

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE OFFISIELLE KOERANT

UITGAAIE OP GESAC.

VAN SUIDWES-AFRIKA.



PUBLISHED BY AUTHORITY.

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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.

Adoption of Children Amendment Ordinance, 1951. 2387
Roads and Outspans Amendment Ordinance, 1951. 2388

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

J. NESER.
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

Wysigingsordonnansie op die Aanneming van Kinders 1951. 2387
Wysigingsordonnansie op Paaie en Uitspanplekke 1951. 2388

DRAFT ORDINANCE

To amend the law relating to the adoption of children.

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. The Adoption of Children Ordinance, 1927 (No. 10 of 1927) is hereby amended by the insertion of the following new section after section ten:-

"Discharge of an order of adoption on grounds of fraud, misrepresentation, justus error, and mental disorder or defect."

10 bis. (1) The adoptive parent or parents of a child for whose adoption an order has been made under this Ordinance, may apply to the High Court of South West Africa for the rescission thereof on the ground that his or their adoption of the child was induced by fraud, misrepresentation or *justus error*, or that the child is a mentally disordered or defective person as described in section three of the Mental Disorders Act, 1916, and that the mental disorder or defect existed at the time of the making of the order of adoption: Provided that the application is made within six months as from the date on which the applicant became aware of the ground for his application; and provided further that, if the application is made on the ground that the child is a mentally disordered or defective person, the applicant was, or if husband and wife jointly adopted the child in question, they were both, at the time of the making of the order of adoption ignorant of the mental disorder or defect of the child, and that this ignorance was not due to failure of the adoptive parent or parents to exercise reasonable care in examining the child or causing it to be examined.

ONTWERPORDONNANSIE

Oor die wet met betrekking tot die aanneming van kinders te wysig.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Gouverneur-General, vir sover sodanige toestemming nodig, vooraf ontvang, en aan die Wetgewende Vergadering deur boodskap van die Administrateur, ooreenkomsdig die bepalingen van artikel ses-en-twentig van „De Suidwest-Afrika Konstitutiewe Wet 1925”, van die Parlement van die Unie van Suid-Afrika, meegedeel is, VERORDEN:-

1. Die Aanneming van Kinders Ordonnansie 1927 (No. 10 van 1927) word hierby gewysig deur die volgende nuwe artikel na artikel tien in te voeg:-

"Vernietiging van 'n order van aanneming op grond van bedrog, wanvoorstelling, *justus error*, en geestelike gebrekbaarheid of gebrekbaarheid.

10 bis. (1) Die aannemende ouer of aannemende ouers van 'n kind vir wie se aanneming kragtens hierdie Ordonnansie 'n order uitgevaardig is mag by die Hoëhof van Suidwes-Afrika applikasie maak vir die vernietiging van die order om rede dat die applikant deur bedrog, wanvoorstelling of *justus error* daar toe beweeg was om die kind aan te neem, of dat die kind 'n geestelik gekrempte of gebreklike persoon is, soos omskryf in artikel drie van die „Wet op Geestesgebreke, 1916” en dat die geestesgebreke van gebrek bestaan het ten tyde van die verlening van die order van aanneming. Met dien verstande dat die applikasie gemaak moet word binne ses maande vanaf die datum waarop die applikant van die rede vir sy applikasie bewus geword het; en met dien verstande verder, dat as die applikasie gemaak word om rede dat die kind geestelik gekrempt is, die applikant, of, as man en vrou gesamentlik die betrokke kind aannem het, hulle absoluut ten tyde van die uitvaardiging van die order van aanneming onkundig daarvan was dat die kind geestelik gekrempt of gebrekbaar was, en dat hierdie onkunde nie toe te skrywe is aan versuun van die aannemende ouer of aannemende ouers om die kind met redelike sorgvuldigheid te ondersoek of te laat ondersoek nie.

(2) The applicant shall give notice to the Administrator of his application, and to the parent or parents or the person who was prior to the adoption the guardian of the adopted child, if he or they can be found.

(3) The court to which the application is made shall, after having satisfied itself that the applicant has complied with the requirements of sub-section (2), and after having afforded any person interested in the application, an opportunity to be heard, and after having considered any relevant evidence, whether oral or in the form of an affidavit, which was tendered in support of, or in opposition to the application, rescind or confirm the order of adoption.

(4) Where an order of adoption is discharged under this section, the provisions of sub-section (3) of section nine shall apply."

2. This Ordinance shall be called the Adoption of Children Amendment Ordinance, 1951.

DRAFT ORDINANCE

To amend the law relating to the establishment of outspans.

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

1. Section fourteen of the Roads and Outspans Ordinance 1937 (No. 7 of 1937), is hereby amended by the addition of the following proviso at the end thereof:-

"Provided that for the purposes of this Chapter a native reserve established under section sixteen of the Native Administration Proclamation, 1922 (No. 11 of 1922), as amended or as may hereafter be amended, shall be deemed to be recognised as a farm by the Surveyor-General."

2. This Ordinance shall be called the Roads and Outspans Amendment Ordinance, 1951.

(2) Die applikant moet van sy applikasie kennis gee aan die Administrateur en tweens aan die ouer of ouers of die persoon wat voor die aanneming die voog van die aangenome kind was, as hy, of hulle opgespoor kan word.

(3) Nadat die hof waarby die applikasie gemaak is, hom vergewis het dat die applikant voldoen het aan die vereistes van sub-artikel (2), en nadat die hof aan enige wat belang by die applikasie het, die geleentheid gegee het om verhoor te word, en nadat die hof alle relevante getuenis, hetsy mondeling of by wyse van beedigde verklaring, wat toegestawing of bestryding van die applikasie aangevoer is, corweeg het, moet die hof die order van aanneming vernietig of bekrugting.

(4) Wanneer 'n order van aanneming kragtig hierdie artikel vernietig word, is die bepalings van sub-artikel (3) van artikel nege van toepassing."

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Aanneming van Kinders 1951.

ONTWERPORDONNANSIE

Om die wet betreffende die vestiging van uitspanplekke te wysig.

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

1. Artikel veertien van die Ordonnansie op Paaije en Uitspanplekke 1937 (Ordonnansie 7 van 1937) word hierby gewysig deur die byvoeging van die onderstaande voorbehoudshepeling aan die einde daarvan:-

"Met dien verstande dat vir die doelindes van hierdie Hoofstuk 'n naturellerreserve, gestig ingevolge artikel sesien van die Naturelle Administrasie Proklamasie 1922 (Proklamasie 11 van 1922), soos gewysig of soos hierna gewysig kan word, geag word deur die Landmeter-Generala as plaat erken te wees."

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Paaije en Uitspanplekke 1951.