

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



BUITENGEWONE OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

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WINDHOEK

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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.

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

J. NESER,

Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

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DRAFT ORDINANCE

To provide for the payment of grants to white persons who, owing to physical or mental disabilities, are unable to provide for their own maintenance, and for matters incidental thereto.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), as amended, of the Parliament of the Union of South Africa, as follows:—

1. In this Ordinance, unless the context indicates otherwise —

“applicant” means a white person who has applied or is taking steps to apply for a disability grant under this Ordinance;

“disability grant” or “grant” means a grant referred to in section *four*;

“district pension officer” means an officer designated as such under section *two*;

“district surgeon” includes any full time medical officer of the Administration, and if authorised by the Administrator to carry out any duty, perform any function or exercise any power devolving upon a district surgeon under this Ordinance, also a part-time medical officer of the Administration, a medical officer employed by a public hospital authority and a medical officer employed by a local authority;

“grantee” means a person to whom a grant has been made under this Ordinance;

“prescribed” means prescribed by regulation;

“regulation” means a regulation made and in force under this Ordinance;

“Secretary” means the Secretary for South West Africa or any officer authorized by him under section *twenty-one*;

“this Ordinance” includes the regulations.

2. The Administrator may designate officers of the public service to be district pension officers for specified areas whose functions shall be —

(a) to receive and register applications for grants under this Ordinance;

(b) to investigate such applications;

(c) to submit such applications with their reports thereon to the Secretary;

(d) to investigate any matter which may have a bearing upon a grant and to submit a report thereon to the Secretary;

(e) to perform such other duties as may be imposed under this Ordinance or by the Administrator.

3. The provisions of sub-section (3) of section *two* of the Old Age Pensions Ordinance, 1942 (Ordinance No. 13 of 1942), shall *mutatis mutandis* apply to disability grants under this Ordinance.

ONTWERPORDONNANSIE

Ter voorsiening in die betaling van toelae aan Blankes wat weens liggaams- of geestesgebrek ongeskik is om vir hul eie onderhoud te sorg, en in verbandhoudende sake.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal dermate sodanige toestemming nodig is, vooraf verkret en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel *ses-en-twintig* van die „Zuidwest-Afrika Konstitutie Wet 1925” (Wet 42 van 1925), soos gewysig, van die Parlement van die Unie van Suid-Afrika, VER-ORDEN:—

1. In hierdie Ordonnansie, tensy die samehang andersins aandui, beteken —

„applikant” ’n Blanke wat aansoek gedoen het, of maatreëls tref om aansoek te doen, om ’n ongeskikheids-toelae ingevolge hierdie Ordonnansie;

„ongeskikheidstoelae” of „toelae” ’n toelae genoem in artikel *vier*;

„distrikspensioenbeampste” ’n beampste as sodanig aangewys ingevolge artikel *twee*;

„distriksgeneesheer” ook elke voltydse mediese beampste van die Administrasie, as ook ’n deelydse mediese beampste van die Administrasie as die Administrateur hom gemagtig het om enige plig, werksaamheid of bevoegdheid wat by ’n distriksgeneesheer ingevolge hierdie Ordonnansie berus, uit te oefen of uit te voer, asook ’n mediese beampste in die diens van ’n openbare hospitaalbestuur en ’n mediese beampste in die diens van ’n plaastieke bestuur;

„begunstigde” elkeen wat ’n toelae ingevolge hierdie Ordonnansie ontvang;

„voorgeskryf” by regulasie voorgeskryf;

„regulasie” ’n regulasie wat ingevolge hierdie Ordonnansie afgekondig en van krag is;

„Sekretaris” die Sekretaris van Suidwes-Afrika of ’n amptenaar wat hy ingevolge artikel *een-en-twintig* gemagtig het;

„hierdie Ordonnansie” ook die regulasies.

2. Die Administrateur kan amptenare van die staatsdiens aanwys tot distrikspensioenbeampstes vir bepaalde gebiede en hul pligte is —

(a) om aansoeke om toelae ingevolge hierdie Ordonnansie te ontvang en aan te teken;

(b) om sodanige aansoeke te ondersoek;

(c) om sodanige aansoeke met hul verslae daarvoor aan die Sekretaris deur te stuur;

(d) om sake wat moontlik in verband staan met ’n toelae te ondersoek en by die Sekretaris daarvoor verslag te doen;

(e) om ander pligte wat hierdie Ordonnansie of die Administrateur hulle ople, uit te voer.

3. Die bepalings van sub-artikel (3) van artikel *twee* en van artikel *drie* van die Onderdoempensioenordonnansie 1942 (Ordonnansie 13 van 1942) is, met die nodige veranderinge van toepassing op ongeskikheidstoelae ingevolge hierdie Ordonnansie.

4. Subject to the provisions of this Ordinance a disability grant may be paid to any white person in respect of whom the Secretary is satisfied that —

- (a) he has attained the age of sixteen years;
- (b) he is domiciled in the Territory;
- (c) he is resident in the Territory at the time of making application for the grant;
- (d) he has been a Union national for five years and has been ordinarily resident in the Territory or the Union for fifteen out of the twenty years immediately preceding the date of the application or, if he has not been a Union national for five years or if he is an alien he has been ordinarily resident in the Territory or the Union for twenty-five of the thirty years immediately preceding the date of the application;
- (e) physical or mental disabilities of a permanent nature render him incapable of deriving from any employment or occupation the means required to enable him to provide adequately for his own maintenance:

Provided that —

- (i) no woman who, but for her marriage to an alien, would have been qualified to receive a grant, shall in consequence only of such marriage be or become disqualified to receive a grant;
- (ii) for the purposes of this section residence in the Territory shall not be deemed to have been interrupted by any period spent outside the Territory during which the person concerned has maintained his domicile in the Territory or during which he has been in the Union.

5. No person shall be qualified to receive a disability grant —

- (a) who has the ability and the opportunities to provide adequately for his own maintenance; or
- (b) who receives a pension under the Old Age Pensions Ordinance, 1942, or under the Blind Persons Ordinance, 1952, or a veteran's pension under the War Pensions Act, 1941, of the Union Parliament; or
- (c) who is required by law to attend any school; or
- (d) who, being a married woman, is in the opinion of the Secretary, being adequately maintained by her husband, whether or not she is ordinarily resident with him: Provided that a married woman whose husband is in receipt of a pension under the Old Age Pensions Ordinance, 1942, or the Blind Persons Ordinance, 1952, or a veteran's pension under the War Pensions Act, 1941, of the Union Parliament, shall be deemed not to be adequately maintained by her husband; or
- (e) who is being compulsorily detained and maintained at the public expense in any prison, work colony, leper institution, mental hospital, institution for the feeble-minded, or other institution maintained by the State, and is liable to be so detained for a period exceeding three months; or
- (f) who refuses, for reasons which the Secretary considers to be inadequate, to submit himself to any medical examination or treatment which a district surgeon deems necessary in order to determine the degree of his alleged disability: Provided that a refusal to undergo any such treatment which involves or may involve danger to life shall be deemed not to be based on inadequate reasons; or
- (g) who omits or refuses, for reasons which the Secretary considers to be inadequate, to endeavour to obtain employment in accordance with a requirement of the district pension officer under section eight; or
- (h) who, for reasons which the Secretary considers to be inadequate, refuses to accept any employment which is within his capacity and appropriate to his circumstances, and from which he would have been able to derive the means required to enable him to provide adequately for his own maintenance.

6. An application for a disability grant shall be addressed in the prescribed form to the district pension officer concerned, and the applicant shall furnish in support thereof such particulars and information as may be prescribed or as the district pension officer may require and the pension officer shall by means of a date stamp put upon it the date of receipt.

4. Behoudens die bepalings van hierdie Ordonnansie, kan 'n ongeskiktheidstoelae betaal word aan enige Blanke wat ten genoeg van die Sekretaris —

- (a) minstens sesien jaar oud is;
- (b) in die Gebied getoelast is;
- (c) in die Gebied woon ten tyde van sy aansoek om 'n toelae;
- (d) reeds vyf jaar lank 'n Unie-burger is, en reeds vyftien jaar uit die twintig jaar wat die datum van sy aansoek onmiddellik voorafgaan, gereeld in die Gebied of in die Unie gewoon het, of as hy nie reeds vyf jaar lank 'n Unie-burger is nie of 'n vreemdeling is, wat reeds vyf-en-twintig uit die dertig jaar wat die datum van sy aansoek onmiddellik voorafgaan, gereeld in die Gebied of in die Unie gewoon het;
- (e) weens liggaams- of geestesgebrek van 'n blywend aard ongeskik is om deur werk of 'n beroep genoeg middelle te verdien om vir sy eie onderhoud te sorg: Met dien verstande dat —
 - (i) geen vrou wat bevoeg sou gewees het om 'n toelae te ontvang as sy nie met 'n vreemdeling getroud was nie, bloot weens sodanige huwelik onbevoegd tot 'n toelae is of word nie;
 - (ii) domisilie in die Gebied, by die toepassing van hierdie artikel, nie beskou word as onderbreek deur 'n tydperk wat 'n betrokke buite die Gebied deurgebring het onderwyl hy sy domisilie in die Gebied behou het, of onderwyl hy in die Unie was nie.

5. Niemand is bevoegd tot 'n ongeskiktheidstoelae —

- (a) wat in staat is, en die geleentheid het, om voldoende vir sy eie onderhoud te sorg; of
- (b) wat pensioen trek ingevolge die Ouderdomspensioen-ordnansie 1942, of ingevolge die Ordonnansie op Blindes 1952, of wat oudstryderspensioen trek ingevolge die Oorlogspensioenwet 1941 van die Unie-Parlement; of
- (c) wat volgens wet skool moet gaan; of
- (d) wat 'n getroude vrou is, en na die mening van die Sekretaris, voldoende deur haar man onderhou word, hetsy sy gereeld by hom woon of nie: Met dien verstande dat 'n getroude vrou wie se man pensioen trek ingevolge die Ouderdomspensioenordnansie 1942, of die Ordonnansie op Blindes 1952, of oudstryderspensioen trek ingevolge die Oorlogspensioenwet 1941 van die Unie-Parlement, nie beskou word as voldoende deur haar man onderhou nie; of
- (e) wat in 'n gevangenis, werkkolonie, melaatse-gestig, kranksinige-gestig, swaksinige-gestig, of ander Staatsinrigting onder dwang aangehou en op Staats-koste onderhou word, en maontlik langer as drie maande aldus aangehou sal word; of
- (f) wat om redes wat, na die Sekretaris meen, ontoereikend is, weier om hom te onderwerp aan 'n mediese ondersoek of behandeling wat 'n distriksgeversheer noodsaaklik ag om die graad van sy bevoerde ongeskiktheid vas te stel: Met dien verstande dat as so-ienand weier om behandeling te ondergaan, wat lewensgevaar oebreng of mee kan bring, sodanige weiering nie beskou word as ontoereikende rede nie; of
- (g) wat om redes wat, na die Sekretaris meen, ontoereikend is, versium of weier om werk te probeer verkry ooreenkomstig 'n vereiste van die distrikspensioenbeampete ingevolge artikel agt; of
- (h) wat om redes wat, na die Sekretaris meen, ontoereikend is, weier om werk te aanvaar wat binne sy vermoë is en wat by sy omstandighede pas, en waaruit hy in staat sou gewees het om die middelle te verdien waarmee hy hom voldoende sou kon onderhou.

6. 'n Aansoek om 'n ongeskiktheidstoelae moet in die voorgeskrywe vorm gerig word aan die betrokke distrikspensioenbeampete, en die applikant moet ter steuning daarvan die besonderhede en inligting wat voorgeskryf is, of wat die distrikspensioenbeampete vereis, verskaf, en die distrikspensioenbeampete moet met 'n datumstempel die ontvangsdatum op die aansoek druk.

7. (1) Upon receipt of an application under section six, the district pension officer shall require the applicant to submit himself to medical examination by a district surgeon.

(2) The district surgeon may —

- (a) call upon any person or the management of any society, hospital or institution who or which is in possession of any information regarding the previous medical history of the applicant, to furnish him with a report setting forth all such information or so much thereof as the district surgeon may require;
- (b) request the applicant to undergo, at the public expense, any medical examination or treatment, including treatment in a hospital, which he may deem necessary in order to determine the degree of the applicant's disability.

8. (1) If the district surgeon reports to the district pension officer after an applicant has undergone any medical examination or treatment in terms of section seven that the applicant, though suffering from a mental or physical disability of a permanent nature, is nevertheless capable of undertaking some form of employment, the district pension officer shall require the applicant to endeavour to find such form of employment.

(2) If, notwithstanding his endeavours, the applicant is unable to obtain employment, within a period of three months, or if the applicant has, during the said period, received an offer of employment which in the opinion of the district pension officer is within his capacity and appropriate to his circumstances, and has refused that offer, the district pension officer shall report the circumstances to the Secretary.

(3) The district pension officer shall, after the completion of any enquiry which he may deem necessary in connection with an application for a disability grant received by him, and after the results of any action which may have been taken in respect of the applicant under this section or section seven have become known, forthwith transmit the application, together with his recommendations thereon and all information relating thereto, including any medical reports to the Secretary.

9. (1) The Secretary shall consider any application transmitted to him in terms of sub-section (3) of section eight and may, if he considers it necessary or advisable, direct the district pension officer concerned to make such further enquiry or to obtain such further information as he may require.

(2) The Secretary shall thereupon, after consideration of any further information which may have been furnished to him in terms of sub-section (1), and with due regard to the provisions of this Ordinance, determine whether the applicant should or should not receive a grant, and if he considers that the applicant should receive a grant, he shall determine the amount thereof in accordance with section ten.

10. (1) The amount of a grant made to an applicant shall be such as the Secretary deems reasonable and sufficient for the applicant's maintenance, having regard to all the relevant circumstances affecting him, but shall not exceed the rate of seventy-two pounds per annum nor shall it be at such a rate as will make the grantee's income (or means) together with the grant exceed one hundred and sixty-two pounds per annum, and in addition thereto twelve pounds per annum in respect of each child under the age of sixteen years whom he maintains.

(2) In determining whether or not a grant should be made to an applicant, or the amount of such grant, or whether a grant should or should not be discontinued, increased or reduced, the Secretary shall take into account —

- (a) the ability of the spouse of the applicant or the grantee to maintain him or to contribute towards his maintenance;
- (b) the ability and the opportunities of an applicant or a grantee to maintain himself or to contribute towards his maintenance by his own efforts.

7. (1) By ontvangs van 'n aansoek ingevolge artikel ses, moet die distrikspensioenbeempte eis dat die applikant medies ondersoek moet word deur 'n distriksgeneesheer.

(2) Die distriksgeneesheer kan —

- (a) enigiemand of die bestuur van 'n vereniging, hospitaal of gestig wat beskik oor inligting betreffende die mediese geskiedenis van die applikant, vra om 'n verslag waarin alle sodanige inligting of soveel daarvan soos die distriksgeneesheer begeer uiteengesit word;
- (b) die applikant vra om teen openbare koste enige mediese ondersoek of behandeling met insluiting van hospitaalbehandeling deur te maak, wat hy nodig ag om die graad van die applikant se ongeskiktheid vas te stel.

8. (1) As die distriksgeneesheer, na afloop van die applikant se mediese ondersoek of behandeling ingevolge artikel sewe, aan die distrikspensioenbeempte verslag doen dat die applikant, hoewel by aan 'n geestes- of liggaamsgebrek van 'n blywendende aard ly, tog in staat is om werk van die een of ander aard te verrig, moet die distrikspensioenbeempte die applikant aansê om sulke werk te probeer vind.

(2) As die applikant ondanks sy pogings nie in staat is om binne drie maande daarna werk te vind nie, of as die applikant binne genoemde tydperk 'n aanbod van werk ontvang het, wat na die mening van die distrikspensioenbeempte binne sy vermoë is en hy sy omstandighede pas, en hy daardie aanbod geweier het, moet die distrikspensioenbeempte die omstandighede aan die Sekretaris medeel.

(3) Na voltooiing van 'n moontlike ondersoek wat die distrikspensioenbeempte nodig ag in verband met 'n aansoek om 'n ongeskiktheidstoelae wat hy ontvang het, en nadat hy kennis geneem het van die uitslag van enige optrede ten opsigte van die applikant ingevolge hierdie artikel of artikel sewe, moet die distrikspensioenbeempte die aansoek (tesame met sy aanbevelings daaroor en alle inligting in verband daarmee, met insluiting van moontlike mediese verslae, onmiddellik aan die Sekretaris deurstuur.

9. (1) Die Sekretaris oorweeg 'n aansoek wat aan hom ingevolge sub-artikel (3) van artikel agt deurgestuur word, en ly kan, as hy dit nodig of wenslik vind, die betrokke distrikspensioenbeempte aansê om sodanige verdere navraag te doen, of nadere inligting in te win, soos hy vereis.

(2) Daarop moet die Sekretaris, na oorweeging van sodanige nadere inligting wat aan hom ingevolge sub-artikel (1) verskaf is, en met behoorlike inagneming van die bepaling van hierdie Ordinance, besluit of die applikant 'n toelae moet ontvang al dan nie, en as hy meen dat die applikant 'n toelae moet ontvang, moet hy die bedrag daarvan ooreenkomstig artikel tien vasstel.

10. (1) Toelae van applikante bedra soveel soos die Sekretaris redelik en toereikend ag vir die applikant se onderhoud met inagneming van al die verbandhoudende omstandighede van sy geval, maar dit mag hoogstens twee-en-sewentig pond per jaar bedra, en dit mag ook nie soveel bedra dat die toelae (tesame met die begunstigde se inkomste (of middelle) eenhonderd twee-en-sestig pond per jaar oorskry nie, en daarby word twaalf pond per jaar tegeken ten opsigte van elke kind onder sesien jaar wat hy onderhou.

(2) Wanneer die Sekretaris moet besluit of 'n toelae aan 'n applikant toegeken moet word, al dan nie, of wat die bedrag van so 'n toelae moet wees, of wanneer hy moet besluit of so 'n toelae gestank, vermeerder of verminder moet word, moet hy die onderstaande oorwegings in ag neem:—

- (a) of die applikant of begunstigde se eggenoot/eggenote in staat is om hom/haar te onderhou of tot sy/haar onderhou by te dra;
- (b) of 'n applikant of begunstigde in staat is, of die geleentheid het, om homself te onderhou of met 'n eie inspanning tot sy onderhoud by te dra.

(3) If in the opinion of the Secretary the physical or mental condition of a grantee necessitates the regular attendance of any person, the Secretary may, on such conditions as he may determine, in addition to the grant made to the grantee, give such grantee or any person on his behalf, an allowance not exceeding eighteen pounds a year.

(4) Every person to whom a grant is made in addition to any grant made to him under this Ordinance be paid such periodical allowance in respect of the increase of the cost of the necessities of life as the Administrator may deem necessary: Provided that no such allowance shall exceed any allowance in respect of the increase of the cost of the necessities of life which is being (paid to persons in the public service whose emoluments do not exceed one hundred pounds per year.

11. If the Secretary determines, in terms of sub-section (2) of section nine, that an applicant should receive a grant, payment of the grant shall be made with effect from the date on which the application was received by the district pension officer.

12. Whenever the Secretary is satisfied —

- (a) that a grantee is no longer qualified in terms of this Ordinance to receive a grant; or
- (b) that the amount of his grant is greater or less than the amount which in accordance with the provisions of section ten, he should receive,

the Secretary may, discontinue such grant or, as the case may be, increase or reduce it, in conformity with the provisions of section ten.

13. A grant made under this Ordinance shall lapse when the grantee has not drawn his grant for six consecutive months: Provided that if the Secretary is satisfied that the failure to draw the grant was due to circumstances over which the grantee had no control, the Secretary may direct that the grant shall continue as from the date on which it was last drawn or from such other date as he may determine.

14. (1) If, in the opinion of the Administrator a grantee has, by reason of his misconduct, ceased to deserve his grant, the Administrator may suspend payment of the grant for such period, or may provide for its administration under such conditions, as he may determine.

(2) If the Secretary is of opinion that it is inadvisable for any reason to pay a grant to a grantee direct, he may order that the grant shall be paid to some other person on behalf of the grantee under such conditions as to its administration as the Secretary may determine.

15. (1) An appeal shall lie to the Administrator against any decision given or other action taken by the Secretary in the administration of this Ordinance.

(2) An appeal to the Administrator under sub-section (1) shall be lodged and prosecuted in the manner and within the period prescribed.

(3) The decision of the Administrator in connection with any question arising out of any provision of this Ordinance shall be final: Provided that the Administrator may at any time reconsider and vary or reverse such decision.

16. No grant under this Ordinance shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated, nor shall it be liable to be attached or subjected to any form of execution under a judgment or order of a court of law, and if a grantee attempts to assign, transfer or otherwise cede or to pledge or hypothecate a grant, payment of the grant may be withheld, suspended or entirely discontinued if the Secretary so determines.

(3) As die Sekretaris meen dat die liggaams- of geestestoestand van 'n begunstigde gereelde verpleging deur iemand anders noodsaak, kan die Sekretaris op voorwaardes wat hy stel, aan sodanige begunstigde of iemand anders ten behoeve van die begunstigde, benevens die toelae van die begunstigde, 'n toekening van hoogstens agtien pond per jaar goedkeur.

(4) Elkeen aan wie 'n toelae toegeken is, kan ho en behalwe enige toelae wat ingevolge hierdie Ordinance aan hom toegeken word, sodanige periodieke toelae ontvang ten opsigte van die prysverhoging van lewensmiddele soos die Administrateur nodig ag: Met dien verstande dat geen sodanige toelae enige toelae ten opsigte van die prysverhoging van lewensmiddele wat betaal word aan staats-ampnare met 'n verdienste van hoogstens eenhonderd pond per jaar, mag oorskry nie.

11. As die Sekretaris ingevolge sub-artikel (2) van artikel nege besluit dat 'n applikant 'n toelae moet ontvang, moet die toelae uitbetaal word met ingang van die datum waarop die distrikspensioenbeampte die aansoek ontvang het.

12. Telkens as die Sekretaris oortuig is —

- (a) dat die begunstigde nie meer ingevolge hierdie Ordinance tot 'n toelae bevoegd is nie;
- (b) dat die toelaebedrag meer of minder is as die bedrag wat hy ingevolge die bepalings van artikel tien moet ontvang, kan die Sekretaris sodanige toelae staak, of in gelang vermeerder of verniander, ooreekomstig die bepalings van artikel tien.

13. 'n Toelae ingevolge hierdie Ordinance seld wanner die begunstigde oor ses agtereenvolgende maande sy toelae nie getrek het nie. Met dien verstande dat as die Sekretaris oortuig is dat hierdie versuim om die toelae te trek te wyte was aan omstandighede waarvoor die begunstigde geen beheer gehad het nie, die Sekretaris kan gelas dat die toelae voortgesit moet word vanaf die datum waarop dit laas getrek is, of vanaf sodanige ander datum soos hy bepaal.

14. (1) As die Administrateur meen dat 'n begunstigde weens wangedrag nie meer sy toelae verdien nie, kan hy die uitbetaling van so 'n toelae opskort vir 'n tydperk deur hom vasgestel, of kan hy voorsiening maak vir die administrasie daarvan op voorwaardes wat hy neêrf.

(2) As die Sekretaris meen dat dit om die een of ander rede onwenslik is om 'n toelae regstreeks aan 'n begunstigde te betaal, kan hy gelas dat die toelae betaal word aan iemand anders ten behoeve van die begunstigde op sodanige voorwaardes ten opsigte van die administrasie daarvan soos die Sekretaris vasstel.

15. (1) Daar kan by die Administrateur in hoër beroep gegaan word teen 'n besluit of ander optrede van die Sekretaris by die administrasie van hierdie Ordinance.

(2) 'n Beroep op die Administrateur ingevolge sub-artikel (1) moet op die voorgeskrewe wysse en binne die voorgeskrewe tydperk ingedien en voortgevoer word.

(3) Die beslissing van die Administrateur oor enige vraagstuk wat uit 'n bepaling van hierdie Ordinance ontstaan, is afdoende: Met dien verstande dat die Administrateur te eniger tyd sodanige beslissing kan herzien en wysig of herroep.

16. Geen toelae ingevolge hierdie Ordinance kan oorgemaak, oorgedra of andersins gesedeer word, of verpand of verbind word nie, nóg kan dit in beslag geneem word of onderwerp word aan tenuitvoerlegging hoegenaamd ingevolge 'n beslissing of bevel van 'n geregtshof nie, en as 'n begunstigde poog om 'n toelae oor te maak, oor te dra of andersins te sedter, of te verband of verbind, kan uitbetaling van die toelae weerhou, opgeskort of geheel en al gestaak word, al in gelang die Sekretaris besluit.

17. Any person who, for the purpose of obtaining or retaining a grant, either for himself or for any other person, or for the purpose of obtaining or retaining a grant for himself or for any other person at a higher rate than that appropriate to the case, makes any statement or representation which he knows to be false, and any person who receives payment in respect of any grant of any sum which he is, to his knowledge not entitled to receive, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, or in default of payment to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

18. (1) If any person has received by way of a grant, any sum to which he was not entitled, he, or in the case of his death, his estate shall be liable to repay such sum to the Secretary, unless the Secretary is satisfied that he received it without knowledge that he was not entitled thereto.

(2) Without prejudice to any other remedy, any such sum may be recovered by means of deductions from any grant payable to the person who is liable to make the repayment.

(3) The provisions of this section shall apply *mutatis mutandis* in respect of a person to whom a grant is paid under any provision of this Ordinance for or for the benefit of any other person.

19. Notwithstanding the provisions of any other law, it shall be the duty of every registrar of births and deaths, and of any other officer who may be required thereto by regulation, to furnish to the Secretary upon his application such information relative to any applicant or grantee as may be prescribed or as may in any particular case be required by the Secretary.

20. (1) No stamp duty shall be payable in respect of —

- (a) any power of attorney given by an applicant to any person to apply for a grant on his behalf, or any power of attorney given by a grantee to any person to receive payment of a grant on his behalf;
- (b) any receipt given in respect of the payment of a grant; or
- (c) any affidavit by an applicant in support of an application for a grant.

(2) No power of attorney given by a grantee to any person to receive payment of a grant on his behalf shall be valid unless the Secretary has given his consent thereto in writing.

21. The Secretary may authorize any person to exercise on his behalf any of the powers conferred upon him by or under this Ordinance.

22. The Administrator may make regulations in regard to all or any of the following matters:

- (a) the manner and form in which application for a grant shall be made, and the particulars and information to be submitted in support thereof by any applicant or any particular class of applicants;
- (b) the procedure to be followed in connection with the medical examination or treatment of applicants for a grant;
- (c) the form of any medical certificate required in support of an application for a grant;
- (d) the submission, by the district pension officer to the Secretary, of applications for grants and all information and documents relating thereto;
- (e) the assessment of the means or income of an applicant;
- (f) the determination of the amounts or scales of grants and allowances in accordance with the income or means of an applicant or grantee;
- (g) the method of payment of grants to or for the benefit of grantees;

17. Elkeen wat, ten einde 'n toelae te verkry of te behou, hetsy vir homself of enigemand anders, of ten einde 'n hoër toelae vir homself of iemand anders te verkry of te behou, as wat die bepaalde geval toekom, 'n verklaring doen of vertoë rig wat na sy kennis vals is, en elkeen wat 'n bedrag ter uitbetaling van 'n toelae ontvang, aan 'n oortreding, en is by skuldigebevinding strafbaar met 'n boete van hoogstens vyftig pond, of by wanbetaling met tronkstraf vir hoogstens drie maande, of met beide sodanige boete en sodanige tronkstraf.

18. (1) As iemand by wyse van toelae 'n bedrag ontvang het waarop hy nie geregtig is nie, moet hy, of, by sy afsterwe, sy boedel, sodanige bedrag aan die Sekretaris terugbetaal, tensy die Sekretaris oortuig is dat hy die bedrag ontvang het sonder die wete dat hy nie daarop geregtig was nie.

(2) Met voorbehoud van ander regsmiddels, kan so 'n bedrag verhaal word by wyse van aftrekkings van 'n toelae betaalbaar aan die persoon wat vir die terugbetaling aanspreeklik is.

(3) Die bepalings van hierdie artikel is met die nodige veranderinge van toepassing op iemand aan wie 'n toelae ingevolge enige bepaling van hierdie Ordonnansie namens of ten behoeve van iemand anders betaalbaar is.

19. Ondanks die bepalings van enige ander wet, is dit die plig van elke regstrateur van geboortes en sterfgevalle, en van elke ander amptenaar wat by reguliese daartoe aangeseë word, om op aansoek deur die Sekretaris sodanige inligting met betrekking tot 'n applikant of begunstigde, soos voorgeskryf is of soos die Sekretaris in 'n bepaalde geval vereis, aan hom te verstrek.

20. (1) Geen seëlregte is betaalbaar —

- (a) vir 'n volmag wat 'n applikant aan iemand gee om namens hom aansoek te doen om 'n toelae, of 'n volmag wat 'n begunstigde aan iemand gee om namens hom uitbetaling van 'n toelae te ontvang, nóg
- (b) vir 'n kwitansie wat by uitbetaling van 'n toelae verstrekk word; nóg
- (c) vir 'n beëdigde verklaring van 'n applikant ter steuning van 'n aansoek om 'n toelae nie.

(2) Geen volmag wat 'n begunstigde aan iemand gee om uitbetaling van 'n toelae namens hom te ontvang, is geldig nie, tensy die Sekretaris sy skriftelike toestemming daartoe verleen het.

21. Die Sekretaris kan enigemand magtig om die bevoegdhede wat kragtens of ingevolge hierdie Ordonnansie aan hom verleen word, nameis hom uit te oefen.

22. Die Administrateur kan regulasies afkondig ten opsigte van elke of enige van die onderstaande sake:—

- (a) die wyse en vorm waarin aansoek om 'n toelae gedoen moet word, en die besonderhede en inligting wat ter steuning daarvan voorgelê moet word deur enige applikant of deur 'n bepaalde klas applikante;
- (b) die prosedure wat daar gevolg moet word by 'n mediese ondersoek of behandeling van applikante om 'n toelae;
- (c) die vorm van enige mediese sertifikaat wat ter steuning van 'n aansoek om 'n toelae vereis word;
- (d) die voorlegging deur die distrikspensioenbeambte aan die Sekretaris van aansoeke om toelae en alle inligting en dokumente in verband daarmee;
- (e) die berekening van die middele of inkomste van 'n applikant;
- (f) die vaststelling van die bedrae of skale van toelae en ander toekennings ooreenkomstig die inkomste of middele van 'n applikant of begunstigde;
- (g) die wyse van uitbetaling van toelae aan of ten behoeve van begunstigdes;

- (h) the suspension, discontinuance, variation or lapsing of grants;
- (i) the repayment by any person referred to in section *eighteen*, or his estate, of any moneys which he was not entitled to receive;
- (j) the determination of the age of an applicant in the absence of a certificate of registration of birth or of a baptismal certificate;
- (k) any other matter, which, in terms of any provision of this Ordinance, is required to be, or may be prescribed;
- (l) any other matter which the Administrator may deem it necessary or expedient to prescribe in order that the objects of this Ordinance may be effectively achieved.

23. This Ordinance shall be called the Disability Grants Ordinance, 1952, and shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

- (h) die opskorting, staking, wysiging of verval van toelae:
- (i) die terugbetaling deur iemand genoem in artikel *eighteen* agtien, of sy boedel, van geld waarop hy nie geregtig was nie;
- (j) die vaststelling van 'n applicant se ouderdom by gebrek aan 'n geboorteregistrasie- of doopsertifikaat;
- (k) elke ander saak wat ingevolge enige bepaling van hierdie Ordonnansie voorgeskryf moet of kan word;
- (l) elke ander saak wat, na die Administrateur nodig of wenslik ag, voorgeskryf moet word ter behoorlike nakoming van die oogmerke van hierdie Ordonnansie.

23. Hierdie Ordonnansie heet die Ordonnansie op Ongekiktheidstoelae 1952, en tree in werking op 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* bepaal.

DRAFT ORDINANCE

To provide for the issue of proclamations by the Administrator in relation to urgent matters in respect of which it is competent for the Legislative Assembly to make Ordinances.

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

1. (1) The Administrator may by proclamation in the *Gazette* make laws applicable to the Territory in relation to any matter which the Administrator may consider to be a matter of urgency and in regard to which the Legislative Assembly of the Territory is competent to make Ordinances.

(2) A proclamation issued under sub-section (1) shall subject to the provisions of sub-section (2) of section *two* have effect in and for the said Territory so long and as far only as it is not repugnant to or inconsistent with an Act of the Union Parliament applicable to the Territory.

2. (1) Any proclamation issued under section *one* shall be laid upon the Table of the Legislative Assembly within seven days after promulgation thereof if the Legislative Assembly is then in ordinary session, or if the Legislative Assembly is not then in ordinary session, within seven days after the commencement of its next ensuing ordinary session, and shall remain on the said Table for a period of at least ten consecutive days, and if the Legislative Assembly is prorogued before the necessary ten days have elapsed, such proclamation shall again be laid upon the Table of the Legislative Assembly as aforesaid within seven days of its next ensuing ordinary session.

(2) If the Legislative Assembly by resolution passed at any session at which a proclamation has been laid upon the Table of the said Legislative Assembly as in sub-section (1) provided disapprove of any such proclamation or of any provision of any such proclamation such proclamation or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such proclamation or of such provision thereof up to the date on which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such proclamation or such provision thereof.

3. This Ordinance shall be called the Administrator's Legislative Powers Ordinance, 1952.

ONTWERPORDONNANSIE

Om voorsiening te maak vir die uitvaardiging van proklamasies deur die Administrateur wanneer wetgewing in sake waar toe die Wetgewende Vergadering wetgewende bevoegdheid het, dringend noodsaaklik is.

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

1. (1) In enige saak waartoe die Wetgewende Vergadering van die Gebied by wyse van ordonnansie wetgewende bevoegdheid het, en waarop die Administrateur wetgewing dringend noodsaaklik ag, kan die Administrateur, by proklamasie in die *Offisiële Koerant*, vir die Gebied wette uitvaardig.

(2) Behoudens die bepalings van sub-artikel (2) van artikel *twoe* geld 'n proklamasie uitgevaardig kragtens sub-artikel (1) in en vir die Gebied slegs vir solank en soverre dit nie met Unie-Parlementswette wat in die Gebied geld, in stryd of onbestaanbaar is nie.

2. (1) Elke proklamasie uitgevaardig kragtens artikel *een* moet in die Wetgewende Vergadering ter Tafel gelê word binne sewe dae nadat dit uitgevaardig is as die Wetgewende Vergadering dan gewone sitting hou, of, as die Wetgewende Vergadering dan nie gewone sitting hou nie, binne sewe dae na die aanvang van sy eersvolgende gewone sitting, en moet minstens tien opeenvolgende dae ter Tafel bly, en as die Wetgewende Vergadering geprogeer word voordat die vereiste tien dae verstryk het, moet so 'n proklamasie weer soos voormeld in die Wetgewende Vergadering ter Tafel gelê word binne sewe dae na die aanvang van sy eersvolgende gewone sitting.

(2) As die Wetgewende Vergadering by 'n besluit aangeneem tydens 'n sitting waarby 'n proklamasie wat ingevolge sub-artikel (1) in die Wetgewende Vergadering ter Tafel gelê is, so 'n proklamasie of enige bepaling daarvan afkeur, verval die regskrag van so 'n proklamasie of bepaling dermate dit aldus afgekeur is, maar dan sonder om die geldigheid aan te tas van enigiets wat tot op die vervaldag ingevolge so 'n proklamasie of bepaling geskied het, en sonder afbreuk aan enige reg, voorreg, verpligting of aanspreeklikheid wat tot op die vervaldatum reeds ingevolge so 'n proklamasie of bepaling ontstaan of opgehoop het, of verky of aangegaan is.

3. Hierdie Ordonnansie heet die Ordonnansie op die Wetgewende Bevoegdheid van die Administrateur 1952.

DRAFT ORDINANCE

To amend the law relating to shop hours, the hours of employment of shop assistants, the wages payable to shop assistants, the keeping of attendance registers, and the employment of persons under a specified age as shop assistants.

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

1. The Shop Hours and Shop Assistants Ordinance, 1939 (Ordinance No. 15 of 1939), as amended, is hereby further amended by the insertion of the following section after section two:—

“2 bis. (1) The provisions of this Ordinance shall not apply to any shop assistant employed exclusively in any portion of a shop which is registered as a factory under the Factories, Machinery and Building Work Ordinance, 1952.

(2) The provisions of sections eight, nine, eleven bis, thirteen and fourteen of this Ordinance shall not apply to or in respect of any shop assistant whose rate of remuneration and hours of work are regulated by a determination, agreement, notice or award published or made under the Wage and Industrial Conciliation Ordinance, 1952, and who is in terms of any such determination, agreement, notice or award entitled to annual leave of absence on full pay.

(3) The provisions of section twelve shall not apply when by any determination, agreement, notice or award referred to in sub-section (2) the employment of any person under a specified age as a shop assistant is prohibited.”

2. This Ordinance shall be called the Shop Hours and Shop Assistants Amendment Ordinance, 1952, and shall come into operation from a date to be published by the Administrator by notice in the *Gazette*.

DRAFT ORDINANCE

To amend the law relating to public education.

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

1. In this Ordinance “the principal Proclamation” shall mean the Education Proclamation, 1926 (Proclamation No. 16 of 1926).

2. Section ninety-eight of the principal Proclamation is hereby amended by the substitution for sub-section (1) of the following sub-section:—

“(1) The Superintendent of a hostel shall be paid annual remuneration at the rate of twice the amount payable by adults residing in hostels plus one and a half times half the full fee for one child. If a Class A matron is attached to his child, such remuneration shall be decreased by hostel, such remuneration shall be decreased by £20 per annum. Any children of the Superintendent under two years of age shall be granted free residence, board and laundry facilities in the hostel of which he is the Superintendent.

Matrons shall be classified under Class A or Class B by the Director, and shall be paid remuneration in accordance with such salary scales as the Administrator may from time to time prescribe by regulation.”

3. Section ninety-nine of the principal Proclamation is hereby amended by the substitution for sub-section (3) of the following sub-section:—

ONTWERPORDONNANSIE

Ter wysiging van die wet betreffende winkelure en die diensure van winkelbediendes, die lone van winkelbediendes, die instelling van werkreëgers, en die indiensneming van jeugdiges onder 'n bepaalde leeftyd.

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

1. Die Ordonnansie op Winkelure en Winkelbediendes 1939 (Ordonnansie 15 van 1939), soos gewysig, word hierby verder gewysig deur die invoeging van die onderstaande artikel na artikel twee:—

„2 bis. (1) Die bepalinge van hierdie Ordonnansie geld geen winkelbediende wat uitsluitend in enige deel van 'n winkel werk wat ingevolge die Ordonnansie op Fabriek, Werktuie en Bouwerk 1952 as 'n fabriek geregistreer is nie.

(2) Die bepalinge van artikels agt, nege, elf bis, dertien en veertien van hierdie Ordonnansie geld geensins 'n winkelbediende nie wie se besoldiging en werkyd gereël word deur 'n vastelling, ooreenkoms, kennisgewing of uitspraak ingevolge die Ordonnansie op Lone en Nywerheidsversoening 1952, en wat daardeur op jaarverlof met volle betaling gereguleer is.

(3) Die bepalinge van artikel twaalf geld nie waar 'n vastelling, ooreenkoms, kennisgewing of uitspraak waarna sub-artikel (2) verwys, die indiensneming as winkelbediende van enigiemand jonger as 'n bepaalde leeftyd verbied nie.

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Winkelure en Winkelbediendes 1952 en tree in werking vanaf 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* afkondig.

ONTWERPORDONNANSIE

Om die wet betreffende openbare onderwys te wysig.

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

1. In hierdie Ordonnansie beteken „die Hoofproklamasie” die Onderwys Proklamasie van 1926 (Proklamasie 16 van 1926).

2. Artikel agt-en-negentig van die Hoofproklamasie word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:—

“(1) Die Superintendent van 'n koshuis ontvang as jaarlikse vergoeding tweemaal die bedrag betaalbaar in koshuise deur volwassenes plus anderhalf maal die helfte van die volle fooi vir een kind. Indien daar 'n A-klas matrone aan sy koshuis verbonde is, word hierdie vergoeding met £20 per jaar verminder. Die Superintendent se kinders wat jonger as twee jaar is, ontvang in die koshuis waarvan hy Superintendent is, gratis inwoning, kos en wasgoedgeriewe.

Matrone word deur die Direkteur geklassifiseer as klas A of klas B en hulle word vergoed volgens salarisskale wat die Administrateur van tyd tot tyd by regulasie kan voorskryf.”

3. Artikel nege-en-negentig van die Hoofproklamasie word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:—

"(3) The Director may require any teacher of a school to undertake supervision duty in a hostel attached to such school, either as a full-time or as a part-time supervisor. A full-time supervisor shall be paid remuneration equal to the amount payable by adults residing in hostels: Provided that the Director may pay a supervisor in respect of whom no relief is available, additional remuneration at the rate of £24 per annum. A part-time supervisor shall be remunerated proportionately to the duties performed by him."

4. This Ordinance shall be called the Education Amendment Ordinance, 1952, and shall come into operation on the first day of April, 1952.

DRAFT ORDINANCE

To provide for the payment of pensions to white blind persons, and of grants-in-aid for the promotion of the welfare of such persons and for matters incidental thereto.

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, as amended, of the Parliament of the Union of South Africa as follows:—

1. The Commissioner of Pensions appointed under section two of the Old Age Pensions Ordinance, 1942 (Ordinance 13 of 1942), as amended, hereinafter referred to as "the commissioner" shall, subject to the control of the Administrator, be charged with the administration of the provisions of this Ordinance, relating to the pensions of white blind persons.

2. (1) On the application of any white blind person for a pension under the provisions of this Ordinance, the commissioner shall cause such person to be examined by a medical practitioner selected from the list referred to in section three.

(2) If after such examination the medical practitioner is satisfied that such person is blind according to the criteria prescribed by regulation, he shall forward to the commissioner a certificate to that effect.

(3) The commissioner may at any time require any person already examined by a medical practitioner in terms of this section to submit himself to a further examination by a medical practitioner referred to in sub-section (1), and if, after such examination the medical practitioner is satisfied that such person is not blind according to the criteria prescribed by regulation, he shall forward to the commissioner a certificate to that effect, and if such person is already in receipt of a pension under the provisions of this Ordinance such pension shall be discontinued as from the date of the medical certificate.

3. (1) The Administrator shall, after consultation with the South Africa Medical Council, established under the Medical, Dental and Pharmacy Act, 1928, as amended and as extended to the Territory by Union Proclamation No. 3 of 1929, frame a list of medical practitioners registered under the said Act to carry out any examination referred to in section two.

(2) The Administrator may from time to time add to or delete from the said list the name of any medical practitioner.

4. Subject to the provisions of this Ordinance, every white blind person shall be entitled to receive a pension if he satisfies the commissioner that —

"(3) Die Direkteur kan vereis dat enige onderwyser van 'n skool in die koshuis wat aan die skool verbonde is, as 'n voltydse of deeltydse opsigter toesig hou. 'n Voltydse opsigter ontvang as vergoeding die bedrag betaalbaar deur volwassenes wat in koshuise inwoon: Met dien verstande dat die Direkteur aan 'n opsigter wat nie afgeles kan word nie, 'n bykomende vergoeding van £24 per jaar kan betaal. 'n Deeltydse opsigter word in verhouding met sy pligte vergoed."

4. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Onderwys 1952 en tree in werking op die eerste dag van April 1952.

ONTWERPORDONNANSIE

Ter voorsiening in die betaling van pensioene aan blinde Blankes, in die betaling van toelae ter bevordering van die welsyn van sodanige blindes, en in verbandhoudende sake.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal dermate sodanige toestemming nodig is, vooraf verkreeë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepaling van artikel ses-en-twintig van die „Zuidwest Afrika Konstitusie Wet 1925" (Wet 42 van 1925), soos gewysig, van die Parlement van die Unie van Suid-Afrika, VER-ORDEN:—

1. Die Pensioenkommissaris wat aangestel is ingevolge artikel twee van die Ouderdomspensioenordonnansie 1942 (Ordonnansie 13 van 1942), soos gewysig, (hierna heet hy „die kommissaris") word belas met die toepassing van die bepaling van hierdie Ordonnansie betreffende die pensioene van blinde Blankes, onderhewig aan beheer deur die Administrateur.

2. (1) Waar 'n blinde Blanke ingevolge die bepaling van hierdie Ordonnansie aansoek doen om 'n pensioen, moet die kommissaris so-iemand deur 'n mediese praktisyner laat ondersoek wat die kommissaris kies uit 'n lys genoem in artikel drie.

(2) Is die mediese praktisyner na sodanige ondersoek oortuig dat so-iemand blind is volgens die maastawwe wat die regulasies voorskryf, moet hy 'n sertifikaat te dien effekte aan die kommissaris stuur.

(3) Die kommissaris kan te eniger tyd enigeiemand wat reeds deur 'n mediese praktisyner ondersoek is, ingevolge hierdie artikel gelas om hom weereens deur 'n mediese praktisyner op wie sub-artikel (1) dui, te laat ondersoek, en is sodanige mediese praktisyner na sodanige ondersoek oortuig dat so-iemand nie volgens die maastawwe wat die regulasies voorskryf, blind is nie, moet hy 'n sertifikaat te dien effekte aan die kommissaris stuur, en as so-iemand reeds ingevolge die bepaling van hierdie Ordonnansie 'n pensioen ontvang, moet die betaling van sodanige pensioen vanaf die datum van die mediese sertifikaat gestaak word.

3. (1) Na beraad met die Suid-Afrikaanse Geneeskundige Raad wat gestig is kragtens die Wet op Geneesherre, Fandartsse en Aptekeers 1928, soos gewysig en soos toegepas op die Gebied deur Unie-Proklamasie 3 van 1929, moet die Administrateur 'n lys laat opstel van mediese praktisyner wat ingevolge die genoemde Wet geregistreer is om die ondersoekte te doen waarop artikel twee dui.

(2) Die Administrateur kan van tyd tot tyd die naam van enige mediese praktisyner byvoeg tot, of skrap van, sodanige lys.

4. Behoudens die bepaling van hierdie Ordonnansie is elke blinde Blanke geregtig op 'n pensioen as die kommissaris oortuig is dat so-iemand —

- (a) he has attained the age of nineteen years;
- (b) he is domiciled in the Territory;
- (c) he is resident in the Territory at the time of making application for the pension;
- (d) he is a Union national or has been ordinarily resident in the Territory for ten out of the fifteen years immediately preceding the date of the application:

Provided that —

- (i) no woman who, but for her marriage with an alien would have been qualified to receive a pension, shall in consequence only of such marriage be or become disqualified to receive a pension;
- (ii) for the purpose of this section residence in the Territory shall not be deemed to have been interrupted by any period spent outside the Territory during which the person concerned has maintained his domicile in the Territory, or been in the Union;
- (iii) no pension shall be payable to a person in respect of any period during which he is being compulsorily detained and maintained at the public expense in a leper institution, mental hospital, prison or other state institution or during which the commissioner is satisfied that he has solicited alms;
- (iv) if a pensioner ceases to be domiciled or resident in the Territory, the payment of pension to him may, with the consent of the Administrator, be continued under such conditions as the Administrator may determine;
- (v) no person shall be entitled to a pension if he refuses, for reasons which the commissioner considers to be inadequate, to submit himself to any medical treatment which may be recommended by a medical practitioner referred to in section two.

5. (1) The pension to be granted to any person under this Ordinance shall be of such amount as, having regard to the circumstances of such person, the commissioner deems reasonable and sufficient, but shall not exceed the rate of seventy-two pounds *per annum*, nor shall it be at such a rate as will make the pensioner's income (or means) together with the pension exceed one hundred and sixty-two pounds *per annum*: Provided that in assessing such person's income or means the commissioner shall not take into account more than one half of the earnings of such person.

(2) For the purposes of sub-section (1), "income or means" shall include any grant made in terms of section seven towards the augmentation of the amount earned by such person.

(3) In determining whether any person should be granted a pension or the amount of any pension, or whether a pension should or should not be discontinued or increased or reduced, the commissioner shall take into account —

- (a) the ability of the spouse of an applicant or pensioner to support him or to contribute towards his support; and
- (b) the ability and opportunities of an applicant or pensioner to support himself or to contribute towards his support by his own exertions.

(4) No person shall, while in receipt of a pension under this Ordinance, be entitled to receive an old age pension under the Old Age Pensions Ordinance, 1942, as amended.

(5) Every person to whom a pension is granted may in addition to any pension granted to him under this Ordinance be paid such periodical allowance in respect of the increase of the cost of the necessities of life as the Administrator may deem necessary:

Provided that no such allowance shall exceed any allowance in respect of the increase of the cost of the necessities of life which is being paid to persons in the public service whose emoluments do not exceed one hundred pounds per year.

- (a) minstens neëntien jaar oud is;
- (b) in die Gebied gedomiseleerd is;
- (c) in die Gebied woon ten tyde van sy aansoek om 'n pensioen;
- (d) 'n Unie-burger is of reeds tien jaar uit die vyftien jaar wat die datum van sy aansoek onmiddellik voorafgaan, gereeld in die Gebied gewoon het;

Met dien verstande dat —

- (i) geen vrou wat bevoegd sou gewees het om 'n pensioen te ontvang as sy nie met 'n vreemde-ling getroud was nie, bloot weens solnlike huwelik onbevoegd tot 'n pensioen is, of word nie;
- (ii) domisilie in die Gebied, by die toepassing van hierdie artikel, nie beskou word as onderbreuk deur 'n tydperk wat 'n betrokke buite die Gebied deurbring het onderwyl hy sy domisilie in die Gebied behou het, of onderwyl hy in die Unie was nie;
- (iii) geen pensioen aan iemand betaalbaar is ten opsigte van enige tydperk waarin hy onder dwang op Staatskosse aangehou en onderhou word in 'n melatare-gestig, kranksinnige-gestig, gevangenis of ander Staatsinrigting of waarin so-iemand na oortuiging van die kommissaris aalmoes gevra het nie;
- (iv) as 'n pensioentrekker ophou om in die Gebied gedomiseleerd te wees of te woon, die uitbetaling van sy pensioen aan hom met Administrateurs-toestemming en op Administrateursvoorwaardes voortgesit kan word;
- (v) niemand op 'n pensioen geregtig is as hy om redes wat die kommissaris as ontoereikend beskou, weier om enige mediese behandeling te ondergaan wat 'n mediese praktisyn op wie artikel twee dui, moontlik aanraai.

5. (1) Die pensioen wat ingevolge hierdie Ordinance aan enigiemand toegeken word, bedra soveel soos die kommissaris met inagneming van so-iemand se omstandighede redelik en toereikend ag, maar dit mag hoogstens twee-en-sewentig pond *per jaar* bedra, en dit mag ook nie soveel bedra dat die pensioentrekker se inkomste (of middelle) tesame met sy pensioen eenhonderd twee-en-sestig pond *per jaar* oorskry nie: Met dien verstande dat die kommissaris by die berekening van so-iemand se inkomste of middelle hoogstens die helfte van so-iemand se verdienste in aanmerking mag neem.

(2) By die toepassing van sub-artikel (1) sluit „inkomste of middelle" 'n toelae in wat ingevolge artikel sewe geskied ter aanvulling van die bedrag wat so-iemand verdien.

(3) Wanneer die kommissaris moet besluit of iemand 'n pensioen moet ontvang, al dan nie, of wat die bedrag van so 'n pensioen moet wees, of wanneer hy moet besluit of so 'n pensioen gestank, vermeerder of verminder moet word, moet hy op die onderstaande punte let —

- (a) of die applikant se eggenoot/eggenote in staat is om hom/haar te onderhou of tot sy/haar onderhoud by te dra;
- (b) of die applikant in staat is, of die geleentheid het, om homself te onderhou of met eie inspanning tot sy onderhoud by te dra.

(4) Niemand is onderwyl hy ingevolge hierdie Ordinance 'n pensioen ontvang, geregtig op 'n ouderdomspensioen ingevolge die Ouderdomspensioenordonnansie 1942, soos gewysig, nie.

(5) Elkeen aan wie 'n pensioen toegeken is, kan bo en behalwe enige pensioen wat ingevolge hierdie Ordinance aan hom toegeken word, sodanige periodieke toelae ontvang ten opsigte van die prysverhoging van lewensmiddels soos die Administrateur nodig ag: Met dien verstande dat geen sodanige toelae enige toelae ten opsigte van die prysverhoging van lewensmiddels wat betaal word aan staatsdienende met 'n verdienste van hoogstens eenhonderd pond *per jaar*, mag oorskry nie.

(6) If in the opinion of the commissioner the physical condition of a blind person to whom a pension has been granted under this Ordinance necessitates the regular attendance of any person, the commissioner may on such conditions as he may determine, in addition to the said pension grant to such blind person or to any person on his behalf, an allowance not exceeding eighteen pounds a year.

6. The provisions of sub-sections (2) and (3) of section two, sections three to five, seven to fifteen and paragraph (b) of section sixteen of the Old Age Pensions Ordinance, 1942, shall, *mutatis mutandis*, apply with reference to pensions under this Ordinance.

7. The Administrator may, out of moneys appropriated by the Legislative Assembly for the purpose, and upon such conditions as he may determine, make grants-in-aid towards —

- (a) the provision and maintenance by an association registered under this Ordinance or an institution approved by the Administrator, of hostels, homes, workshops or other places for the reception, training or employment of persons who are totally or partially blind, and the remuneration of persons employed by such an association or institution for the purpose of conducting any such hostel, home, workshop or other place;
- (b) the augmentation, in accordance with regulation, of the earnings of white blind persons who are employed in any such hostel, home, workshop or other place, or are working in any place approved by the commissioner;
- (c) the payment of the board and lodging of white blind persons who are working in a district in which no such hostel, home or other place for the reception of persons who are totally or partially blind exists; and
- (d) the expenditure incurred in the training at their homes of white persons who are totally or partially blind and who have been approved for such training by the commissioner, in so far as such expenditure represents the remuneration of persons employed by an association registered under this Ordinance, or an institution approved by the Administrator to train such persons.

8. (1) There shall be kept by an officer in the public service designated by the Administrator, and subject to the instructions of the Administrator, a register in which shall be registered every association which has as its object or one of its professed objects the promotion of the welfare of persons who are totally or partially blind.

(2) The said officer shall register such of the said associations as the Administrator may, on application, approve.

(3) An applicant seeking the Administrator's approval shall —

- (a) set forth in his application the name and address of the association, and the names, designations and addresses of its officers and of the members of the executive committee or other body in control of its affairs;
- (b) submit, together with its application, a copy of the constitution or rules of the association; and
- (c) furnish such further information to the Administrator as he may require.

(4) The constitution or rules of an association registered under this section shall not be altered without the consent of the Administrator.

(5) The Administrator may, whenever he deems fit, instruct the officer designated under sub-section (1) to cancel the registration of any association registered under this section. The said officer shall thereupon cancel such registration and thereafter such association shall be deemed not to be registered under this section.

(6) As die kommissaris meen dat die liggaamstoestand van 'n blinde aan wie 'n pensioen ingevolge hierdie Ordonnansie toegeken is, gereelde verpleging deur iemand anders noodsaak, kan die kommissaris op die voorwaarde wat hy stel, benevens die genoemde pensioen 'n toelae van hoogstens agtien pond per jaar aan sodanige blinde, of aan iemand anders ten behoeve van sodanige blinde, toeken.

6. Die bepaling van sub-artikel (2) en (3) van artikel twee, artikel drie tot vyf, sewe tot vyftien, en paragraaf (b) van artikel sesien van die Ouderdomspensioenordonnansie 1942 is met die nodige veranderinge van toepassing betreffende pensioene ingevolge hierdie Ordonnansie.

7. Die Administrateur kan uit gelde wat die Wetgewende Vergadering daarvoor aanwys en op maondlike Administrateurvoorwaardes toelae toeken ter—

- (a) oprigting en instandhouding van koshuise, teluise, werkplase of ander plekke vir die opname of opleiding van, of vir werkerskuffing aan, persone wat geheel of gedeeltelik blind is, deur 'n vereniging wat ingevolge hierdie Ordonnansie geregistreer is, of deur 'n inrigting wat die Administrateur goedgekeur is; en voorts ter besoldiging van diegene wat so 'n vereniging of inrigting in diens het vir die bestuur van so 'n koshuis, teluis, werkplaa of ander plek;
- (b) aanvulling, ooreenkomstig die regulasies, van die verdienstes van blinde Blankes wat by so 'n koshuis, teluis, werkplaa of ander plek in diens is, of wat op 'n plek werk wat die kommissaris goedgekeur is;
- (c) betaling van die kos en inwoning van blinde Blaakes wat in 'n distrik werk waar daar geen sodanige koshuis, teluis of ander plek bestaan nie ter opname van persone wat geheel of gedeeltelik blind is; en
- (d) ter bestryding van die ontkoste wat ontstaan deurdat Blankes wat geheel of gedeeltelik blind is en wat die kommissaris vir sodanige opleiding goedgekeur het, by hulle huise opgelei word, vir sover sodanige ontkoste die besoldiging weergee van werknemers van 'n vereniging wat ingevolge hierdie Ordonnansie geregistreer is, of van werknemers van 'n inrigting wat die Administrateur ter opleiding van sodanige blindes goedgekeur het.

8. (1) 'n Staatsamptenaar wat die Administrateur daartoe aanwys, moet, onderheilig aan die Administrateur se opdrag, 'n register hou waarin by elke vereniging registreer wat hom beywer vir, of wat hom as van sy beweerde oogmerke ten doel stel, die bevordering van die welsyn van persone wat geheel of gedeeltelik blind is.

(2) Die genoemde staatsamptenaar moet sodanige genoemde verenigings registreer soos die Administrateur op aanvraag goedgekeur.

(3) 'n Applikant wat Administrateursgoedgeuring begeer moet —

- (a) in sy aansoek die naam en adres van die vereniging, en naam, amp en adres van elkeen van sy amptenare en van die lede van die Uitvoerende Komitee of ander liggaam in beheer van sy sake aangee;
- (b) saam met sy aansoek 'n afskrif van die grondwet of reëls van sodanige vereniging inlêwer; en
- (c) sodanige ander inligting aan die Administrateur verskaf soos hy aanvra.

(4) Die grondwet of reëls van 'n vereniging wat ingevolge hierdie artikel geregistreer is, mag nie sonder Administrateursgoedgeuring gewysig word nie.

(5) Die Administrateur kan na goedgeunde die amptenaar op wie sub-artikel (1) dui, gelas om die registrasie van enige vereniging wat ingevolge hierdie artikel geregistreer is, in te trek. Daarop trek sodanige amptenaar sodanige registrasie in, en voortaan word sodanige vereniging beskou as nie ingevolge hierdie artikel geregistreer nie.

9. The Administrator may make regulations as to—

- (a) the form in which an application for a pension shall be made and the evidence and information to be submitted with any such application;
- (b) the manner in which and time within which appeals to the Administrator may be noted against any decision of the commissioner;
- (c) the medical treatment of applicants for pensions, and of persons receiving pensions and the payment of the expenses incurred in connection with such treatment;
- (d) the investigation and determination of pension claims; the method of payment of pensions;
- (e) the circumstances in which pensions may be paid for the benefit of persons supported or under treatment in institutions;
- (f) the payment of pensions to persons other than the pensioners themselves;
- (g) all matters which by this Ordinance are required or permitted to be prescribed by regulation;

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

10. This Ordinance shall be called the Blind Persons Ordinance, 1952, and shall come into operation upon a date to be fixed by the Administrator by notice in the *Gazette*.

9. Die Administrateur kan regulasies afkondig oor —

- (a) die vorm waarin aansoek om 'n pensioen gedoen moet word en die getuienis en inligting wat saam met so 'n aansoek voorgelê moet word;
- (b) die wyse waarop en die tydperk waarbinne daar beroepe op die Administrateur gedoen kan word teen 'n beslissing van die kommissaris;
- (c) die mediese behandeling van applikante om pensioene en van pensioentrekkers, en die bestryding van die onkoste van sodanige behandeling;
- (d) die ondersoek en vasstelling van pensioen-aansprake;
- (e) hoe pensioene betaal moet word;
- (f) die omstandighede waaronder pensioene betaal mag word ten voordele van persone wat in gestigte of inrigtings onderhou of behandel word;
- (g) die betaling van 'n pensioen aan iemand buiten die pensioentrekker self;
- (h) elke saak wat ingevolge hierdie Ordonnansie by regulasie voorgeskryf moet of kan word;

en oor die algemeen ter doelmatiger verwesenliking van die doeleindes en oogmerke van hierdie Ordonnansie.

10. Hierdie Ordonnansie heet die Ordonnansie op Blindes 1952, en tree in werking op 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* bepaal.