of trade, commerce or navigation; including sales or other dispositions of movable or immovable property, for a remuneration commonly called commission or brokerage; or
- of undertaking or executing any agency including the letting of houses or other fixed property on commission; or
- of undertaking the administration of deceased estates or the trusteeship in insolvent estates.

Exemptions:

- Agents or commercial travellers of foreign firms, Union firms or South West Africa firms when holding and acting under licences as such.
 - Duly licensed attorneys, accountants, or auditors when acting in their professional capacity, and any duly licensed board of executors or trust company;
 - Market masters in respect of goods sold on a public market.
- (2) When two or more members of a firm carry on the business of brokers or agents, each member so carrying on the business shall take out a separate and distinct licence in his own name.

Item 8.

Canvasser for Sale of Shares and/or Land £50.

This licence shall be required by every person who travels about from place to place selling, offering for sale or canvassing for the sale of shares in any company, registered or unregistered, or selling, offering for sale or canvassing for the sale of immovable property. The holder of this licence shall not be required to take out a broker's licence.

Item 9.

Importer	£1.
In addition for every person in respect of the value of goods imported in each calendar year over and above £100.	
For every £100 or part thereof	£1.
Maximum licence	£300.

(1) This licence shall be required by every person who brings goods other than the produce of the Union of South Africa into the Territory for the purpose of sale, trade, or barter.

(2) For the purpose of calculating the said licence duty the value of goods shall be the value as ascertained for Customs purposes: Provided that for the purpose of calculating the amount of licence duty payable by an importer there shall not be taken into account:

(2) Biljarttafelhouer (vir elke tafel) £5.

Hierdie lisensie is benodig deur elke persoon wat 'n openbare biljarttafel hou, onverskillig of 'n vordering gemaak word vir die reg om te speel al dan nie.

Wanneer 'n tydelike oordrag van 'n dranklisensie kragtens die bepalings van die dranklisensiewette wat in die Gebied van krag is, toegestaan is, en die oorspronklike houër van daardie lisensie ook die houër van 'n lisensie om 'n bakateltafel en/of biljarttafel op die gelisensieerde perseel te hou, mag hy, deur aplikasie aan en endossement onder die hand van die magistraat, oordrag van die lisensie om sodanige bakateltafel en/of biljarttafel vir die onafgelope tydperk daarvan te hou, aan die persoon aan wie die eersgenoemde lisensie tydelik oorgedra is, bewerkstellig.

Item 6.

Raad van Eksekuteurs of Trust-Maatskappy.

Vir die hoofkantoor	£15.
Vir elke takkantoor	£5.

Hierdie lisensie is benodig deur enige raad van eksekuteurs of trust-maatskappy of ander gelyksoortige maatskappy.

Item 7.

Makelaar of Agent £10.

(1) Hierdie lisensie is benodig deur elke persoon wat die besigheid drywe:

- van kope of kontrakte sluit tussen ander persone in sake bedrywe, handel of skeepvaart; met inbegrip van verkope of ander beskikkinge oor roerende of onroerende eiendom teen 'n vergoeding gewoonlik kommissie of makelaarsloon genoem; of
- van enige agentskap onderneem of uitvoer, insluitende die verhuur van huise of ander vaste eiendomme teen kommissie; of
- van die beheer van uitgestorwe boedels of die trusteeskap in insolvente boedels.

Vrystellinge:

- Agente of handelsreisigers van uitheemse firmas, Unie firmas of Suidwes-Afrikaanse firmas, wanneer hulle lisensies as sodanige hou en daaronder handel.
 - Behoorlik gelisensieerde prokureurs, rekenmeesters of ouditeurs, wanneer hulle in hulle professionele hoedanigheid handel en enige behoorlik gelisensieerde raad van eksekuteurs of trust-maatskappy;
 - Markmeesters ten opsigte van goedere op 'n publieke mark verkoop.
- (2) Wanneer twee of meer lede van 'n firma die besigheid van makelaars of agente drywe, moet elke lid wat die besigheid aldus drywe, 'n afsonderlike en onderskeie lisensie in sy eie naam uitneem.

Item 8.

Werwer vir verkoop van aandele en/of grond £50.

Hierdie lisensie is benodig deur elke persoon wat van plek tot plek reis en aandele in enige maatskappy, geregistreer of ongeregistreer, verkoop, vir verkoop aanbied of vir die verkoop daarvan werf, of wat onroerende eiendom verkoop, te koop aanbied of vir die verkoop daarvan werf. Die houër van hierdie lisensie het nie nodig om 'n makelaarslisensie uit te neem nie.

Item 9.

Invoerder	£1.
Boonop vir elke persoon ten opsigte van die waarde van goedere in elke kalenderjaar bo en £100 te bowe gaande ingevoer.	
Vir elke £100 of gedeelte daarvan	£1.
Maksimum lisensie	£300.

(1) Hierdie lisensie is benodig deur elke persoon wat goedere ander dan die produk van die Unie van Suid-Afrika in die Gebied vir die doel van verkoop, handel of ruiling bring.

(2) Vir die doel van berekening van die voormelde lisensieregte is die waarde van goedere die waarde soos vir doeanedoelindes vasgestel: Met die verstande dat vir die doel van berekening van die bedrag van die lisensieregte wat deur 'n invoerder betaaibaar is, daar nie in aanmerking geneem word nie:

- (a) the value of goods imported into this Territory for the purpose of transshipment beyond the borders of this Territory;
- (b) the value of goods which being the growth, produce or manufacture of the Union of South Africa are imported into this Territory from any Province of the Union;
- (c) the value of goods which not being the growth, produce or manufacture of the Union of South Africa are imported into this Territory from any Province of the Union of South Africa, provided that the said goods have been purchased by the importer from a person resident in that Province.

(3) The licence duty shall be payable to the Magistrate of the District in which the Importer has his principal place of business, and the importer shall on each occasion that he becomes liable for licence duty furnish the Magistrate with a declaration as to the value of his importations in such form as may by regulation be prescribed.

Item 10.

Newspaper publishers.

For every newspaper published in the Territory £5.

For the purpose of this item the word "newspaper" shall mean any paper containing public news, intelligence or occurrences, printed for sale and published periodically at least once every week.

- (a) die waarde van goedere wat vir die doel van oorskeping oor die grense van hierdie Gebied in hierdie Gebied ingevoer is;
- (b) die waarde van goedere wat 'n gewas, produk of fabriek van die Unie van Suid-Afrika is, uit enige Provinsie van die Unie in hierdie Gebied ingevoer is;
- (c) die waarde van goedere wat nie gewasse, produkte of vervaardigings van die Unie van Suid-Afrika is nie, wat in hierdie Gebied ingevoer word van enige Provinsie van die Unie van Suid-Afrika, met die verstande dat die voormelde goedere deur die invoerder gekoop van 'n persoon wat in daardie Provinsie woonagtig is.

(3) Die lisensieregte is betaalbaar aan die magistraat van die distrik, waarin die invoerder sy vernaamste besigheidsplek het, en die invoerder moet telkens as hy aanspreeklik word vir lisensieregte, die magistraat voorsien van 'n verklaring aangaande die waarde van sy invoer-artikels in sodanige vorm as deur regulasie voorgeskrywe mag word.

Item 10.

Uitgewers van Nuusblaai:

Vir elke nuusblad in die Gebied gepubliseer . . . £5.

Vir die doel van hierdie item beteken die woord "nuusblad" enige blad wat openbare nuus, narigte of voorvalle bevat, en vir verkoop gedruk en periodiek ten minste een maal elke week uitgegee word.

SECOND SCHEDULE.

1. Aerated or Mineral Water Manufacturers;
2. Aerated or Mineral Water Dealers;
3. Agent of a Foreign Firm;
4. Apothecary;
5. Baker;
6. Bagatelle Table Keeper;
7. Billiard Table Keeper;
8. Butcher;
9. Canvasser for Shares or Sale of land;
10. Commercial Traveller;
11. Fresh Produce Dealer;
12. Game Dealer;
13. General Dealer;
14. Hawker;
15. Importer;
16. Patent and Proprietary Medicines;
17. Pawnbroker;
18. Pedlar;
19. Speculator in Karakul Pelts;
20. Speculator in Livestock and Farm Produce;
21. Tobacco — Selling by Retail.

TWEDE BYLAE.

1. Vervaardigers van spuit- of mineraalwater;
2. Handelaars in spuit- of mineraalwater;
3. Agent van 'n uitheemse firma;
4. Apteker;
5. Bakker;
6. Bagateltafelhouer;
7. Biljarttafelhouer;
8. Slagter;
9. Werwer vir aandele of verkope van grond;
10. Handelsreisiger;
11. Handelaar in vars produkte;
12. Wildhandelaar;
13. Algemene handelaar;
14. Smous;
15. Invoerder;
16. Patente en Eiendomsgeneesmiddels;
17. Pandhouer;
18. Voetsmous;
19. Spekuleur in karakoelvelle;
20. Spekuleur in lewende hawe en hoederyprodukte;
21. Tabak — verkoop by die kleinmaat.

THIRD SCHEDULE.

1. Aerated or mineral water dealer.
2. Apothecary, chemist and druggist.
3. Bagatelle table.
4. Baker.
5. Billiard table.
6. Boarding and lodging house keeper.
7. Butcher.
8. Fresh produce dealer.
9. Game dealer.
10. Pedlar.
11. Motor garage.
12. Patent or proprietary medicines.
13. Pawnbroker.
14. Restaurant, refreshment and tea room dealer.
15. Tobacco — selling by retail.
16. General dealer.

DERDE BYLAE.

1. Handelaar in spuit- of mineraalwater.
2. Apteker, skeikundige en drogis.
3. Bagateltafel.
4. Bakker.
5. Biljarttafel.
6. Kos- en losieshuishouer.
7. Slagter.
8. Handelaar in vars produkte.
9. Handelaar in wild.
10. Voetsmous.
11. Motorgarage.
12. Patent of privaatmedisyne.
13. Pandjieshouer.
14. Restourant-, verversings- en teekamerhandelaar.
15. Verkoop van tabak in die kleinhandel.
16. Algemene handelaar.

FOURTH SCHEDULE.

Number and Year of Law.	Short Title of Law	Extent of Repeal
Proclamation No. 21 of 1921	Licences Proclamation, 1921.	The whole.
Proclamation No. 33 of 1921	Licences Amendment Proclamation, 1921.	"
Proclamation No. 21 of 1922	Licences Further Amendment Proclamation, 1922.	"
Proclamation No. 29 of 1925	Licences Proclamation Amendment Proclamation, 1925.	"
Ordinance No. 12 of 1928	Licences Law Amendment Ordinance, 1928.	"
Ordinance No. 7 of 1929	Licences Law Further Amendment Ordinance, 1929.	"
Ordinance No. 1 of 1930	Licences Law Further Amendment Ordinance, 1930.	"
Proclamation No. 13 of 1931	Licences Law Amendment Proclamation, 1931.	"
Proclamation No. 18 of 1931	Licences Law Further Amendment Proclamation, 1931.	"
Ordinance No. 1 of 1932	Licences, Wheel Tax and Motor Vehicle Licence Instalments Ordinance, 1932.	Sections <i>one, two, three, four, five and six.</i>
Ordinance No. 3 of 1932	Licences Law Amendment Ordinance, 1932.	The whole.
Proclamation No. 8 of 1933	Licences Law Amendment Further Amendment Proclamation, 1933.	"

VIERDE BYLAE.

Nommer en Jaar van Wet.	Kort Titel van Wet.	Omvang van Herroeping.
Proklamasie No. 21 van 1921	De Licentie Proklamatie 1921.	Die hele.
Proklamasie No. 33 van 1921	De Licentie Wijziging Proklamatie 1921.	"
Proklamasie No. 21 van 1922	De Verdere Licenties Wijzigings Proklamatie 1922.	"
Proklamasie No. 29 van 1925	De Licentie Proklamatie Wijzigings Proklamatie 1925.	"
Ordonnansie No. 12 van 1928	Die Lisensiewet Wysigings-ordonnansie 1928.	"
Ordonnansie No. 7 van 1929	Die Lisensiewet Verder Wysigingsordonnansie 1929.	"
Ordonnansie No. 1 van 1930	Die Lisensiewet Verder Wysigingsordonnansie 1930.	"
Proklamasie No. 13 van 1931	Die Lisensiewet Wysigingsproklamasie 1931.	"
Proklamasie No. 18 van 1931	Die Lisensiewet Verder Wysigingsproklamasie 1931.	"
Ordonnansie No. 1 van 1932	Die Ordonnansie van 1932 op Paaieente van Lisensies, Wielbelastings en Motorvoertuiglisensie.	Artikels <i>een, twee, drie, vier, vyf en ses.</i>
Ordonnansie No. 3 van 1932	Die Lisensiewet Wysigings-ordonnansie 1932.	Die hele.
Proklamasie No. 8 van 1933	Die Lisensiewet Wysiging Verder Wysigingsproklamasie 1933.	"

No. 14 of 1935.]

ORDINANCE

To amend the law relating to the sale of intoxicating liquor

*(Assented to 26th November, 1935.)**(Afrikaans text signed by the Administrator.)*

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

1. Section *sixty-six* of the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), as amended by section *five* of the Liquor Licensing Amendment Further Amendment Proclamation, 1923 (Proclamation No. 27 of 1923), is hereby further amended by the addition of the following words at the end of sub-section (1) thereof:—

“A fee equal to the amount of the gallon tax that would be payable under a retail licence in respect of the sale of the liquor authorised to be imported shall be paid for a permit authorising the importation of any wine or brandy into the Territory by a person other than the holder of a licence.”

2. The Second Schedule to the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), as amended by the Liquor Licensing Law Further Amendment Ordinance, 1931 (Ordinance No. 7 of 1931), and the Liquor Licensing Law Further Amendment Proclamation, 1934 (Proclamation No. 27 of 1934), is hereby further amended —

(1) by the insertion of the following new sub-paragraph (b) in paragraphs *two* and *five*, respectively, — the present sub-paragraph (b) becoming sub-paragraph (c) in each case —

No. 14 van 1935.]

ORDONNANSIE

Om die wet met betrekking tot die verkoop van bedwelmende drank te wysig.

*(Goedgekeur 26 November 1935.)**(Afrikaanse teks deur die Administrateur geteken.)*

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

1. Artikel *ses-en-sestig* van “De Drank Licentie Proklamatie 1920” (Proklamasie No. 6 van 1920), soos gewysig deur artikel *vyf* van “De Dranklicentie Wijziging Verdere Wijzigingsproklamatie 1923” (Proklamasie No. 27 van 1923), word hiermee verder gewysig deur die toevoeging van die volgende woorde aan die end van sub-artikel (1) daarvan:—

“Een fooi gelijkstaande met het bedrag van de gellingbelasting, die krachtens een kleinhandel-licentie ten opzichte van de verkoop van de drank, die ingevoerd mag worden, betaalbaar zou zijn, moet betaald worden voor een permit, dat de invoering van wijn of brandewijn in het Gebied door een persoon ander dan de houder van een licentie toelaat”.

2. Die Tweede Bylae van “De Drank Licentie Proklamatie 1920” (Proklamasie No. 6 van 1920), soos gewysig deur die Dranklisensie Verder Wysigingsordonnansie 1931 (Ordonnansie No. 7 van 1931), en die Dranklisensie Wet Verder Wysigingsproklamasie 1934 (Proklamasie No. 27 van 1934) word hiermee verder gewysig—

(1) deur die volgende nuwe sub-paragraaf (b) respektieflik in paragrafe *twee* en *vyf* in te voeg — terwyl teenswoordige sub-paragraaf (b) sub-paragraaf (c) in elke geval word.

“(b) On the sale or consumption of wine, other than the produce and manufacture of South West Africa, one shilling and sixpence per bulk gallon or part thereof”;

(2) by the deletion in sub-paragraph (b) (new sub-paragraph (c)) of paragraphs *two* and *five*, respectively, of the words: “wine other than the produce and manufacture of South West Africa”;

(3) by the insertion of the following new sub-paragraph (d) in paragraphs *two* and *five*, respectively, — the present sub-paragraph (c) becoming sub-paragraph (e) in each case —

“(d) On the sale or consumption of brandy, other than the produce and manufacture of South West Africa, ten shillings per bulk gallon or part thereof”;

(4) by the addition of the following new paragraph, as paragraph 9 —

“9. Holders of wholesale and bottle licences shall pay, in addition to the licence duties provided in paragraphs *one* and *three* respectively, a tax on the sale of wine and brandy, in the same manner as provided for holders of retail and club licences in paragraphs *two* and *five*, in the case of sales to persons other than licence-holders or in the case of personal consumption.”

3. This Ordinance may be cited for all purposes as the Liquor Licensing Amendment Ordinance, 1935.

“(b) Op de verkoop of verbruik van wijn, de niet een produkt of fabrikaat van Zuidwest-Afrika is, een shilling en zes pennies per gelling bij volume of gedeelte ervan”;

(2) deur die skrapping in sub-paragraaf (b) (nuwe sub-paragraaf (c)) van paragrawe *twee* en *vyf* respektieflik van die woorde: “wijn die niet een produkt of fabrikaat van Zuidwest-Afrika is”;

(3) deur invoeging van die volgende nuwe sub-paragraaf (d) in paragrawe *twee* en *vyf* respektieflik, terwyl die teenswoordige sub-paragraaf (c) in elke geval sub-paragraaf (e) word —

“(d) Op de verkoop of verbruik van brandewijn die niet een produkt of fabrikaat van Zuidwest-Afrika is, tien shillings per gelling bij volume of gedeelte ervan”;

(4) deur die byvoeging van die volgende nuwe paragraaf as paragraaf 9 —

“9. Houders van groothandel-licenties en bottel-licenties moeten, behalve de licentie-belastingen bepaald in paragrafen *een* en *drie* respektieflik, een belasting op verkoop van wijn en brandewijn betalen op dezelfde wijze als ten opzichte van houders van kleinhandel- en klub-licenties in paragrafen *twee* en *vyf*, voorzien word, in het geval van verkopen aan personen, die niet licentiehouders zijn, of in het geval van persoonlik verbruik”.

3. Hierdie Ordonnansie kan vir alle doeleindes as die Dranklisensiewet Wysigingsordonnansie 1935 aangehaal word.

No. 15 of 1935.]

ORDINANCE

To amend the law relating to the prevention of unnecessary trading on Sundays.

(Assented to 27th November, 1935.)
(English text signed by the Administrator.)

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

1. Sub-section (e) of section *two* of the Sunday Trading Proclamation, 1919 (Proclamation No. 12 of 1919), is hereby repealed.

2. This Ordinance may be cited for all purposes as the Sunday Trading Amendment Ordinance, 1935.

No. 16 of 1935.]

ORDINANCE

To provide for the amendment of the law relating to the imposition of a tax on the sale of cigarettes and cigarette tobacco.

(Assented to 27th November, 1935.)
(Afrikaans text signed by the Administrator.)

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

1. In this Ordinance the expression “the principal Ordinance” shall mean the Cigarettes and Cigarette Tobacco Sales Tax Ordinance, 1933 (Ordinance No. 11 of 1933).

2. (1) Section *two* of the principal Ordinance is hereby amended by the addition of the following proviso at the end thereof —

“Provided that any regulations made under and by virtue of the provisions of the said Ordinance shall continue to be in force until regulations are made by the Administrator under and by virtue of the powers granted to him by section *ten* of this Ordinance.”

No. 15 van 1935.]

ORDONNANSIE

Om die wet betreffende die voorkoming van onnodige handeldrywe op Sondag te wysig.

(Goedgekeur 27 November 1935.)
(Engelse teks deur die Administrateur geteken.)

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

1. Sub-artikel (e) van artikel *twee* van “De Proclamatie op Handeldrywe op Zondag 1919” (Proklamasie No. 12 van 1919) word hierby herroep.

2. Hierdie Ordonnansie kan aangehaal word as die Wysigingsordonnansie op Handeldrywe op Sondag 1935.

No. 16 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die wysiging van die wet betreffende die oplegging van 'n belasting op die verkoop van sigarette en sigarettabak.

(Goedgekeur 27 November 1935.)
(Afrikaanse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie beteken “die hoofordonnansie” die Sigarette en Sigarettabak Verkoopbelasting Ordonnansie 1933 (Ordonnansie No. 11 van 1933).

2. (1) Artikel *twee* van die hoofordonnansie word hierby gewysig deur die toevoeging van die volgende voorbehoud aan die end daarvan —

“Met die verstande dat enige regulasies uitgevaardig kragtens en ingevolge die voorsieninge van die voormelde Ordonnansie sal voortgaan om van krag te wees, totdat regulasies deur die Administrateur uitgevaardig word kragtens en ingevolge die bevoegdheids hom verleen by artikel *tien* van hierdie Ordonnansie.”

(2) The provisions of this section shall be deemed to have been in operation as from the twenty-second day of September, 1933.

3. Section *nine* of the principal Ordinance is hereby amended:—

- (1) By the introduction of the following words after the word "otherwise" in line three thereof — "And no person shall knowingly receive by way of gift, remuneration or otherwise from places outside the Territory, any cigarettes or cigarette tobacco whatsoever."
- (2) By the addition of the following sentence at the end of the first paragraph thereof — "Any Post Office official or official of the South African Railways and Harbours Administration may detain any parcel or package which is reasonably suspected of containing cigarettes or cigarette tobacco, until such time as he is satisfied that the tax due on such cigarettes or cigarette tobacco in terms of this Ordinance has been paid."

4. This Ordinance may be cited for all purposes as the Cigarettes and Cigarette Tobacco Sales Tax Amendment Ordinance, 1935.

No. 17 of 1935.]

ORDINANCE

To alter the rate of interest to be allowed on moneys received by the Master of the High Court for account of minors or lunatics or certain other persons.

(Assented to 27th November, 1935.)
(Afrikaans text signed by the Administrator.)

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

1. Section *ninety-three* of the Administration of Estates Act, 1913 (Act No. 24 of 1913), of the Parliament of the Union of South Africa, as applied to this Territory by section *two* of the Better Administration of Justice Proclamation, 1921 (Proclamation No. 52 of 1921), and amended for the purposes of such application by the Guardian's Fund (Interest on Minors and Lunatics Moneys) Ordinance, 1927 (Ordinance No. 1 of 1927), is hereby further amended for the purposes of such application as aforesaid, by the deletion of the words "four and one-half" occurring therein and the substitution therefor of the word "four".

2. This Ordinance may be cited for all purposes as the Guardian's Fund (Interest on Minors and Lunatics Moneys) Amendment Ordinance, 1935, and shall come into operation on the first day of April, 1936.

No. 18 of 1935.]

ORDINANCE

To amend the divorce laws of the Territory.

(Assented to 27th November, 1935.)
(English 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. (1) In addition to any other grounds on which a decree of divorce may by any law at present in force in the Territory be granted such a decree may also be granted on the ground that the party against whom the decree is sought —

(2) Die voorsieninge van hierdie artikel word geag in werking te gewees het vanaf die twee-en-twintigste dag van September 1933.

3. Artikel *nege* van die hoofordonnansie word hierby gewysig:—

- (1) Deur die invoeging van die volgende woorde na die woord "andersins" in reël drie daarvan — "En niemand mag voorbedagtelik sigarette of sigarettabak van welke aard dan ook, by wyse van gifte, beloning of andersins van plekke buitekant die Gebied ontvang nie."
- (2) Deur die toevoeging van die volgende sin aan die end van die eerste paragraaf daarvan — "Enige posklerk of amptenaar van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens kan enige pakket of pakkie waaromtrent redelike agterdog bestaan dat dit sigarette of sigarettabak bevat, terughou, tot tyd en wyl hy oortuig is dat die belasting wat kragtens hierdie Ordonnansie betaalbaar is, betaal is."

4. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Sigarette en Sigarettabak Verkoopsbelasting Wysigingsordonnansie 1935.

No. 17 van 1935.]

ORDONNANSIE

Om die rentevoet wat toegestaan moet word op gelde deur die Meester van die Hooggeregshof ontvang op rekening van minderjariges of kranksinniges of sekere ander persone, te verander.

(Goedgekeur 27 November 1935.)
(Afrikaanse teks deur die Administrateur geteken.)

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

1. Artikel *drie-en-negentig* van die Boedelwet 1913 (Wet No. 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op hierdie Gebied toegepas by artikel *twee* van "De Betere Rechtsbedeling Proklamasie 1921" (Proklamasie No. 52 van 1921) en vir die doeleindes van sodanige toepassing gewysig deur die Voogdyfonds (Rente op Gelde van Minderjariges en Kranksinniges) Ordonnansie 1927 (Ordonnansie No. 1 van 1927), word hierby verder gewysig vir die doeleindes van sodanige voormelde toepassing deur die skraping van die woorde "vier en een half" wat daarin voorkom, en die vervanging daarvan deur die woord "vier".

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Wysigingsordonnansie op Voogdyfonds (Rente op Gelde van Minderjariges en Kranksinniges) 1935 en tree in werking op die eerste dag van April 1936.

No. 18 van 1935.]

ORDONNANSIE

Tot wysiging van die egskedingswette van die Gebied.

(Goedgekeur 27 November 1935.)
(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied van Suidwes-Afrika, met die toestemming van die Goewerneur-Generaal, insover 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 Konstitusie Wet 1925", van die Parlement van die Unie van Suid-Afrika, meegedeel is, as volg:—

1. (1) Behalwe die ander gronde waarop ingevolge 'n wet wat tans in die Gebied van Brag is, 'n order vir egskeding kan verleen word, kan so 'n order ook verleen word op grond dat die party teen wiens order gevra word —

- (a) has been subject to the provisions of the Mental Disorders Act, 1916, of the Parliament of the Union of South Africa as extended to the Territory by the South West Africa Mental Disorders Act, 1926 (Act No. 22 of 1926), of the said Parliament, for a period of not less than seven years and is incurable; or
- (b) has been declared to be an habitual criminal under section *three hundred and forty-four* of the Criminal Procedure and Evidence Act, 1917, as applied to the Territory by the Criminal Procedure and Evidence Proclamation, 1919 (Proclamation No. 20 of 1919), and has been detained in prison for at least five years after such declaration:

Provided that a Court shall not grant a decree of divorce on the grounds set forth in paragraph (a) unless it is satisfied by the evidence of three medical practitioners of whom two shall be alienists appointed by the Court that the defendant is incurable and unless it is also satisfied that the plaintiff (if the plaintiff is the husband of the defendant) is in no way to blame for the mental condition of the defendant. The evidence of such medical practitioners may be accepted on affidavit, but the court may, in its discretion, require any such medical practitioner to be summoned to give oral evidence, if it should consider such oral evidence essential for the proper determination of the mental condition of the defendant.

(2) Whenever a decree is sought on the ground mentioned in paragraph (b) of sub-section (1) hereof, it shall be competent for the Court to refuse such decree if it is satisfied that the plaintiff voluntarily assisted the defendant in the commission of any crime of which he or she has been convicted.

2. Whenever a decree of divorce is granted under paragraph (a) of sub-section (1) of section *one*, the Court —

- (a) may order that the plaintiff pay the defendant's costs, if any, and that he make provision to the satisfaction of the Master for the proper maintenance of the defendant and any child or children of the marriage and for the securing of any benefits to which the defendant may be entitled;
- (b) shall not, as against the defendant, order the forfeiture of any benefits arising out of the marriage.

3. (1) Whenever a person who has been granted a decree of divorce under paragraph (a) of sub-section (1) of section *one* intends to marry again, he shall (whether the marriage be by special licence or after publication of banns) obtain a certificate under the hand of the Master to the following effect, namely —

- (a) a certificate that the provisions of paragraph (a) of section *two* have been complied with; or
- (b) if no order has been made under that paragraph a certificate stating that fact.

(2) Every such certificate shall be delivered to the marriage officer before whom the marriage is intended to be solemnized.

(3) Any such person who marries again without obtaining such certificate as is required under sub-section (1) shall be liable to a fine of 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 in addition it shall be competent for the Master or any other person acting for the divorced spouse or children to take such action as may be necessary for the due fulfilment of such order.

(4) Any marriage officer who solemnizes any such marriage unless there has first been delivered to him the certificate required by this section in respect of the parties to the marriage shall be liable to such fine or in default of payment to such imprisonment as aforesaid.

4. This Ordinance may be cited as the Divorce Laws Amendment Ordinance, 1935.

- (a) gedurende 'n tydvak van minstens sewe jaar aan die bepalings van "De Wet op Geestesgebreken, 1916" van die Parlement van die Unie van Suid-Afrika soos op die Gebied toegepas deur die Wet op Geestesgebreke in Suidwes-Afrika 1926, (Wet No. 22 van 1926), van die vermelde Parlement onderworpe gewees is en ongeneeslik is; of

- (b) ingevolge artikel *driehonderd-vier-en-veertig* van die "Kriminele Procedure en Bewijslevering Wet, 1917", soos op die Gebied toegepas deur die "Criminele Procedure en Bewijslevering Proclamatie, 1919" (Proclamatie No. 20 van 1919), 'n gewoonte-misdadiger verklaar is en gedurende minstens vyf jaar na daardie verklaring in die gevangenis aangehou is:

Met die verstande dat 'n hof geen order vir egskeiding op die in paragraaf (a) vermelde gronde verleen nie tensy hy deur die getuienis van drie geneeskundige praktisyns, twee van wie deur die hof aangestelde psigiaters moet wees, oortuig is dat die verweerder ongeneeslik is en tensy hy tevens oortuig is dat die eiser (indien die eiser die eggenoot is van die verweerder) geensins te blameer is vir die geestes-toestand van die verweerder nie. Die getuienis van sodanige geneeskundige praktisyns kan op beëdigde verklaring aangeneem word, maar die hof kan, na goedvinde, van enige sodanige geneeskundige praktisyn wat gedagvaar word verlang dat hy mondelinge getuienis aflê, as die hof sodanige mondelinge getuienis as essensieël beskou vir die behoorlike vaststelling van die geestestoestand van die verweerder.

(2) Wanneer 'n order gevra word op die grond vermeld in paragraaf (b) van sub-artikel (1) van hierdie artikel, is die hof bevoeg om so 'n order te weier indien hy oortuig is dat die eiser die verweerder vrywillig behulpsaam gewees is by die begaan van 'n misdaad waarvoor hy of sy veroordeel is.

2. As 'n order vir egskeiding onder paragraaf (a) van sub-artikel (1) van artikel *een* verleen word, kan die hof —

- (a) gelas dat eiser die regskoste van verweerder (as daar koste is) betaal en dat hy ten genoë van die Meester voorsiening maak vir die behoorlike onderhoud van verweerder en die kind of kinders uit die huwelik en vir die versekering van enige voordele waartoe verweerder geregtig mag wees;
- (b) geen order teen verweerder verleen nie waaronder enige voordele uit die huwelik voortvloeiende verbeurd verklaar word.

3. (1) As iemand aan wie 'n order vir egskeiding ingevolge paragraaf (a) van sub-artikel (1) van artikel *een* verleen is van plan is om te hertrou, moet hy (hetsy die huwelik deur spesiale lisensie of na publikasie van gebooe plaasvind) 'n sertifikaat verkry onderteken deur die Meester van die volgende inhoud, naamlik —

- (a) 'n sertifikaat dat aan die bepalings van paragraaf (a) van artikel *twee* voldaan is; of
- (b) as geen order onder daardie paragraaf verleen is nie, 'n sertifikaat van daardie feit.

(2) Elke sodanige sertifikaat moet aan die huweliksbevestigter voor wie die voorgenome huwelik bevestig sal word besorg word.

(3) Elke sodanige persoon wat hertrou sonder die ingevolge sub-artikel (1) vereiste sertifikaat te verkry, is strafbaar met 'n boete van hoogstens een honderd pond of by wanbetaling met gevangenisstraf met of sonder harde arbeid vir 'n termyn van hoogstens ses maande en bowendien is die Meester of enige ander persoon wat vir die geskeie eggenoot of kinders optree bevoeg om sodanige stappe te doen as nodig mag wees vir die behoorlike nakoming van sodanige order.

(4) 'n Huweliksbevestigter wat so 'n huwelik bevestig tensy eers aan hom die deur hierdie artikel vereiste sertifikaat ten opsigte van die partye tot die huwelik besorg is, is strafbaar met sodanige boete of by wanbetaling met sodanige gevangenisstraf as voormeld.

4. Hierdie Ordonnansie kan aangehaal word as die Egskeidingswette Wysigingsordonnansie 1935.

No. 19 of 1935.]

ORDINANCE

To amend the law relating to the improvement of cattle.

*(Assented to 27th November, 1935.)**(Afrikaans text signed by the Administrator.)*

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

1. Sub-section (1) of section *three* of the Cattle Improvement Ordinance, 1930 (Ordinance No. 10 of 1930), as amended by the Cattle Improvement Ordinance Amendment Ordinance, 1935 (Ordinance No. 10 of 1935), is hereby further amended by the addition of the following proviso at the end thereof:—

“Provided that where a bull, which has not previously been inspected and approved, is purchased or acquired in an area which is not a cattle improvement area, and where no board as aforesaid is available for the purpose of carrying out the inspection, such board may authorise the introduction of such bull into a cattle improvement area, on application being made in the manner prescribed by regulation, and provided the said bull is first inspected and approved by some person or persons designated by the board;

Provided further that, immediately after introduction as aforesaid the said bull be again inspected by the board concerned, and if not approved, be forthwith removed from the area by the person who has been responsible for its introduction.”

2. This Ordinance may be cited for all purposes as the Cattle Improvement Further Amendment Ordinance, 1935.

No. 20 of 1935.]

ORDINANCE

To provide for the amendment of the law relating to the establishment of a Meat Trade Control Board.

*(Assented to 27th November, 1935.)**(Afrikaans text signed by the Administrator.)*

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

1. Section *two* of the Meat Trade Control Ordinance, 1935 (Ordinance No. 8 of 1935), is hereby deleted and the following new section substituted therefor:—

“2. (1) The board shall consist of nine members appointed by the Administrator, who shall in such appointment have due regard to the interests of the meat trade, and of the cattle farmers, sheep farmers and pig farmers of the territory.

(2) The members of the board shall elect one of their members to be Chairman of the Board.”

2. This Ordinance may be cited for all purposes as the Meat Trade Control Amendment Ordinance, 1935.

No. 19 van 1935.]

ORDONNANSIE

Om die Wet betreffende verbetering van beeste te wysig.

*(Goedgekeur 27 November 1935.)**(Afrikaanse teks deur die Administrateur geteken.)*

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

1. Sub-artikel (1) van artikel *drie* van die Beesteverbeterings-Ordonnansie 1930 (Ordonnansie No. 10 van 1930), soos gewysig by die Beesteverbeterings-Ordonnansie Wysigingsordonnansie 1935 (Ordonnansie No. 10 van 1935), word hierby gewysig deur die toevoeging van die volgende voorbehoud aan die end daarvan:—

“Met die verstande dat waar 'n bul wat nie vooraf geïnspekteer en goedgekeur is nie, gekoop of verwerf word in 'n gebied wat nie 'n beesteverbeteringsgebied is nie, en waar daar geen raad soos voormeld beskikbaar is om die inspeksie te doen nie, kan sodanige raad die invoering van sodanige bul in 'n beesteverbeteringsgebied veroorloof, nadat 'n versoek op die wyse deur regulasie voorgeskrywe, gedoen is, en mits die voormelde bul eers deur 'n persoon of persone deur die raad benoem, geïnspekteer en goedgekeur is;

Met dié verstande verder dat onmiddellik na die invoering soos voormeld, die voormelde bul weer deur die betrokke raad geïnspekteer, en indien nie goedgekeur nie, dadelik deur die persoon wat vir sy invoering verantwoordelik was, uit die gebied verwyder word.”

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Beesteverbeterings Verdere Wysigingsordonnansie 1935.

No. 20 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die wysiging van die wet betreffende die instelling van 'n Vleishandel-kontroleraad.

*(Goedgekeur 27 November 1935.)**(Afrikaanse teks deur die Administrateur geteken.)*

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

1. Artikel *twee* van die Ordonnansie betreffende die Kontrole van Vleishandel 1935 (Ordonnansie No. 8 van 1935) word hiermee geskrap en deur die volgende nuwe artikel vervang:—

“2. (1) Die raad sal bestaan uit nege lede, aangestel deur die Administrateur, wat by sodanige aanstelling behoorlik rekening moet hou met die belange van die vleishandel, en van die veeboere, skaapboere en varkboere van die Gebied.

(2) Die lede van die raad moet een van hulle lede kies tot voorsitter van die raad.”

2. Hierdie Ordonnansie kan vir alle doeleindes as die Wysigingsordonnansie betreffende die Kontrole van Vleishandel 1935 aangehaal word.

No. 21 of 1935.]

No. 21 van 1935.]

ORDINANCE

To provide for the consolidation and amendment of the law relating to the taxation of persons carrying on certain professions or callings in the Territory.

(Assented to 27th November, 1935.)
(English text signed by the Administrator.)

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

1. As from the first day of January, 1936, and save as hereinafter provided, there shall be charged, levied and collected annually for the benefit of the Territory Revenue Fund a tax (hereinafter called "professional tax") on all persons practising or carrying on within this Territory any of the professions or callings mentioned in the Schedule to this Ordinance in accordance with the tariff prescribed in the said Schedule.

2. Professional tax shall be payable on the first day of January in each year, and shall be paid to the Magistrate of the District where the person liable to pay the tax carries on his profession or calling:

Provided that where any such person as aforesaid commences to practise or carry on his profession or calling after the first day of January in any calendar year, he shall be liable to pay professional tax on the date when he so commences to carry on his said profession or calling in that year:

Provided further that where any such person commences to practise or carry on his profession or calling after the first day of July in any calendar year he shall be liable to pay only half of the appropriate amount of the tax payable.

3. Where two or more members of a firm or partnership carry on any profession or calling mentioned in the Schedule to this Ordinance each such member shall be liable to pay a separate and distinct tax in his own name.

4. Where any person practises or carries on more than one of the professions or callings in respect of which professional tax is payable or specified in the Schedule, he shall be required to pay the full tax in respect of that profession or calling practised by him for which the highest tax is so specified, but only half the tax so specified in respect of any additional profession or calling.

5. The following persons are exempted from liability to pay professional tax—

- (i) Any individual employed by the Government of the Union of South Africa or the Administration of the Territory or by any local authority or educational institution or hospital board whose whole time is required to be devoted to such employment and who is not permitted to perform work outside his official duties.
- (ii) Any individual acting in the capacity of a *bona fide* employee whose remuneration is not wholly or partly dependent upon profits made or volume of business done, except where such employee is in charge of a branch of his employer's business.

6. Any sum due under this Ordinance shall be a debt due to the Administration of the Territory and may be sued for and recovered by action in any court of competent jurisdiction.

7. Any person liable to pay professional tax who fails to pay the same within one month from the date upon which it becomes payable, and thereafter carries on his profession or calling while the said tax remains unpaid, shall be guilty of an offence, and liable on conviction to a fine not exceeding twenty-five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

8. The Professional Tax Proclamation, 1921 (Proclamation No. 24 of 1921), as amended by the Professional Tax Amendment Proclamation, 1932 (Proclamation No. 28 of 1932), is hereby repealed; Provided that any sum due under the said Proclamation at the date when this Ordinance comes into force shall be deemed to be a sum due under this Ordinance for the purposes of the provisions of sections *six* and *seven*.

ORDONNANSIE

Om voorsiening te maak vir die konsolidasie en wysiging van die wet betreffende die belasting van persone wat sekere professies of beroepe in die Gebied uitoefen.

(Goedgekeur 27 November 1935.)
(Engelse teks deur die Administrateur geteken.)

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

1. Vanaf die eerste dag van Januarie 1936, en behoudens die hiernavermelde bepalings, word 'n belasting (hierna genoem "beroepsbelasting") jaarliks geeis, gehef en ingesamel vir die voordeel van die Gebieds-Inkomste-Fonds, van alle persone wat enige van die professies of beroepe binne hierdie Gebied drywe of uitoefen wat in die Bylae van hierdie Ordonnansie genoem is in ooreenstemming met die tarief in die vermelde Bylae voorgeskrewe.

2. Beroepsbelasting is betaalbaar op die eerste dag van Januarie in elke jaar, en moet betaal word aan die Magistraat van die distrik waar die persoon wat aanspreeklik is om die belasting te betaal, sy professie of beroep uitoefen:

Met die verstande dat, wanneer enige sodanige voormelde persoon begin om sy professie of beroep na die eerste dag van Januarie in enige kalenderjaar uit te oefen of te drywe, is hy aanspreeklik om beroepsbelasting op die datum te betaal wanneer hy aldus begin om sy vermelde professie of beroep in daardie jaar uit te oefen:

Met die verstande verder dat wanneer enige sodanige persoon begin om sy professie of beroep na die eerste dag van Julie in enige kalenderjaar uit te oefen of te drywe, is hy aanspreeklik om slegs die helfte van die bestemde bedrag van die betaalbare belasting te betaal.

3. Wanneer twee of meer lede van 'n firma of vennootskap enige professie of beroep uitoefen wat in die Bylae van hierdie Ordonnansie genoem is, is elke sodanige lid aanspreeklik om 'n afsonderlike en aparte belasting in sy eie naam te betaal.

4. Wanneer enige persoon meer as een van die professies of beroepe uitoefen of drywe, ten aansien waarvan beroepsbelasting betaalbaar is of in die Bylae gespesifiseer is, is hy benodig die volle belasting ten aansien van daardie professie of beroep wat hy uitoefen en waarvoor die hoogste belasting aldus gespesifiseer is, te betaal, maar slegs die helfte van die belasting wat aldus gespesifiseer is, ten aansien van enige bykomende professie of beroep.

5. Die volgende persone is vrygestel van die aanspreeklikheid om beroepsbelasting te betaal—

- (i) Enige individu wat in diens is van die Regering van die Unie van Suid-Afrika of die Administrasie van die Gebied of van enige plaaslike bestuur of opvoedkundige inrigting of hospitaalraad wie se hele tyd aan sodanige diens bestee moet word en wie nie toegelaat is om werk buitekant sy offisiële pligte te verrig nie.
- (ii) Enige individu wat in die hoedanigheid van 'n *bona fide* werknemer handel en wie se beloning nie geheel en al of gedeeltelik afhanklik is van profyte gemaak of die omvang van die besigheid verrig nie, behalwe waar sodanige geëmployeerde die toesig het oor die tak van die besigheid van sy werkgewer.

6. Enige verskuldigde bedrag volgens hierdie Ordonnansie is 'n skuld aan die Administrasie van die Gebied verskuldig en kan geregtelik geeis word en deur 'n aksie in enige hof van bevoegde jurisdiksie ingevorder word.

7. Enige persoon wat aanspreeklik is om beroepsbelasting te betaal en wat versuim om dit binne een maand vanaf die datum waarop dit betaalbaar word, te betaal, en daarna sy professie of beroep uitoefen terwyl die vermelde belasting onbetaal bly, is skuldig aan 'n oortreding, en is na skuldigbevinding blootgestel aan 'n boete van hoogstens vyf-en-twintig pond en by wanbetaling aan gevangenisstraf met of sonder harde-arbeid vir 'n tydperk van hoogstens een maand.

8. "De Beroepsbelasting Proklamasie 1921" (Proklamasie No. 24 van 1921), soos gewysig deur Die Beroepsbelasting Wysigingsproklamasie 1932 (Proklamasie No. 28 van 1932) word hiërmeë herroep:

Met die verstande dat enige bedrag verskuldig volgens die vermelde Proklamasie op die datum van die inwerking-treding van hierdie Ordonnansie geag word 'n bedrag verskuldig te wees volgens hierdie Ordonnansie vir die doeleindes van die bepalings van artikels *sēs* en *sewe*.

9. The Administrator may make regulations:—

- (a) prescribing the form or forms to be signed for purposes of record by persons paying the tax;
- (b) generally in furtherance of the objects and purposes of this Ordinance.

10. This Ordinance may be cited for all purposes as "The Professional Tax Ordinance, 1935", and shall come into force as from the first day of January, 1936.

SCHEDULE.

(a) Accountant and/or Auditor	£10 0 0
(b) Actuary	£10 0 0
(c) Advocate	£10 0 0
(d) Architect	£ 7 10 0
(e) Attorney and/or Notary and/or Conveyancer	£10 0 0
(f) Consulting Engineer (including any branch of engineering)	£10 0 0
(g) Dentist	£10 0 0
(h) Sworn Translator	£ 2 10 0
(i) Land Surveyor	£ 5 0 0
(including any person practising as a Surveyor of Mining Areas in terms of the laws and regulations in force in this Territory relating to mining).	
(j) Medical Practitioner	£10 0 0
(k) Quantity Surveyor	£ 7 10 0

No. 22 of 1935.]

ORDINANCE

To provide for the amendment of the law relating to the taxation of landed property.

(Assented to 27th November, 1935.)
(English text signed by the Administrator.)

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

1. In this Ordinance the expression "the principal Ordinance" shall mean the Taxation of Landed Property Consolidation and Amendment Ordinance, 1935 (Ordinance No. 5 of 1935).

2. Section *two* of the principal Ordinance is hereby amended by deleting the definition of "rural properties" and "urban properties" occurring therein and substituting therefor the following definitions:—

"Rural properties" shall mean and include —

- (a) All immovable property situate outside the boundaries of a township;
- (b) every separately registered piece of land of one-half hectare or more in extent, situated within the boundaries of a township.

"Urban properties" shall mean all immovable property situated within the boundaries of a township not included in the definition of rural properties.

"Local authority" shall mean a municipal council or village management board; or, in any township area where no municipal council or village management board has been established, the magistrate.

3. Section *three* of the principal Ordinance is hereby amended:—

- (1) by the deletion of the words "any one lot of ground" occurring in sub-section (1) thereof and the substitution therefor of the words "every separately registered piece of land";
- (2) by the deletion of the words "any one erf or lot of ground" occurring in sub-section (2) thereof, and the substitution therefor of the words "any separately registered piece of land";
- (3) by the addition at the end of sub-section (2) of the following proviso:—

9. Die Administrateur kan regulasies maak:—

- (a) wat die vorm of vorms voorskrywe wat geteken moet word vir wegbêre-doeleindes deur persone wat die belasting betaal;
- (b) in die algemeen vir die bevordering van die oogmerke en doeleindes van hierdie Ordonnansie.

10. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as "Die Beroepsbelasting Ordonnansie 1935", en tree in werking vanaf die eerste dag van Januarie 1936.

BYLAE.

(a) Rekenmeester en/of Ouditeur	£10 0 0
(b) Aktuaris	£10 0 0
(c) Advokaat	£10 0 0
(d) Argitek	£ 7 10 0
(e) Prokureur en/of Notaris en/of Transportbesorger	£10 0 0
(f) Adviserende Ingenieur (insluitende enige tak van ingenieurswese)	£10 0 0
(g) Tandarts	£10 0 0
(h) Beëdigde Vertaler	£ 2 10 0
(i) Landmeter	£ 5 0 0
(insluitende enige persoon wat as 'n landmeter van myngebiede, ooreenkomstig die wette en regulasies wat in hierdie Gebied ten opsigte van mynwese van krag is, praktiseer).	
(j) Mediese praktisyn	£10 0 0
(k) Materiaalrekenaar	£ 7 10 0

No. 22 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die wysiging van die wet betreffende die belasting op grondeiendom.

(Goedgekeur 27 November 1935.)
(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 hoof-ordonnansie" die Konsolidasie- en Wysigingsordonnansie betreffende Belasting van Grondeiendom 1935 (Ordonnansie No. 5 van 1935).

2. Artikel *twee* van die hoof-ordonnansie word hiermee gewysig deur skraping van die bepaling van "landelike eiendomme" en "stedelike eiendomme" wat daarin voorkom, en deur dit te vervang deur die volgende bepalinge:—

"Landelike eiendomme" beteken en sluit in —

- (a) Alle onroerende goedere geleë buitekant die grense van 'n stadsgebied;
- (b) elke afsonderlik geregistreerde stuk grond van een halwe hektaar of meer in omvang, geleë binne die grense van 'n stadsgebied.

"Stedelike eiendomme" beteken alle onroerende goedere geleë binne die grense van 'n stadsgebied wat nie in die bepaling van landelike eiendom ingesluit is nie.

"Plaaslike bestuur" beteken 'n munisipale raad of dorpsbestuursraad; of, in enige stadsgebied waar geen munisipale raad of dorpsbestuursraad gestig is nie, die magistraat.

3. Artikel *drie* van die hoof-ordonnansie word hiermee gewysig:—

- (1) deur skraping van die woorde "enige enkele stuk grond" wat in sub-artikel (1) daarvan voorkom en die vervanging daarvan deur die woorde "elke afsonderlik geregistreerde stuk grond";
- (2) deur skraping van die woorde "enige enkele erf of stuk grond" wat in sub-artikel (2) daarvan voorkom en die vervanging daarvan deur die woorde "enige afsonderlik geregistreerde stuk grond";
- (3) deur die toevoeging van die volgende voorbehoud aan die end van sub-artikel (2):—

"Provided that this maximum shall in no case exceed a rate equal to one penny in the pound on the municipal site valuation of such property or (in the case of a township which is not a municipality) on a site valuation to be placed on the property by the local authority".

4. Sub-section (3) of section *twenty-eight* of the Townships Ordinance, 1928 (Ordinance No. 11 of 1928), is hereby repealed.

5. This Ordinance may be cited for all purposes as the Taxation of Landed Property Further Amendment Ordinance, 1935, and shall be deemed to have come into operation on the 1st day of April, 1935.

No. 23 of 1935.]

ORDINANCE

To consolidate and amend the law relating to the payment of transfer duty.

(Assented to 27th November, 1935.)
(English 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:—

Preliminary.

1. The laws mentioned in the first schedule to this Ordinance, to the extent to which the same are therein expressed to be repealed, shall be and the same are hereby repealed, except as to the recovery of any duty due or incurred before the taking effect of this Ordinance.

2. The term "immovable property" in and for the purposes of this Ordinance shall include —

- (a) land or the usufruct thereof or any limited interest therein other than a lease;
- (b) any lease (other than of a right to minerals or precious stones) for a period of not less than twenty-five years, or for the natural life of the lessee or any person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which, together with the first period, amount in all to not less than twenty-five years.

Payment of Transfer Duty.

3. (1) Except as in this Ordinance is specially provided, a duty, (hereinafter called "transfer duty"), of three pounds per centum upon the value of any immovable property other than a mining area shall be payable by the purchaser of any such property, or otherwise by any person becoming entitled to any such property by way of exchange, grant, cession, donation, legacy, testamentary or other inheritance, or in any manner otherwise than through the medium or by means of purchase and sale, within six months from the date of the sale, lease, exchange, grant, cession, donation or other means of acquisition, as the case may be, and from and after the expiration of such six months and until payment or deposit of the amount of such duty, interest thereupon at the rate of twelve pounds per centum per annum shall be payable and paid.

(2) As often as any such contract of sale, lease, exchange, donation or other transaction shall be entered into by which contract it is stipulated that possession of such property shall not be given or that the said sale, lease, exchange, donation or other transaction shall not take effect until some future date, the date at which such contract was entered into and not such future date shall be the date from which the space or term of six months mentioned in the last preceding sub-section shall be reckoned.

(3) As often as any sale, lease, exchange, donation, or other transaction of immovable property shall be conditional, then the said space or term of six months shall be calculated as from the day on which the contract became binding on the parties thereto, provided that in case any such contract shall become dissolved by reason of the happening of any dissolving condition after the payment of transfer duty, then upon proof given of such dissolution such duty shall be returned.

"Met die verstande dat hierdie maksimum in geen geval meer mag wees as 'n belasting gelykstaande met een penny in die pond op die munisipale skatting van die prëriewaarde van sodanige eiendom of (in die geval van 'n stadsgebied wat nie 'n munisipaliteit is nie) op 'n prëriëskatting wat deur die plaaslike outoriteit op die eiendom geplaas word."

4. Sub-artikel (3) van artikel *ag-en-twintig* van die Dorpe-Ordonnansie 1928 (Ordonnansie No. 11 van 1928) word hierby herroep.

5. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Verdere Wysigingsordonnansie betreffende Belasting van Grondeiendom 1935 en word geag in werking getree te hê op die 1ste dag van April 1935.

No. 23 van 1935.]

ORDONNANSIE

Om die wet betreffende die betaling van hereregte te konsolideer en te wysig.

(Goedgekeur 27 November 1935.)
(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied van Suidwes-Afrika, met die toestemming van die Goewerneur-Generaal, insover 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", van die Parlement van die Unie van Suid-Afrika, meegedeel is, as volg:

Inleiding.

1. Die wette genoem in die eerste bylae van hierdie Ordonnansie, in die omvang soos daarin uitgedruk dat hulle te herroep is, word en is hiermee herroep, behalwe ten opsigte van die invordering van enige regte wat voor die inwerkingtreding van hierdie Ordonnansie verskuldig geword het of berokken is.

2. Die uitdrukking "onroerende eiendom" omvat in en vir die doeleindes van hierdie Ordonnansie —

- (a) grond en die vruggebruik daarvan of enige beperkte belang daarin ander dan 'n pagkontrak;
- (b) enige pag (ander dan van die reg op minerale of edelgesteente) vir 'n tydperk van nie minder as vyf-en-twintig jare nie, of vir die natuurlike lewe van die huurder of enige persoon in die pagkontrak genoem of wat volgens die wil van die huurder van tyd tot tyd onbepaaldelik of vir tydperke wat, tesame met die eerste tydperk, alles tesame nie minder as vyf-en-twintig jare bedra nie, hernubaar is.

Betaling van hereregte.

3. (1) Behalwe soos in hierdie Ordonnansie spesiaal voorsien is, is regte (hierinlater "hereregte" genoem) van drie pond per honderd op die waarde van enige onroerende eiendom, ander dan 'n myngebied, betaalbaar deur die koper van enige sodanige eiendom, of andersins deur enige persoon wat op enige sodanige eiendom geregtig word deur middel van ruiling, toekenning, sessie, skenking, legaat, testamentêre of ander erfenis, of op enige manier anderste dan deur die medium of deur middel van koop of verkoop binne ses maande vanaf die datum van die verkoop, pag, ruiling, toekenning, sessie, skenking of ander middel van verwerwing, soos die geval mag wees, en, vanaf en na afloop van sodanige ses maande en totdat betaling of deposito van die bedrag van sodanige regte geskied, rente daarop teen die koers van twaalf pond per honderd per jaar betaalbaar en betaal is.

(2) So dikwels as enige sodanige kontrak van koop, pag, ruiling, skenking of ander transaksie aangegaan is, deur welke kontrak gestipuleer word dat besit van sodanige eiendom nie gegee sal word nie of dat die voormelde verkoop, pag, ruiling, skenking of ander transaksie eers op 'n toekomstige datum van krag sal word, dan is die datum waarop sodanige kontrak aangegaan is, en nie sodanige toekomstige datum nie, die datum vanaf welke die tydruimte of termyn van ses maande in die laasvooraangaande sub-artikel genoem, gereken moet word.

(3) So dikwels as enige verkoop, pag, ruiling, skenking of ander transaksie van onroerende eiendom voorwaardelik is, dan moet die voormelde tydruimte of termyn van ses maande bereken word vanaf die dag waarop die kontrak op die partye wat daaraan deel het, bindend geword het; met die verstande dat in enige geval waar enige sodanige kontrak opgehef word ter oorsake van die voorkom van enige opheffende omstandigheid na betaling van die hereregte, sodanige regte teruggegee moet word, nadat bewys van sodanige opheffing gelewer is.

Valuation for Payment of Transfer Duty.

4. In the case of the transfer of immovable property by reason of a contract of sale, the value shall, save as hereinafter provided, be taken to be the full and true consideration passing to the seller provided that, in any event, the following charges or expenses arising out of or connected with the said sale, shall not be taken to be included in such value; that is to say:—

- (1) The cost of any survey of the said property which shall have been made prior to, and for the purposes of, the said sale, and of any survey of such property which may be made after the sale, and the cost of all diagrams and such divisions and of the plan of the property exhibited at the time of sale;
- (2) The charge made by the auctioneer for the conditions of the said sale;
- (3) The commission, if any, paid by the purchaser to any auctioneer, broker or agent, by or through whom the sale of the property may have been effected, not exceeding two pounds and ten shillings per centum upon the amount of the purchase money;
- (4) The transfer duty payable on the said sale;
- (5) The cost of all deeds necessary for effecting transfer of such property, and of the mortgage deed, if any, and of all necessary stamps;
- (6) The charges of conveyancers, and agents, incurred in effecting the transfer of the said property;
- (7) The rent or tax (if any) payable to the Government or any Municipality upon the said property.

5. (1) For the purpose of ascertaining the value of immovable property changing proprietors otherwise than by means of sale or lease it shall be the duty of the Magistrate of the district in which the property to be transferred is situate (hereinafter called "the Magistrate"), at his discretion, either to claim duty upon the amount for which such property is valued for municipal purposes, where such valuation exists, or to appoint a sworn appraiser to the Master of the High Court of South West Africa or failing such sworn appraiser some other competent and disinterested person to ascertain upon solemn declaration the just and fair value of such property, and the reasonable expenses of such valuation shall be payable by the person chargeable with the payment of the duty; and the amount of such municipal valuation or the amount at which such valuator shall value the said property, as the case may be, shall be the amount upon which duty shall be chargeable: Provided that with regard to the acquisition of a usufruct or limited interest in land as mentioned in paragraph (a) of section two, the duty shall be calculated with reference to the value of the property and the duration or extent of the interest therein, and such duty shall be recoverable whether the beneficiaries shall or shall not seek to have their interests registered in their names in the Deeds Registry Office: Provided that any person who shall consider himself aggrieved by any valuation upon which duty has been claimed may bring the same in review before the High Court of the Territory.

(2) In the case of a person entering into such a lease as is mentioned in paragraph (b) of section two, transfer duty shall be paid on the full value of the property leased.

(3) When in any case of sale and purchase of property, not being a sale by public auction, made *bona fide* and without collusion, it shall appear to the Magistrate that the purchase price of the same is considerably less than its just and fair value, it shall be competent for the said Magistrate to cause a valuation of the said property to be made in manner and form as provided in sub-section (1) hereof, and in case the value so ascertained shall exceed the amount of the said price or purchase money by one-third of the amount of such price or purchase money, then the amount of such valuation shall be deemed or taken to be the price or purchase money of such property for the purposes of this Ordinance, and duty thereupon together with the reasonable expenses of such valuation shall be payable by the person chargeable with the payment of duty; but in case such value shall not exceed the said price or purchase money to the extent of one-third thereof, the duty shall be received upon such price or purchase money, and the expense of the valuation shall be borne by the Administration:

Taksasie vir betaling van hereregte.

4. In die geval van die transport van onroerende goedere ter oorsake van 'n koopkontrak, moet, behoudens soos hierinafter bepaal, die waarde geneem word die volle en ware vergoeding te wees wat aan die verkoper oorgaan, met die verstande dat in enige geval die volgende vorderinge of onkoste wat uit die voormelde verkoop ontstaan of daaraan verbonde is, nie beskou sal word in sodanige waarde inbegrepe te wees nie; te wete:—

- (1) Die koste van enige opmeting van die voormelde eiendom wat voor en vir die doel van die voormelde verkoop gedoen is, en van enige opmeting van sodanige eiendom wat na die verkoop gedoen mag word, en die koste van alle diagramme en sodanige verdelinge en van die plan van die grond wat tydens die verkoop vertoon is;
- (2) Die vordering wat die vendu-afslaer vir die voorwaardes van die voormelde verkoop gemaak het;
- (3) Die kommissie, indien enige, wat deur die koper betaal is aan enige vendu-afslaer, makelaar of agent deur wie, of deur wie se bemiddeling die verkoop van die eiendom uitgevoer mag wees, twee pond en tien sjielings per honderd op die bedrag van die koopsom nie te bowe gaande nie;
- (4) Die hereregte op die voormelde verkoop betaalbaar;
- (5) Die koste van alle aktes wat nodig is om die transport van sodanige eiendom te bewerkstellig, en van die verbandakte, indien enige, en van alle nodige seëls;
- (6) Die vorderinge van transport- en verbandmakers en agente, wat deur die bewerkstelling van die transport van die voormelde eiendom berokken is;
- (7) Die huur of belasting (indien enige) wat aan die Regering of enige munisipaliteit op die voormelde eiendom betaalbaar is.

5. (1) Vir die doel om die waarde vas te stel van onroerende eiendom wat, anderste as deur middel van verkoop of pag, van eienaars wissel, is dit die plig van die magistraat van die distrik waarin die te transportere eiendom lê (hierinafter "die magistraat" genoem), om na goeëdunde of regte te eis op die bedrag waarteen sodanige eiendom vir munisipale doeleindes getakseer is, waar sodanige taksasie bestaan, of om 'n beëdigde taksateur vir die Meester van die Hooggeregshof van Suidwes-Afrika of in gebreke van sodanige beëdigde taksateur 'n ander bevoegde en onpartydige persoon te benoem om onder plegtige verklaring die juiste en billike waarde van sodanige eiendom vas te stel, en die redelike onkoste van sodanige taksasie is betaalbaar deur die persoon wat aanspreeklik is vir die betaling van die regte; en die bedrag van sodanige munisipale taksasie of die bedrag waarteen sodanige taksateur die voormelde eiendom takseer, soos die geval mag wees, is die bedrag waarop regte vorderbaar is: Met die verstande dat ten opsigte van die verwerwing van 'n vruggebruik of beperkte belang in grond soos in paragraaf (a) van artikel twee vermeld, die regte bereken moet word met inagneming van die waarde van die eiendom en die duur of omvang van die belang daarin, en sodanige regte is invorderbaar, onverskillig of die bedeelde trag om hulle belange in hulle name in die aktekantoor te laat registreer al dan nie:

Met die verstande dat enige persoon wat hom deur enige waardering waarop regte geë is, veronreg ag, sodanige taksasie voor die Hooggeregshof van die Gebied vir hersiening kan bring.

(2) In die geval van 'n persoon wat sodanige pagkontrak soos in paragraaf (b) van artikel twee genoem aangaan, moet hereregte betaal word op die volle waarde van die gepagte eiendom.

(3) Wanneer dit in enige geval van verkoop en koop van eiendom wat nie 'n verkoping by publieke veiling is nie en wat *bona fide* en sonder verstandhouding gedoen is, vir die magistraat blyk dat die koopprys daarvan aanmerklik minder is as sy juiste en billike waarde, is die voormelde magistraat bevoeg om 'n taksasie van die voormelde eiendom te laat doen op die wyse en in die vorm soos in subartikel (1) hiervan voorsien, en ingeval die aldus vasgestelde waarde die bedrag van die voormelde prys of koopsom met een-derde van die bedrag van sodanige koopsom te bowe gaan, dan word die bedrag van sodanige taksasie geag en beskou die prys of koopsom van sodanige eiendom vir die doeleindes van hierdie Ordonnansie te wees, en regte daarop, tesame met die redelike koste van sodanige taksasie, is betaalbaar deur die persoon wat aanspreeklik vir die betaling van regte is; maar ingeval sodanige waarde die voormelde prys of koopsom nie met een-derde daarvan te bowe gaan nie, moet die regte op sodanige prys of koopsom ontvang word, en die koste van die taksasie moet deur die Administrasie gedra word:

Provided that where mortgaged property is purchased at public auction, including a sale in execution, or in an insolvent or assigned estate, by a mortgagee, and the purchase price is less than the amount of the mortgage bond held by the purchaser, together with the amounts of any mortgage bonds, Land Bank charges and municipal charges preferent thereto, transfer duty shall be payable upon the total amount of the mortgage bond held by the purchaser and any mortgage bond, Land Bank charges or municipal charges preferent thereto over the said mortgaged property. If dissatisfied with the result, the purchasing mortgagee may, however, demand a special valuation, which shall then be made in manner and form as provided in sub-section (1) hereof. In case the value so ascertained is found to be less by one-third, than the total amount for which the property is mortgaged as aforesaid, then the amount of such valuation shall be deemed or taken to be the price or purchase money for the purposes of this Ordinance, and the expense of the valuation shall be borne by the Administration; otherwise duty shall be received upon the total amount for which the property is mortgaged as aforesaid, and reasonable expenses of such valuation shall be payable by the purchaser:

Provided further that any person who shall consider himself aggrieved by any valuation made under the provisions of this sub-section may bring such valuation in review before the High Court of the Territory.

(4) Where some additional valuable consideration other than money shall be given or promised or agreed to be given by the purchaser to the seller or to any other person, then the seller and the purchaser shall be respectively at liberty to put by way of solemn declaration a value in money upon such consideration and such value shall be added to the sum of money paid or to be paid, and transfer duty shall be paid upon the conjoint amount, and in case the said seller and purchaser shall not put the same value thereon then duty shall be paid upon the higher of the two values so put:

Provided that the provisions of sub-section (3) of this section shall apply to the value or values so put in case it or they shall appear to the Magistrate to be considerably less than the just or fair value of such consideration, or in case the seller and purchaser shall not each of them put a value thereupon.

(5) No valuation of any property for transfer duty purposes shall be capable of being made at any time after any sum of money shall have been received (except as a deposit) as being the transfer duty payable upon such property and after a final receipt shall have been granted for such duty.

6. All duties and interest payable under the provisions of this Ordinance shall be paid to the Magistrate, who shall give a receipt for the same, and no transfer of any property shall be made unless such receipt shall have been produced to and deposited with the Registrar of Deeds, or unless there shall be produced to and deposited with him a certificate signed by the magistrate of the district in which the property to be transferred is situate, certifying that the said property is of no value.

7. (1) No Magistrate shall grant a receipt (except a receipt for money deposited) for the amount of any such duty as aforesaid payable upon or in respect of any sale and purchase of any such property as aforesaid, until the seller shall have taken and subscribed a solemn declaration in substance in the form marked "A", and until the purchaser shall have taken and subscribed a solemn declaration in substance in the form marked "B" in the second Schedule.

(2) In the case of immovable property changing proprietors by means of exchange, donation, legacy or inheritance, or lease the solemn declaration required in the various instances shall be in substance in the forms "C", "D", "E", "F", "G", "H", and "I" in the second Schedule.

8. As often as it shall appear to the Magistrate that any agent, auctioneer, broker or other person acting for or on behalf of any such seller or purchaser of any such property as aforesaid has himself in his said capacity, made and entered into the contract of sale or purchase, then it shall be lawful for such Magistrate to demand and receive the solemn declaration of such agent, auctioneer, broker or other person as aforesaid, either in lieu of or in addition to that of his principal according as such Magistrate shall under the circumstances deem fit, and the solemn declaration to be taken shall be in substance in the form "J" in the second Schedule.

9. If in any case it shall be made to appear that the seller or the purchaser of any such property has died or departed from this Territory without having taken and sub-

Met die verstande dat waar eiendom onder verband op 'n publieke veiling, met inbegrip van 'n verkoop in eksekusie of in 'n insolvente of afgestane boedel deur 'n verbandhouer gekoop word en die koopsom minder is as die bedrag van die verband deur die koper gehou, tesame met die bedrae van enige verbande, Landbank en munisipale vorderinge wat die voorrang daaroor het, is hereregte betaalbaar op die totale bedrag van die verband wat deur die koper gehou word, en enige verband, Landbank of munisipale vorderinge op die voormelde eiendom onder verband wat die voorrang daaroor het. As hy met die uitslag ontevrede is, kan die kopende verbandhouer egter 'n spesiale taksasie verlang wat dan op die wyse en in die vorm soos in sub-artikel (1) hiervan voorsien, gedoen moet word. Ingeval dit blyk dat die aldus vasgestelde waarde met een-derde minder as die totale bedrag waarvoor die eiendom, soos voormeld, onder verband is, dan word die bedrag van sodanige taksasie geag of geneem die prys of koopsom vir die doeleindes van hierdie Ordonnansie te wees, en die koste van die taksasie moet deur die Administrasie gedra word; anders word regte ontvang op die totale bedrag waarvoor die eiendom, soos voormeld, onder verband is, en redelike koste van sodanige taksasie moet deur die koper betaal word:

Met die verstande verder dat enige persoon wat hom deur enige taksasie onder die bepalinge van hierdie sub-artikel gedoen veronreg beskou, sodanige taksasie voor die Hooggeregshof van die Gebied vir hersiening kan bring.

(4) Waar enige addisionele waardevolle vergoeding ander dan geld deur die koper aan die verkoper of aan enige ander persoon gegee of belowe word, of waar ooreengekom word dat dit gegee sal word, dan staan dit aan die verkoper en die koper respektieflik vry om by wyse van plegtige verklaring 'n waarde in geld op sodanige vergoeding te plaas en sodanige waarde moet by die betaalde of te betale geldsom gevoeg word en hereregte moet op die gesamentlike bedrag betaal word, en ingeval die voormelde verkoper en koper nie dieselfde waarde daarop plaas nie, dan moet regte betaal word op die hoër ene van die twee waardes aldus geplaas:

Met die verstande dat die voorsienings van sub-artikel (3) van hierdie artikel toepassing het op die waarde of waardes aldus geplaas, ingeval dit vir die magistraat blyk dat dit of hulle aanmerklik minder is as die juiste of billike waarde van sodanige vergoeding, of ingeval die verkoper en koper nie elkeen 'n waarde daarop plaas nie.

(5) Geen taksasie van enige eiendom vir doeleindes van hereregte mag te eniger tyd nadat enige geldsom ontvang is (behalwe as 'n deposito) as synde die hereregte betaalbaar op sodanige eiendom, en nadat 'n finale kwitansie vir sodanige regte uitgereik is, gemaak word nie.

6. Alle regte en rente betaalbaar kragtens die voorsiening van hierdie Ordonnansie moet aan die magistraat betaal word, wat 'n kwitansie daarvoor moet gee; en geen transport van enige eiendom mag bewerkstellig word nie, tensy sodanige kwitansie vertoon word aan en gedeponeer word by die registrateur van aktes, of tensy deur 'n sertifikaat, geteken deur die magistraat van die distrik waarin die eiendom wat getranspoteer moet word geleë is, sertifiserende dat die voormelde eiendom van geen waarde is nie, aan hom vertoon en by hom gedeponeer word.

7. (1) Geen magistraat mag 'n kwitansie uitreik nie (behalwe 'n kwitansie vir gedeponeerde geld) vir die bedrag van enige sodanige regte soos voormeld betaalbaar op of ten opsigte van enige verkoop en koop van enige sodanige eiendom soos voormeld, totdat die verkoper 'n plegtige verklaring afgelê en onderteken het in hoofsaak ooreenkomstig die vorm gemerk "B" in die Tweede Bylae.

(2) In die geval van onroerende eiendom wat van eienaars wissel deur middel van ruiling, skenking, legaat of erfenis of pag, moet die plegtige verklaring wat in die verskeie gevalle benodig is, in hoofsaak wees ooreenkomstig die vorms "C", "D", "E", "F", "G", "H" en "I" in die Tweede Bylae.

8. So dikwels as dit vir die magistraat blyk dat enige agent, vendu-afslaer, makelaar of ander persoon wat vir of ten behoeve van enige sodanige verkoper of koper van enige sodanige eiendom soos voormeld ageer, self in sy voormelde hoedanigheid die kontrak van verkoop of koop bewerkstellig en aangeaan het, dan is dit vir sodanige magistraat wettig om die plegtige verklaring van sodanige agent, vendu-afslaer, makelaar of ander persoon soos voormeld te eis en te ontvang, hetsy in plaas van of boonop dié van sy prinsipaal, al na sodanige magistraat onder die omstandighede geskik mag ag, en die af te lê plegtige verklaring moet in hoofsaak wees ooreenkomstig die vorm "J" in die Tweede Bylae.

9. As iemand in enige geval laat blyk dat die verkoper of die koper van enige sodanige eiendom gesterf of uit die Gebied getrek het sonder dat hy die nodige plegtige verklaring gemaak of onderteken het, kan die magistraat of

scribed the necessary solemn declaration the Magistrate may either dispense with such solemn declaration or receive in lieu thereof the solemn declaration of such other person as may be in a position to testify to the particular matters to be set forth in such declaration.

10. As often as any contract of sale upon which transfer duty shall be payable, shall be set aside, or cancelled, or declared or made void by the judgment of any competent court, the transfer duty upon such sale, if unpaid, shall not be payable, and if paid shall be returned.

Exemptions from Transfer Duty.

11. Exemptions from the obligation to pay transfer duty under the provisions of this Ordinance shall be allowed in the cases and to the extent hereinafter set forth, that is to say:

- (1) When any person appearing upon the records of the Deeds Registry to be a joint owner of any property shall purchase that property, he shall not be charged with duty upon that proportion of the purchase money which represents his individual share or interest.
- (2) Any person being a descendant of any deceased person, and who would be the heir, or one of the heirs, *ab intestato*, of such deceased person, who shall, being entitled as an heir or legatee in the estate, purchase or take over the immovable property in the estate, or any part thereof, shall not be chargeable with duty upon so much of the purchase money or value of such property as represents his share in the property so purchased or taken over, considered as, or as if, a heir *ab intestato*; and the husband of any such heir or legatee, or the tutor, curator, or trustee of any such heir or legatee, purchasing for and in the name of such heir or legatee, shall be deemed and taken to be such heir for the purposes of this exemption.
- (3) Any heir or legatee of any deceased person, being such a person as has been above described under sub-section (2), who shall require to have any of the immovable property inherited by him from the deceased, or by the deceased legated or prelegated to him, removed from the name of the deceased into his own name, shall not be chargeable with duty upon the amount of his share in the property so to be transferred, in case or supposing that the deceased died intestate.
- (4) No surviving spouse shall be chargeable with any transfer duty upon any purchase or inheritance, or other mode of taking over, from and out of the estate of the deceased spouse of any immovable property; nor shall any such duty become payable upon any property inherited from, or legated or prelegated by such deceased spouse, by reason that the survivor has been charged by the will or other testamentary disposition of such deceased spouse with the payment of portions to children, or others, or with the payment of some amount of money into the estate.
- (5) Every purchase or other contract concluded by any surviving spouse with any heir or legatee of the deceased spouse, whereby such surviving spouse shall acquire from such heir or legatee his or her share or portion of any of the immovable property of the estate of the deceased spouse, shall be exempt from duty, in like manner as if such purchase or contract had been concluded by such surviving spouse with the administrators of such estate, so long as such heir or legatee shall not have received transfer from or out of the said estate of the property so sold, or otherwise disposed of, to such surviving spouse, but no longer.
- (6) When any surviving spouse shall have been instituted as sole and universal heir of the first dying spouse subject to the obligation of making provision at some future time for the children of the marriage out of the estate of such first dying spouse, such children shall respectively be entitled, should occasion arise, to claim the exemptions provided in sub-sections (2) and (3) of this section, precisely as if they had been, jointly with the surviving spouse, instituted heirs of the first dying spouse.
- (7) The husband of any woman to whom he shall be married in community of property may have any property standing in the Deeds Registry Office in her name removed into his own name without the payment of transfer duty.

sodanige plegtige verklaring agterweë laat of in plaas daarvan die plegtige verklaring ontvang van sodanige ander persoon wat in die posisie mag wees om te getuig aangaande die besondere sake wat in sodanige verklaring uiteengesit moet word.

10. So dikwels as enige kontrak van verkoop waarop hereregte betaalbaar is, opsy gesit of gekanselleer of ongeldig verklaar of gemaak word deur die uitspraak van enige bevoegde hof, is die hereregte op sodanige verkoop, indien onbetaal, nie betaalbaar nie, en indien betaal, moet dit teruggegee word.

Vrystelling van hereregte.

11. Vrystelling van die verpligting om hereregte kragtens die voorsieninge van hierdie Ordonnansie te betaal, is geoorloof in die gevalle en in die omvang hierinlater uiteengesit, te wete:

- (1) Wanneer enige persoon wat op die registers van die aktekantoor as medeëienaar van enige eiendom verskyn, daardie eiendom koop, word die regte op daardie proporsie van die kooppeld wat sy individuele aandeel of belang verteenwoordig, nie van hom gevorder nie.
- (2) Van enige persoon wat 'n afstammeling van enige oorlede persoon is, en wat die erfgenaam of een van die erfgenames, *ab intestato*, van sodanige oorlede persoon sou wees en wat, as 'n erfgenaam of legataris, 'n reg op die boedel het, die onroerende goedere in die boedel of enige gedeelte daarvan koop of oorneem, is die regte op soveel van die kooppeld of waarde van sodanige eiendom as wat sy aandeel in die aldus gekoopte of oorgenome eiendom verteenwoordig, indien beskou as, of asof 'n erfgenaam *ab intestato*, nie vorderbaar nie; en die eggenoot van enige sodanige erfgenaam of legataris, of die voog, kurator of trustee van enige sodanige erfgenaam of legataris, wat vir en in die naam van sodanige erfgenaam of legataris koop, word geag en beskou sodanige erfgenaam vir die doeleindes van hierdie vrystelling te wees.
- (3) Van enige erfgenaam of legataris van enige oorlede persoon, synde sodanige persoon as bo onder sub-artikel (2) beskrywe, wat eis dat enige van die onroerende goedere deur hom van die oorledene geëwre of deur die oorledene aan hom bemaak of vooruitbemaak, van die naam van die oorledene op sy eie naam oorgeskryf word, is geen regte op die bedrag van sy aandeel aan die aldus te transportere eiendom vorderbaar nie, ingeval die oorledene intestaat gesterf het of veronderstellende dat dit gebeur het.
- (4) Van geen oorlewende gade is enige hereregte op enige koop of erfenis of ander wyse van oorneem van onroerende goedere van en uit die boedel van die oorlede gade vorderbaar nie; nog word daar enige sodanige regte betaalbaar op enige eiendom geëwre van of bemaak of vooruitbemaak deur sodanige gade ter oorsake van die feit dat die oorlewende deur die testament of ander testamentaire beskikking van sodanige oorlede gade belas is met die betaling van porsies aan kinders of andere, of met die betaling van enige geldbedrag in die boedel.
- (5) Elke koop of ander kontrak gesluit deur enige oorlewende gade met enige erfgenaam of legataris van die oorlede gade waardeur sodanige oorlewende gade van sodanige erfgenaam of legataris sy of haar aandeel of porsie van enige van die onroerende goedere van die boedel van die oorlede gade verwerf, is vrygestel van regte op soortgelyke wyse asof sodanige koop of kontrak deur sodanige oorlewende gade met sodanige boedelberedderaars gesluit was, solank as sodanige erfgenaam of legataris nie transport van die eiendom aldus aan sodanige oorlewende gade verkoop of andersins van die hand gesit van of uit die voormelde boedel gekry het nie, maar nie langer nie.
- (6) Wanneer enige oorlewende gade as enigste en universele erfgenaam van die eerssterwende gade ingestel is onderhewig aan die verpligting van in toekomstige tyd voorsiening te maak vir die kinders uit die huwelik uit die boedel van sodanige eerssterwende gade, is sodanige kinders respektieflik geregtig om, as die geleentheid hom voordoen, aanspraak te maak op die vrystellinge voorsien in sub-artikels (2) en (3) van hierdie artikel, presies asof hulle, gesamentlik met die oorlewende gade, ingestel was as erfgenames van die eerssterwende gade.
- (7) Die eggenoot van enige vrou met wie hy in gemeenskap van goedere gehuwd is, kan enige eiendom wat in die aktekantoor in haar naam staan, op sy eie naam sonder die betaling van hereregte laat oorskrywe,

- (8) As often as the owner of any immovable property, being a husband or intended husband, or being a wife or an intended wife, or being the parent of a husband or wife, or of an intended husband or wife, shall agree or determine to vest such property in trustees, for the purpose of thereby making a provision for the support of the marriage, or for the wife or intended wife, or for the children of the marriage, transfer of such property may be made to such trustees without the payment of transfer duty: Provided that this exemption shall only extend to cases in which no consideration in money or property shall be given or promised to the owner of the property proposed to be vested in trustees, upon the trusts aforesaid, or upon trusts of the like nature.
- (9) In every case in which any one person shall, by the records in the Deeds Registry Office, appear to be merely a trustee for any other person, whether the latter shall be a minor or a major, or under coverture or not, the property so held in trust may be removed from the name of the trustee to that of such other person being entitled to have it so removed, without the payment of transfer duty.
- (10) In every case of voluntary or compulsory partition between joint owners of immovable property, all changes in the records of the Deeds Registry required for the due registration of the separate shares, to be held by each in severalty, shall be made without payment of transfer duty in case the person claiming exemption from such payment shall make and deposit with the officer authorised to receive transfer duty, or with the Registrar of Deeds, a solemn declaration as nearly as is material in the form "K" in the second Schedule, that he has not given nor is to give, any money or other valuable consideration to his late co-proprietors or any of them for or in regard to the share assigned to him, and which he desires to have registered in his name: Provided that if for the equalising of partition or for any other reason, such person shall have given or agreed to give to his late co-proprietors, or any of them, any money or other valuable consideration for the said share so assigned to him, he shall, by solemn declaration as aforesaid, state the amount or value given or to be given by him, and transfer duty shall be payable upon such value or amount: Provided that the provisions of sub-section (3) of section five of this Ordinance shall apply to the value of any consideration other than money given, or to be given, in case it shall appear to the Magistrate who is to receive the transfer duty that such value is considerably less than the fair and just value of such consideration.
- (11) Any person, being a descendant or a surviving spouse of any person who shall, by will or otherwise, have burthened any immovable property with a *fidei-commissum*, or other similar restriction, in regard to such descendant or surviving spouse, so that the latter shall be entitled only to a life or other limited interest in such property, may have his title to such limited interest in such property recorded in the Deeds Registry Office, without the payment of transfer duty.
- (12) Any person claiming free property in remainder after the expiration or extinction of any previous *fidei-commissum*, or other similar limited interest burthening such property, otherwise than by waiver may, in case such person be a descendant within the fourth degree of the person imposing such *fidei-commissum* or other similar burthen, have the said property registered as his own in the Deeds Registry without the payment of transfer duty.
- (13) As often as any immovable property shall by the will of a deceased spouse be so limited and settled that it is, upon the death of the surviving spouse who is by such will entitled to a life interest therein, to go and belong to some child or other descendant of the deceased spouse, who would under or according to sub-section (3), of these sub-sections, or by any other law, be entitled in case such surviving spouse were dead, to obtain transfer of such property free of duty, then, in case such survivor shall during life see fit to waive and give up his or her life interest, in favour of the child or other descendant in remainder, such child or other descendant shall be entitled to take during the life of such survivor transfer of such property free of transfer duty.
- (8) So dikwels as die eienaar van enige onroerende eiendom, synde 'n eggenoot of aanstaande eggenoot of synde 'n vrou of 'n aanstaande vrou, of synde die ouer van 'n eggenoot of vrou of van 'n aanstaande eggenoot of vrou, toestem of besluit om die beheerreg oor die eiendom te verleen aan trustees, ten einde daardeur voorsiening te maak vir die onderhoud van die huwelik of vir die vrou of aanstaande vrou of vir die kinders uit die huwelik, kan transport van sodanige eiendom bewerkstellig word aan sodanige trustees sonder die betaling van hereregte: Met die verstande dat hierdie vrystelling net toepassing het op gevalle waar geen vergoeding in geld of eiendom gegee of belowe word nie aan die eienaar van die eiendom waaromtrent die voorneme bestaan om die beheerreg daarvan aan trustees te verleen, op grond van die voormelde trusts, of op grond van soortgelyke trusts.
- (9) In elke geval waarin enige persoon waaromtrent uit die registers in die aktekantoor blyk dat hy slegs 'n trustee vir enige ander persoon is, onverskillig of die laasgenoemde 'n minderjarige of meerderjarige is of in die staat van 'n gehude vrou is al dan nie, kan die aldus in trust gehoue eiendom sonder die betaling van hereregte van die naam van die trustee oorgeskrywe word op dié van sodanige ander persoon wat daarop geregtig is dat hy aldus oorgeskrywe word.
- (10) In elke geval van vrywillige of gedwonge skeiding van medeëenaars van onroerende goedere moet alle veranderinge in die registers van die aktekantoor wat vir behoorlike registrasie van die afsonderlike aandeel deur elkeen afsonderlik gehou te word nodig is, sonder betaling van hereregte gemaak word, ingeval die persoon wat vrystelling van sodanige betaling verlang, by die amptenaar gemagtig om hereregte te ontvang of by die registrateur van aktes 'n plegtige verklaring aflê en deponeer, so veel as nodig ooreenkomstig die vorm "K" in die Tweede Bylae, ten effekte dat hy geen geld of ander waardevolle vergoeding aan sy gewese medeëenaars of enige van hulle gegee het of moet gee nie vir of ten opsigte van die aandeel van hom oorgemaak en waaromtrent hy verlang dat dit in sy naam geregistreer word: Met die verstande dat, as sodanige persoon vir die gelykstelling van die skeiding of om enige ander rede, aan sy gewese medeëenaars of enige van hulle enige geld of ander waardevolle vergoeding vir die voormelde aandeel aan hom oorgemaak gegee het of toegestem het dat hy dit sal gee, hy deur voormelde plegtige verklaring die bedrag of waarde moet vermeld wat deur hom gegee is of gegee moet word, en op sodanige waarde of bedrag is hereregte betaalbaar: Met die verstande dat die voorsiening van sub-artikel (3) van artikel vyf van hierdie Ordonnansie toepassing het op die waarde van enige vergoeding ander dan geld wat gegee is of gegee moet word, ingeval dit vir die magistraat wat die hereregte moet ontvang, blyk dat sodanige waarde aanmerklik minder is as die billike en juiste waarde van sodanige vergoeding.
- (11) Enige persoon, synde 'n afstammeling of 'n oorlewende gade van enige persoon wat deur testament of andersins enige onroerende goedere met 'n *fidei-commissum* of ander gelyksoortige beperking ten opsigte van sodanige afstammeling of oorlewende gade belas het, sodat die laasgenoemde slegs geregtig is op lewenslange of ander beperkte vruggebruik van sodanige eiendom, mag sy reg op sodanige beperkte vruggebruik van sodanige eiendom in die aktekantoor sonder betaling van hereregte laat registreer.
- (12) Enige persoon wat aanspraak maak op vry eiendom in oorskot na afloop of delging van enige vorige *fidei-commissum* of ander soortgelyke beperkte vruggebruik wat sodanige eiendom belas, andersins dan deur afstand, mag, ingeval sodanige persoon 'n afstammeling is binne die vierde graad van die persoon wat sodanige *fidei-commissum* of ander soortgelyke las oplê, die voormelde eiendom as sy eie in die aktekantoor sonder die betaling van hereregte laat registreer.
- (13) So dikwels as enige onroerende eiendom deur die testament van 'n oorlede gade dermate beperk en gereël word dat dit na die dood van die oorlewende gade wat kragtens sodanige testament op 'n lewenslange vruggebruik geregtig is, moet gaan na en behoort aan enige kind of ander afstammeling van die oorlede gade wat kragtens en ooreenkomstig sub-artikel (3) van hierdie sub-artikels, of kragtens enige ander wet, ingeval sodanige oorlewende gade dood was, geregtig sou wees om transport van sodanige eiendom vry van regte te verkry, dan, ingeval sodanige oorlewende gedurende sy of haar leeftyd dit goed dink om van sy of haar lewenslange vruggebruik ten gunste van die kind of ander afstammeling in oorskot afstand te doen en dit op te gee, is sodanige kind of ander afstammeling geregtig om gedurende die leeftyd van sodanige oorlewende, transport van sodanige eiendom vry van hereregte te neem.

- (14) As often as the trustee of any insolvent estate, in the exercise of the powers by law possessed by him as such trustee, shall refuse to fulfil any contract for the sale of fixed property made by the insolvent before sequestration, no transfer duty upon such sale shall be payable by the purchaser from such insolvent, and such duty if paid before the sequestration shall be returned; and in case of subsequent sale of such property out of the insolvent estate the declaration of the seller may be altered so as to set forth the fact of such previous sale and of such cancellation thereof.
- (15) As often as the trustee of any insolvent estate shall elect to abandon any agreement which shall have been entered into by the insolvent for the purchase or exchange of any immovable property, no transfer duty shall be payable upon such sale: Provided that such duty, if it has been paid by the insolvent, shall not be returned; and provided that the solemn declaration to be made by the vendor, in case he shall make any second or subsequent sale, shall be as nearly as is material in the form marked "L" in the second Schedule.
- (16) It shall be lawful for the Registrar of Deeds upon proof made to his satisfaction, that any person acting *bona fide*, has made a mistake in regard to the enregisterment of any transfer, to permit such transfers as may be necessary for the correction in the Deeds Registry of the said mistake to be passed free of transfer duty.
- (17) If in any case any person who having become surety for the payment by the purchaser of the purchase money of any property shall have paid such purchase money, and by reason of insolvency, absence from the Territory or other cause, such surety shall be unable to recover the money so paid, and shall be willing or desirous of taking transfer of the property into his own name, the Registrar of Deeds may, if he shall see fit, upon proof by solemn declaration of the facts, authorise the passing of transfer of the property direct from the vendor to such surety upon payment of single duty, whether paid by the purchaser or by the surety, as if the sale had been *ab initio*, to such surety: Provided that nothing herein contained shall effect the respective rights and remedies of such vendor and such purchaser in regard to such first or original sale.
- (18) In regard to immovable property sold to purchasers under the provisions of the land settlement laws of the Territory, transfer duty shall not become due and payable until a Crown grant is issued to such purchaser or to any cessionary of such purchaser's rights; provided that where such purchaser or cessionary cedes his rights over such property before a Crown grant is issued to him, transfer duty in regard to such property shall become due and payable by him as from the date of agreement to cede.
- (19) The Administrator may in his discretion and under a certificate issued by him exempt from the payment of transfer duty any sale, exchange, donation, grant, or transfer of immovable property.

12. As often as any contract of sale upon which transfer duty shall be payable, shall be cancelled and rescinded by mutual consent of the vendor and the purchaser, before transfer made, without any part of the purchase money having been paid, or any valuable consideration given or promised by or on behalf of the purchaser, for the purpose of obtaining the consent of the vendor to such cancellation, the transfer duty upon such sale shall be remitted in case such sale shall have been so cancelled and rescinded within six months from the day of sale, but not otherwise:

- Provided — (1) That the vendor and the purchaser shall make, in reference to such cancellation, solemn declarations, which shall be, in substance, in the forms marked "M" and "N" in the second Schedule;
- (2) That the Magistrate may, in case any vendor or purchaser shall from any cause be unable to make such declaration, dispense with the declaration of such vendor or purchaser and may, should he see fit, require or accept the declaration of any agent or person acquainted with the circumstances.

(14) So dikwels as die trustee van enige insolvente boedel in dié uitoefening van die magte volgens wet deur hom as sodanige trustee besit weier om enige kontrak vir die verkoop van vaste eiendom deur die insolvent voor sekwestrasie aangegaan na te kom, is deur die persoon wat van sodanige insolvent koop, geen hereregte op sodanige verkoop betaalbaar nie, en sodanige regte, indien voor die sekwestrasie betaal, moet teruggegee word; en in die geval van 'n later verkoop van sodanige eiendom uit die insolvente boedel mag die verklaring van die verkoper verander word, sodat dit die feit van sodanige vorige verkoop en van sodanige kansellering daarvan vermeld.

(15) So dikwels as die trustee van enige insolvente boedel dit verkies om enige ooreenkoms wat deur die insolvent aangaande die verkoop of ruiling van enige onroerende eiendom aangegaan is, op te gee, is daar geen hereregte op sodanige verkoop betaalbaar nie: Met die verstande dat sodanige regte, indien deur die insolvent betaal, nie teruggegee sal word nie; en mits die plegtige verklaring wat die verkoper moet aflê, ingeval hy enige tweede of later verkoop doen, so veel as nodig ooreenkomstig die vorm gemerk "L" in die Tweede Bylae moet wees.

(16) Dit is wettig vir die registrateur van aktes om, nadat bewys tot sy voldoening gelewer is dat enige persoon, bona fide handelende, 'n fout begaan het ten opsigte van die registrasie van enige transport, toe te staan dat sodanige transporte wat nodig mag wees vir die verbetering van die voormelde fout, in die aktekantoor vry van hereregte aangeneem word.

(17) As in enige geval enige persoon wat, nadat hy borgsteller geword het vir dié betaling van die kooppeld vir enige eiendom deur die koper, sodanige kooppeld betaal het, en sodanige borgsteller die aldus betaalde geld ter oorsake van insolvensie, afwesigheid uit die Gebied of ander oorsaak nie kan terugkry nie, en gewillig of begerig is om transport van die eiendom op sy eie naam te neem, mag die registrateur van aktes, as hy dit goed dink, na bewyslewing aangaande die feite deur plegtige verklaring, die aanneming van die transport direk van die verkoper aan sodanige borgsteller na betaling van enkele regte, onverskillig of deur die koper of deur die borgsteller, asof die verkoop *ab initio* aan sodanige borgsteller geskied was, magtig; met die verstande dat niks hierin bevat die respektiewe regte en remedies van sodanige verkoper en sodanige koper ten opsigte van sodanige eerste of oorspronklike verkoop aantast nie.

(18) Met betrekking tot onroerende eiendom wat aan kopers volgens dié bepaling van die landnedersettingswette van die Gebied verkoop is, is hereregte nie verskuldig en betaalbaar nie totdat 'n grondbrief aan sodanige koper of aan enige sessionaris van sodanige koper se regte uitgereik word; met die verstande dat wanneer sodanige koper of sessionaris sy regte oor sodanige eiendom sodeer voordat 'n grondbrief aan hom uitgereik word, is hereregte ten aansien van sodanige eiendom deur hom vanaf die datum van ooreenkoms om te sodeer verskuldig en betaalbaar.

(19) Die Administrateur kan na goeddunke en kragtens 'n sertifikaat deur hom uitgereik, enige verkoop, ruiling, skenking, toekenning of transport van onroerende eiendom van die betaling van hereregte vrystel.

12. So dikwels as enige kontrak van verkoop waarop hereregte betaalbaar is, deur wêdersydse toestemming van die verkoper en die koper gekanselleer en nietig verklaar word, voordat transport bewerkstellig is, sonder dat enige gedeelte van die kooppeld betaal of enige waardevolle vergoeding deur of ten behoeve van die koper gegee of belowe is, ten einde die toestemming van die verkoper tot sodanige kansellering te verkry, ingeval sodanige verkoop aldus gekanselleer en nietig verklaar is binne ses maande vanaf die dag van verkoop, maar nie andersins nie, moet die hereregte op sodanige verkoop kwytgeskel word: Met die verstande—

- (1) Dat die verkoper en die koper ten opsigte van sodanige kansellering plegtige verklaringe moet aflê wat in hoofsaak ooreenkomstig die vorms gemerk "M" en "N" in die Tweede Bylae moet wees.
- (2) Dat die magistraat, ingeval enige verkoper of koper tengevolge van enige oorsaak sodanige verklaring nie kan aflê nie, die verklaring van sodanige verkoper of koper agterweë kan laat en, as hy dit goed dink, die verklaring van enige agent of persoon wat met die omstandighede bekend is, kan vereis of aanneem.

13. As often as any contract of sale upon which transfer duty shall be payable, shall be by mutual consent of the vendor and purchaser cancelled and rescinded before transfer made and within six months from the date of such contract then, in case any part of the purchase price shall have been paid, or any valuable consideration shall have been given or promised by either party to the other, for or in respect of such cancellation, transfer duty shall be payable only upon the sum so paid or the value of any consideration other than money so given such value to be ascertained in the manner in sub-section (1) of section five of this Ordinance provided; and the vendor may, on a second sale of the said property, amend the declaration to be made by him by setting forth the circumstances of such previous sale and the cancellation thereof.

14. Whenever any person requiring to have any transfer or change of name effected in the Deeds Registry Office of this Territory shall claim to be exempted from the payment of transfer duty under and by virtue of any of the exemptions mentioned and contained in this Ordinance, it shall be the duty of the Registrar of Deeds to require due proof by solemn declaration if need be of all facts and circumstances by reason or on account of which such exemption is demanded, and he may also require the production of any deeds or instruments connected with the case and tending to show whether or not such exemption ought by law to be allowed.

15. As often as any question shall arise between the Registrar of Deeds and any person claiming to be entitled to any such exemption as aforesaid, regarding the right to such exemption, or the extent of that right, or generally, any matter concerning the amount upon which any such person shall justly and legally be chargeable with transfer duty, it shall be lawful for the Judge of the High Court sitting in Chambers, to hear the said Registrar of Deeds and the said person (or any person or persons representing each respectively) as to the matter in question, and to examine the proofs, if any, which shall have been offered in support of the claim to exemption and to call for such further proofs, as may be necessary, and, in a summary manner, to make such order in the premises as he may deem just: Provided that such Judge may direct any such question to be brought, by way of motion, before the High Court in order that the same may be heard and determined.

As to Sales to Agents for Alleged Principals.

16. In every sale of immovable property, such sale shall be deemed to have been made to the purchaser for his own account unless he shall, at the time such sale is completed, declare in writing to the seller, or the auctioneer or agent representing such seller, the fact that in the making of such purchase he is acting in a representative capacity and the name of the person on whose behalf he is making such purchase.

17. If, in any case, any bidder at a public auction should declare, as aforesaid, the name of some person as his principal, who shall be taken down as the purchaser, and who shall afterwards refuse to accept the property purchased in his name, then, unless the bidder shall produce a sufficient authority, in writing, from such alleged principal, authorising such bidder to make such purchase for such principal, the bidder shall himself (without prejudice to other questions between the parties) be liable to pay transfer duty: Provided that such bidder, paying transfer duty, shall be entitled to recover the same from his principals, in case he shall succeed in proving that such principal did, in fact, give him authority to make the purchase in dispute.

18. The provisions of the last preceding section relative to purchases at public sales by agents for alleged principals, shall extend and apply, *mutatis mutandis*, to purchases made by agents for alleged principals, at sales not being public sales.

19. No auctioneer, broker, or agent shall take down or receive in regard to any purchase, the name of any purchaser as purchasing in the manner commonly called and written "q.q." or receive, in any other form, the name of any person as purchasing for an unnamed principal; and any auctioneer, broker, or agent contravening this section of this Ordinance shall incur and be liable to a penalty not exceeding fifty pounds.

13. So dikwels as enige kontrak van verkoop waarop hereregte betaalbaar is, tengevolge van wedersydse toestemming van die verkoper en koper gekanselleer en nietig verklaar word, voordat transport bewerkstellig is en binne ses maande vanaf die datum van sodanige kontrak, dan, ingeval enige gedeelte van die koopprys betaal of enige waardevolle vergoeding deur een van die twee partye aan die ander ten opsigte van sodanige kansellering gegee of belowe is, is hereregte betaalbaar net op die aldus betaalde som of die waarde van enige vergoeding ander dan geld aldus gegee, sodanige waarde te worde vasgestel op die wyse in sub-artikel (1) van artikel vyf van hierdie Ordonnansie voorsien; en die verkoper kan by 'n tweede verkoping van die voormelde eiendom die deur hom te make verklaring wysig, deurdat hy die omstandighede van sodanige vorige verkoop en die kansellering daarvan vermeld.

14. Wanneer enige persoon wat begeer dat enige transport of verandering van naam in die kantoor van aktes van hierdie Gebied bewerkstellig word, aanspraak maak op vrystelling van die betaling van hereregte kragtens en ingevolge enige van die vrystellings in hierdie Ordonnansie genoem en bevat, is dit die plig van die Registrateur van Aktes om behoorlike bewys deur plegtige verklaring so nodig van alle feite en omstandighede ter oorsake of op grond waarvan sodanige vrystelling verlang word, op te eis; en hy kan ook die vertoning van enige aktes of dokumente in verband met die saak en wat strek om te bewys of sodanige vrystelling volgens wet toegelaat behoort te word al dan nie, verlang.

15. So dikwels as enige vraag ontstaan tussen die Registrateur van Aktes en enige persoon wat beweer dat hy geregtig is op enige sodanige vrystelling soos voormeld ten opsigte van die reg op sodanige vrystelling of die omvang van daardie reg of, in die algemeen, enige saak betreffende die bedrag waarop van enige sodanige persoon hereregte billikerwys en wettig gevorder mag word, is dit vir die regter van die Hooggeregshof in camera wettig om die voormelde registrateur van aktes te verhoor, en die voormelde persoon (of enige persoon of persone wat elkeen respektiefflik verteenwoordig) aangaande die onderhawige saak te verhoor en om die bewyse, indien enige, wat ter staving van die eis op vrystelling aangebied is te ondersoek, en om sodanige verdere bewyse op te eis as wat nodig mag wees, en op sumiere wyse sodanige bevel in die omstandighede te gee soos hy regverdig ag: Met die verstande dat sodanige regter mag beveel dat enige sodanige vraag by wyse van mosie voor die Hooggeregshof gebring word, sodat dit gehoor en daaroor beslis mag word.

Aangaande Verkope aan Agente vir Beweerde Prinsipale.

16. By elke verkoping van onroerende goedere word sodanige verkoop geag aan die koper vir sy eie rekening gedoen te wees, tensy hy op die tyd waarop sodanige verkoping voltooi is, skriftelik aan die verkoper of aan die vendu-afslaer of aan die agent wat sodanige verkoper verteenwoordig, die feit verklaar dat hy by die doen van sodanige koop in 'n verteenwoordigende hoedanigheid handel, en die naam van die persoon vir wie hy sodanige koop doen, bekendmaak.

17. As in enige geval enige bieder soos voormeld op 'n publieke veiling die naam van enige persoon aankondig as synde dié van sy prinsipaal wat as die koper genoteer moet word, en as sodanige prinsipaal naderhand weier om die eiendom in sy naam gekoop te ontvang, dan, tensy die bieder 'n voldoende magtiging in geskryfte van sodanige beweerde prinsipaal voorlê wat sodanige bieder magtig om sodanige koop vir sodanige prinsipaal te doen, is die bieder self (sonder ander vrae tussen die partye te benadeel) verplig om hereregte te betaal: Met die verstande dat sodanige bieder wat hereregte betaal, geregtig is om dit van sy prinsipale terug te kry, ingeval hy daarin slaag om te bewys dat sodanige prinsipaal hom inderdaad magtiging gegee het om die koop in kwessie te sluit.

18. Die voorsieninge van die laas voorafgaande artikel met betrekking tot die kope op publieke veilinge deur agente vir beweerde prinsipale het *mutatis mutandis* toepassing op die kope gesluit deur agente vir beweerde prinsipale by verkopings wat nie publieke veilinge is nie.

19. Geen vendu-afslaer, makelaar of agent mag die naam van enige koper wat koop op die wyse gewoonlik "q.q." genoem en geskrywe, ten opsigte van enige koop noteer of ontvang nie of in enige ander vorm die naam van enige persoon wat vir 'n nie-genoemde prinsipaal koop, ontvang nie; en enige vendu-afslaer, makelaar, of agent wat hierdie artikel van hierdie Ordonnansie oortree, is blootgestel en aanspreeklik vir 'n boete van hoogstens vyftig pond.

20. If, in any case, the person whose name shall have been declared and taken down as the purchaser of any property shall deny that he gave authority for the making of such purchase, or if, for any other reason, such person shall decline to accept such purchase, and the agent or alleged agent, shall be willing to take such property for his own individual account, and the vendor shall consent thereto, no transfer duty shall be payable upon the sale or alleged sale to the alleged principal; but only a single transfer duty, as if the sale had been made, *ab initio*, to the alleged agent, in his individual capacity; and the solemn declarations by law required to be made, shall be altered in the manner indicated in the forms marked "O" and "P" in the second Schedule.

Miscellaneous.

21. As often as any dispute or question shall arise between a supposed seller and a supposed purchaser, the supposed seller alleging that a sale of immovable property by him to the purchaser was actually completed, and the supposed purchaser on the other hand denying the fact that such a sale took place, it shall be lawful for the Magistrate, at any time within six months next after such supposed sale, upon the application of such supposed seller, and upon proof made to his satisfaction that no collusion exists between the supposed seller and the supposed buyer, to authorise such supposed seller, in case of a future sale of the same property to a different person, to alter the ordinary form of solemn declaration to be made in reference to such future sale by stating in such declaration that he never sold the said property to any person except the person named in such declaration as the purchaser, and to one A.B., who, however, disputed and denied the fact of such sale, whereupon the said sale was given up and abandoned by the person making such declaration, and the Magistrate's authority obtained for altering the form of the said declaration so as to make it conformable to the fact.

22. As often as it shall be made to appear to the Magistrate by any person who shall have sold any property upon which transfer duty shall be payable, that the purchaser of such property cannot be found within the Territory or has left the Territory without taking transfer, and without paying any part of the purchase money, and that such vendor is unable to obtain or enforce the fulfilment of the contract, it shall be lawful for the magistrate to permit the vendor aforesaid, in case he shall sell the said property again, to make the necessary alteration in the form of the solemn declaration to be made by him in reference to such second sale: Provided that nothing herein contained shall alter or affect the law in reference to the respective rights or remedies of such vendor and such purchaser, in regard to such first or original sale.

23. In case of a second or subsequent sale of any property previously sold, the solemn declaration to be made by the vendor, in regard to such second or subsequent sale, may, subject to the provisions of this Ordinance, be altered in the manner indicated in the form marked "Q" in the second Schedule.

24. In any case in which transfer duty shall have become payable upon any contract of sale, and such contract shall not have been completed, it shall be lawful for the vendor, if he shall make a subsequent sale of the said property to another purchaser to pay the amount of any such duty for which the first purchaser shall have become liable by law, if such first purchaser shall have neglected or refused to pay the same; and such vendor shall be entitled to recover the sum so paid from the first purchaser as so much money paid for his use; provided that the solemn declaration to be made by the vendor, in regard to such first sale, shall be in the ordinary form of a vendor's declaration, and no declaration shall be necessary from the first purchaser.

25. In case any sale and purchase or other transaction upon which transfer duty is chargeable shall have been before the passing of this Ordinance and a solemn declaration required by the law existing at the time of the completion of such sale and purchase or other transaction shall have been made, no further declarations under the provisions of this Ordinance shall be necessary, but in all cases, where no such declaration shall have yet been made, the declarations to be made and subscribed shall be those directed by this Ordinance: Provided that where no form of declaration has been prescribed to fit the circumstances of any particular case the Magistrate may draw up the necessary declaration, adapting any one of the prescribed forms accordingly.

20. As in enige geval die persoon wie se naam aangekondig en genoteer is as die koper van enige eiendom, ontken dat hy magtiging vir die sluiting van sodanige koop gegee het, of as sodanige persoon om enige ander rede weier om sodanige koop aan te neem, en die agent of beweerde agent gewillig is om sodanige eiendom vir sy eie individuele rekening te neem, en die verkoper sy toestemming daartoe gee, is daar geen hereregte op die verkoop of beweerde verkoop aan die beweerde prinsipaal betaalbaar nie, maar net 'n enkele herereg, asof die verkoop aan die beweerde agent in sy individuele hoedanigheid *ab initio* gesluit was; en die plegtige verklaringe wat volgens wet afgelê moet word, moet verander word op die wyse aangegee in die vorms gemerk "O" en "P" in die Tweede Bylae.

Allerlei.

21. So dikwels as enige dispuut of kwessie ontstaan tussen 'n veronderstelde verkoper en 'n veronderstelde koper waarin die veronderstelde verkoper beweer dat 'n verkoop van onroerende goedere deur hom aan die koper werklik 'n voldonge feit was, en die veronderstelde koper aan die ander kant die feit ontken dat sodanige verkoop plaasgevind het, is dit wettig vir die Magistraat om te eniger tyd binne ses maande onmiddellik na sodanige veronderstelde verkoop en na bewys tot sy voldoening gelewer is dat daar geen kollusie tussen die veronderstelde verkoper en die veronderstelde koper bestaan nie, om sodanige veronderstelde verkoper te magtig om, in die geval van 'n toekomstige verkoop van dieselfde eiendom aan 'n verskillende persoon, die gewone vorm van plegtige verklaring wat ten opsigte van sodanige toekomstige verkoop gemaak moet word, te verander deur in sodanige verklaring te verklaar dat hy die voormelde eiendom nooit aan enige persoon verkoop het nie, behalwe aan die persoon in sodanige verklaring as die koper genoem, en aan ene A.B., wat die feit van sodanige verkoop egter betwis en ontken het, waarop die voormelde verkoop deur die persoon wat sodanige verklaring maak opgegee en prysgegee is, en die magistraat se magtiging verkry om die vorm van die voormelde verklaring te verander, teneinde dit konform te maak met die feite.

22. So dikwels as enige persoon wat enige eiendom verkoop het waarop hereregte betaalbaar is, dit aan die magistraat doen blyk dat die koper van sodanige eiendom nie binne die Gebied gevind kan word nie of die Gebied verlaat het sonder transport te neem en sonder enige gedeelte van die kooppeld te betaal, en dat dit vir sodanige verkoper nie moontlik is om die uitvoering van die kontrak te verkry of te handhaaf nie, is dit vir die magistraat wettig om aan die voormelde verkoper toe te staan, ingeval hy die voormelde eiendom weer verkoop, dat hy die nodige verandering in die vorm van die plegtige verklaring wat deur hom ten opsigte van sodanige tweede verkoop afgelê moet word, maak: Met die verstande dat niks hierin bevat die wet ten opsigte van die respektiewe regte of remedies van sodanige verkoper en sodanige koper ten opsigte van sodanige eerste of oorspronklike verkoop verander of aantast nie.

23. In die geval van 'n tweede of daaropvolgende verkoop van enige van tevore verkoopte eiendom mag die plegtige verklaring wat deur die verkoper ten opsigte van sodanige tweede of daaropvolgende verkoop afgelê moet word, onderhewig aan die voorsieninge van hierdie Ordonnansie, verander word op die wyse aangegee op die vorm gemerk "Q" in die Tweede Bylae.

24. In enige geval waarin hereregte op enige kontrak van verkoop betaalbaar geword het en sodanige kontrak nie voltooi is nie, is dit wettig vir die verkoper, as hy 'n daaropvolgende verkoop van die voormelde eiendom aan 'n ander koper bewerkstellig, om die bedrag van enige sodanige hereregte waarvoor die eerste koper volgens wet aanspreeklik geword het te betaal, as sodanige eerste verkoper versuim of geweier het om dit te betaal; en sodanige verkoper is geregtig om die aldus betaalde geld van die eerste koper terug te kry as so veel geld vir sy nut betaal; met die verstande dat die aldus deur die verkoper ten opsigte van sodanige eerste verkoop af te lê plegtige verklaring in die gewone vorm van verklaring van die verkoper moet wees, en geen verklaring is van die eerste koper nodig nie.

25. Ingeval enige verkoop en koop of ander transaksie waarop hereregte vorderbaar is, voor die aanneming van hierdie Ordonnansie voltooi was, en ingeval 'n plegtige verklaring vereis deur die Wet wat tydens die voltooiing van sodanige verkoop en koop of ander transaksie bestaan afgelê is, is daar geen verdere verklaringe kragtens die voorsieninge van hierdie Ordonnansie nodig nie, maar in alle gevalle waar nog geen sodanige verklaring afgelê is nie, moet die verklaringe wat afgelê en onderteken moet word, diegene wees wat by hierdie Ordonnansie voorgeskryf word: Met die verstande dat waar geen vorm van 'n verklaring voorgeskryf is nie om vir die omstandighede van enige besondere geval te pas, die Magistraat die nodige verklaring mag optrek, deurdat hy enigeen van die voorgeskrywe vorms dienoreenkomstig bewerk.

26. The several declarations mentioned in or required by this Ordinance, whether in the form set forth in the second Schedule or drawn up by the Magistrate, as in the last preceding section provided, shall be made before such persons respectively as are or shall be by law entitled to administer oaths, and any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed to be guilty of the crime of contravening this section of this Ordinance, and shall upon conviction thereof, suffer such punishment as shall be by law provided for the crime of perjury.

27. This Ordinance may be cited as the Transfer Duty Consolidation and Amendment Ordinance, 1935.

FIRST SCHEDULE.

LAWS REPEALED.

Number and Year.	Title.	Extent of Repeal.
1. Ordinance of the Governor of German South West Africa of the 19th March, 1909.	Concerning the Taxation of Landed Property in the German South West African Protectorate.	In so far as it relates to Transfer Duty.
2. Proclamation No. 32 of 1920.	Taxation of Landed Property Amendment Proclamation, 1920.	Sections <i>two, three, four, five, six, seven and eight.</i>

SECOND SCHEDULE.

FORM "A".

DECLARATION OF SELLER.

I, A.B., do solemnly and sincerely declare that on the day of 19, and not before, I sold to C.D. the property herein described, that is to say (here describe the property), and that the full and true consideration passing to me for such sale is £ and I further declare that there is not any agreement, condition, or understanding between me and the said C.D. whereby he has paid, or is to pay, to me or to any other person whomsoever for or in respect of or in connection with the purchase by him of the said property any sum of money over and above the said sum of £, save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935.

And I further declare that I have not received and that I am not to receive, nor has any other person received nor is any other person to receive for my use or benefit, or at my instance or request, any valuable consideration besides the said sum of £, save and except in so far as any of the charges above-mentioned and to be paid by the said C.D. might be held or taken to be payable for me or on my behalf.

And I further declare that the said C.D. is the only person who has ever purchased the said property from me, and I never sold the same to any other person.

And I make this solemn declaration conscientiously believing the same to be true.

A. B.

Declared before me this day of 19.

MAGISTRATE, OR COMMISSIONER OF OATHS.

26. Die verskeie verklaringe in hierdie Ordonnansie genoem of daardeur benodig, onverskillig of in die vorm uiteengesit in die Tweede Bylae of deur die Magistraat opgetrek, soos in die laasvoorafgaande artikel voorsien, moet respektieflik voor sodanige persone afgelê word as volgens wet geregtig is of sal wees om ede af te neem, en enige persoon wat met opset en op bedrieglike wyse enige sodanige verklaring onderteken, wetende dat dit in enige wesentlike besonderheid onwaar is, word geag skuldig te wees aan die misdaad van oortreding van hierdie artikel van hierdie Ordonnansie en moet na skuldigbevinding sodanige straf ondergaan, as volgens wet voorsien is vir die misdaad van meeneed.

27. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Ordonnansie betreffende die Konsolidasie en Wysiging van Hereregte 1935.

EERSTE BYLAE.

WETTE HERROEP.

Nommer en jaar.	Titel.	Omvang van herroeping.
1. Ordonnansie van die Goewerneur van Duits Suidwes-Afrika van die 19de Maart 1909.	Betreffende die belasting van grondeiendom in die Duits Suidwes-Afrikaanse Protektoraat.	Vir sover dit betrekking het op hereregte.
2. Proklamasie No. 32 van 1920.	De Gewijzigde Proklamasie voor de belasting op Landeigendom 1920.	Artikels twee, drie, vier, vyf, ses, sewe en ag.

TWEDE BYLAE.

VORM "A".

VERKLARING VAN VERKOPER.

EK, A.B., verklaar hiermee plegtig en opreg dat ek op die dag van 19 en nie voor dié tyd nie aan C.D. die hierin beskrewe eiendom, te wete: (beskryf die eiendom hier) verkoop het, en dat die volle en ware vergoeding wat vir sodanige verkoop aan my gegee of belowe is £..... is, en ek verklaar voorts dat daar geen ooreenkoms, voorwaarde of verstandhouding tussen my en die voormelde C.D. is nie waardeur hy enige geldsom oor en bo die voormelde som van £ aan my of aan enige ander persoon, wie dan ook, vir of ten opsigte van of in verband met die koop van die voormelde eiendom deur hom betaal het of moet betaal, behoudens en behalwe sekere vorderinge of betalinge wat onder een of meer van die poste of items van vorderinge of betalinge genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935 val of binne hulle bereik kom.

En ek verklaar verder dat ek geen waardevolle vergoeding behalwe die voormelde som van £ ontvang het of moet ontvang nie en dat geen ander persoon dit vir my gebruik of voordeel of op my aandrang of versoek ontvang het of moet ontvang nie, behoudens en behalwe vir sover enige van die bovermelde en deur die voormelde C.D. te betale vorderinge geag of beskou mag word vir my of ten behoeve van my betaalbaar te wees.

En ek verklaar verder dat die voormelde C.D. die enigste persoon is wat ooit die voormelde eiendom van my gekoop het, en dat ek dit nooit aan enige ander persoon verkoop het nie.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

A. B.

Verklaar voor my op hierdie dag van 19.

MAGISTRAAT OF KOMMISSARIS VAN EDE.

FORM "B".

DECLARATION OF PURCHASER.

I, C.D., do solemnly declare that on the _____ day of _____ 19____, and not before, I bought from A.B. the property herein described (here describe the property), and that the full and true consideration given by me for such property whether to the said A.B. or any other person in connection with such sale is £ _____, and I further declare that I have not, nor has any person to my knowledge on my account, given, nor is there by me or on my behalf to be given any other valuable consideration for or in respect of or in connection with the alienation to me of the said property, save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935.

And I make this solemn declaration conscientiously believing the same to be true.

C. D.

Declared before me this _____ day of _____ 19____.

MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "C".

DECLARATION OF EXCHANGE.

We, the undersigned, owners respectively of the following properties, that is to say:
I, the said _____ owner of _____ and
I, the said _____ owner of _____ do
severally, solemnly and sincerely declare that we have mutually agreed with each other to the following exchange, namely:—

(Particulars of the exchange and value of the property exchanged and the value of any consideration (other than the value of the property so exchanged, if any) given or promised by the one to the other or any person on their behalf.)

And we declare that we have not nor has any person to our knowledge on our account given or received nor is there by us or on our behalf to be given or received by the one to or from the other of us any money or other valuable consideration other than is hereinbefore stated, for, or in respect of the exchange and mutual transfer of the said properties.

And we make this solemn declaration conscientiously believing the same to be true.

(sgd.)
(sgd.)

Declared before me at _____ this _____ day
of _____ 19____.

MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "D".

DECLARATION OF DONOR.

I, A.B., declare solemnly that in consideration of the special affection and esteem which I feel and cherish for C.D., and by reason of the good and valid consideration which specially prompts me thereto, I, by way of *donatio inter vivos* or gift between living persons have irrevocably presented, given and bestowed on and for the benefit of the said C.D. certain property:
(here describe the property).

And I, the said A.B., do further declare that I presented the said property as a gift to the said C.D. on the _____ day of _____ 19____, and not before that date, and I neither have nor shall receive any valuable consideration for or on account of the alienation of the said property.

And I make this solemn declaration conscientiously believing the same to be true.

(sgd.)

Declared before me at _____ this _____ day
of _____ 19____.

MAGISTRATE, OR COMMISSIONER
OF OATHS.

VORM "B".

VERKLARING VAN KOPER.

Ek, C.D., verklaar plegtig dat ek op die _____ dag van _____ 19____, en nie voor dié tyd nie, van A.B. die hierin beskrywe eiendom (beskryf hier die eiendom) gekoop het, en dat die volle en ware vergoeding wat deur my vir sodanige eiendom, hetsy aan die voormelde A.B. of aan enige ander persoon in verband met sodanige verkoop gegee is, £ _____ bedra, en ek verklaar verder dat ek geen ander waardevolle vergoeding vir of ten opsigte van of in verband met die vervreemding aan my van die voormelde eiendom gegee het nie en dat niemand, vir sover ek weet, dit op my rekening gegee het of dat dit deur my of ten behoeve van my gegee moet word nie, behoudens en behalwe sekere vorderinge of betalings wat onder een of meer van die poste of items van vorderinge en betalings genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935 val of binne hulle bereik kom.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

C. D.

Verklaar voor my op hierdie _____ dag van
_____ 19____.

MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "C".

VERKLARING VAN RUILING.

Ons, die ondergetekendes, respektieflik eienaars van die volgende eiendomme, te wete:

Ek, die voormelde, _____ eienaar van _____, en
Ek, die voormelde, _____ eienaar van _____
verklaar afsonderlik, plegtig en opreg dat ons onderling met mekaar ooreengekom het aangaande die volgende ruiling, te wete:

(Besonderhede van die ruiling en waarde van die verruilde eiendom en die waarde van enige vergoeding (ander dan die waarde van die aldus verruilde eiendom, indien enige), deur die een aan die ander of enige persoon ten behoeve van hulle gegee of belowe.)

En ons verklaar dat nóg ons nóg enige persoon, sover ons weet, op ons rekening enige geld of ander waardevolle vergoeding, ander dan hierinlater genoem, vir of ten opsigte van die ruiling en onderlinge transport van die voormelde eiendomme gegee of ontvang het nie, en dat daar geen sodanige geld of vergoeding deur ons of ten behoeve van ons gegee of ontvang moet word nie, en ons lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

(w.g.)
(w.g.)

Verklaar voor my te _____ op hierdie
dag van _____ 19____.

MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "D".

VERKLARING VAN DONATEUR.

Ek, A.B., verklaar plegtig dat, in aanmerking nemende die spesiale toegeneetheid en agting wat ek vir C.D. voel en koester, en uit hoofde van die goeie en geldige konsiderasie wat my spesiaal daartoe noop, ek by wyse van *donatio inter vivos* of skenking tussen lewende persone onherroeplik aan en ten voordele van C.D. geskenk, gegee en verleen het, sekere eiendom:

(beskryf die eiendom hier).

En ek, die voormelde A.B., verklaar verder dat ek die voormelde eiendom as 'n skenking aan die voormelde C.D. op die _____ dag van _____ 19____, en nie voor daardie datum nie, gepresenteer het, en dat ek geen waardevolle vergoeding vir of weens die vervreemding van die voormelde eiendom ontvang het of sal ontvang nie.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

(w.g.)

Verklaar voor my te _____ op hierdie
dag van _____ 19____.

MAGISTRAAT OF KOMMISSARIS
VAN EDE.

FORM "E".

DECLARATION OF DONEE.

I, C.D., declare solemnly that I accept the present by way of *donatio inter vivos* or gift between living persons made and given to me by A.B., of certain property (here describe the property).

And I, the said C.D., declare that the said A.B. made the gift on the day of 19 , and not before that date; and neither I nor anyone else on my behalf or for my account has given or promised to give or pay any valuable consideration whatever for or on account of the alienation of the said property.

And I make this solemn declaration conscientiously believing the same to be true.

(sgd.)

Declared before me at this day of 19

MAGISTRATE, OR COMMISSIONER OF OATHS.

FORM "F".

DECLARATION OF EXECUTOR.

I, A.B., Executor (or Executrix) in the (joint) Estate of the late (and surviving spouse) in respect of which Letters of Administration were signed by the Master of the High Court in my favour on the day of 19 , do solemnly and sincerely declare that I truly and lawfully awarded to C.D. in terms of the will of (or with the knowledge of all interested parties, or consent of the Master of the High Court) the property herein described, that is to say:—

(Here describe the property.)

And I, the said A.B. declare that I awarded the said property on the day of 19 .

And I further declare that the said C.D., is the only person to whom I made the award, and no other person.

And I make this solemn declaration conscientiously believing the same to be true.

(sgd.)

Declared before me at this day of 19

MAGISTRATE, OR COMMISSIONER OF OATHS.

FORM "G".

DECLARATION OF ACCEPTOR OF A LEGACY OR INHERITANCE.

I, C.D., declare solemnly that I accepted the legacy or inheritance as awarded to me by the Executor (or Executrix) in the (joint) Estate of (and surviving spouse) of the property herein described, that is to say:—

(Here describe the property.)

And I, the said C.D., declare that I accepted the property as before described on the day of 19 .

And I make this solemn declaration conscientiously believing the same to be true.

(sgd.)

Declared before me at this day of 19

MAGISTRATE, OR COMMISSIONER OF OATHS.

FORM "H".

BY LESSOR OF FIXED PROPERTY.

I, A.B., do solemnly and sincerely declare that on the day of 19 , I leased to C.D. for a period of the property herein described (here set forth the property) and that the full consideration passing to me for such lease is:—

(a) a yearly rental of £.....

(b) by way of further consideration, £.....

VORM "E".

VERKLARING VAN BEGIFTIGDE.

Ek, C.D., verklaar plegtig dat ek die skenking van sekere eiendom (beskryf die eiendom hier) by wyse van *donatio inter vivos* of skenking tussen lewende persone deur A.B. aan my gedoen en gegee, aanneem.

En ek, die voormelde C.D., verklaar dat die voormelde A.B. die skenking gedoen het op die dag van 19 , en nie voor daardie datum nie; en dat nóg ek nóg iemand anders ten behoeve van my of op my rekening enige waardevolle vergoeding van welke aard dan ook vir of weens die vervreemding van die voormelde eiendom gegee het of belowe het om te gee nie.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

(w.g.)

Verklaar voor my te op hierdie dag van 19

MAGISTRAAT OF KOMMISSARIS VAN EDE.

VORM "F".

VERKLARING VAN EKSEKUTEUR.

Ek, A.B., eksekuteur (of eksekutriese) in die (gesamentlike) boedel van die oorlede (en oorlewende gade) ten opsigte van die briewe van administrasie deur die Meester van die Hooggeregshof op die dag van 19 , ten gunste van my geteken, verklaar plegtig en opreg dat ek waaragtig en wettig ooreenkomsig die testament van (of met die kennis van alie belanghebbende partye of toestemming van die Meester van die Hooggeregshof) die hierin beskrywe eiendom, te wete:

(beskryf die eiendom hier.)

aan C.D. toegeken het.

En ek, die voormelde A.B., verklaar dat ek die voormelde eiendom op die dag van 19 toegeken het.

En ek verklaar verder dat die voormelde C.D. die enigste persoon is aan wie ek die toekenning gedoen het, en niemand anders nie.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

(w.g.)

Verklaar voor my te op hierdie dag van 19

MAGISTRAAT OF KOMMISSARIS VAN EDE.

VORM "G".

VERKLARING VAN AKSEPTANT VAN LEGAAT OF ERFENIS.

Ek, C.D., verklaar plegtig dat ek die legaat of erfenis bestaande uit die hierin beskrywe eiendom, te wete:

(beskryf die eiendom hier.)

soos aan my toegeken deur die eksekuteur (of eksekutriese) van die (gesamentlike) boedel van (en oorlewende gade) aangeneem het.

En ek, die voormelde C.D., verklaar dat ek die eiendom soos bo beskrywe op die dag van 19 aangeneem het.

En ek maak hierdie plegtige verklaring, konsensieus gelowende dat dit waar is.

(w.g.)

Verklaar voor my te op hierdie dag van 19

MAGISTRAAT OF KOMMISSARIS VAN EDE.

VORM "H".

DEUR VERHUURDER VAN VASTE EIENDOM.

Ek, A.B., verklaar plegtig en opreg dat ek op die dag van 19 aan C.D. vir 'n tydperk van die hierin beskrywe eiendom (beskryf die eiendom hier) gehuur het, en dat die volle vergoeding wat ek vir sodanige huur ontvang het of wat aan my belowe is, bedra:—

(a) 'n jaarlikse huur van £

(b) by wyse van verdere vergoeding, £

I further declare that there is not any agreement, condition or understanding between me and the said C.D. whereby he has paid or is to pay to me or to any other person whomsoever for, or in respect of, or in connection with, the lease to him of the said property any sum of money or other valuable consideration over and above the said sum of £ , save and except certain charges or payments which fall under or come within some one or more of the heads or items of charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935.

And I make this solemn declaration conscientiously believing the same to be true.
(sgd.)

Declared before me at this day
of 19 .
MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "I".

DECLARATION OF LESSEE.

I, C.D., do solemnly and sincerely declare that on the day of 19 , I hired from A.B., for a period of the property herein described (here set forth the property) and that the full consideration given or to be given by me for the said lease is:

- (a) a yearly rental of £.....,
- (b) by way of further consideration £.....

And I further declare that there is not any agreement or understanding between me and the said A.B. whereby I have paid or am to pay to the said A.B., or to any other person whomsoever for, or in respect of or in connection with the lease to me of the said property any sum of money or other valuable consideration over and above the said sum of £..... save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935.

And I make this solemn declaration conscientiously believing the same to be true.

(sgd.)
Declared before me at this day
of 19 .
MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "J".

DECLARATION OF SALE BY AN AGENT.

I, , do solemnly and sincerely declare that I have acted as the agent (auctioneer or broker as the case may be) in making the sale (or purchase) of certain sold by to and that I know of my own knowledge the amount of the consideration given therefor. And I do further declare that the said sale was made on the and not before and the sum of £..... is to the best of my knowledge and belief the full and entire consideration to be given in regard to the alienation of the said property and that to the best of my knowledge and belief no further or other valuable consideration has been given or is to be given by or on behalf of the said for or in respect of the said property, save and except certain charges and payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935.

And I make this solemn declaration conscientiously believing the same to be true.

Declared before me at this day
of 19 .
MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "K".

DECLARATION OF PARTITION BY JOINT PROPRIETORS

We, the undersigned, joint proprietors
of the farm or land called in extent
hectares, ares, square metres,
square decimetres, situated in the district of
, do severally solemnly and sincerely declare

Ek verklaar verder dat daar geen ooreenkoms, voorwaarde of verstandhouding tussen my en die voormelde C.D. bestaan nie, waardeur hy enige geldsom of ander waardevolle vergoeding oor en bo vermelde som van £ aan my of aan enige ander persoon, wie dan ook, vir of ten opsigte van of in verband met die huur van die voormelde eiendom aan hom betaal het of moet betaal, behoudens en behalwe sekere vorderinge of betalinge wat onder een van die poste of items van vorderinge of betalinge genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935 val of binne die bereik daarvan kom.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

(w.g.)
Verklaar voor my te op hierdie
dag van 19 .
MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "I".

VERKLARING VAN HUURDER.

Ek, C.D., verklaar plegtig en opreg dat ek op die dag van 19 van A.B. die eiendom hierin beskrywe (beskryf die eiendom hier) vir 'n tydperk van gehuur het en dat die volle vergoeding wat deur my vir die voormelde huur gegee is of gegee moet word bedra:

- (a) 'n jaarlikse huur van £
- (b) by wyse van verdere vergoeding £

En ek verklaar verder dat daar geen ooreenkoms of verstandhouding tussen my en die voormelde A.B. bestaan nie, waardeur ek enige geldsom of ander waardevolle vergoeding oor en bo die vermelde som van £..... aan die voormelde A.B. of aan enige ander persoon, wie dan ook, vir of ten opsigte van of in verband met die huur van die voormelde eiendom aan my betaal het of moet betaal, behoudens en behalwe sekere vorderinge of betalinge wat onder een van die poste of items van vorderinge of betalinge genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935 val of binne die bereik daarvan kom.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

(w.g.)
Verklaar voor my te op hierdie
dag van 19 .
MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "J".

VERKLARING AANGAANDE VERKOOP DEUR 'N AGENT.

Ek, , verklaar plegtig en opreg dat ek as die agent (vendu-afslaer of makelaar, soos die geval mag wees) opgetree het toe ek die verkoop (of koop) van sekere verkoop deur aan bewerkstellig het, en dat ek die bedrag van die vergoeding wat daarvoor gegee is uit eie kennis weet. En ek verklaar verder dat die voormelde verkoop op die en nie voor dié tyd gedoen is nie en dat die som van £ by my beste wete en geloof die volle en algehele vergoeding is wat ten opsigte van die vervreemding van die voormelde eiendom gegee moet word, en dat by my beste wete geen verdere of ander waardevolle vergoeding deur of ten behoewe van die voormelde vir of ten opsigte van die voormelde eiendom gegee is of gegee moet word nie, behoudens en behalwe sekere vorderinge en betalinge genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

Verklaar voor my te op hierdie
dag van 19 .
MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "K".

VERKLARING AANGAANDE DELING DEUR
GESAMENTLIKE EIENAARS.

Ons, die ondergetekendes, ,
gesamentlike eienaars van die plaas of grond genoem ,
in omvang hektare,
are, vierkantmeters, vierkantdesi-
meters, geleë in die distrik , verklaar afsonder-

that we have mutually agreed with each other to the following partition of the said land so as to give to each party a defined portion as his separate and exclusive property; namely,

And we declare that we have not, nor has any person to our knowledge, on our account given, or received, nor is there by us, or on our behalf, to be given or received by the one, to or from the other of us, any money or other valuable consideration for or in respect of the partition and mutual transfer of the aforesaid land.

And we make this solemn declaration conscientiously believing the same to be true.

Declared before me at _____ this _____ day
of 19 _____
MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "L".

DECLARATION OF RE-SALE OF PROPERTY SOLD TO
INSOLVENT AND ABANDONED BY TRUSTEE.

I, A.B., do solemnly and sincerely declare that the sum of £..... is the full and entire purchase money for which I have sold to C.D., the following property, that is to say: (here describe the property). And I declare that I sold the same to the said C.D. on the _____ day of 19 _____, and not before, and that there is not any agreement, condition, or understanding between me or the said C.D., whereby he has paid or is to pay to me or to any other person whomsoever, for or in respect of, or in connection with the purchase by him of the said property, any sum of money over and above the said sum of £....., save and except certain charges or payments, which fall under or come within one or more of the heads or items of charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935, I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable consideration besides the said sum of £....., save and except so far as any of the charges hereinbefore specified, and to be paid by the said C.D., might be held or taken to be payable for me and on my behalf. And I further declare that the only person, other than the said C.D., to whom I ever sold the said property, or who at any time purchased the said property, from me, was E.F., to whom I sold the same on the _____ day of 19 _____, for the sum of £.....

And I further declare that since the said sale to the said E.F., he has become insolvent, and that the trustee of his Insolvent Estate has elected to abandon the said sale.

And I make this solemn declaration conscientiously believing the same to be true.

A. B.
Declared before me at _____ this _____ day
of 19 _____
MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "M".

DECLARATION BY SELLER OF CANCELLATION OF
SALE.

I, A.B., do solemnly and sincerely declare that I sold to C.D. on the _____ day of 19 _____, the property following, namely: (here describe the property), for the sum of £.....; and I declare that I have never received any sum of money or other valuable consideration, on account of the said purchase. And I further declare that I have consented and agreed with the said C.D. to cancel by mutual consent the said sale, which sale was, on the _____ day of 19 _____, cancelled accordingly.

And I further declare that I have not received, nor am I to receive, from the said C.D., or any other person, any money or other valuable consideration, for or in reference to my consent to the cancellation of the said sale.

lik, plegtig en opreg dat ons onderling met mekaar ooreengegekomp het aangaande die volgende deling van die voormelde grond, ten einde aan elke party 'n bepaalde deel as sy afsonderlike en uitsluitende eiendom te gee, te wete:

En ons verklaar dat ons nie en dat niemand, vir sover ons weet, enige geld of ander waardevolle vergoeding op ons rekening gegee of ontvang het nie en dat daar geen sodanige geld of vergoeding deur ons of ten behoeve van ons deur die een aan of van die ander van ons vir of ten opsigte van die deling en onderlinge transport van die voormelde grond gegee of ontvang moet word nie.

En ons maak hierdie plegtige verklaring, konsensieus gelowende dat dit waar is.

Verklaar voor my te _____ op hierdie
dag van 19 _____
MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "L".

VERKLARING AANGAANDE WEERVERKOOP VAN EIEN-
DOM VERKOOP AAN INSOLVENTE EN OPGEGEE DEUR
TRUSTEE.

Ek, A.B., verklaar plegtig en opreg dat die som van £ _____ die volle en algehele koopprijs is, waarvoor ek aan C.D. die volgende eiendom verkoop het, te wete: _____ (beskryf die eiendom hier.)

En ek verklaar dat ek dit aan die voormelde C.D. op die _____ dag van 19 _____, en nie voor dié tyd nie, verkoop het, en dat daar geen ooreenkoms, voorwaarde of verstandhouding tussen my en die voormelde C.D. bestaan nie, waardeur hy aan my of aan enige ander persoon, wie dan ook, enige geldsom oor en bo die voormelde som van £ _____ vir of ten opsigte van of in verband met die koop van die voormelde eiendom deur hom, betaal het of moet betaal, behoudens en behalwe sekere vorderinge of betalings wat onder een of meer van die poste of items van vorderinge en betalings genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935 val of binne die bereik daarvan kom. Ek moet geen waardevolle vergoeding behalwe die voormelde som van £ _____ ontvang nie, en niemand anders het vir my gebruik of voordeel of op my aandrang en versoek sodanige vergoeding ontvang nie, en niemand moet dit ontvang nie, behoudens en behalwe vir sover enige van die vorderinge hierintevore gespesifiseer en wat deur die voormelde C.D. betaal moet word, geag of beskou mag word vir my en ten behoeve van my betaalbaar te wees.

En ek verklaar verder dat die enigste persoon, ander dan die voormelde C.D., aan wie ek ooit die voormelde eiendom verkoop het, of wie die voormelde eiendom te eniger tyd vir my gekoop het, E.F. was, aan wie ek dit op die _____ dag van 19 _____ vir die som van £ _____ verkoop het.

En ek verklaar verder dat E.F. sedert die voormelde verkoop aan hom insolvent geword het, en dat die trustee van die insolvente boedel verkies het om van die voormelde verkoop afstand te doen.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

A. B.
Verklaar voor my te _____ op hierdie
dag van 19 _____
MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "M".

VERKLARING DEUR VERKOPER AANGAANDE KANSEL-
LERING VAN VERKOOP.

Ek, A.B., verklaar plegtig en opreg dat ek op die _____ dag van 19 _____, die volgende eiendom, te wete: _____ (beskryf die eiendom hier.) vir die som van £ _____ aan C.D. verkoop het; en ek verklaar dat ek nooit enige geldsom of ander waardevolle vergoeding weens die voormelde koop ontvang het nie. En ek verklaar verder dat ek toegestem het en met die voormelde C.D. ooreengekom het om die voormelde verkoop deur onderlinge goedvinde te kanselleer, watter verkoop op die _____ dag van 19 _____ dienoooreenkompstig gekanselleer is.

En ek verklaar verder dat ek van die voormelde C.D. of enige ander persoon geen geld of ander waardevolle vergoeding vir of ten opsigte van my toestemming tot die kansellering van die voormelde verkoop ontvang het of moet ontvang nie.

And I make this solemn declaration conscientiously believing the same to be true.

A. B.

Declared before me at _____ this _____ day
of 19 _____

MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "N".

DECLARATION BY PURCHASER OF CANCELLATION
OF SALE.

I, C.D., do solemnly and sincerely declare that I bought from A.B., on the _____ day of 19 _____, the property following, namely: (here describe the property), for the sum of £.....; and I declare that I have never given to the said A.B. any sum of money or other valuable consideration on account of the said purchase. And I further declare that I have applied to the said A.B. to consent to cancel the said sale, which sale hath accordingly been cancelled by mutual consent. And I further declare that I have not given, nor am I to give, nor has any person, on my behalf, to my knowledge, given nor is any person, to my knowledge, to give, any money or other valuable consideration for or in reference to the cancellation of the said sale.

And I made this solemn declaration, conscientiously believing the same to be true.

C. D.

Declared before me at _____ this _____ day
of 19 _____

MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "O".

DECLARATION OF SALE TO AGENT OF PURCHASER
WHO REFUSES TO RATIFY PURCHASE.

I, A.B., do solemnly and sincerely declare that I sold to C.D., as the agent, or alleged agent of E.F., on the _____ day of 19 _____, and not before, the property following, namely: (here describe the property), for the sum of £..... And I declare that the said E.F. has declined to accept the property, and that the said C.D. has signified his willingness to take the same to and for his own individual account, for the said sum of £....., neither more nor less. And I further declare that there is not any agreement, condition or understanding between me and the said C.D., whereby he has paid or is to pay to me or to any other person whomsoever, for or in respect of, or in connection with the purchase by him of the said property, any sum of money over and above the said sum of £....., save and except certain charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935. And I further declare that I have not received and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable consideration besides the said sum of £....., save and except in so far as any of the charges above specified and to be paid by the said C.D. might be held or taken to be payable for me or on my behalf. And I further declare that the said C.D., as the agent or alleged agent of the said E.F., is the only person who has ever purchased the said property, and that I never sold the same to any other person than, in manner aforesaid, to the said C.D., who with my consent and by virtue of the aforesaid Ordinance in that behalf provided, takes over the property aforesaid as his own.

And I make this solemn declaration conscientiously believing the same to be true.

A. B.

Declared before me at _____ this _____ day
of 19 _____

MAGISTRATE, OR COMMISSIONER
OF OATHS.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

A. B.

Verklaar voor my te _____ op hierdie
dag van 19 _____

MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "N".

VERKLARING DEUR KOPER AANGAANDE KANSELLERING VAN VERKOOP.

Ek, C.D., verklaar plegtig en opreg dat ek die volgende eiendom, te wete: (beskryf die eiendom hier) op die _____ dag van 19 _____ van A.B. vir die som van £ _____ gekoop het; en ek verklaar dat ek nooit aan die voormelde A.B. enige geldsom of ander waardevolle vergoeding weens die voormelde koop gegee het nie.

En ek verklaar verder dat ek by die voormelde A.B. aansoek gedoen het om toe te stem dat die voormelde verkoop gekanselleer word, watter verkoop dienooreenkomstig deur onderlinge goedwinde gekanselleer is.

En ek verklaar verder dat ek geen geld of ander waardevolle vergoeding vir of ten opsigte van die kansellering van die voormelde verkoop gegee het of moet gee nie, en dat niemand ten behoeve van my, vir sover ek weet, sodanige geld of vergoeding gegee het nie, en dat niemand, vir sover ek weet, dit moet gee nie.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

C. D.

Verklaar voor my te _____ op hierdie
dag van 19 _____

MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "O".

VERKLARING VAN VERKOOP AAN AGENT VAN KOPER
WAT WEIER OM KOOP TE RATIFISEER.

Ek, A.B., verklaar plegtig en opreg dat ek aan C.D., as die agent of beweerde agent van E.F., die volgende eiendom, te wete: (beskryf die eiendom hier) op die _____ dag van 19 _____, en nie voor dié tyd nie, vir die som van £ _____ verkoop het.

En ek verklaar dat die voormelde E.F. geweier het om die eiendom te ontvang, en dat die voormelde C.D. sy gewilligheid te kenne gegee het om dit ten aansien en vir sy eie individuele rekening vir die voormelde som van £ _____, nie meer en nie minder nie, te neem. En ek verklaar verder dat daar geen ooreenkoms, voorwaarde of verstandhouding tussen my en die voormelde C.D. bestaan nie, waardeur hy aan my of aan enige ander persoon, wie dan ook, enige geldsom oor en bo die voormelde som van £ _____ vir of ten opsigte van of in verband met die koop van die voormelde eiendom deur hom, betaal het of moet betaal, behoudens en behalwe vir sover enige vorderinge of betalings genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935.

En ek verklaar verder dat ek geen waardevolle vergoeding behalwe die voormelde som van £ _____ ontvang het en moet ontvang nie, en dat niemand anders vir my gebruik of voordeel of op my aandrang en versoek sodanige vergoeding ontvang het nie en dat niemand dit moet ontvang nie, behoudens en behalwe vir sover enige van die bo gespesifiseerde vorderinge wat deur die voormelde C.D. betaal moet word, geag of beskou mag word vir my of ten behoeve van my betaalbaar te wees.

En ek verklaar verder dat die voormelde C.D., as die agent of beweerde agent van die voormelde E.F., die enigste persoon is wat die voormelde eiendom ooit gekoop het en dat ek dit nooit aan iemand anders dan op voormelde wys aan die voormelde C.D. verkoop het nie, wat met my toe stemming en ingevolge die voorsieninge van die voormelde Ordonnansie te dien behoewe, die voormelde eiendom as sy eie orneem.

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

A. B.

Verklaar voor my te _____ op hierdie
dag van 19 _____

MAGISTRAAT OF KOMMISSARIS
VAN EDE.

FORM "P".

DECLARATION OF AGENT WHO TAKES OVER
PROPERTY BOUGHT FOR HIS PRINCIPAL.

I, C.D., do solemnly and sincerely declare that I did, in the name of E.F., purchase from A.B., on the day of 19, and not before, the property following namely, (here describe the property), for the sum of £.....; and I declare that the said E.F. has declined to accept the said property, and that the said A.B. has consented and agreed that I shall take over the said property as the purchaser thereof, for the sum of £..... And I further declare that I have not, nor has any person to my knowledge, on my account given, nor is there by me, or on my behalf, to be given, any other valuable consideration of any kind whatever, for or in respect of the alienation to me of the said property, save and except certain charges or payments which fall under or come within some one or more of the heads or items of charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935.

C. D.

Declared before me at this day
of 19

MAGISTRATE, OR COMMISSIONER
OF OATHS.

FORM "Q".

DECLARATION OF SELLER OF PROPERTY RE-SOLD
AFTER CANCELLATION OF FIRST SALE BY MUTUAL
CONSENT, ORDER OF COURT, OR OTHER CAUSE.

I, A.B., do solemnly and sincerely declare that the sum of £..... is the full and entire purchase money for which I have sold to C.D. the following property, that is to say: (here describe the property). And I declare that I sold the same to the said C.D. on the day of 19, and not before; and that there is not any agreement, condition or understanding between me and the said C.D., whereby he has paid or is to pay me or to any other person whomsoever, for or in respect of, or in connection with the purchase by him of the said property, any sum of money over and above the said sum of £....., save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments mentioned in section four of the Transfer Duty Consolidation and Amendment Ordinance, 1935. And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable consideration besides the sum of £....., save and except in so far as any of the charges above-mentioned and to be paid by the said C.D. might be held or taken to be payable for me or on my behalf. And I do further declare that the only person other than the said C.D. to whom I ever sold the said property, or who at any time purchased the said property from me, was E.F., to whom I sold the same on the day of 19. And I further declare that the said sale to the said E.F. has been cancelled by mutual consent, and that the transfer duty thereupon has been remitted.

(Or, "and I further declare that the said sale has been set aside by a judgment of the High Court bearing date the day of 19, pronounced in a suit wherein was the plaintiff, and was the defendant";

Or, "and I further declare that the said E.F. has, to the best of my knowledge and belief, left the Territory, 'or cannot be discovered within it' (as the case may be), and that he has not paid me any part of the purchase money agreed to be paid, and that I have received from the Magistrate the permission herewith annexed to make this special declaration").

And I make this solemn declaration conscientiously believing the same to be true.

A. B.

Declared before me at this day
of 19

MAGISTRATE, OR COMMISSIONER
OF OATHS.

VORM "P".

VERKLARING VAN AGENT WAT EIENDOM VIR SY
PRINSIPAAL GEKOOP, OORNEEM.

Ek, C.D., verklaar plegtig en opreg dat ek in die naam van E.F. die volgende eiendom, te wete: (beskryf die eiendom hier) vir die som van £ van A.B. op die dag van 19, en nie voor dié tyd nie, gekoop het; en ek verklaar dat die voormelde E.F. geweier het om die voormelde eiendom te ontvang, en dat die voormelde A.B. toegestem en ooreengekom het dat ek die voormelde eiendom as die koper daarvan oorneem vir die som van £

En ek verklaar verder dat ek geen ander waardevolle vergoeding, van welke aard dan ook, vir of ten opsigte van die vervreemding van die voormelde eiendom aan my gegee het nie, en dat, vir sover ek weet, niemand sodanige vergoeding op my rekening gegee het nie, en dat daar geen sodanige vergoeding deur my of ten behoeve van my gegee moet word nie, behoudens en behalwe sekere vorderinge of betalinge wat onder een of meer van die poste of items van vorderinge of betalinge genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935 val of binne bereik daarvan kom.

C. D.

Verklaar voor my te op hierdie
dag van 19

MAGISTRAAT OF KOMMISSARIS
VAN EDE.

VORM "Q".

VERKLARING VAN VERKOPER VAN EIENDOM WEER
VERKOOP NA KANSSELLERING VAN EERSTE VERKOOP.
DEUR ONDERLINGE GOEDVINDE, BEVEL VAN DIE
HOF OF ANDER OORSAAK.

Ek, A.B., verklaar plegtig en opreg dat die som van £ die volle en algehele kooppeld is waarvoor ek die volgende eiendom, te wete: (beskryf die eiendom hier) aan C.D. verkoop het.

En ek verklaar dat ek dit aan die voormelde C.D. op die dag van 19, en nie voor dié tyd nie, verkoop het; en dat daar geen ooreenkoms, voorwaarde of verstandhouding tussen my en die voormelde C.D. bestaan nie, waardeur hy enige geldsom oor en bo die voormelde som van £ aan my of aan enige ander persoon, wie dan ook, vir of ten opsigte van of in verband met die koop van die voormelde eiendom deur hom betaal het of moet betaal, behoudens en behalwe sekere vorderinge en betalinge wat onder een of meer van die poste of items van vorderinge of betalinge genoem in artikel vier van die Konsolidasie- en Wysigings-Ordonnansie betreffende Hereregte 1935 val of binne bereik daarvan kom.

En ek verklaar verder dat ek geen waardevolle vergoeding behalwe die som van £ ontvang het of moet ontvang nie, en dat niemand anders sodanige vergoeding vir my gebruik of voordeel of op my aandrang of versoek ontvang het of moet ontvang nie, behoudens en behalwe vir sover enige van die bogenoemde vorderinge wat deur die voormelde C.D. betaal moet word, geag of beskou mag word vir my of ten behoeve van my betaalbaar te wees.

En ek verklaar verder dat die enigste persoon, ander dan die voormelde C.D., aan wie ek ooit die voormelde eiendom verkoop het, of wie te eniger tyd die voormelde eiendom vir my gekoop het, E.F. was, aan wie ek dit op die dag van 19 verkoop het.

En ek verklaar verder dat die voormelde verkoop aan die voormelde E.F. deur onderlinge goedvinde gekanselleer is, en dat die hereregte daarop kwytgeskel is.

(Of, "en ek verklaar verder dat die voormelde verkoop tersyde gestel is deur 'n uitspraak van die Hooggeregshof gedateer die dag van 19, gedoen in 'n hofspraak waarin die eiser en die verweerder was";

Of, "en ek verklaar verder dat die voormelde E.F. by my beste wete en geloof die Gebied verlaat het of nie daarin gevind kan word nie (soos die geval mag wees), en dat hy my geen gedeelte van die kooppeld betaal het nie waaromtrent ooreengekom is dat hy dit moet betaal, en dat ek van die magistraat die hier aangehegte verlof verkry het om hierdie spesiale verklaring af te lê");

En ek lê hierdie plegtige verklaring af, konsensieus gelowende dat dit waar is.

A. B.

Verklaar voor my te op hierdie
dag van 19

MAGISTRAAT OF KOMMISSARIS
VAN EDE.