

BUITENGEWONE OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA.

OFFICIAL GAZETTE

EXTRAORDINARY

UITGAVE OP GESAG.

OF SOUTH WEST AFRICA.

PUBLISHED BY AUTHORITY.



1/- Vrydag, 2 Maart 1951. WINDHOEK Friday, 2nd March, 1951. No. 1582.

Die volgende Outwerpordonnansies, wat gedurende die volgende Sessie van die Wetgewende Vergadering voorgelê sal word, word vir algemene inligting gepubliseer.

J. NESER,
Sekretaris vir Suidwes-Afrika

Kantoor van die Administrateur,
Windhoek.

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

J. NESER,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

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ONTWERPORDONNANSIE

Om die Wet betreffende Patente, Modelle, Handelsmerke en Outeursregte te wysig.

Die Wetgewende Vergadering vir die Gebied Suidwes-Afrika VERORDEN:

1. Die „Proklamasie op Patente, Modellen, Handelsmerke en Outeursrechten, 1923“ (No. 17 van 1923), word hierby gewysig deur die invoeging, na artikel agtien, van die volgende artikel:

18bis. (1) Die uitgewer van ieder oorspronklike in het Gebied uitgegeven boek, hetzij al dan niet daarin gedrukt, moet, binnen een maand na de dag waarop dat boek het eerst in druk verkrijgbaar gesteld is, kosteloos drie exemplaren van het boek, ingebonden, ingenaaid of geheel op het beste papier en op de beste manier waarop dat boek wordt uitgegeven, verstrekken aan de Administratie, en een exemplaar van het boek aan de autoriteit belast met het bestuur van de Openbare Bibliotheek te Windhoek.

In het geval van een encyclopedie, nieuwsblad, revue, tijdschrift of werk, dat in een reeks van nummers of delen uitgegeven wordt, onvat de hij dit artikel voorgeschreven verstrekking alle nummers of delen van het werk, die later gepubliceerd moeten worden.

(2) De uitgever die niet aan dit artikel voldoet, wordt bij veroordeling gestraft met geldboete van ten hoogste vijf pond en de waarde van het boek. De boete wordt betaald na de autoriteit aan wie het boek had moeten verstrekt.

(3) Voor de doeleinden van dit artikel onvat de uitdrukking „boek“ ieder afzonderlijk uitgegeven deel of afdeling van een boek, pamflet, letterpersiaal, muziekblad, land- of zeekaart, plan of tabel, dog onvat nie een tweede of latere druk van een boek, tenzij die druk aanvullingen of veranderingen bevat, hetzij in de tekst of in bijhorende kaarten, afdrucken of andere gravures.

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Patente, Modelle, Handelsmerke en Outeursregte, 1951.

DRAFT ORDINANCE

To provide for the law relating to Patents, Designs, Trade Marks and Copyright.

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

1. The Patents, Designs, Trade Marks and Copyright Proclamation, 1923 (No. 17 of 1923), is hereby amended by the insertion after section eighteen of the following section:

18bis. (1) The publishers of every book first published in the Territory and whether printed therein or not, shall, within one month after the day on which such book is first delivered out of the press for issue, deliver free of any charge, bound, sewed or stitched on the best paper and in the best manner in which such book is issued, three copies to the Administration and one copy to the authority having the control of the Windhoek Public Library.

In the case of an encyclopaedia, newspaper, review, magazine or work published in series of numbers or parts, the delivery prescribed by this section includes all numbers or parts of the work which may be subsequently published.

(2) Any publisher who fails to comply with this section shall be liable on conviction to a fine not exceeding five pounds and the value of the book and the fine shall be paid to the authority to whom the book ought to have been delivered.

(3) For the purposes of this section the expression „book“ includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letter-press or in maps, prints or other engravings belonging thereto.

2. This Ordinance shall be called the Patents, Designs, Trade Marks and Copyright Amendment Ordinance, 1951.

ONTWERPORDONNANSIE

Ter voorsiening vir die kwalifisering van argitekte; vir die stigting van die Instituut van Suidwes-Afrikaanse Argitekte; en vir die regte, bevoegdhede, en pligte van die Instituut en sy lede.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. In hierdie Ordonnansie, en in regulasies wat daaruit voortvloei, beteken, tensy dit met die sinverband strydig is —

- „argitek” iemand wat ingevolge hierdie Ordonnansie as lid van die Instituut van Suidwes-Afrikaanse Argitekte geregistreer is;
- „die Komitee” die Uitvoerende Komitee van die Instituut wat ingevolge artikel sewe by regulasie ingestel word;
- „die Stigtingsraad” die raad wat die Administrateur ingevolge artikel ses aanstel;
- „Instituut” die Instituut van Suidwes-Afrikaanse Argitekte wat by hierdie Ordonnansie gestig word;
- „plaaslike bestuur” ’n plaaslike stadsowerheid soos bepaal by sub-artikel (3) van artikel sewe van die Publieke Gezondheids Wet, 1919 (Wet 36 van 1919), van die Unie-Parlement, soos toegepas op die Gebied by die Publieke Gezondheids Proklamasie, 1920 (Proklamasie 36 van 1920);
- „register” die lys argitekte wat as lede van die Instituut geregistreer staan;
- „argitekswerk” die ontwerping van skemas vir bouwerk, en die toegighouding oor sodanige werk.

2. Na drie maande vanaf die inwerkingtreding van hierdie Ordonnansie mag niemand —

- (a) huan as argitek beskryf of voordoen, letsy geregistreerd al dan nie;
- (b) middels advertensie, beskrywing, dokument of andersins (i) sodanige naam, titel, toevoeging of letters gebruik as sou hy ’n argitek wees, geregistreerd al dan nie; of
- (ii) verklaar of te kunne gee dat hy bereid of gewillig is argitekswerk te onderneem nie, tensy hy ingevolge hierdie Ordonnansie geregistreer is.

3. Elkeen wat ’n bepaling van artikel twee hoegenaamd verontagsaam, is skuldig aan ’n oortreding, en is by skuldbevinding strafbaar met ’n boete van hoogstens eenhonderd pond vir elke oortreding.

4. (1) Die „Instituut van Suidwes-Afrikaanse Argitekte”, aldus genaamd, word hierby gestig.

(2) Die Instituut wat hierby gestig word, is ’n regspersoon met ewigdurende opvolging, en kan by ’n regsgesing as eiser sowel as verwerder optree, en kan roerende of oorerfende eiendom verkry, hou of verveem.

5. Die Instituut bestaan uit al die lede wat ingevolge artikel agt en negge geregistreer word.

6. (1) Die Administrateur kan ’n Stigtingsraad met hoogstens drie lede (van wie een ’n praktiserende argitek moet wees), aanstel, en kan ’n vakature aanval.

(2) Die Stigtingsraad kan ’n lid van die Sentrale Raad van Suid-Afrikaanse Argitekte gestig ingevolge die Argitekte en Kwantiteitsopnemers (Private) Wet, 1927 (Wet 18 van 1927), van die Unie-Parlement, om hulp in randgewende hoedanigheid inroep.

7. (1) Onderhewig aan die Administrateur se goedkeuring en die bepaling van hierdie Ordonnansie kan die Stigtingsraad regulasies afkondig wat —

- (a) die bestuur, bevoegdhede en pligte van die Instituut; die klas en beskrywing van lede; die bestek van hul regte, en die perke van hul verpligtinge aanwys;
- (b) die instelling van ’n Uitvoerende Komitee van die Instituut, en die aanstelling of verkieping van sy lede, en die aanstellings en pligte van sy aanspreekers reël;
- (c) die prosedure, bevoegdhede en pligte van die genoemde Komitee, en die leiding van sy verrigtinge voorskryf;
- (d) ten opsigte van die argitekberoep, wangedrag onskryf;
- (e) ondersoek- en handelwyses by die wangedra van argitekto bepaal, sowel as die strawwe wat daarby pas;
- (f) argiteksgelde vaststel;
- (g) argitekregistrasiegelde en die inskrywingsgelde van die Instituut vaststel;

DRAFT ORDINANCE

To provide for the qualification of architects; for the establishment of the Institute of South West African Architects; and for the rights, powers and duties of the Institute and the members thereof.

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

1. In this Ordinance and the regulations made thereunder, if not inconsistent with the context:—

- “architect” means a person registered as a member of the Institute of South West African Architects in terms of this Ordinance;
- “the Committee” means the Executive Committee of the Institute established by regulation in accordance with the provisions of section seven;
- “the Inaugural Board” means the Board appointed by the Administrator in terms of section six;
- “Institute” means the Institute of South West African Architects by this Ordinance established;
- “local authority” means an urban local authority as defined by sub-section (3) of section seven of the Public Health Act, 1919 (No. 36 of 1919), of the Union Parliament, as extended to the Territory by the Public Health Proclamation, 1920 (No. 36 of 1920);
- “the register” means the list of architects registered as members of the Institute;
- “work of an architect” means the designing and supervision of buildings or works accessory thereto.

2. After the expiration of three months from the commencement of this Ordinance no person unless he is registered in terms of this Ordinance shall —

- (a) describe or hold himself out as an architect, whether registered or not;
- (b) by advertisement, description, document or other means —
 - (i) use any such name, title, addition, description or letters as to indicate that he is an architect, whether registered or not; or
 - (ii) give out or state that he is willing or prepared to perform the work of an architect.

3. Any person contravening any of the provisions of section two shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds for each offence.

4. (1) An institution is hereby established entitled “The Institute of South West African Architects”.

(2) The Institute so established shall a body corporate with perpetual succession and shall be capable in law of suing and being sued, and of acquiring, holding and alienating property, movable and immovable.

5. The Institute shall consist of all the members registered as such in terms of sections eight and nine.

6. (1) The Administrator may appoint an Inaugural Board of not more than three members, one of whom shall be a practising architect. In case of any vacancy the Administrator shall have power to fill the same.

(2) The Inaugural Board may call to its assistance in an advisory capacity a member of the Central Council of the Institute of South African Architects established under the provisions of the Architects and Quantity Surveyors (Private) Act, 1927 (No. 18 of 1927), of the Union Parliament.

7. (1) The Inaugural Board may make, subject to the approval of the Administrator, regulations not inconsistent with this Ordinance —

- (a) providing for the management, powers and duties of the Institute; the classes and designations of members; the defining of their rights, and limiting of their liabilities;
- (b) providing for the establishment of an Executive Committee of the Institute and for the appointment or election of members and the appointment and duties of officers thereof;
- (c) prescribing the procedure, powers and duties of the said Committee and the conduct of its business;
- (d) as to what in an architect shall constitute unprofessional conduct;
- (e) determining the mode of enquiry into and method of dealing with unprofessional conduct on the part of any architect and the sanctions to be imposed in respect of such conduct;
- (f) governing the fees payable to architects;
- (g) as to the fees to be paid in respect of registration and as to subscriptions to be paid by members of the Institute;

(h) beroepsopleiding en -eksamen voorskryf; en

(i) die stand van Suidwes-Afrikaanse argiteklike algemeenheid en bevorder, en die sluiting van wederkerige ooreenkomste met ander volke in verband met die registrasie van argiteklike reël.

(2) By die ontbinding van die Stigtingsraad ingevolge artikel twaalf kan die Administrateur, na oorleg met die Komitee, enige regulasie wat uit subartikel (1) voortvloei, wysig of intrek, of nuwe regulasies in verband met sake wat subartikel (1) noem, afkondig, wysig of intrek.

(3) Elke sodanige regulasie en elke wysiging daarvan moet in die *Offisiële Koerant* verskyn.

8. (1) Die Stigtingsraad stel onverwyld 'n register in, en daarin word die name van almal wat ingevolge sub-artikel (2) op registrasie aanspraak het, as argiteklike aangeleek.

(2) Elkeen minstens een-en-twintig jaar oud het, na beoorloopte aansoek om lidmaatskap van die Instituut — sodanige aansoek moet binne drie maande na die inwerkingtreding van hierdie Ordonansië geskied — en na storting van vyf pond vyf sjelings registrasiegeld by die Stigtingsraad, aanspraak op registrasie as 'n argitek, mits hy ten genoë van die Stigtingsraad bewys dat hy —

(a) voor die eerste dag van Julie 1950 openbaar en *bona fide* argitekswerk in die Gebied verrig het; of

(b) voor die eerste dag van Julie 1950 ses maande lank in die Gebied as argitekshulp gedien het, en altesaam minstens vyf jaar ondervinding van argitekswerk het.

9. (1) Almal wat ingevolge artikel agt as argiteklike registrasie staan, is lede van die Instituut.

(2) Elkeen minstens een-en-twintig jaar oud wat —

(a) 'n kwalifiserende eksamen, goedgekeur deur die Administrateur, geslaag het; en

(b) minstens vier jaar opleiding of kontraktuele valdeerskap in die argitekswerk afdien het, en nog een jaar praktiese ondervinding by 'n argitek, of vyf jaar ondervinding van argitekswerk opgedoen het by die Argitekafdeling van die Unie-Statsdiens, of van die Administrasie van die Gebied, of van die verskeie Unie-Provinsies, of van die Suid-Afrikaanse Spoorweë en Hawens, of by 'n plaaslike bestuur in die Gebied of die Unie van Suid-Afrika, kan by die Komitee om registrasie as 'n argitek, en om lidmaatskap van die Instituut, aansoek doen.

(3) Nadat die Komitee oortuig is dat so 'n aansoeker ingevolge subartikel (2) hiervan beoorloopte kwalifikasie is, kan die Komitee hom in die register wat ingestel is by subartikel (1) van artikel agt as argitek aanteken, en so iemand is dan lid van die instituut.

(4) Die eksamen waarop subartikel (2) doel, word nie deur die Instituut afgeneem nie, maar kan wel afgeneem word deur 'n gesag wat die Administrateur goedkeur om oorleg met die Instituut van Suid-Afrikaanse Argiteklike, geestig ingevolge die Argiteklike en Kwantiteitsopnemers (Private) Wet, 1927 (Wet 18 van 1927), van die Unie-Parlement.

10. Weier die Stigtingsraad om iemand te registreer wat ingevolge artikel agt om registrasie aanvaar, of verwerp die Komitee 'n aansoek om registrasie as argitek en lidmaatskap van die Instituut ingevolge artikel negen, kan die bevoegdheid hom skriftelik op die Administrateur beroep teen die besluit van die Stigtingsraad of die Komitee, al na gelang, en die Administrateur kan, na oorleg met die Stigtingsraad of die Komitee, al na gelang, die betrokke besluit bekrachtig of ter syde stel en die Administrateur kan die Stigtingsraad beveel om so iemand as argitek om te teken, of die Komitee beveel om sodanige aansoek om registrasie en lidmaatskap van die Instituut te aanvaar.

11. (1) Waar die Komitee volgens regulasie die beweerde wangedrag van 'n Instituutlid ondersoek het, en die wangedrag bewys blyk, en daar volgens regulasie teen die lid opgetree is, kan die lid teen die Komitee so bevinding en optrede by die Administrateur in hoër beroep gaan. So 'n beroep moet skriftelik geskied, en die Administrateur kan 'n feiteverslag van die Komitee eis. By die oorweging van so 'n beroep en moontlike feiteverslag kan die Administrateur die Komitee so bevinding en optrede bevestig, of ingevolge paragraaf (i) van subartikel (2) hiervan handel.

(h) as to professional education and examinations; and

(i) tending in general to maintain and improve the status of South West African architects and to enable agreements to be entered into with other countries on a reciprocal basis as to the registration of architects.

(2) Upon the dissolution of the Inaugural Board in terms of section twelve the Administrator may, after consultation with the Committee, modify, alter or repeal any regulations made under sub-section (1), make new regulations, relating to matters referred to in that sub-section, and modify, alter or repeal any new regulations so made.

(3) All such regulations and any amendments thereof shall be published in the *Gazette*.

8. (1) The Inaugural Board shall forthwith open a register in which the names of all persons who are entitled to be registered in terms of sub-section (2) shall be registered as architects.

(2) Any person who has attained the age of twenty-one years shall, after due application for membership of the Institute within three months after the commencement of this Ordinance, be entitled, upon payment of a registration fee of five pounds five shillings to the Inaugural Board, to be registered as an architect. Provided he proves to the satisfaction of the Inaugural Board that —

(a) prior to the first day of July, 1950, he was publicly and *bona fide* performing the work of an architect in this Territory; or

(b) prior to the first day of July, 1950, he was engaged as an assistant to an architect in the Territory for six months and has at least a total of five years experience in the work of an architect.

9. (1) Those persons who have become registered as architects in terms of section eight shall be members of the Institute.

(2) Persons over the age of twenty-one years who have —

(a) passed a qualifying examination approved by the Administrator; and

(b) had not less than four years training or article pupilship in the work of an architect in addition to one year's practical experience under an architect, or five years experience in the work of an architect in an architectural department of the Union Government, or of the Administration of the Territory, or of the South African Railways and Harbours Administration, or of a Provincial Administration of the Union or of a local authority whether in the Union or the Territory,

shall also be entitled to apply to the Committee for registration as an architect and admission to the Institute.

(3) If the Committee is satisfied that any person so applying is duly qualified in terms of sub-section (2) of this section it shall register such person as an architect in the register opened in terms of sub-section (1) of section eight and thereupon such person shall become a member of the Institute.

(4) The examination referred to in sub-section (2) shall not be conducted by the Institute but may be conducted by an authority approved of by the Administrator after consultation with the Institute of South African Architects established under the provisions of the Architects and Quantity Surveyors (Private) Act, 1927 (No. 18 of 1927), of the Union Parliament.

10. Whenever the Inaugural Board refuses to register any person applying to be registered under the provisions of section eight, and the Committee has refused to accept the application of any person under the provisions of section nine for registration as an architect and admission to the Institute, such person may appeal in writing to the Administrator against the decision of the Inaugural Board of the Committee, as the case may be, and the Administrator may, after consulting the Inaugural Board or the Committee, as the case may be, reverse or confirm the decision of such Board or Committee and may order the Inaugural Board to register such person as an architect, or the Committee to accept the application of the said person for registration and admission to the Institute.

11. (1) Where the Committee has inquired into any alleged misconduct of any member of the Institute in such manner as may be prescribed by regulation and has found such misconduct proved, and action has been taken against the member as authorised by regulation, such member may appeal to the Administrator against such finding and action by the Committee. Such appeal shall be in writing and the Administrator may call for a report on the facts from the Committee. On considering such appeal and any such report from the Committee the Administrator may confirm the finding and action of the Committee or act in terms of paragraph (i) of sub-section (2).

(2) Waar die beweerde wangedrag syns insiens ernstig is, kan die Komitee die feite aan die Administrateur mededeel, en kan die Administrateur —

(i) die bevinding en optrede van die Komitee ter syde stel as hy nêen dat die feite sodanige bevinding en optrede locustraf; of

(ii) die lid vir so lank hy goeëvind, skors;

(iii) beveel dat die lid se naam op die register geskrap moet word;

ouerskillig of die lid by die Administrateur in hoër beroep gegaan het of nie.

(3) Word 'n lid se naam geskrap, dan staak sy lidmaatskapsvoorregte vir so lank die skorsing duur, en is hy daardeur geen lid van die Instituut nie. Tog moet hy al die gelde wat hy tot op die skorsings- of die skrapingsdag skuld, betaal.

12. Sodra die Komitee volgens regulasie ingestel is, moet die Stigtingsraad dit skriftelik aan die Administrateur mededeel, en die Administrateur gee dan in die *Offisiële Koerant* kennis van die ontbinding van die Stigtingsraad.

13. (1) Niene veertien dae vaudat iemand se naam ingevolge hierdie Ordonnansie in die register aangeteken word, moet die Stigtingsraad of die Komitee 'n afskrif van sodanige inskrywing aan die Administrateur besorg.

(2) Elke verandering wat die register raak, moet daarin aangeteken en aan die Administrateur meegedeel word.

14. Lede van die Stigtingsraad of van die Komitee is nie persoonlik aanspreeklik vir hul optrede as lede nie; die persoonlike aanspreeklikheid van 'n lid *bona fide* word tot die betaling van sy jaarlikse ledelgeld beperk.

15. Hierdie Ordonnansie heet die Argitekto-Ordonnansie 1951.

(2) If the action of the Committee has been the reporting of the facts to the Administrator where in the opinion of the Committee the misconduct which has been proved is of a serious nature, the Administrator may, whether or not there has been appeal by the member —

(i) set aside the finding and action of the Committee if in his opinion such finding and action are not justified by the facts; or

(ii) suspend the member for a period to be determined by the Administrator; or

(iii) order the name of the member to be removed from the register.

(3) In case a member is suspended he shall not be entitled to the privileges of membership during the period of such suspension, and if his name is removed from the register he shall *ipso facto* cease to be a member. He shall nevertheless be liable to pay all moneys due by him up to the date of such suspension or removal of his name from the register.

12. As soon as the Committee has been established as provided for by regulation, the Inaugural Board shall report that fact in writing to the Administrator who may thereupon publish a notice in the *Gazette* dissolving the said board.

13. (1) The Inaugural Board or the Committee shall, within fourteen days after the registration of any person under this Ordinance transmit to the Administrator a duplicate of such entry in the register.

(2) Every change affecting the register shall be noted therein and notified to the Administrator.

14. Members of the Inaugural Board or the Committee shall not be personally liable for any action they may take in such capacity; and the personal liability of any *bona fide* member of the Institute shall be limited to the payment of his annual subscription.

15. This Ordinance shall be called the Architects Ordinance, 1951.