

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



BUITENGEWONE OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

1/- Wednesday, 30th April, 1952. WINDHOEK Woensdag, 30 April 1952. No. 1672.

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.

	<i>Page</i>	<i>Bladsy</i>
Promotion of Farming Interests Ordinance, 1952.	2779	
Soil Conservation Ordinance, 1952.	2791	
Deeds Registry Amendment Ordinance, 1952.	2808	
Ordonnansie op die Bevordering van Boerderybelange 1952.	2779	
Ordonnansie op Grondbewaring 1952.	2791	
Wysigingsordonnansie op die Registrasie van Aktes 1952.	2808	

DRAFT ORDINANCE

To establish a Farming Interests Fund, to promote the interests of farmers, groups of farmers and farming organizations by making advances and grants of money for certain purposes, 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 by section *sixteen* of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949), of the Parliament of the Union of South Africa, as follows:—

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

“accounting officer” means the person who is for the time being lawfully charged with the duty of accounting for any service provided for in an Appropriation Ordinance;

“Assembly” means the Legislative Assembly of the Territory of South West Africa;

“board” means the Farming Interests Board constituted under section *four* of this Ordinance;

“chairman” means the chairman of the Farming Interests Board appointed under sub-section (2) of section *four* of this Ordinance;

“the Fund” means the Farming Interests Fund established under section *two* of this Ordinance;

“Secretary” means the Secretary for South West Africa or any officer lawfully acting for him.

2. (1) There is hereby established from a date to be fixed by the Administrator by notice in the *Gazette*, a Fund, to be known as the Farming Interests Fund.

(2) Such Fund shall be used to promote and further the interests of farmers, groups of farmers and recognized farmers' organizations by making advances or grants of money in accordance with the provisions and for the purposes of this Ordinance.

3. (1) There shall be credited or paid by the accounting officer to the account of the Fund —

(i) All moneys standing to the credit of the Water and Veld Conservation and Reclamation account of the Territorial Development and Reserve Fund established under section *two* of the Territorial Development and Reserve Fund Ordinance, 1944 (Ordinance No. 13 of 1944), which account shall thereafter cease to exist;

(ii) grants or loans made directly by the Assembly;

(iii) interest and re-payments on advances made under the provisions of this Ordinance; and

(iv) 75 per cent. of all moneys standing to the credit of the levy fund in respect of levies imposed in terms of sub-section (3) of section *five* of the Meat Trade Control Ordinance, 1935 (Ordinance No. 8 of 1935), at the commencement of this Ordinance and thereafter 75 per cent. of all levies imposed in terms of the aforesaid Ordinance.

ONTWERPORDONNANSIE

Ter stigting van 'n Boerderybelange-fonds om die belange van boere, groepe boere en boerdery-organisasies te bevorder deur geldvoorskotte en -toekennings vir bepaalde doeleindes, en ter reëling van verbandhoudende sake.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal dermate sodanige toestemming nodig is, vooraf verkree 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 by artikel *sesten* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

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

„rekenpligtige amptenaar” die persoon wat asdan wettig belas is met die boekhouding van enige diens waarvoor 'n Middel-Ordonnansie voorsiening maak;

„Vergadering” die Wetgewende Vergadering van die Gebied Suidwes-Afrika;

„raad” die Raad op Boerderybelange ingestel kragtens artikel vier van hierdie Ordonnansie;

„voorsitter” die voorsitter van die Raad op Boerderybelange aangestel kragtens sub-artikel (2) van artikel vier van hierdie Ordonnansie;

„die Fonds” die Boerderybelange-Fonds gestig kragtens artikel twee van hierdie Ordonnansie;

„Sekretaris” die Sekretaris van Suidwes-Afrika, of enige amptenaar wat wettig namens hom optree.

2. (1) Hierby word daur met ingang van 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* bepaal, 'n Fonds gestig, wat die Boerderybelange-fonds heet.

(2) Sodanige Fonds word aangewend om die belange van boere, groepe boere en erkende boere-organisasies te bevorder deur geldvoorskotte of -toekennings te doen ooreenkomstig die bepaling, en vir die doeleindes, van hierdie Ordonnansie.

3. (1) Die Rekenpligtige Amptenaar krediteer die rekening van die Fonds met, of stort daarin —

(i) alle gelde wat in die Water- en Veldbewarings- en -herwinningsrekening van die Gebiedsontwikkelings- en -reserwefonds, gestig kragtens artikel twee van die Ordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1944 (Ordonnansie 13 van 1944) geskryf staan, en daarop bestaan lasgenoemde rekening nie meer nie;

(ii) toekennings of lenings wat die Vergadering regstreeks goedkeur;

(iii) rente en terugbetalings op voorskotte wat ingevolge die bepaling van hierdie Ordonnansie toegestaan is; en

(iv) 75 persent van alle gelde op krediet van die heffings-fonds ten opsigte van heffings opgelê ingevolge sub-artikel (3) van artikel *vyf* van die Ordonnansie betreffende die Kontrole van die Vleishandel (Ordonnansie 8 van 1935), by die inwerkingtreding van hierdie Ordonnansie, en daarna 75 persent van alle heffings wat ingevolge die genoemde Ordonnansie opgelê word.

(2) The Secretary of the Board established under the provisions of the Meat Trade Control Ordinance, 1935 (Ordinance No. 8 of 1935), shall as soon as possible after the commencement of this Ordinance pay to the accounting officer the said 75 per cent. of all moneys standing to the credit of the levy fund referred to in paragraph (iv) of sub-section (1) and thereafter shall pay to the Fund annually or when directed by the Administrator the said 75 per cent. of all levies imposed in terms of the said Meat Trade Control Ordinance, 1935.

(3) There shall be paid to the Fund as from a date to be fixed by the Administrator by notice in the *Gazette*, an amount of 75 per cent. of the export duty paid in terms of paragraph (b) of section six of the Karakul Pelt Export Duty Proclamation, 1939 (Proclamation No. 34 of 1939), as amended, such amount to be appropriated by the Assembly from the Territory Revenue Fund.

4. (1) As soon as may be after the commencement of this Ordinance the Administrator shall appoint a board to be known as the Farming Interests Board consisting of the following persons —

- (i) the chairman of the Board of the Land and Agricultural Bank of South West Africa, or any other member of such Board;
- (ii) a member of the Land Board constituted under the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation No. 310 of 1927);
- (iii) a senior engineer of the Administration; and
- (iv) one member to represent the sheep farmers and one member to represent the cattle farmers of the Territory.

(2) The Administrator shall designate one member as chairman of the board, and if for any cause set forth in sub-section (4) the chairman is unable to act as chairman, the Administrator shall appoint an acting chairman from among the members of the board.

(3) The members of the board appointed in terms of paragraph (iv) of sub-section (1) of this section shall be appointed for a period of three years and the other members of the board shall hold office during the pleasure of the Administrator.

(4) During the absence, illness or inability to act for any cause of any member of the board the Administrator shall appoint any other suitable person to act in the place of such member during such absence, illness or inability.

(5) If, by reason of death, resignation or any other cause whatever, a member of the board vacates his seat upon the board, his place shall be filled by the Administrator, subject always to the provisions of sub-sections (1) and (3).

(6) The person appointed to fill the place of a member appointed in terms of paragraph (iv) of sub-section (1) and vacating his seat shall hold office for the remainder of the period for which the vacating member would otherwise have held office.

(7) The board shall meet when summoned by the Chairman or the Administrator.

(8) The Chairman or acting chairman, as the case may be, and two other members of the board shall form a quorum.

(9) A decision of a majority of the members of the board shall be a decision of the board and the chairman shall have a casting as well as a deliberative vote in the case of an equality of votes.

(10) The board shall perform the duties imposed and exercise the powers conferred upon it by this Ordinance and shall perform such other duties as the Administrator may from time to time assign to it.

5. (1) The board may appoint local committees for any magisterial district to act in an advisory capacity only. Each such local committee shall consist of the magistrate and two farmers carrying on farming operations within the magisterial district concerned.

(2) Die Sekretaris van die Raad ingestel ingevolge die bepaling van die Ordonnansie betreffende die Kontrole van die Vleishandel 1935 (Ordonnansie 8 van 1935) moet, sodra moontlik na die inwerkingtreding van hierdie Ordonnansie, die genoemde 75 persent van alle gelde op krediet van die heffingsfonds genoem in paragraaf (iv) van sub-artikel (1) aan die Rekenpligtige Amptenaar betaal, en daarna moet hy jaarliks of wanneer die Administrateur hom gelas, voormelde 75 persent van alle heffings opgelê ingevolge die genoemde Ordonnansie betreffende die Kontrole van die Vleishandel 1935, in die Fonds stort.

(3) Met ingang van 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* bepaal, moet daar 'n bedrag gelykstaande aan 75 persent van die uitvoerbelasting (betaal ingevolge paragraaf (b) van artikel ses van die Wysigingsproklamasie betreffende Uitvoerbelasting op Karakoolpelse 1939 (Proklamasie 34 van 1939)), soos gewysig, in die Fonds gestort word. Sodanige bedrag wend die Vergadering uit die Gebiedsinkomstefonds aan.

4. (1) Sodra doenlik na die inwerkingtreding van hierdie Ordonnansie stel die Administrateur 'n raad aan, wat die Raad op Boerderybelangeheet en wat uit die ondergenoemde lede bestaan —

- (i) die voorsitter van die Raad van die Land- en Landboubank van Suidwes-Afrika, of enige ander lid van sodanige Raad;
- (ii) 'n lid van die Landraad ingestel kragtens die Landnederstelling Gekonsolideerde en Wysigings Proklamasie 1927 (Unie-Proklamasie 310 van 1927);
- (iii) 'n senior ingenieur van die Administrasie; en
- (iv) een lid wat die skaapboere en een lid wat die beoerders van die Gebied verteenwoordig.

(2) Die Administrateur wys een lid tot voorsitter van die raad aan, en as die voorsitter om enige rede in sub-artikel (4) uitengesig, nie as voorsitter kan optree nie, stel die Administrateur 'n waarnemende voorsitter uit die lede van die raad aan.

(3) Die lede van die raad wat ingevolge paragraaf (iv) van sub-artikel (1) van hierdie artikel aangestel word, dien vir 'n tydperk van drie jaar en die ander lede van die raad behou hul amp so lank dit die Administrateur behaag.

(4) As 'n lid van die raad weens afwesigheid, siekte of om enige ander rede nie kan optree nie, stel die Administrateur enige ander geskikte persoon aan om in sy plek op te tree gedurende sodanige afwesigheid, siekte of ander onvermoë van sodanige lid.

(5) As 'n lid van die raad weens afsterwe, bedanking of om enige ander rede sy plek in die raad ontroom, word iemand anders in sy plek deur die Administrateur aangestel, maar steeds onderheilig aan die bepaling van sub-artikels (1) en (3). Die persoon wat aangestel word word in die plek van 'n lid aangestel ingevolge paragraaf (iv) van sub-artikel (1) wat sy amp ontroom, beklee die amp vir die oorblywende deel van die tydperk waarvoor die uitredende lid andersins sou aangeleg het.

(6) Die raad vergader wanneer dit deur die voorsitter of die Administrateur byengeroep word.

(7) Die voorsitter of die waarnemende voorsitter, na gelang, en twee ander lede van die raad, is 'n kworum.

(8) 'n Meerderheidsbesluit van die raadslede is 'n besluit van die raad, en by staking van stemme het die voorsitter 'n beslissende sowel as 'n gewone stem.

(9) Die raad vervul die pligte en oefen die bevoegdhede uit wat hierdie Ordonnansie hom opleë en verleen, en vervul sodanige ander pligte wat die Administrateur hom van tyd tot tyd aanwys.

5. (1) Die raad kan plaaslike komitees vir enige magistratsdistrik aanstel, wat slegs randgewend optree. Elke sodanige plaaslike komitee bestaan uit die magistrat en twee boere wat binne die betrokke magistratsdistrik hul boerdery dryf.

(2) Subsistence and transport allowances shall be paid to such former members of local committees according to a tariff framed by the Administrator.

6. (1) Every member of the board, not being a member of the Public Service, shall receive a remuneration of £240 per annum, payable from the Fund.

(2) Every member of the board, not being a member of the Public Service, when travelling on the business of the board shall be paid out of the Fund, in addition to any remuneration payable in terms of sub-section (1) —

- (a) his rail fare when travelling by rail;
- (b) when any member uses his own transport, an allowance towards such transport according to a tariff framed by the Administrator; and
- (c) an allowance towards subsistence according to a tariff framed by the Administrator when carrying out special duties, and when such allowance is so authorised by the Administrator.

7. (1) Annual estimates of expenditure shall be prepared by the board for approval by the Administrator.

(2) The board shall be limited in its expenditure in giving effect to the provisions of this Ordinance in any one year to a sum of money to be determined by the Administrator: Provided that if such sum be insufficient the Administrator may increase it to an amount to be determined by him.

8. All administrative and clerical work in connection with the administration of this Ordinance shall be performed by the staff of the Land and Agricultural Bank of South West Africa, from which staff a secretary to the board shall be appointed by the board. The Administration shall be responsible for all expenditure incurred by the S.W.A. Land Bank in the administration of this Ordinance.

9. (1) The board may make advances of money for all or any of the following purposes —

- (a) the building of dams and contour walls;
- (b) the making of wells and boreholes;
- (c) the purchase of machinery, material and equipment to enable supplies of water to be obtained and maintained;
- (d) the carrying out of schemes whose object is the promotion of veld, soil and water conservation and soil reclamation;
- (e) fencing, including the fencing of camps;
- (f) the construction and maintenance of soil conservation works and the purchase of equipment therefor, the sum for such equipment in each individual case not to exceed two hundred pounds; and
- (g) the production or manufacture of commodities from the products of agriculture and the marketing of such commodities.

(2) An application for an advance under this section shall be made in such form and manner and through such channels and the applicant shall furnish therewith such information as the chairman may direct.

(3) Any such advance shall be deemed to have been made to the borrower as from the date on which the entire amount of the advance or the first instalment thereof is paid to him, but where the amount of the advance is paid to the borrower by instalments interest on each payment shall be calculated only from the date of such payment.

10. (1) Whenever the board has made an advance under this Ordinance to any person, the chairman shall notify the magistrate of the district wherein such person resides that such advance has been made. Such notice shall contain —

(2) Onderhouds- en vervoertoeleas word aan sodanige boerelede van plaaslike komitees betaal volgens 'n tarief wat die Administrateur opstel.

6. (1) Elke lid van die raad wat nie in die Staatsdiens is nie, ontvang besoldiging teen £240 per jaar, wat uit die Fonds betaal word.

(2) Elke lid van die raad wat nie 'n lid van die Staatsdiens is nie, ontvang bo en benevens die besoldiging betaalbaar ingevolge sub-artikel (1), die onderstaande gelede uit die Fonds betaalbaar, onderwyl hy in die diens van die raad reis —

- (a) sy spoorgeld as hy per spoor reis;
- (b) as 'n lid sy eie vervoermiddel gebruik, 'n toelae vir sodanige vervoer volgens die tarief wat die Administrateur opstel; en
- (c) 'n toelae vir onderhoud volgens 'n tarief wat die Administrateur opstel, wanneer hy besondere pligte uitvoer, en as sodanige toelae deur die Administrateur vir daardie doel gemagtig is.

7. (1) Die raad moet elke jaar 'n begroting van uitgawe braam ter goedkeuring deur die Administrateur.

(2) By uitgawe ter uitvoering van die bepalings van hierdie Ordonnansie word die raad elke afsonderlike jaar beperk tot 'n bedrag wat die Administrateur vasstel: Met dien verstande dat as sodanige bedrag ontoereikend is, die Administrateur dit kan vermeerder tot 'n bedrag wat hy vasstel.

8. Alle administratiewe en klerklike werk in verband met die toepassing van hierdie Ordonnansie word uitgevoer deur die personeel van die Land- en Landboubank van Suidwes-Afrika, uit welke personeel die raad 'n raadsekretaris aanstel. Die Administrasie is aanspreeklik vir alle uitgawe wat genoemde Landbank by die administrasie van hierdie Ordonnansie aangaan.

9. (1) Die raad kan geldvoorskotte toestaan vir elkeen of enige van die onderstaande doeleindes:—

- (a) die bou van damme en kontoerwalle;
- (b) die maak van putte en boorgate;
- (c) die aankoop van masjinerie, materiaal en toerusting vir die ontginning en instandhouding van watervoorraad;
- (d) die uitvoering van planne wat die bevordering van veld-, grond- en waterbewaring en grondherwinning tans doel het;
- (e) omheining met inbegrip van die omheining van kampe;
- (f) die aanbou en instandhouding van grondbewaringswerke en die aankoop van toerusting daarvoor (die bedrag vir sodanige toerusting mag in elke besondere geval hoogstens tweehonderd pond bedra); en
- (g) die produksie of vervaardiging van handelsware uit landbouprodukte en die bemarking van sodanige handelsware.

(2) Aansoek om 'n voorskot ingevolge hierdie artikel moet geskied in sodanige vorm en wyse en langs sodanige weg soos die voorsitter bepaal, en die applicant moet daarby sodanige inligting verskaf soos die voorsitter vereis.

(3) Elke sodanige voorskot word beskou as aan die geldopnemer toegestaan vanaf die datum waarop die hele bedrag van die voorskot of die eerste paaiement daarvan aan hom betaal word, maar waar die bedrag van die voorskot paaiementsgewyse aan die geldopnemer betaal word, word rente op elke betaling slegs vanaf die datum van sodanige betaling bereken.

10. (1) Wanneer ook al die raad 'n voorskot aan enigeen ingevolge hierdie Ordonnansie toegestaan het, moet die voorsitter die magistrant van die distrik waarin sodanige persoon woon, verwittig dat sodanige voorskot toegestaan is. Sodanige kennisgewing moet die onderstaande besonderhede bevat —

- (a) the full name and address of the person to whom the advance has been made;
- (b) the amount of the advance;
- (c) particulars of the assets hypothecated or mortgaged as security for the advance;
- (d) the period and conditions of repayment of the advance.

(2) The Magistrate shall permit any person to read and copy such notice free of charge.

11. The board may make grants of money for all or any of the following purposes —

- (a) agricultural research, and for bursaries in connection with agricultural study;
- (b) for the carrying out of schemes whose objects are the promotion of veld, soil and water conservation and soil reclamation;
- (c) investigations into the water resources and supplies of the Territory, either generally, or in respect of any particular area or place;
- (d) the education and instruction of the general public in regard to agricultural matters, and the propagation of interest in agriculture and agricultural products by means of advertising, lectures, the issue of books and pamphlets and the publication of photographs, or in any other manner that the board may deem fit; and
- (e) the production and manufacture of commodities from the products of agriculture and the marketing of such commodities.

12. (1) The chairman may, subject to the approval of the board, purchase machinery, equipment and material for any of the purposes for which an advance may be made under this Ordinance, if on account of the quantity of such machinery, material and equipment purchased, or for any other reason, he is able to make such purchase at a price lower than that available to members of the general public, including applicants for advances under this Ordinance, at the time of such purchase.

(2) Any such machinery, equipment and material so purchased may be sold by the board to applicants to whom advances have been authorised or made under this Ordinance on such price, terms and conditions as the board may decide.

(3) The board may, subject to the approval of the Administrator, and notwithstanding anything in sub-section (2) contained, dispose of such machinery, material and equipment to any person on such price, terms and conditions as the board may decide.

13. Advances under this Ordinance may be made only to registered owners of land, lessees of holdings under the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation No. 310 of 1927), who in terms of that Proclamation have exercised or have been deemed to have exercised the right to purchase such holdings and lessees of holdings under the said Proclamation who are in possession of leases registered thereunder although the right to purchase any such holding has not been exercised in terms of the said Proclamation.

14. (1) The board shall not, under this Ordinance advance to any one person an amount of less than two hundred pounds or more than one thousand five hundred pounds: Provided that the board may in special circumstances increase the amount of the advance to an amount not exceeding two thousand pounds subject to the approval for the purposes of this sub-section the amount of the advance to any person, there shall not be taken into account transfer to him under section twenty-three of any immovable property or movable property mortgaged or hypothecated in terms of this Ordinance.

(2) An advance made under this Ordinance shall bear interest at the rate of 3½ per cent. per annum payable at such times as the board may determine when making the advance, but subject to the provisions of sub-section (5): Provided that in the case of a debt owing by a person other than the surviving spouse or any descendant of the

- (a) die volle naam en adres van die persoon aan wie die voorskot toegestaan is;
- (b) die bedrag van die voorskot;
- (c) besonderhede van die bate wat onder hipoteek of verband geplais is as sekuriteit vir die voorskot; en die termyn en voorwaardes van terugbetaling van die voorskot.

(2) Die Magistraat moet enigeen toelaat om sodanige kennisgewing gratis te lees en 'n afskrif daarvan te maak.

11. Die raad kan geldtoekennings doen vir elk of enige van die onderstaande doeleindes:—

- (a) landbouorsing en beurse vir die studie van die landbou;
- (b) die uitvoer van planne ter bevordering van veld-, grond- en waterbewaring en grondverwinning;
- (c) ondersoek na waterbronne en -voorrae in die Gebied, of oor die algemeen, of ten opsigte van enige besondere streek of plek;
- (d) die opvoeding en voorligting van die algemene publiek in landbousake, en die bevordering van belangstelling in die landbou en landbouprodukte middels reklame, lesings, die uitgee van boeke en vlyskrifte en die publikasie van fotos, of op enige ander wyse wat die raad goedvind; en
- (e) die produksie en vervaardiging van handelsware uit landbouprodukte en die bemaking van sodanige handelsware.

12. (1) Met die raad se goedkeuring kan die voorsitter masjinerie, toerusting en materiaal aankoop vir enige van die doeleindes waarvoor daar 'n voorskot ingevolge hierdie Ordonnansie toegestaan kan word, as hy weens die hoeveelheid aan sodanige masjinerie, materiaal en toerusting wat aangekoop word, of om enige ander rede, sodanige aankoop kan bewerkstellig teen 'n laer prys as dié wat tydens sodanige aankoop beskikbaar is vir die lede van die algemene publiek, met inbegrip van applikante om voorskotte ingevolge hierdie Ordonnansie.

(2) Die raad kan enige sodanige aangekoopte masjinerie, toerusting en materiaal teen sodanige pryse en voorwaardes en bepalinge soos die raad vasstel, verkoop aan applikante aan wie voorskotte ingevolge hierdie Ordonnansie genugtig of gedoen is.

(3) Strydige bepalinge in sub-artikel (2) ten spyt, kan die raad met Administrateursgoedkeuring sodanige masjinerie, materiaal en toerusting aan enigiemand van die hand sit teen sodanige pryse, voorwaardes en bedinge soos die raad stel.

13. Voorskotte ingevolge hierdie Ordonnansie kan slegs toegestaan word aan geregistreerde grondeienaars, en huurders van hoeses ingevolge die Landnedersetting Gekonsolideerde en Wysigingsproklamasie 1927 (Unie-Proklamasie 310 van 1927), wat kragtens daardie Proklamasie die reg op die aankoop van sodanige hoeses uitgeoefen het, of wat beskou word sulks te gedoen het, en aan huurders van hoeses ingevolge genoemde Proklamasie wat huurkontrakke hou wat daaringevolge geregistreer is, hoewel die reg op aankoop van 'n sodanige hoesie uit hoofde van daardie proklamasie nie uitgeoefen is nie.

14. (1) Die raad mag geen voorskot van minder as tweehonderd pond of meer as eenduisend vyftiendertig pond aan enigeen ingevolge hierdie Ordonnansie toestaan nie: Met dien verstande dat die raad in besondere omstandighede, en met Administrateursgoedkeuring die bedrag van 'n voorskot kan vermeerder tot hoogstens tweeduisend pond: Met dien verstande voorts dat daar by die vaststelling ingevolge hierdie sub-artikel van die bedrag van die voorskot aan enigiemand, geen bedrag wat hy moontlik skuld om rede die oordrag aan hom ingevolge artikel drie-en-twintig van die vaste of roerende eiendom wat uit hoofde van hierdie Ordonnansie onder verband of hipoteek geplais is, in aanmerking geneem mag word nie.

(2) 'n Voorskot ingevolge hierdie Ordonnansie dra reute teen 3½ persent per jaar betaalbaar op sodanige tydstappe soos die raad by die goedkeuring van die voorskot vasstel, maar onderhevig aan die bepalinge van sub-artikel (5): Met dien verstande dat waar iemand anders as die oorlewende gade of 'n afstammeling van die oorspronklike

original debtor by reason of the transfer to him under section *twenty-three* of any immovable or movable property mortgaged or hypothecated in terms of this Ordinance, the rate of interest shall be five per cent. per annum.

(3) In making any advance the board shall determine the period within which it shall be repaid (which shall not exceed twenty years from the date when such advance was made), the instalments in which such repayment shall be made and such other conditions of repayments as the board may think fit to impose, but subject to the provisions of sub-section (5).

(4) Any such advance and the interest due thereon shall be recoverable by the chairman on behalf of the Administration.

(5) The board may, at the request of a person to whom an advance has been made under this Ordinance —

- (i) vary the times of payment of interest determined under sub-section (2) or of instalments determined under sub-section (3); or
- (ii) extend the period of repayment of the advance even though thereby the total period of the advance may exceed the period of twenty years; or
- (iii) vary the amounts of the instalments in which repayment of the advance must be made, or any other conditions of repayment imposed under sub-section (3);
- (iv) capitalize any interest that may be in arrear on such advance, even though thereby the amount owing may exceed one thousand five hundred pounds, or two thousand pounds where the advance has been increased to that sum in terms of sub-section (1); or
- (v) waive the preference to which he is entitled under a mortgage bond constituted in terms of section *fifteen*.

(6) The board may make the granting of an extension of the period of repayment of any advance, or the variation of the instalments in which the repayment shall be made, or the waiver of the preference to which he is entitled under a mortgage bond constituted in terms of section *fifteen* conditional upon the furnishing of additional security by way of a mortgage of immovable property or of a hypothec of movable property; and the provisions of this Ordinance shall apply to such additional security.

(7) Where arrear interest has been capitalized under paragraph (iv) of sub-section (5), it shall not be necessary to make any note thereof on the bond or cession by which the advance is secured, or, where immovable property is mortgaged, on the title deed of that property; and the interest so capitalized, with the interest thereon, shall be secured by the existing bond or cession in the same manner as if that bond or cession had originally been executed to secure that advance and the capitalized interest.

15. (1) An advance under this Ordinance shall not be made except —

- (i) upon the security of the mortgage of immovable property whereof the borrower is the registered owner, in the form of a bond corresponding substantially with the First Schedule to this Ordinance; or
- (ii) upon the security of a hypothec of movable property of which the borrower is the owner, and in respect whereof he has the right of use and disposal of or of movable property which he has purchased with the proceeds of any advance under this Ordinance to enable him to carry out any scheme or work authorised by this Ordinance and for which the said advance has been made, in the form of a bond corresponding substantially with the Second Schedule to this Ordinance; or
- (iii) upon a cession, by way of security, of any right of which he is entitled to dispose.

(2) Where the applicant for an advance is a lessee of any holding referred to in section *thirteen* no advance shall be made except upon the security of a hypothec of the deed of lease itself, whether the option to purchase the property leased has been exercised or not.

skuldenaar geld skuld om rede van die oordrag aan hom ingevolge artikel *drie-en-twintig* van vaste of roerende eiendom wat uit hoofde van hierdie Ordonnansie onder verband of hipoteek staan, die rentekoers vyf persent per jaar is.

(3) Wanneer die raad 'n voorskot toestaan, moet hy bepaal binne watter tydperk dit terugbetaal moet word (welke tydperk hoogstens twintig jaar vanaf die datum van die voorskot mag strek), die paaiemente waarin dit terugbetaal moet word, en sodanige ander voorwaardes van terugbetaling soos die raad na goedgeundke vasstel, maar onderhevig aan die bepalings van sub-artikel (5).

(4) Elke sodanige voorskot en die verskuldigde rente daarop, kan deur die voorsitter namens die Administrasie verhaal word.

(5) Die raad kan op versoek van iemand aan wie 'n voorskot ingevolge hierdie Ordonnansie toegestaan is —

- (i) die tydstippe waarop rente soos vasgestel by sub-artikel (2) of paaiemente vasgestel ingevolge sub-artikel (3) betaal moet word, verander; of
- (ii) die tydperk waarbinne terugbetaling van die voorskot moet geskied, verleng, al sou die algehele tydperk van die voorskot daardeur twintig jaar oorskry; of
- (iii) die paaiementbedrae waarin die voorskot terugbetaal moet word, of ander voorwaardes van terugbetaling, opgelê ingevolge sub-artikel (3), verander; of
- (iv) enige rente op so 'n voorskot wat agterstalling is in kapitaal omsit, al sou die verskuldigde bedrag daardeur eenduisend vyfhoonderd pond, of tweeduisend pond waar die voorskot ingevolge sub-artikel (1) ter daardie bedrag vermeerder is, oorskry; of
- (v) afstand doen van die voorkeur waarop hy uit hoofde van 'n verband opgestel ingevolge artikel *vyftien*, geregtig is.

(6) Die raad kan 'n verlenging van die tydperk van terugbetaling van 'n voorskot, of die verandering van die paaiemente waarin die terugbetaling moet geskied, of die afstand van die voorkeur waarop hy geregtig is kragtens 'n verband opgestel ingevolge artikel *vyftien* goedkeur op voorwaarde dat bykomende sekuriteit by wyse van 'n verband op vaste eiendom of 'n hipoteek op roerende eiendom gestel word, en die bepalings van hierdie Ordonnansie geld sodanige bykomende sekuriteit.

(7) Waar agterstallige rente ingevolge paragraaf (iv) van sub-artikel (5) in kapitaal omgesit is, hoef daar geen aantekening op die skuldbrief of sessie waarmee die voorskot versker is, of waar vaste eiendom beswaar is, op die titelbewys van die eiendom gemaak te word nie; en die rente aldus in kapitaal omgesit met die rente daarop word gedek deur die bestaande skuldbrief of sessie op dieselfde wyse asof daardie skuldbrief of sessie oorspronklik uitgevoer is ter dekking van die voorskot en die gekapitaliseerde rente.

15. (1) Geen voorskot ingevolge hierdie Ordonnansie word toegestaan nie, buiten —

- (i) teen sekuriteit van 'n verband op vaste eiendom waarvan die geldpenerima die geregistreerde eienaar is, in die vorm van 'n skuldbrief wat wesenlik ooreenkom met die eerste bylae van hierdie Ordonnansie; of
- (ii) teen sekuriteit van 'n hipoteek op roerende eiendom waarvan die geldpenerima die eienaar is, en waarvoor hy die gebruik- en besittingsreg het, of op roerende eiendom wat hy aangekoop het met die opbrengs van 'n voorskot ingevolge hierdie Ordonnansie, om hom in staat te stel om 'n werkplan by hierdie Ordonnansie gemagtig, en waarvoor genoemde voorskot toegestaan is, uit te voer, in die vorm van 'n skuldbrief wat wesenlik ooreenkom met die tweede bylae van hierdie Ordonnansie; of
- (iii) teen sekuriteit by wyse van 'n sessie van enige reg waarvoor hy kan beskik.

(2) Waar die applikant om 'n voorskot 'n huurder is van 'n hoewe genoem in artikel *dertien* word daar geen voorskot toegestaan nie, buiten teen sekuriteit van 'n hipoteek op die huurkontrak self, hetsy die opsie om die gehuurde eiendom aan te koop, uitgeoefen is al dan nie.

(3) Notwithstanding anything contained in the Deeds Proclamation, 1939 (Proclamation No. 37 of 1939), the hypothec of any deed of lease referred to in sub-section (2) shall be in the form of a bond corresponding substantially with the Second Schedule to this Ordinance, the said deed of lease being regarded as movable property.

(4) Any such bond referred to in paragraph (i) of sub-section (1) and in sub-section (3), and any such bond or cession referred to in paragraph (ii) of sub-section (1) shall be signed in duplicate original by the borrower before the magistrate of the district wherein he resides or carries on his farming operations.

(5) Any such bond intended to mortgage immovable property shall be submitted to the chairman in duplicate original and shall be accompanied by the title deed of such property and such other documents that the person requiring an advance may be called upon to submit.

16. (1) Upon the receipt of the bond mentioned in sub-section (5) of section fifteen the chairman shall transmit both originals of the bond, together with the title deed and such further documents or evidence as the Registrar of Deeds may require, to the said Registrar of Deeds who shall thereupon forthwith endorse the title deed and the duplicate thereof filed in his registry with a statement to the effect that the said property has been mortgaged under this Ordinance, and shall also record the date on which such endorsement is made (notwithstanding that at the said date there may be due in respect of such property any amount by way of rates or taxes). The Registrar shall also endorse on both originals of the said bond a statement to the effect that the bond in question has been registered in his office, and shall make such other endorsement upon or entry in any other document or register filed in his registry as he may deem necessary to disclose the existence of such mortgage.

(2) The Registrar shall thereupon return one of the originals of the bond to the chairman and shall file the other original in his registry, where it shall be available to any interested person in the same manner and under the same conditions as if it were an ordinary mortgage bond upon the property in question registered in such registry.

(3) When the endorsements referred to in sub-section (1) have been made, the immovable property to which the bond relates shall be deemed to have been mortgaged as fully and effectually as if the bond had been executed attested and registered in the said Deeds Registry in accordance with the provisions of the law governing the execution, attestation and registration of mortgage bonds on immovable property and such bond shall rank as a mortgage bond immediately after the last prior mortgage bond to which such property may be subject.

(4) When an advance in respect whereof a mortgage bond was constituted in terms of the preceding provisions of this section has been repaid in full, the chairman shall inform the Registrar of Deeds in writing and shall transmit to him the original of the bond returned to him in terms of sub-section (2). The Registrar shall thereupon cancel both originals of such bond and any endorsement or entry made by him in connection therewith.

(5) The chairman may, with the consent of the board and on such conditions as he thinks fit to impose, by writing under his hand release any portion of any property from a mortgage bond imposed thereon in terms of this section or accept any other immovable property in substitution of any property so mortgaged and release the property so mortgaged from the mortgage bond, or if any divided shares, consent to a division of such property among its owners and to a transfer of individual portions of such property for the purpose of giving effect to such divisions, or consent to any other transaction relating to any property

(3) Die bepalinge van die Registrasie van Aktes Proklamasie 1939 (Proklamasie 37 van 1939) ten opsigte met die hipoteek op 'n huurkontrak genoem in sub-artikel (2) in die vorm wees van 'n skuldbrief wat wesenlik ooreenkom met die tweede bylae van hierdie Ordonnansie; sodanige huurkontrak word beskou as hierende eiendom.

(4) Elke sodanige skuldbrief genoem in paragraaf (i) van sub-artikel (1) en in sub-artikel (3), en elke skuldbrief of sessie genoem in paragraaf (ii) van sub-artikel (1) moet deur die geldopnemer voor die magistrat van die distrik waarin hy woon of sy boerdery dryf in oorspronklike tweevoud onderteken word.

(5) Elke sodanige skuldbrief wat bedoel is om vaste eiendom te verbind moet in oorspronklike tweevoud aan die voorsitter voorgelê word, en moet vergesel gaan van die titelbewys van sodanige eiendom en sodanige ander dokumente wat die applikant om die voorskot moontlik op versoek moet voorlê.

16. (1) By ontvang van die skuldbrief genoem in sub-artikel (5) van artikel vyftien moet die voorsitter albei oorspronklike eksemplare van die skuldbrief, tesame met die titelbewys en sodanige ander dokumente of getuienis soos Registrateur van Aktes vereis, aan genoemde Registrateur van Aktes deursuur, en dan moet hy op die titelbewys en op die duplikaat daarvan wat in sy registrasiekantoor bewaar word, onmiddellik 'n aantekening maak met 'n verklaring dat die genoemde eiendom ingevolge hierdie Ordonnansie met 'n verband beswaar is, en hy moet ook die datum van sodanige aantekening inskryf (al is daar moontlik op genoemde datum 'n bedrag aan grond- of ander belastinge ten opsigte van die eiendom verskuldig). Die Registrateur teken ook op albei oorspronklike eksemplare van genoemde skuldbrief 'n verklaring aan dat die betrokke skuldbrief in sy kantoor geregistreer is, en maak sodanige ander aantekeninge of inskrywings op enige ander dokument of register wat in sy registrasiekantoor bewaar word, soos hy nodig ag ter bekendmaking van die bestaan van so 'n verband.

(2) Die Registrateur besorg daarop een van die oorspronklike eksemplare van die skuldbrief aan die voorsitter terug, en bewaar die ander eksemplaar in sy registrasiekantoor waar dit op dieselfde wyse en voorwaardes ter insae van belanghebbendes beskikbaar moet wees asof dit 'n gewone verbandkante is op die betrokke eiendom wat in daardie registrasiekantoor geregistreer is.

(3) Wanneer die aantekeninge genoem in sub-artikel (1) voltooi is, word die vaste eiendom waarop die skuldbrief betrekking het, beskou as net so behoortlik en vas verband asof die skuldbrief in die genoemde Akteskantoor ooreenkomstig die regsbepalings op die ondertekening, attestasie en registrasie van verbande op vaste eiendom onderteken, getuistee en geregistreer is, en sodanige skuldbrief neem rang in as 'n verband wat onmiddellik volg op die laasvoorgaande verband waarmee sodanige eiendom moontlik beswaar is.

(4) Wanneer 'n voorskot ten opsigte waarvan 'n verband ingevolge die voornagende bepalinge van hierdie artikel gevestig is, ten volle terugbetaal is, stel die voorsitter die Registrateur van Aktes skriftelik daarvan in kennis en besorg hy die oorspronklike eksemplaar van die skuldbrief wat die Registrateur ingevolge sub-artikel (2) aan hom gestuur het, weer aan hom terug. Daarop roeier die Registrateur albei eksemplare van sodanige skuldbrief sowel as enige aantekening of inskrywing wat hy in verband daarmee gemaak het.

(5) Die voorsitter kan met die toestemming van die raad en op voorwaardes wat hy nu goeudnde stel en op sy skrif onder sy hand enige deel van enige eiendom van 'n verband waarmee dit ingevolge hierdie artikel beswaar is, vrystel, of enige ander vaste eiendom in die plek van sodanige beswaarde eiendom aanvaar, en laasgenoemde eiendom van die verband vrystel, of waar enige sodanige beswaarde eiendom in onverdeelde aandeel aan verskeie eienaars behoort, toestem tot 'n verdeling van sodanige eiendom onder sy eienaars en tot 'n oordrag van enkele dele daarvan ten einde sodanige verdeling te bewerkstellig, of toestem tot enige ander transaksie in verband met enige sodanige beswaarde eiendom.

17. (1) Any bond intended to hypothecate a deed of lease in terms of sub-section (2) of section *fifteen* shall be submitted to the chairman in duplicate original together with the original deed of lease to which it refers and which is in the possession of the applicant for an advance and the triplicate original of the deed of lease which is in the possession of the Senior Officer, Lands Branch, Windhoek.

(2) On receipt of the documents referred to in sub-section (1) the chairman shall transmit the same to the Registrar of Deeds who shall endorse on the original deed of lease, the duplicate original filed of record in his office and the triplicate original the particulars of the hypothecation of the deed of lease, and shall also make a similar entry in the special registers kept by him in terms of section *twenty-five* of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation No. 310 of 1927). The Registrar shall also endorse on both originals of the bond a statement to the effect that the bond in question has been registered in his office. Thereupon the said deed of lease shall be deemed to have been lawfully hypothecated, notwithstanding anything in the Deeds Proclamation, 1939, contained.

(3) The Registrar of Deeds shall thereafter return one of the originals of the bond to the chairman and shall file the other original in his registry, where it shall be available to any interested person in the same manner and under the same conditions as if it were an ordinary mortgage bond upon the property in question registered in such registry. The Registrar shall also return the original deed of lease and triplicate original duly endorsed in terms of sub-section (2) to the chairman.

18. (1) No amount shall be paid out in respect of an advance under this Ordinance, which is secured by a mortgage of immovable property, until the endorsements referred to in sub-section (1) of section *sixteen* have been made on the relevant title deeds and bond.

(2) No amount shall be paid out in respect of an advance under this Ordinance which is secured by a hypothec of movable property until the chairman is satisfied that such property has been duly marked in the manner prescribed by him.

(3) No amount shall be paid out in respect of an advance under this Ordinance which is secured by a hypothec of a deed of lease referred to in sub-section (2) of section *fifteen*, until the endorsements and entry referred to in sub-section (2) of section *seventeen* have been made on the documents referred to therein.

(4) The owner of any livestock so hypothecated and marked shall cause the progeny thereof when it has reached the age prescribed by the chairman to be marked with the same mark as the parent stock.

(5) The owner of any movable property hypothecated under this Ordinance who has been permitted in terms of sub-section (2) of section *twenty* to substitute any other property therefor, shall immediately after such substitution cause the substituted property to be marked in the same manner as the original property.

(6) If any property which should have been marked in terms of the preceding provisions of this section has not been so marked, such property shall nevertheless be subject to a hypothec in the same manner as if it had been so marked.

19. (1) Whenever any advance or any part or instalment of an advance granted under this Ordinance becomes repayable and remains unpaid for a period of thirty days after the due date, the chairman may, without recourse after the due date, cause any movable property hypothecated under this Ordinance as security for such advance to be seized, wherever it may be, and to be sold at such place and time and in such manner as the chairman may determine: Provided that if such advance or part or instalment thereof has become repayable otherwise than in terms of section *twenty-five* such seizure shall not be effected except after reasonable notice to the debtor that such seizure will be effected unless the amount due is paid.

17. (1) Elke skuldbrief wat bestem is om 'n huurkontrak ingevolge sub-artikel (2) van artikel *vyftien* onder hipotek te verbind, moet in oorspronklike tweevoud tesame met die oorspronklike huurkontrak waarop dit betrekking het, en wat in die besit van die applikant om 'n voorskot is, sowel as die triplikaat-eksemplar van die huurkontrak wat in die besit is van die Senior Amptenaar, Afdeling Lande, Windhoek, aan die voorsitter voorgelê word.

(2) By ontvangs van die dokumente genoem in sub-artikel (1) moet die voorsitter hulle aan die Registrateur van Aktes stuur, wat die besonderhede van die beswering van die huurkontrak onder 'n hipotek op die oorspronklike huurkontrak, op die duplikaat-eksemplar wat in sy kantoor bewaar word, en op die triplikaat-eksemplar aanteken, en die Registrateur maak 'n soorgelyke aantekening in die spesiale registers wat hy ingevolge artikel *vyf-en-twintig* van die Landnederstelling Gekonsolideerde en Wysigings Proklamasie 1927 (Unie-Proklamasie 310 van 1927) aanhou. Die Registrateur teken ook op albei oorspronklike eksemplare van die skuldbrief 'n verklaring aan dat die betrokke skuldbrief in sy kantoor geregistreer is. Daarop word die genoemde huurkontrak beskou as wettig onder 'n hipotek verbind, nie-tegenstaande enige strydige bepalings vervat in die Registrasie van Aktes Proklamasie 1939.

(3) Die Registrateur van Aktes stuur daarop een van die oorspronklike eksemplare van die skuldbrief aan die voorsitter terug en bewaar die ander een in sy registrasiekantoor, waar dit op dieselfde wyse en voorwaardes vir belanghebbendes ter insae moet lê asof dit 'n gewone verband is op die betrokke eiendom wat in sodanige registrasiekantoor geregistreer is. Die Registrateur stuur ook die oorspronklike huurkontrak en die triplikaat-eksemplar waarop daar behoorlik ingevolge sub-artikel (2) aantekening gemaak is, aan die voorsitter terug.

18. (1) Geen bedrag op 'n voorskot ingevolge hierdie Ordonnansie, wat verseker is met 'n verband op vaste eiendom word uitbetaal, voordat die aantekeninge genoem in sub-artikel (1) van artikel *sestien* op die betrokke titelbewyse en skuldbrief gemaak is nie.

(2) Geen bedrag op 'n voorskot ingevolge hierdie Ordonnansie, wat verseker is met 'n hipotek op roerende eiendom word uitbetaal voordat die voorsitter hom oortuig het dat sodanige eiendom behoorlik op die deur hom voorgeskrewe wyse gemerk is nie.

(3) Geen bedrag op 'n voorskot ingevolge hierdie Ordonnansie, wat verseker is met 'n hipotek op 'n huurkontrak genoem in sub-artikel (2) van artikel *vyftien* word uitbetaal voordat die aantekening en inskrywing genoem in sub-artikel (2) van artikel *sewentien* op die daarin genoemde dokumente gedoen is nie.

(4) Die eienaar van vee wat aldus met 'n hipotek verbind is, en gemerk is, moet die aansel daarvan, wanneer dit die ouderdom bereik wat die voorsitter voorgeskrif het, met dieselfde merk as die vee self laat merk.

(5) Die eienaar van roerende eiendom ingevolge hierdie Ordonnansie onder hipotek geplaan, wat kragtens sub-artikel (2) van artikel *twintig* toestemming verkry het om ander eiendom in die plek daarvan te stel, moet onmiddellik na sodanige vervanging, die vervangende eiendom net soos die oorspronklike eiendom laat merk.

(6) As enige eiendom wat ingevolge die voorafgaande bepalings van hierdie artikel gemerk moes gewees het, nie aldus gemerk is nie, is sodanige eiendom tog onderhewig aan 'n hipotek op dieselfde wyse asof dit aldus gemerk was.

19. (1) Wanneer ook al 'n voorskot of enige deel of paaiement van 'n voorskot wat ingevolge hierdie Ordonnansie toegestaan is, vervul en dertig dae na die betaaldag nog onbetaal bly, kan die voorsitter sonder vorm van proses enige roerende eiendom wat ingevolge hierdie Ordonnansie as sekuriteit vir so 'n voorskot met 'n hipotek belas is, in beslag laat neem, waar dit ook al is, en dit op sodanige plek, tyd en wyse soos hy vasstel, laat verkoop: Met dien verstande dat as sodanige voorskot of deel of paaiement daarvan andersins as ingevolge artikel *vyf-en-twintig* vervul het, sodanige beslaglegging slegs mag geskied na redelike kennisgewing aan die skuldenaar dat sodanige beslaglegging uitgevoer sal word tensy die verskuldigde bedrag betaal word.

(2) The proceeds of such sale, after payment of any costs incurred in connection with the seizure and sale, shall be applied towards reducing or liquidating so much of the advance and interest thereon as is unpaid and if any balance remains it shall be paid to the debtor or his legal representative.

(3) If a person to whom an advance has been made under this Ordinance on the security of a hypothec of a movable property, dies, or is detained under order of a competent court as a mentally disordered or defective person, or is declared by a competent court incapable of managing his own affairs, the executor of his estate or his legal representative (including any person empowered by law to administer or give directions as to the administration of his estate), as the case may be, shall take charge of such property and hold it at the disposal of the chairman, who may deal with it under this Ordinance as if the hypothec debtor was still alive or had not been so detained, or had not been so declared incapable of managing his affairs: Provided that if the chairman causes such property to be sold and the sale price realised exceeds the amount owing in respect of the advance and interest thereon and the costs incurred in connection with the seizure and sale, the balance shall be paid over to the executor or legal representative, as the case may be.

(4) If the estate of a person to whom an advance has been made under this Ordinance on the security of a hypothec of movable property is sequestrated or assigned under the provisions of the Insolvency Act, 1936 (Act No. 24 of 1936), as amended, and as it may be amended from time to time, the provisions of sub-sections (5), (6), (7) and (8) shall apply.

(5) The chairman may at any time, but not later than thirty days after he has been required in writing by the Master of the High Court or the trustee or, as the case may be, by the assignee, to exercise the option given him by this sub-section, notify the Master or the trustee or, as the case may be, the assignee, in writing that he elects to deal with such property in terms of this Ordinance.

(6) The hypothecated movable property shall not, subject to the provisions of sub-section (7) vest in the Master of the High Court or the trustee, or, as the case may be, in the assignee.

(7) If the chairman does not, within the period stated in sub-section (5), give the notification referred to in that sub-section, or if before the expiration of that period he notifies the Master or trustee or the assignee in writing that he elects not to deal with such property in terms of this Ordinance, such property shall, at the expiration of that period, or at the date of such notification, as the case may be, vest in the Master or trustee, or in the assignee, as the case may be, who shall deal with it as if this section had not been enacted.

(8) If within the period stated in sub-section (5) the chairman gives the notification referred to in that sub-section, the following provisions shall apply:

- (a) The chairman may deal with the hypothecated movable property as if the debtor's estate had not been sequestrated or assigned;
- (b) the chairman shall include in the notification referred to in sub-section (5) a statement of the amount of the advance that he desires shall be deemed to be secured by the hypothec of movable property, and thereupon that amount shall be deemed to be so secured, and
 - (i) if the advance is secured by both a mortgage of immovable property and a hypothec of movable property, the balances (if any) of the advance shall be deemed to be secured only by the mortgage of immovable property;
 - (ii) if the advance is not secured by a mortgage of immovable property, such balance shall be deemed to be unsecured;

(2) Na bstryding van alle koste wat by sodanige beslaglegging en verkoop gemaak is, word die opbrengs van sodanige verkoop aangewend ter vermindering of aflossing van daardie deel van die voorskot en rente daarop wat nog onbetaal is, en 'n moontlike restant word aan die skuldenaar of sy regsvertegenwoordiger uitbetaal.

(3) As iemand aan wie 'n voorskot ingevolge hierdie Ordinnansie toegestaan is teen sekuriteit van 'n hipoteek op roerende eiendom, sterf, of op las van 'n bevoegde hof as geestelik ongesteld of gebrekkig aangehou word, of deur 'n bevoegde hof ongeskik verklaar word om sy eie sake te behartig, moet die eksekuteur van sy boedel of sy regsvertegenwoordiger (insluitende enige iemand wat regtens gemagtig is om sy boedel te bestuur of om opdragte te gee oor die bestuur daarvan), na gelang, die beheer van sodanige eiendom oorneem en dit hou ter beskikking deur die voorsitter wat daaroor ingevolge hierdie Ordinnansie mag beskik asof die hipoteek-skuldenaar nog leef of nie aldus aangehou word nie, of nie aldus ongeskik verklaar is om sy eie sake te behartig nie: Met dien verstande dat as die voorsitter sodanige eiendom laat verkoop, en die behaalde verkoopprijs groter is as die verskuldigde bedrag teen opsigte van die voorskot met die rente daarop en die koste in verband met die beslaglegging en verkoop, die restant aan die eksekuteur of regsvertegenwoordiger, na gelang, uitbetaal moet word.

(4) As die boedel van iemand aan wie 'n voorskot ingevolge hierdie Ordinnansie toegestaan is teen sekuriteit van 'n hipoteek op roerende eiendom, gesekwestreer of afgestaan is ingevolge die bepalings van die Insolvensiewet 1936 (Wet 24 van 1936), soos gewysig, en soos van tyd tot tyd gewysig kan word, is die bepalings van sub-artikels (5), (6), (7) en (8) van toepassing.

(5) Die voorsitter kan te eniger tyd, maar uiterlik dertig dae nadat die Meester van die Hooggeregshof of die kurator, of na gelang, die boedelreëder, hom op skrif aangese het om die keuse wat hom ingevolge hierdie sub-artikel verleen word, uit te oefen, die Meester of die kurator, of na gelang, die boedelreëder, skriftelik insoedel dat hy verkies om met sodanige eiendom ingevolge hierdie Ordinnansie te handel.

(6) Behoudens die bepalings van sub-artikel (7) beris die roerende eiendom onder hipoteek nie by die Meester van die Hooggeregshof of by die kurator, of, na gelang, by die boedelreëder nie.

(7) As die voorsitter die kennisgewing genoem in sub-artikel (5) nie binne die tydperk by daardie sub-artikel bepaal, verstrek nie, of as hy voor verstryking van daardie tydperk die Meester of die kurator of die boedelreëder skriftelik in kennis stel dat hy verkies om nie met sodanige eiendom ingevolge hierdie Ordinnansie te handel nie, beris sodanige eiendom by verstryking van sodanige tydperk of op die datum van sodanige kennisgewing, na gelang, by die Meester of kurator of by die boedelreëder, na gelang, asof hierdie artikel nie bestaan nie.

(8) As die voorsitter die kennisgewing genoem in daardie sub-artikel laat geskied, binne die tydperk bepaal by sub-artikel (5), geld die onderstaande bepalings:—

- (a) Die voorsitter kan oor die roerende eiendom onder 'n hipoteek beskik asof die skuldenaar se boedel nie gesekwestreer of afgestaan is nie;
- (b) Die voorsitter moet in die kennisgewing genoem in sub-artikel (5) verklaar watter bedrag uit die voorskot hy deur die hipoteek op roerende eiendom verseker beskou wil hê, en daarop word sodanige bedrag aldus as verseker beskou, en
 - (i) as die voorskot met beide 'n verband op vaste eiendom en 'n hipoteek op roerende eiendom verseker is, word die moontlike restant van die voorskot beskou as verseker slegs met die verband op vaste eiendom; of
 - (ii) as die voorskot nie met 'n verband op vaste eiendom verseker is nie, word sodanige balans beskou as onverseker;

- (c) the chairman shall be entitled to prove a claim against the estate in respect of so much of the advance as in terms of paragraph (b) is deemed to be secured only by the mortgage of immovable property, or, as the case may be, is deemed to be unsecured, and the provisions of the Insolvency Act, 1936 (Act No. 24 of 1936), as amended, and as it may be amended from time to time, shall apply to every such claim;
- (d) if the chairman causes the hypothecated movable property to be sold, and the sale price realised exceeds the amount which in terms of paragraph (b) is deemed to be secured by the hypothec of movable property and interest thereon and the costs incurred in connection with the seizure and sale, the balance shall be paid over to and vest in the Master or the trustee or in the assignee, as the case may be;
- (e) the hypothec debtor shall, notwithstanding the sequestration of his estate and his rehabilitation, or as the case may be, the registration of the deed of assignment of his estate, remain bound under the contract of advance for the amount which in terms of paragraph (b) is deemed to be secured by the hypothec of movable property.
20. (1) Upon the execution of a bond intended to hypothecate movable property in terms of section *fifteen* the said property and any progeny or produce thereof, where such exists, shall be deemed to have been pledged to the chairman as security for the advance in question in the same manner as if it had been delivered to him as a pledge. In this sub-section the word "produce" in relation to any sheep or goats includes their wool or mohair, and in relation to any livestock subject to the hypothec which may have died, includes their skins or hides.
- (2) The chairman may at any time upon such conditions as he may think fit to impose, permit the owner of any property hypothecated in terms of sub-section (1) to dispose thereof, or to substitute any other property therefor, and any property so substituted shall be deemed to have been validly hypothecated within the meaning of this section.
21. (1) The chairman may, on behalf of the Administration, buy in any immovable or movable property mortgaged or hypothecated under this Ordinance.
- (2) The chairman shall, as soon as a reasonable price is obtainable therefor on reasonable terms, sell, on behalf of the Administration any immovable or movable property bought by him in terms of sub-section (1) for such a price and on such conditions as he may deem expedient: Provided that any immovable property so bought may, if the Administrator consents thereto, be disposed of under the laws relating to the disposal of Crown lands.
- (3) The chairman may allow the purchase price or any portion thereof to be secured by mortgage bond or hypothec in manner laid down by this Ordinance; and upon such security being given, the purchase price or portion thereof so secured shall be deemed to be an advance made under this Ordinance, and the immovable or movable property so mortgaged or hypothecated shall be deemed to be property mortgaged or hypothecated under this Ordinance: Provided that the rate of interest on any amount so secured by a mortgage bond shall be five per cent. per annum.
22. The chairman may at any time, on such conditions as he thinks fit to impose, by writing under his hand, accept as substitution for any immovable property mortgaged in terms of section *fifteen* any movable property to be hypothecated in terms of the said section and vice versa.
23. Any immovable property mortgaged or movable property hypothecated in terms of this Ordinance may, with the written consent of the chairman, be transferred with which it is burdened; and upon such transfer being effected, the provisions of this Ordinance shall apply to the property transferred and to the person to whom it is transferred, and he shall be liable to repay the unpaid
- (c) Die voorsitter kan sy vordering teen die boedel bewys ten opsigte van daardie deel van die voorskot wat ingevolge paragraaf (b) as slegs met die verband op vaste eiendom as verseker beskou word, of as on-verseker beskou word, na gelang, en die bepalinge van die Insolvensiewet 1936 (Wet 24 van 1936), soos gewysig, of soos van tyd tot tyd gewysig kan word, geld elke sodanige vordering.
- (d) As die voorsitter die roerende eiendom onder hipoteek laat verkoop, en die behaalde verkoopprijs is groter as die bedrag wat ingevolge paragraaf (b) met die hipoteek op roerende eiendom as verseker beskou word, met die rente daarop en die koste wat daar by die beslaglegging en verkoop gemak is, word die res tant aan die Meester of die kurator of die boedelreerder, na gelang, oorgedra en berus dit by hom.
- (e) Nieteenstaande die sekwestrasie van die hipoteekskuldenaar se boedel, of sy rehabilitasie, of, na gelang, die registrasie van die akte van afstand van sy boedel, bly die hipoteekskuldenaar kragtens die voorskotkontrak gebind ten opsigte van die bedrag wat ingevolge paragraaf (b) beskou word as verseker met die hipoteek op roerende eiendom.
20. (1) By die ondertekening van 'n skuldbrief wat bedoel is om roerende eiendom ingevolge artikel *vyftien* onder hipoteek te plaas, word die genoemde eiendom en sy moontlike aantal of opbrengs beskou as verband aan die voorsitter as sekuriteit vir die betrokke voorskot: op dieselfde wyse asof dit in pand aan hom oorhandig is. In hierdie sub-artikel omvat die woord "opbrengs" in verband met skape of bokke hul wol of bokhaar, en in verband met alle vee onder die hipoteek, wat doodgegaan het, ook hul vel en huid.
- (2) Die voorsitter kan te eniger tyd en op voorwaardes wat hy na goedvinde stel, die eienaar van enige eiendom wat ingevolge sub-artikel (1) met 'n hipoteek belas is, toelaat om die eiendom te verveem of dit met ander eiendom te vervang, en sodanige vervangende eiendom word geag wetig met hipoteek belas te wees binne die bestek van hierdie artikel.
21. (1) Die voorsitter kan namens die Administrasie enige vaste of roerende eiendom inkoop wat ingevolge hierdie Ordonnansie onder verband of hipoteek geplaas is.
- (2) Die voorsitter moet sodra 'n redelike prys op redelike voorwaardes daarvoor verkrygbaar is, enige vaste of roerende eiendom wat hy ingevolge sub-artikel (1) inrykoop het, namens die Administrasie verkoop teen 'n prys en op voorwaardes wat hy doenlik ag: Met dien verstande dat daar oor vaste eiendom wat aldus gekoop is, met die Administrateur se goedkeuring beskik kan word ingevolge die regsreëls op die verveemding van Kroongrond.
- (3) Die voorsitter kan toestem dat die koopprijs, of enige deel daarvan, verseker word met 'n verband of hipoteek op die wyse wat hierdie Ordonnansie voorskryf; en by verskuiwing van sodanige sekuriteit word die aldus versekerde koopprijs of deel daarvan beskou as 'n voorskot ingevolge hierdie Ordonnansie, en die aldus beswaarde vaste of roerende eiendom word beskou as eiendom wat ingevolge hierdie Ordonnansie onder 'n hipoteek of verband staan: Met dien verstande dat die rentekoers op enige bedrag aldus met 'n verband of hipoteek verseker, 5 per sent per jaar moet wees.
22. Die voorsitter kan te eniger tyd en op sodanige voorwaardes soos hy na goedvinde stel, op skrif onder sy hand enige roerende eiendom ten beswaring onder 'n hipoteek ingevolge artikel *vyftien* aanvaar in die plek van vaste eiendom wat ingevolge die genoemde artikel onder 'n verband staan, en omgekeerd.
23. Enige vaste of roerende eiendom wat ingevolge hierdie Ordonnansie onder 'n verband of hipoteek geplaas is, kan met die skriftelike goedkeuring van die voorsitter aan iemand anders oorgedra word maar steeds onder dwersig aan die verband of hipoteek waarmee dit beswaar is: en na sodanige oordrag is die bepalinge van hierdie Ordonnansie van toepassing op die oorgedra eiendom en op die persoon aan wie dit oorgedra is, en is hy aanspreeklik vir die terugbetaling van die onbetaalde res tant van die voorskot

balance of the advance with interest in the same way, and subject to the same conditions, as if it had originally been granted to him.

24. (1) Whenever any animal which is subject to a hypothec under this Ordinance dies or is lost or stolen or whenever any other movable property which is subject to such hypothec is destroyed, lost or stolen, the owner thereof shall forthwith report the matter in writing to the chairman.

(2) The chairman may require the owner of such animals that have died, been lost or stolen or of any such other movable property that has been destroyed, lost or stolen, to replace such animals or such other property by other animals or other movable property approved by the chairman, and the provisions of this Ordinance shall apply to such substituted animals or other movable property as if they had been originally hypothecated under this Ordinance.

(3) The owner of any movable property which is subject to a hypothec under this Ordinance shall not without the written permission of the chairman or of a person delegated by him to grant such permission, remove such property from the land indicated in such owner's application for an advance as the land whereon he carried on or intends carrying on his farming operations, or from any land to which he has been so permitted to remove such property.

(4) The owner of any such hypothecated property shall upon the demand of any person authorised in writing by the chairman to inspect such property, produce such property to him at any reasonable time for inspection at such place on the land whereon such property may lawfully be, as such person may indicate.

25. If the chairman is of opinion that the borrower has infringed the conditions under which the money has been advanced or that the interests of the Administration demand an immediate calling up of any advance made under this Ordinance, he may, notwithstanding the fact that such advance was made for a period which has not yet expired and notwithstanding any terms of repayment stipulated in making such advance, call upon the debtor, by registered letter addressed to him at the address given by him in his application for the said advance or such other address as he may thereafter have given to the chairman or where he may be known to reside or by notice delivered to him personally, to repay forthwith the whole of such advance or any part thereof which is still unredeemed with all interest due thereon, and such advance and interest shall thereupon become due upon the date when such letter reached or should in the ordinary course have reached the address to which it was posted or when such notice was delivered, as if the period for which the advance was made had expired upon such date.

26. No other hypothec or lien whether tacit or otherwise shall be operative in respect of any movable property hypothecated under this Ordinance, except in so far as the chairman may have agreed thereto in writing.

27. No immovable or movable property hypothecated under this Ordinance shall at the instance of any creditor of the person to whom an advance is made, other than a mortgagee, be attached in execution of the judgment of any court of law except in so far as the chairman may have agreed thereto, in writing.

28. (1) Any applicant for an advance under this Ordinance who in connection with his application furnishes any information which is false, or fails to disclose all his assets and liabilities, whether actually existing or contingent, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such

met rente op dieselfde wyse, en onderhewig aan dieselfde voorwaardes asof die voorskot in die eerste instansie aan hom toegestaan is.

24. (1) Wanneer ook al 'n dier waarop daar 'n hipotek ingevolge hierdie Ordonnansie rus, doodgaan of verlore rak of gesteel word, of wanneer ook al ander roerende ciendom waarop daar so 'n hipotek rus, vernietig, verlor of gesteel word, moet sy eienaar die saak onverwyld op skrif by die voorsitter aameld.

(2) Die voorsitter kan die eienaar van sodanige diere wat doodgegaan het, verlore geraak het of gesteel is, of van enige ander sodanige roerende ciendom wat vernietig, verlor of gesteel is, aansê om sodanige diere of ander ciendom te vervang met ander diere of roerende ciendom wat die voorsitter goedkeur, en die bepalings van hierdie Ordonnansie geld sodanige vervangende diere of ander roerende ciendom asof hulle in die eerste instansie ingevolge hierdie Ordonnansie onder die hipotek geplaas is.

(3) Die eienaar van enige roerende ciendom wat onder 'n hipotek ingevolge hierdie Ordonnansie staan, mag sodanige ciendom nie sonder die skriftelike toestemming van die voorsitter of iemand anders wat die voorsitter gemagtig het om sodanige toestemming te gee, verwyder vanaf die grond wat die eienaar in sy aansoek om 'n voorskot aangedui het as die grond waarop hy sy boerdery dryf of voornemens is om te dryf nie, nóg vanaf enige ander grond waarheen hy sodanige ciendom met sodanige toestemming verskuif het nie.

(4) Die eienaar van enige sodanige roerende ciendom onder hipotek moet op versoek van enige iemand wat skriftelik deur die voorsitter gemagtig is om sodanige ciendom te inspekteer, sodanige ciendom te enige redelike tyd en op sodanige plek op die grond waar sodanige ciendom wezig verkeer, soos sodanige persoon vereis, aan hom ter inspeksie toon.

25. As die voorsitter meen dat die geldopnemer die voorwaardes waarop die geld voorgeskit is, geskend het, of dat die belange van die Administrasie 'n onmiddellike opvraging van 'n voorskot ingevolge hierdie Ordonnansie vereis, kan hy, al is sodanige voorskot toegestaan vir 'n tydperk wat nog nie verstryk het nie, en in weerwil van enige voorwaardes van terugbetaling wat die goedkeuring van sodanige voorskot gestel is, die skuldenaar per aangekonde brief, gerig aan hom by die adres wat hy in sy aansoek om die genoemde voorskot gegee het, of by sodanige ander adres wat hy moontlik daarna aan die voorsitter verstrek het, of op sodanige ander plek waar hy na bekend is, woon, of andersins per kennisgewing wat aan hom persoonlik afgelewer word, aansê om die hele sodanige voorskot of enige onbetaalde deel daarvan met al die rente daarop verskuldig onmiddellik terug te betaal, en sodanige voorskot met rente daarop word dan op die datum waarop sodanige brief die adres waaraan dit gestuur is, bereik het, of in die gewone loop van sake behoort te bereik het, of waarop sodanige kennisgewing afgelewer is, opesbaar, asof die tydperk waarvoor die voorskot gedoen is op daardie datum verstryk het.

26. Geen ander hipotek of retensiereg hetsy stilswygend of andersins geld ten opsigte van enige roerende ciendom wat ingevolge hierdie Ordonnansie onder 'n hipotek geplaas is nie, buiten vir sover die voorsitter daartoe op skrif toegestem het.

27. Geen vaste of roerende ciendom wat ingevolge hierdie Ordonnansie beswaar is, mag deur enige krediteur van die persoon aan wie die voorskot gedoen is, buiten die verband- of hipotekhouer in beslag geneem word ten uitvoerlegging van 'n vonnis van enige geregshof nie, buiten vir sover die voorsitter dit skriftelik goedgekeur het.

28. (1) Elke applikant om 'n voorskot ingevolge hierdie Ordonnansie wat in verband met sy aansoek vals inligting verstrek of wat versuim om al sy bate en laste — hetsy bestannde of voorwaardelik — bekend te maak, is skuldig aan 'n misdryf en is, by skuldigbevinding, strafbaar met 'n boete van hoogstens eenhonderd pond of met gevangenis van hoogstens een jaar of met beide sodanige boete en gevangenis.

(2) The owner of any movable property hypothecated under this Ordinance who disposes of, destroys or consumes any such property or permits such disposal, destruction or consumption without the consent of the chairman shall be guilty of an offence and liable on conviction to the penalties set forth in sub-section (1).

(3) If any such property has disappeared or if it is not produced when its production is demanded in terms of sub-section (4) of section *twenty-four*, the owner of such property shall be presumed to have disposed thereof, or to have destroyed or consumed it in contravention of sub-section (2), unless he proves that he was in no way responsible for such disappearance or non-production and that he could not have prevented it.

(4) The owner of any such property who —

- (a) conceals or damages it; or
- (b) alters, defaces or removes any mark placed thereon in terms of this Ordinance; or
- (c) fails to comply with sub-section (4), or (5) of section *eighteen* or with sub-section (3) or (4) of section *twenty-four*,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.

(5) If any such property has been concealed or damaged or if any mark placed thereon as aforesaid has been altered, defaced or removed, the owner of such property shall be presumed to have caused such concealment, damage, alteration, defacement or removal, unless he proves that he was in no way responsible therefor and could not have prevented it.

(6) Any person who obstructs or hinders or endeavours to defeat the seizure of any property in terms of sub-section (1) of section *nineteen* shall be guilty of an offence and liable on conviction to the penalties set forth in sub-section (4).

29. The accounting officer of the Administration or any officer of the Administration duly authorised by him shall at all times have access to the books of account and other documents relating to the Fund.

30. No fee of office and no stamp duty whatever shall be payable in respect of any act performed or document required for the purposes of this Ordinance.

31. This Ordinance shall be called the Promotion of Farming Interests Ordinance, 1952, and shall come into operation as from a date to be fixed by the Administrator by notice in the *Gazette*.

FIRST SCHEDULE.

MORTGAGE OF IMMOVABLE PROPERTY.

Under the Provisions of the Promotion of Farming Interests Ordinance, 1952.

I,

do hereby acknowledge that I am lawfully indebted to the Chairman of the Farming Interests Board in respect of an amount of £ (.....) pounds) amount of £ (.....) pounds) of the being an advance made to me under the provisions of the Promotion of Farming Interests Ordinance, 1952, for the purpose of

and I undertake to repay the amount aforesaid with interest thereon at the rate of per cent. per annum to the said Chairman at his office at Windhoek, or at such other place in the Territory that he may direct, within a period of years from the date on which the whole or first instalment of the said advance is made to me in the following manner:

unless previously called upon to do so in terms of section *twenty-five* of the said Ordinance.

(2) Die eienaar van roerende eiendom wat ingevolge hierdie Ordonnansie onder hipoteek staan, wat enige sodanige eiendom verveem, vernietig of verbruik of die vervoer, vernietiging of verbruik daarvan toelaat sonder die toestemming van die voorsitter, is skuldig aan 'n misdryf en is, by skuldigbevinding, strafbaar met die strawwe wat sub-artikel (1) noem.

(3) As enige sodanige eiendom verdwyn het, of nie getoon word wanneer die eienaar ingevolge sub-artikel (4) van artikel *vier-en-twintig* daartoe gelas word nie, word daar vermoed dat die eienaar dit strydig met sub-artikel (2) verveem, vernietig of verbruik het, tensy hy bewys dat hy geneens verantwoordelik was vir sodanige verdwyning of verontagsaming van die lagewing nie, en dit nie kon verhinder het nie.

(4) Die eienaar van enige sodanige eiendom wat —

- (a) dit verberg of beskuldig; of
- (b) enige merk wat ingevolge hierdie Ordonnansie daarop geplaas is, verander, skend of verwyder; of
- (c) versuim om te voldoen aan sub-artikel (4) of (5) van artikel *agtien* of aan sub-artikel (3) of (4) van artikel *vier-en-twintig*,

is skuldig aan 'n misdryf en is, by skuldigbevinding, strafbaar met 'n boete van hoogstens vyftig pond of met gevangenis van hoogstens ses maande.

(5) As enige sodanige eiendom verberg of beskuldig is, of as enige merk daarop aangebring soos voormeld, verander, geskend of verwyder is, word daar vermoed dat die eienaar van sodanige eiendom sodanige verberging, skade, verandering, skending of verwydering veroorsaak het, tensy hy bewys dat hy geneens daarvoor verantwoordelik was nie, en dit nie kon verhinder het nie.

(6) Elkeen wat die beslaglegging op eiendom ingevolge sub-artikel (1) van artikel *negentien* belemmer of hinder, of probeer verhinder, is skuldig aan 'n misdryf, en is, by skuldigbevinding, onderhewig aan die strawwe wat sub-artikel (4) noem.

29. Die Rekenpligtige Amptenaar van die Administrasie, of enige amptenaar van die Administrasie wat bevoeglik deur hom daartoe gemagtig is, moet te alle tye toegang hê tot die rekeningboeke en ander dokumente wat op die Fonds betrekking het.

30. Geen ampsgeld of seëlregte hoegenaamd is betaalbaar ten opsigte van enige handeling of dokument wat ingevolge hierdie Ordonnansie uitgevoer of vercis word nie.

31. Hierdie Ordonnansie heet die Ordonnansie op die Bevordering van Boerderybelange 1952, en tree in werking op 'n datum wat die Administrateur by kennisgewing in die *Offisiële Koerant* vastel.

EERSTE BYLAE.

VERBAND OP VASTE EIENDOM.

Ingevolge die bepalings van die Ordonnansie op die Bevordering van Boerderybelange, 1952.

Ek,

van erken hierby dat ek 'n bedrag van £ (.....) pond), synde 'n voorskot wat ingevolge die bepalings van die Ordonnansie op die Bevordering van Boerderybelange, 1952, aan my toegestaan is om

wettig aan die Voorsitter van die Raad op Boerderybelange verskuldig is, en ek onderneem om die voormelde bedrag met rente daarop teen persent per jaar terug te betaal aan die genoemde Voorsitter op sy kantoor te Windhoek, of op sodanige ander plek in die Gebied soos hy aanwys, binne jaar vanaf die datum waarop die hele of die eerste paiement van genoemde voorskot aan my op die volgende wyse uitbetaal word

tensy ek voor die tyd ingevolge artikel *vyf-en-twintig* van die genoemde Ordonnansie aangesê word om sodanige terugbetaling te doen.

And for the purpose of securing the said amount with interest thereon, I hereby bind under a mortgage bond, in terms of sections *fifteen* and *sixteen* of the said Ordinance, the following immovable property:—

En ter versekering van genoemde bedrag met rente daarop, verbind ek hierby onder 'n verbands ingeolge artikels *vyftien* en *sestien* van genoemde Ordonnansie, die onderstaande vaste eiendom:—

Mortgagor.

Signed in my presence this day of 19..... at

Geteken in my teenwoordigheid op hierdie dag van 19..... te

Verbandskuldenaar.

Magistrate of the district

Magistraat van die distrik

I certify that I have this day endorsed the title deeds of the above-mentioned property in terms of section *sixteen* of the Promotion of Farming Interests Proclamation, 1952.

Ek getuig dat ek op die grondbrief van die bogenoemde eiendom ingeolge artikel *sestien* van die Ordonnansie op die Bevordering van Boerderybelange, 1952, vandag 'n aantekening gemaak het.

Signed at Windhoek, this day of 19.....

Geteken in Windhoek op hierdie dag van 19.....

Registrar of Deeds.

Registrateur van Aktes.

SECOND SCHEDULE.

TWEEDE BYLAE.

HYPOTHECATION OF MOVABLE PROPERTY OR DEED OF LEASE.

HIPOTEEK OP ROERENDE EIENDOM OF HUUR-KONTRAK.

Under the Provisions of the Promotion of Farming Interests Ordinance, 1952.

Ingeolge die bepalings van die Ordonnansie op die Bevordering van Boerderybelange, 1952.

I, do hereby acknowledge that I am lawfully indebted to the Chairman of the Farming Interests Board in respect of an amount of £ (..... pounds) being an advance made to me under the provisions of the Promotion of Farming Interests Ordinance, 1952, for the purpose of

Ek, van erken hierby dat ek 'n bedrag van £ (..... pond), synde 'n voorskot wat ingeolge die bepalings van die Ordonnansie op die Bevordering van Boerderybelange, 1952, aan my toegestaan is om

and I undertake to repay the amount aforesaid with interest thereon at the rate of per cent. per annum to the said Chairman at his office at Windhoek, or at such other place in the Territory as he may direct, within a period of years from the date on which the whole or first instalment of the advance is made to me in the following manner:

wettig aan die Voorsitter van die Raad op Boerderybelange verskuldig is, en ek onderneem om die voorreelde bedrag met rente daarop teen persent per jaar terug te betaal aan die genoemde Voorsitter op sy kantoor in Windhoek, of op sodanige ander plek in die Gebied soos hy aanwys, binne jaar vanaf die datum waarop die hele of die eerste paaiement van genoemde voorskot aan my op die volgende wyse uitbetaal word

unless previously called upon to do so in terms of section *twenty-five* of the said Ordinance.

tensy ek voor die tyd ingeolge artikel *vyf-en-twintig* van die genoemde Ordonnansie aangesê word om sodanige terugbetaling te doen.

And for the purpose of securing the payment of the said amount with interest thereon, I hereby bind under a hypothec in terms of sections *fifteen*, *seventeen* and *twenty** the following movable property and/or deed of lease:—

En ter versekering van genoemde bedrag met rente daarop, verbind ek, onder 'n hipotek ingeolge artikels *vyftien*, *sewentien* en *twintig* (*), die ondergenoemde roerende eiendom en/of huurkontrak:—

Hypothec Debtor.

Hipoteekskuldenaar.

Signed in my presence this day of 19.....

Geteken in my teenwoordigheid op hierdie dag van 19.....

Magistrate of the district

Magistraat van die distrik

* Delete whatever is inapplicable.

(*) Skrap wat ook al nie van toepassing is nie.

DRAFT ORDINANCE

To make provision for the conservation, protection and improvement of the veld, the soil, the surface of the land, the vegetation and the sources and resources of the water supplies of South West Africa; for the encouragement of tree-planting; and to provide for matters incidental thereto.

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

1. This Ordinance shall bind the Administration and shall apply to all land within the Territory of South West Africa and the Port and Settlement of Walvis Bay: Provided that no provision thereof shall apply to land within the Rehoboth Gebiet or within any native reserve or native territory, until applied thereto by the Administrator by proclamation in the *Gazette*.

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

“Conservation Committee” means the Soil Conservation Committee established under section *three*;

“district committee” means a soil conservation district committee established in terms of section *eleven*;

“local authority” means municipal council or village management board;

“occupier” in relation to land means any person—

- (a) who has the management, charge or control or the beneficial use of land whether residing thereon or not;
- (b) who as mortgagee in possession has possession of land, although not residing thereon, while such land is unoccupied;
- (c) who has charge or control or the use of two or more farms or holdings of land, although such person resides on only one such farm or holding;
- (d) who as usufructuary or beneficiary has charge or control or beneficial use of land, whether residing thereon or not;
- (e) who has a right to graze stock or to cut, take, remove or use trees or wood or any right of a like nature in respect of any land, whether such right is held in common with any other person or not

and in relation to land under the control of a local authority or statutory body—

- (f) such local authority or statutory body as the case may be;

“owner” in relation to land means the person in whose name the land is registered and—

- (a) if the owner is absent from the Territory or his whereabouts are unknown, the agent or legal representative of the owner in the Territory;
- (b) if the owner is a minor or a person mentally incapable of managing his own affairs or an insolvent or a deceased estate, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator;
- (c) in the case of Crown land leased with the option to purchase, the lessee thereof who has exercised such option;

ONTWERPORDONNANSIE

Ter bewaring, beskerming en verbetering van die veld, die bodem, die grond-oppervlakte, die plantegroei, en die bronne en hulpbronne van die watervoorrade in Suidwes-Afrika; ter aanmoediging van boomplanting; en verbandhoudende sake.

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

1. Hierdie Ordonnansie bind die Administrasie, en is van toepassing binne die Gebied Suidwes-Afrika en die Hawe en Nedersetting Walvisbaai: Met dien verstande dat geen bepaling daarvan grond binne die *Gebiet* Rehoboth of binne 'n inboorlingreserwe of inboorlinggebied betref tensy die Administrateur so 'n bepaling by proklamasie in die *Offisiële Koerant* op sodanige gebiede toepas nie.

2. In hierdie Ordonnansie, tensy dit uit die samehang anders blyk, beteken—

„Grondbewaringskomitee” die Grondbewaringskomitee ingestel kragtens artikel *drie*;

„distrikskomitee” 'n distrikskomitee op grondbewaring ingestel kragtens artikel *el*;

„plaaslike bestuur” 'n munisipale raad of dorpsbestuur;

„bewoner” met betrekking tot grond, elkeen wat—

- (a) grond bestuur, versorg, beheer of benut, al woon hy daarop of nie;
- (b) as besittende verbandnemer grond besit, hoewel hy nie daarop woon nie, onderwyl sodanige grond onbewoon bly;
- (c) twee of meer plase of hoewes versorg, beheer of gebruik, hoewel hy slegs op één van sodanige plase of hoewes woon;
- (d) as vruggebruiker of begunstigde grond versorg, beheer of nuttig gebruik, al woon hy daarop of nie;
- (e) ten opsigte van grond die reg het om vee daarop te laat wei, om bome of hout daarop af te kap, toe te sien, weg te neem of te gebruik, of enige ander soortgelyke reg op daardie grond het, al geniet hy sodanige reg gesamentlik of uitsluitend; en, betreffende grond onder die beheer van 'n plaaslike bestuur of 'n ander wetteregtelike instelling—
- (f) sodanige plaaslike bestuur of wetteregtelike instelling, na gelang;

„cienaar” met betrekking tot grond, die geregistreerde cienaar daarvan, en—

- (a) is die cienaar uit die Gebied afwesig, of is sy verblyfplek onbekend, sy agent of regsvertekenwoordiger in die Gebied; en
- (b) is die cienaar ninderjarig, of geestelik onbekwaam om sy eie sake te behartig, of insolvent of oerlede, dan die administrende trustee, ekskuteur, kurator, beredderaar of administrateur van die cienaar se boedel; en
- (c) betreffende kroongrond wat onder koopopsie verhuur is, die huurder wat sodanige opsie uitgeoefen het; en

- (d) in respect of land under the control of a local authority that local authority;
- (e) for the purposes of sections *ten* and *eleven* include—
- any lessee of Crown land; or
 - the lessee of any land leased in *longum tempus*, but shall not include a person in whose name is registered an erf or lot situate within an area controlled by a local authority;
- “soil conservation district” means an area of land declared a soil conservation district in terms of section *ten*;
- “soil conservation measure” means any measure applied to land for the purpose of—
- the prevention of soil erosion or the reclamation of land affected thereby; or
 - the prevention of sand drift or the reclamation of land affected thereby; or
 - the protection, conservation or improvement of the veld, the vegetation, the surface of the land and the soil; or
 - the protection, conservation or stabilisation of any water source or water supply; or
 - the betterment of any stream, river, water course or water course lands; or
 - the propagation, protection, and tending of trees;
- “soil conservation plan” means a soil conservation plan referred to in section *twenty*;
- “soil conservation works” means any works constructed on land for any of the purposes mentioned in the definition of the words “soil conservation measure”.

3. (1) The Administrator shall by notice in the *Gazette* appoint a committee to be known as the Soil Conservation Committee, whose function it shall be—

- to advise and assist the Administrator in connection with all matters relating to veld, soil and water conservation in the Territory, including the establishment and control of facilities for the collection and dissemination of information in regard thereto;
- to prepare and submit to the Administrator any soil conservation plan which it may deem necessary in respect of any land, or which the Administrator may require it to prepare;
- to examine, report upon and recommend to the Administrator any soil conservation plan submitted by a district committee under section *seventeen* or by an owner of land under section *eighteen*;
- to examine from time to time any soil conservation plan which is in operation in terms of this Ordinance, and to inspect any soil conservation works which are being or have been constructed on any land whether in terms of a soil conservation plan or otherwise, including the examination of books, accounts, records or statistics in connection therewith, and to report thereon to the Administrator, and to make such recommendations in regard thereto as it may deem fit;
- to require any district committee to furnish it with such information as it may require for the proper performance of its functions;
- to perform such other duties as the Administrator may assign to it in connection with veld, soil and water conservation.

(2) The Conservation Committee may delegate any one or more of its members to attend any meeting of a district committee for the purpose of participating in the proceedings of such meeting in an advisory capacity.

4. (1) The Conservation Committee shall consist of—

- the following officers appointed by the Administrator—

 - an engineer of the Administration;
 - an officer from the native affairs branch of the Administration;
 - an officer from the lands branch of the Administration; and
 - an officer from the agriculture branch of the Administration; and

- betreffende grond onder plaaslike bestuursbeheer, die betrokke plaaslike bestuur; en
 - waar artikels *tien* en *elf* toegepas word, sluit dit in—
 - ’n huurder van kroongrond, of
 - die huurder van grond wat oor ’n lang termyn verhuur is, maar sluit nit iemand op wie se naam ’n erf of stuk grond binne ’n gebied onder beheer van ’n plaaslike bestuur, geregistreer is;
- „grondbewaringsdistrik” ’n strek grond wat ingevolge artikel *tien* tot ’n grondbewaringsdistrik verklaar is;
- „grondbewaringsmaatreël” elke maatreël wat betreffende grond toegepas word ter—
- voorkoming van gronderosie of die herwinning van grond wat daaraan onderliegig is; of
 - voorkoming van waaisand of die herwinning van grond wat daaraan onderliegig is; of
 - beskerming, bewaring of verbetering van veld, plantegroei, grondoppervlakte en bodem; of
 - beskerming, bewaring of besteidiging van enige waterbron of -voorraad; of
 - verbetering van enige stroom, rivier, waterloop of waterloopgronde; of
 - voortplanting, beskerming en versorging van bome;
- „grondbewaringsplan” ’n grondbewarings-plan waarop artikel *twintig* dui;
- „grondbewaringswerke” enige werke wat op grond aangeleë word vir enige van die doeleindes wat vermeld word in die woordbepaling van „grondbewaringsmaatreël”.

3. (1) Die Administrateur stel by kennisgewing in die *Offisiële Koerant* ’n komitee op grondbewaring in met naam die „Grondbewaringskomitee” wat—

- die Administrateur met raad en daad bystaan by elke aangeleentheid betreffende veld-, grond- en waterbewaring in die Gebied, met inbegrip van die daarstelling van, en beheer oor, geriewe vir die insameling en verspreiding van inligting oor sodanige veld-, grond- en waterbewaring; en wat
- enige grondbewaringsplan wat hy vir enige stuk grond nodig ag, of waartoe die Administrateur hom gelas, opstel en aan die Administrateur voorleë; en wat
- elke grondbewaringsplan wat ’n distrikskomitee ingevolge artikel *sewentien* of ’n grondcienaar ingevolge artikel *agtien* voorleë, ondersoek, daaroor verslag doen en dit by die Administrateur aanbeveel; en wat
- van tyd tot tyd enige grondbewaringsplan wat ingevolge hierdie Ordonnansie in werking is, ondersoek, en enige grondbewaringswerke wat ingevolge ’n grondbewaringsplan of andersins op ’n stuk grond aangeleë word of is, asook die betrokke boeke, rekeninge, register of statistieke, inspekteer, aan die Administrateur verslag daaroor doen, en sodanige desbetreffende aanbevelings doen soos hy goed vind; en wat
- sodanige inligting van ’n distrikskomitee verg soos hy nodig ag ter behoorlike verrigting van sy werksaamhede; en wat voorts
- elke ander aansplyg verrig wat die Administrateur betreffende veld-, grond- en waterbewaring aan hom toevyfs.

(2) Die Grondbewaringskomitee kan een of meer van sy lede afvaardig om ’n vergadering van ’n distrikskomitee by te woon ten einde in ’n raadgevende hoedanigheid aan die verrigtinge van sodanige vergadering deel te neem.

4. (1) Die Grondbewaringskomitee bestaan uit—

- die ondergenoemde amptenare wat deur die Administrateur aangestel word:
 - ’n ingenieur van die Administrasie;
 - ’n amptenaar van die Afdeling Natuurelike Sake van die Administrasie;
 - ’n amptenaar van die Afdeling Lande van die Administrasie;
 - ’n amptenaar van die Afdeling Landbou van die Administrasie; en

- (b) any other member which the Administrator may from time to time appoint.
- (2) One of the members who is in the full-time employment of the Administration shall be appointed by the Administrator as the chairman and another one of such members as the deputy chairman of the conservation committee.
- (3) Whenever a member referred to in paragraphs (i), (ii), (iii) or (iv) of paragraph (a) of sub-section (1) is unable to attend any meeting of the conservation committee he may designate an officer of his branch to attend such meeting in his place.
- (4) The deputy chairman of the conservation committee shall act as chairman whenever the chairman is unable to act.
- (5) If for any reason either the chairman or the deputy chairman is unable to attend any meeting of the conservation committee, the members present at that meeting may elect one of their number to preside thereat.
- (6) The Administrator may assign to the Board an officer in the service of the Administration to fulfil the duties of secretary of the conservation committee, and any other of such officers as may be necessary to enable the conservation committee to carry out its functions.
- (7) The Director of Agriculture shall be the officer responsible to the Administrator for the administration of this Ordinance.
5. (1) The member of the conservation committee referred to in paragraph (b) of sub-section (1) of section four shall hold office during such period not exceeding five years as may be specified upon his appointment, and any such member whose period of office has expired shall be eligible for re-appointment.
- (2) Whenever any such member of the conservation committee is absent or unable to fulfil his duties the Administrator may appoint some other suitable person to act in the place of that member during his absence or inability.
- (3) Any member of the conservation committee or of a sub-committee of the conservation committee shall vacate his seat if he—
- becomes insolvent; or
 - is convicted of an offence and sentenced to imprisonment without the option of a fine.
- (4) The Administrator may, in his discretion, terminate the period of office of any member of the conservation committee or of a sub-committee of the conservation committee, other than a member referred to in paragraph (a) of sub-section (1) of section four, who has without leave failed to attend two consecutive meetings of the conservation committee or of a sub-committee thereof.
- (5) A casual vacancy on the conservation committee shall be filled by the appointment of another person for the unexpired portion of the period for which, and in the manner in which, the member whose office has become vacant, had been appointed.
- (6) The members of the conservation committee or of any sub-committee thereof who are not in full-time employment of the Administration may be paid such remuneration or allowances as may be determined by the Administrator from time to time.
6. (1) The conservation committee may out of its own body appoint such sub-committees of the conservation committee as it may deem necessary to assist it in the exercise of its functions or the performance of its duties, and may, with the approval of the Administrator, appoint as members of such sub-committees any persons, who are not members of the conservation committee.
- (2) The conservation committee may assign to a sub-committee such of its functions and duties as it may deem fit, and may amend or withdraw any decision taken by a sub-committee.
- (b) enige ander lid wat die Administrateur moontlik van tyd tot tyd aanstel.
- (2) Die Administrateur stel 'n komiteelid wat voltyds in diens van die Administrasie is, as voorsitter aan; en stel 'n ander komiteelid as vise-voorsitter van die Grondbewaringskomitee aan.
- (3) Wanneer 'n lid op wie sub-paragraaf (i), (ii), (iii) of (iv) van paragraaf (a) van sub-artikel (1) dui, 'n vergadering van die Grondbewaringskomitee onmoontlik kan bywoon, kan hy 'n amptenaar in sy afdeling aanwys om in sy plek sodanige vergadering by te woon.
- (4) Die vise-voorsitter van die Grondbewaringskomitee tree as voorsitter op wanneer die voorsitter nie self kan optree nie.
- (5) As nóg die voorsitter nóg die vise-voorsitter om enige rede 'n vergadering van die Grondbewaringskomitee kan bywoon nie, kan die lede iemand uit hulfe midde kies om as voorsitter op te tree.
- (6) Die Administrateur kan aan die Grondbewaringskomitee 'n amptenaar in die diens van die Administrasie toewys om die pligte van sekretaris van die Grondbewaringskomitee uit te voer, en sodanige ander amptenare soos nodig is om die Grondbewaringskomitee in staat te stel om sy werksaamhede te verrig.
- (7) Die Direkteur van Landbou is die verantwoordelike amptenaar wat aan die Administrateur rekenskap gee oor die toepassing van hierdie Ordonnansie.
5. (1) Die lid van die Grondbewaringskomitee op wie paragraaf (b) van sub-artikel (1) van artikel vier dui, beklee sy amp vir sodanige tydperk soos sy aanstelling vermeld maar, hoogstens vyf jaar, en 'n sodanige lid wie se ampstermyn verstryk het, kan weer aangestel word.
- (2) Wanneer 'n sodanige lid van die Grondbewaringskomitee afwesig is of sy amppligte nie kan uitvoer nie, kan die Administrateur 'n ander geskikte persoon aanstel om in die plek van sodanige lid gedurende sy afwesigheid of onvermoë op te tree.
- (3) 'n Lid van die Grondbewaringskomitee of van 'n sub-komitee van die Grondbewaringskomitee moet sy amp ontruim as hy—
- insolvent word; of
 - skuldig bevind word aan 'n misdryf en veroordeel word tot gevangenisstraf sonder die keuse van 'n boete.
- (4) Die Administrateur kan na goeddunke die ampstermyn van enige lid van die Grondbewaringskomitee of van 'n sub-komitee van die Grondbewaringskomitee, behalwe 'n lid genoem in paragraaf (a) van sub-artikel (1) van artikel vier, beëindig, waar sodanige lid sonder verloop wegby van twee agtereenvolgende vergaderings van die Grondbewaringskomitee of 'n sub-komitee daarvan.
- (5) 'n Toevallige vakature in die Grondbewaringskomitee word aangevul deur die aanstelling van 'n ander lid vir die onverstrekte gedeelte van die tydperk waarvoor, en presies soos, die vorige lid aangestel was.
- (6) Aan lede van die Grondbewaringskomitee of van 'n sub-komitee van die Grondbewaringskomitee wat nie voltyds in diens van die Administrasie is nie, kan daar besoldiging of toelae betaal word wat die Administrateur van tyd tot tyd vaststel.
6. (1) Die Grondbewaringskomitee kan uit sy eie gelede sodanige sub-komitees van die Grondbewaringskomitee aanstel soos hy nodig ag om hom by die verrigting van sy werksaamhede en pligte behulpsaam te wees, en kan met Administrateursgoedkeuring persone wat nie lede van die Grondbewaringskomitee is nie, as lede van sodanige sub-komitees aanstel.
- (2) Die Grondbewaringskomitee kan na goeddunke van sy werksaamhede en pligte aan 'n sub-komitee toewys, en kan enige beslissing van 'n sub-komitee wysig of intrek.

(3) The members of a sub-committee shall hold office for such period not exceeding three years as the conservation committee may deem fit: Provided that any member of a sub-committee who is also a member of the conservation committee shall vacate his seat on the sub-committee when he vacates his seat on the conservation committee.

7. (1) The quorum at any meeting of the conservation committee shall be half of the members thereof, inclusive of the chairman of the meeting, but shall not be less than three.

(2) All decisions at any meeting of the conservation committee shall be by resolution by majority vote of the members present thereat, and in the event of an equality of votes on any matter, the chairman presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(3) The conservation committee shall appoint one of the members of any sub-committee of the conservation committee to be chairman of that sub-committee and shall fix the quorum at any meeting of such sub-committee.

(4) The conservation committee may make rules, not inconsistent with the provisions of this section, as to the proceedings at meetings of the conservation committee or of sub-committees of the conservation committee, or as to such other matters as may be necessary or expedient for the proper functioning of the conservation committee or of a sub-committee thereof.

8. (1) The first meeting of the conservation committee shall be held at such time and place as the Administrator may determine, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as the conservation committee may determine.

(2) The chairman of the conservation committee, or in his absence the deputy chairman, may at any time call a special meeting of the conservation committee to be held at such time and place as he may direct.

(3) The conservation committee shall meet not less than four times in any full calendar year.

9. (1) The conservation committee shall as soon as practicable after the thirty-first day of December in every year submit to the Administrator a report on its activities during the year immediately preceding and on the progress that has been made in veld, soil and water conservation in the Territory during that year.

(2) The report referred to in sub-section (1) shall be laid by the Administrator on the table of the Legislative Assembly for the Territory within thirty days of the receipt thereof if the Assembly is then in ordinary session, or, if the Assembly is not then in ordinary session, within fourteen days after the commencement of its next ordinary session.

10. (1) The conservation committee may whenever it deems it necessary or expedient delimit as a soil conservation district any area of land within the Territory to which the provisions of this Ordinance apply and shall describe the boundaries of such area.

(2) For the purpose of such delimitation the conservation committee shall give due consideration to the topographical, hydrographical, climatological and agricultural features and to the social and economic factors of different regions and to the nature of the conservation problems of those regions.

(3) As soon as the conservation committee has defined any area of land in terms of sub-section (1) it shall notify, in writing, every owner of land situated therein, whose whereabouts it can readily ascertain, of the boundaries fixed for the soil conservation district and of its intention to recommend the establishment of that district.

(3) Die lede van 'n sub-komitee beklee hul amp vir sodanige tydperk, maar hoogstens drie jaar, soos die Grondbewaringskomitee goed dink: Met dien verstande dat 'n lid van 'n sub-komitee wat ook lid van die Grondbewaringskomitee is, sy amp as lid van die sub-komitee ontruim wanneer hy sy amp as lid van die Grondbewaringskomitee ontruim.

7. (1) Op enige vergadering van die Grondbewaringskomitee is die helfte van sy lede, inbegrip van die voorsitter, maar altyd minstens drie lede, 'n kworum.

(2) Elke beslissing op 'n vergadering van die Grondbewaringskomitee geskied by besluit met meerderheid van stemme van die teenwoordige lede en by 'n staking van stemme oor enige aangeleentheid het die voorsitter van die vergadering 'n beslissende stem bo en behalwe sy gewone stem.

(3) Die Grondbewaringskomitee stel een van die lede van 'n sub-komitee van die Grondbewaringskomitee aan as voorsitter van sodanige sub-komitee, en stel die kworum op enige vergadering van sodanige sub-komitee vas.

(4) Die Grondbewaringskomitee kan reëls opstel wat met die bepaling van hierdie artikel strook, betreffende die procedure op vergaderings van die Grondbewaringskomitee of sy sub-komitee, of betreffende sodanige ander aangeleenthede soos nodig of dienstig is vir die behoorlike verrigting van die werksaamhede van die Grondbewaringskomitee of sy sub-komitees.

8. (1) Die eerste vergadering van die Grondbewaringskomitee moet geskied op die tyd en plek wat die Administrateur daarvoor vasstel, en alle daaropvolgende vergaderings geskied, behoudens die bepaling van sub-artikel (2) hiervan, op die tyd en plekke wat die Grondbewaringskomitee bepaal.

(2) Die voorsitter van die Grondbewaringskomitee (of gedurende sy afwesigheid, die vise-voorsitter) kan te enige tyd 'n spesiale vergadering van die Grondbewaringskomitee belê om gehou te word op 'n tyd en plek wat hy vasstel.

(3) Die Grondbewaringskomitee moet minstens vier keer in elke volle kalenderjaar vergader.

9. (1) Die Grondbewaringskomitee moet iedere jaar so spoedig doenlik na die een-en-dertigste dag van Desember 'n jaarverslag aan die Administrateur voorleë oor sy werksaamhede in die onmiddellik voorafgaande jaar, en oor die Gebied se vordering met veld-, grond- en waterbewaring in daardie jaar.

(2) Hou die Wetgewende Vergadering dan gewone sitting, lê die Administrateur die jaarverslag waarop sub-artikel (1) dui, binne dertig dae na ontvangs daarvan in die Wetgewende Vergadering ter Tafel, of hou die Wetgewende Vergadering dan nie gewone sitting, lê die Administrateur die jaarverslag binne veertien dae na die eerstvolgende gewone sitting ter Tafel.

10. (1) Wanneer ook al die Grondbewaringskomitee dit nodig of gerade ag, kan hy 'n landstreek binne die Gebied waarop die bepaling van hierdie Ordinance dui tot grondbewaringsdistrik uitroep en die grense daarvan bepaal.

(2) Met die oog op sodanige afbakening moet die Grondbewaringskomitee behoorlik ag slaan op die topografiese, hidrografiese, klimatologiese en landboukundige kenmerke en die maatskaplike en ekonomiese hooftrekke van elke afsonderlike streek, sowel as op die aard van die bewaringsvraagstukke in sodanige streke.

(3) Sodra die Grondbewaringskomitee ooreenkomstig sub-artikel (1) 'n landstreek bepaal het, moet hy elke gereedlik gevonde eienaar van grond binne sodanige streek kritieklik verwittig van die bepaalde grense van sodanige grondbewaringsdistrik, en van sy voorneme om die stigting van sodanige distrik aan te beveel.

(4) Any owner of land situated within such defined area may within sixty days from the date of such notice submit to the conservation committee a statement setting out clearly the grounds upon which he objects to the establishment of that soil conservation district or his representations regarding the boundaries thereof.

(5) Upon the expiration of the said period of sixty days the conservation committee shall consider every objection or representation received by it and may, on the facts disclosed therein, amend the definition of the area to exclude such land therefrom or to include therein such additional land, as it may deem necessary or desirable.

(6) The Administrator may, on the recommendation of the conservation committee, by proclamation in the *Gazette* declare any area of land defined in terms of this section to be a soil conservation district, and he may from time to time on the recommendation of the conservation committee and in like manner—

- (a) alter the boundaries of any soil conservation district; or
- (b) divide any soil conservation district into two or more portions and declare each portion to be a soil conservation district; or
- (c) amalgamate any two or more soil conservation districts and declare the area in respect of which such soil conservation districts has been established to be a soil conservation district; or
- (d) establish any soil conservation district consisting of portions of any two or more existing soil conservation districts; or
- (e) dis-establish any soil conservation district: Provided that the conservation committee shall consult every district committee concerned before it makes a recommendation relating to any matter referred to in paragraph (a), (b), (c), (d) or (e); and: Provided further that, whenever any soil conservation district is dealt with in terms of paragraph (b), (c) or (d), any district committee concerned shall be dissolved and a new district committee established in respect of every new soil conservation district in accordance with the provisions of section eleven.

11. (1) There shall be established in respect of every soil conservation district a soil conservation district committee which shall consist of such number of members as the Administrator may from time to time in each case determine.

(2) The members of a district committee shall be appointed by the Administrator of whom at least two-thirds shall be persons (hereinafter referred to as the farmer members) *bona fide* carrying on farming operations within the soil conservation district concerned.

(3) The members of a district committee shall elect one of the members thereof to be the chairman of the committee.

(4) The members of a district committee shall hold office for such period not less than three and not exceeding five years as may be specified by the Administrator upon their appointment.

(5) The farmer members of a district committee shall be elected in the manner prescribed in the Schedule to this Ordinance at a meeting of the owners of the land situated within the soil conservation district concerned: Provided that the said Schedule may from time to time be amended by the Administrator as he may deem fit by proclamation in the *Gazette*.

(6) If no farmer members are elected for any district committee or if the number of farmer members elected for such district committee is less than the number required, any vacancy arising therefrom shall be regarded as a casual vacancy.

(7) Any member of a district committee shall vacate his seat if he—

- (a) becomes insolvent; or
- (b) is convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (c) being a farmer member, ceases to be qualified in terms of sub-section (2).

(4) Elke eienaar van grond binne so 'n bepaalde strek kan binne sestig dae vanaf die datum van sodanige verwittiging 'n oopgaaf by die Grondbewaringskomitee indien waarheen hy sy beswaarredes teen die stigting van so 'n grondbewaringsdistrik of sy vertoë insake die greuse daarvan duidelik uiteensit.

(5) Na afloop van die genoemde sestigdaagse tydperk oorweeg die Grondbewaringskomitee elke ingesonde beswaarde of vertoë, en kan hy om rede van die daaringestelde feite die bepaling van so 'n strek na goeudunke wysig deur 'n stuk grond uit of 'n ander bykomende stuk wysig in te sluit, soos by nodig of gerade bevind.

(6) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur by proklamasie in die *Offisiële Koerant* enige landstreek wat ingevolge hierdie artikel bepaal is, tot grondbewaringsdistrik uitroep, en desgelees kan die Administrateur op aanbeveling van die Grondbewaringskomitee—

- (a) die greuse van so 'n grondbewaringsdistrik wysig; of
- (b) 'n grondbewaringsdistrik in twee of meer dele verdeel, en elke sodanige deel tot grondbewaringsdistrik uitroep; of
- (c) twee of meer grondbewaringsdistrikte saamvoeg, en die strek ten opsigte waarvan sodanige grondbewaringsdistrikte ingestel is, tot een grondbewaringsdistrik uitroep; of
- (d) 'n grondbewaringsdistrik uitroep wat bestaan uit twee of meer reeds bestaande grondbewaringsdistrikte; of
- (e) 'n reeds bestaande grondbewaringsdistrik afskaf: Met dien verstande dat die Grondbewaringskomitee, voordat hy 'n aanbeveling doen oor een van die sake waaroor (a), (b), (c), (d) of (e) gaan, elke betrokke distrikskomitee moet raadpleeg: Met dien verstande voorts dat wanneer ook al 'n grondbewaringsdistrik ingevolge (b), (c) of (d) behandel word, elke betrokke distrikskomitee ontbind moet word, en 'n nuwe distrikskomitee vir elke nuwe grondbewaringsdistrik ooreenkomstig die bepalings van artikel elf gestig moet word.

11. (1) Vir elke grondbewaringsdistrik word daar 'n grondbewaringsdistrikskomitee ingestel wat uit soveel lede bestaan soos die Administrateur van tyd tot tyd in iedere geval bepaal.

(2) Die Administrateur stel die lede van 'n distrikskomitee aan, en van hulle moet minstens twee-derdes (hierna heet hulle die boerelede) te goeder trou binne die betrokke grondbewaringsdistrik boer.

(3) Die lede van 'n distrikskomitee kies uit hul geledere tot voorsitter van die komitee.

(4) Die lede van 'n distrikskomitee beklee hul amp minstens drie maar hoogstens vyf jaar, soos die Administrateur by hul aanstelling bepaal.

(5) Die boerelede van 'n distrikskomitee word (soos die bylawe van hierdie Ordonnansie voorskryf) gekies op 'n vergadering van die eienaars van grond binne die betrokke grondbewaringsdistrik: Met dien verstande dat die Administrateur genoemde bylawe na goeudunke van tyd tot tyd by proklamasie in die *Offisiële Koerant* kan wysig.

(6) As daargeen of minder as die vereiste getal boerelede op 'n distrikskomitee gekies word, word die gevolglike vakatures beskou as toevallige vakatures.

(7) 'n Lid van 'n distrikskomitee moet sy amp onttrek as hy—

- (a) insolvent word; of
- (b) skuldig bevind word aan 'n misdryf en veroordeel word tot gevangenisstraf sonder die keuse van 'n boete; of
- (c) 'n boereleid is, en nie meer ingevolge sub-artikel (2) bevoeg is om as sodanig te dien nie.

(8) A casual vacancy on a district committee shall be filled by the appointment by the Administrator of another member for the unexpired portion of the period for which the member whose office has become vacant has been appointed: Provided that where a farmer member vacates his seat the vacancy shall, subject to the provisions of sub-section (9), be filled by the appointment, after consultation with the remaining members of the district committee, of a person *bona fide* carrying on farming operations within the soil conservation district concerned.

(9) Whenever in consequence of any vacancies arising on a district committee, the number of serving members is less than the number required for the quorum at meetings of that committee, the Administrator may in his discretion as a temporary measure appoint any person qualified under sub-section (2) to fill any such vacancy until sufficient vacant seats have been filled to enable the quorum to be formed or dissolve such committee and thereupon as soon as possible appoint a new committee in respect of the soil conservation district concerned in accordance with the provisions of this section.

(10) Notwithstanding the provisions of this section, the Administrator may upon the dissolution of any district committee in terms of sub-section (9) or upon the expiration of the period for which the farmer members thereon were appointed, direct that the members, if any, serving on that committee shall remain in office and continue to perform the duties and functions of the committee as if such dissolution or expiration had not occurred until a new district committee has been appointed.

(11) The members of a district committee who are not in the service of the Administration may be paid such allowances as may be determined by the Administrator from time to time.

12. (1) A district committee may out of its own body appoint such sub-committees of the district committee as it may deem necessary to assist it in the exercise of its functions and the performance of its duties and may appoint as members of such sub-committees such number of members of the district committee as it may deem fit.

(2) A district committee may assign to a sub-committee so appointed or to a single member such of its functions and duties as it may deem fit, and may amend or withdraw any decision taken by a sub-committee or by such member.

13. (1) The quorum at any meeting of a district committee shall consist of half the number of members thereof: Provided that in no case shall the quorum of any district committee be less than three.

(2) If the chairman of a district committee is absent from a meeting for which the number of members attending constitutes a quorum, the members present may elect one of their number to act as chairman of that meeting.

(3) The decision of the majority of members present at any meeting of a district committee shall constitute the decision of that meeting; if the votes are equal, the chairman of that meeting shall have a casting vote in addition to his deliberative vote.

(4) Whenever any member of a district committee is unable to attend a duly convened meeting of that committee, he shall as soon as practicable notify the chairman of the circumstances which will prevent or, in the case of failure to attend, which have prevented his attendance at that meeting.

(5) The chairman shall report to that or the next succeeding meeting the receipt of such notification with the reasons given by the member for his non-attendance, and the meeting shall decide whether leave shall be approved for his absence. Every such decision shall be recorded in the minutes of that meeting.

(6) Whenever any member aforesaid has without leave failed to attend two consecutive meetings, the chairman shall report to the Administrator the facts and circumstances of the case for such action as the Administrator may see fit to take.

(8) 'n Toevallige vakature in 'n distrikskomitee word aangevul deurdat die Administrateur 'n ander lid aanstel vir die onverstreke deel van die tydperk waarvoor die uittreedende lid aangestel was: Met dien verstande dat waar 'n boere lid sy amp ontruim, die vakature ooreenkomstig die bepalings van sub-artikel (9) en na raadpleging met die orige lede van die distrikskomitee, aangevul moet word deur die aanstelling van iemand wat te goeder trou binne die betrokke grondbewaringsdistrik boer.

(9) Wanneer daar soveel vakatures in 'n distrikskomitee ontstaan dat daar minder diensdoende lede is as die vereiste kworumteling by komiteevergaderings, kan die Administrateur na eie goeddunke en as tydelike maatregel persone wat ingevolge sub-artikel (2) bevoeg is, in sodanige vakatures aanstel, totdat die ledetal tot op kworumsterkte aangevul is, of anders kan hy sodanige komitee ontbind, en daarop so gou moontlik 'n nuwe komitee vir die betrokke grondbewaringsdistriks ooreenkomstig die bepalings van hierdie artikel aanstel.

(10) Ondanks die bepalings van hierdie artikel kan die Administrateur by die ontbinding van 'n distrikskomitee ingevolge sub-artikel (9), of by verstryking van die tydperk waarvoor die boerelede daarin aangestel is, beveel dat die lede wat moontlik nog in die komitee dien, in hul amp moet bly en moet voortgaan met die pligte en werksaamhede van die komitee asof sodanige ontbinding of verstryking nie plaasgevind het nie, totdat 'n nuwe distrikskomitee aangestel is.

(11) Sodanige toeloes soos die Administrateur van tyd tot tyd vasstel kan aan distrikskomiteelede wat nie in diens van die Administrasie is nie, betaal word.

12. (1) 'n Distrikskomitee kan uit sy eie geledere sodanige sub-komitee van die distrikskomitee aanstel soos hy nodig vind en hom by die verrigting van sy werksaamhede en die uitvoering van sy pligte by te staan, en kan as lede van sodanige sub-komitees soveel lede van die distrikskomitee aanstel soos hy goed vind.

(2) 'n Distrikskomitee kan van sy werksaamhede en pligte na goeddunke aan so 'n aangestelde sub-komitee of aan 'n enkele lid toewys, en kan enige beslissing van so 'n sub-komitee of lid wysig of intrek.

13. (1) Die kworum by 'n vergadering van 'n distrikskomitee is die helfte van sy ledetal: Met dien verstande dat die kworum van 'n distrikskomitee altyd minstens drie moet wees.

(2) As die voorsitter van 'n distrikskomitee afwesig is van 'n vergadering waarop die aantal aanwesige lede 'n kworum uitmaak, kan die aanwesige lede een uit hul midde kies tot voorsitter van sodanige vergadering.

(3) Die besluit van die meerderheid van die teenwoordige lede op 'n distrikskomitee-vergadering, is 'n besluit van sodanige vergadering, en by staking van stemme het die voorsitter 'n beslissende sowel as 'n gewone stem.

(4) Wanneer 'n distrikskomitee lid 'n behoorlik byeen-geroepete komiteevergadering onnoontlik kan bywoon, moet hy die voorsitter so gou doenlik verwittig van die omstandighede wat hom sal verhoed om sodanige vergadering by te woon, of — waar hy reeds afwesig was — wat hom verhoed het.

(5) Die voorsitter doen aan sodanige, of aan die eersvolgende, vergadering verslag oor die ontvangs van sodanige afwesighede-kennisgewing, en oor die redes wat die betrokke lid vir sy afwesigheid aanvoer, en die vergadering besluit dan of die lid afwesighede-verlof moet kry, al dan nie. Elke sodanige besluit word in die notule van die vergadering aangeteken.

(6) Wanneer 'n lid soos voormeld sonder verlof van twee agtereenvolgende vergaderings weggebly het, verwittig die voorsitter die Administrateur van die feite en omstandighede van die saak, sodat die Administrateur na goeddunke kan optree.

(7) The provisions of sub-sections (4), (5) and (6) shall apply *mutatis mutandis* in respect of attendance at meetings of any sub-committee of a district committee.

(8) Every district committee shall at its first meeting elect one of its members or any other suitable person to perform the duties of secretary of that committee.

(9) Any decision taken any any act performed by a sub-committee of a district committee shall be reported within reasonable time or within a stipulated time, to the chairman of the district committee.

(10) Minutes of the proceedings of every meeting of a district committee or of a sub-committee thereof shall be drawn up and entered into a book or attached to a file for that purpose. The minutes of each such meeting shall be brought up at the same or the next meeting, and, if then passed as correct, shall be confirmed by the signature of the person presiding thereat.

(11) Any district committee may, subject to the approval of the Administrator, make rules not inconsistent with the provisions of this section, as to such other matters as may be necessary or expedient for the proper functioning of such district committee or of a sub-committee thereof.

14. (1) The inaugural meeting of a district committee shall be convened at a time, date and place determined by a person nominated by the Administrator.

(2) Ordinary meetings of any district committee shall be held as often and at such times and places as such committee may from time to time decide.

(3) The chairman of any district committee may in his discretion call a special meeting of the district committee at any time for the transaction of urgent business; and he shall, at the request of not less than one-third of the number of members of that committee, call a special meeting thereof as soon as possible at a time and place to be determined by him.

(4) The Administrator or the conservation committee may on reasonable notice call upon the chairman of any district committee to convene a meeting of the committee for the transaction of special or urgent business.

(5) The chairman of a district committee shall ensure that notice of any ordinary or special meeting is served on every member thereof in sufficient time to enable any such member to attend the meeting.

15. A district committee shall—

- (a) prepare and submit to the conservation committee any soil conservation plan in respect of any land situated within its soil conservation district which it may deem necessary or which the conservation committee may require it to prepare;
- (b) take such steps as it may deem necessary to ensure the proper carrying out of the provisions of any soil conservation plan which is in operation in respect of any land within its soil conservation district;
- (c) from time to time furnish to the conservation committee such information relating to veld, soil and water conservation in its soil conservation district as the conservation committee may require;
- (d) advise owners and occupiers of land situated within its soil conservation district on matters relating to veld, soil and water conservation;
- (e) perform such other duties as the Administrator may, in addition to the duties and functions allotted to district committees by this Ordinance, assign to it in connection with veld, soil and water conservation in its soil conservation district.

16. A district committee shall as soon as practicable after the thirty-first day of December in every year submit to the conservation committee a report on its activities during the year immediately preceding and on the progress that has been made in veld, soil and water conservation in its soil conservation district during that year.

(7) Die bepalinge van sub-artikels (4), (5) en (6) geld *mutatis mutandis* die bywoning van vergaderings van 'n sub-komitee van 'n distrikskomitee.

(8) Elke distrikskomitee kies op sy eerste vergadering een van sy lede of enige ander geskikte persoon om die pligte van sekretaris van sodanige komitee uit te voer.

(9) Elke besluit of optrede deur 'n sub-komitee van 'n distrikskomitee moet binne redelike tyd, of binne 'n bepaalde tyd, aan die voorsitter van die distrikskomitee meegeedeel word.

(10) Daar moet notule gehou word van die verrigtinge van elke vergadering van 'n distrikskomitee of van 'n sub-komitee daarvan, en sodanige notule word dan in 'n boek opgeteken of in 'n daarvoor bestemde lias bewaar. Die notule van elke sodanige vergadering word op dieselfde of die eersvolgende vergadering ter tafel gelê, en as dit goedgekeur word, bekragtig die voorsitter van die vergadering dit met sy handtekening.

(11) 'n Distrikskomitee kan, onderlewig aan Administrateursgoedgekeur reëls wat strook met die bepalinge van hierdie artikel opstel oor sodanige ander aangeleenthede soos nodig of doenlik is vir die behoorlike verrigting van die werksaamhede van sodanige distrikskomitee of 'n sub-komitee daarvan.

14. (1) Die eerste vergadering van 'n distrikskomitee word belê vir 'n tyd, datum en plek wat 'n Administrateurs-benoemde vasstel.

(2) Die gewone vergaderings van 'n distrikskomitee word so dikwels en op sodanige tye en plekke gehou soos sodanige komitee van tyd tot tyd besluit.

(3) Die voorsitter van 'n distrikskomitee kan te eniger tyd na goeddunke 'n spesiale vergadering van die distrikskomitee belê ter verrigting van dringende sake; en op versoek van minstens een-derde van die komiteedeel moet hy so gou moontlik 'n spesiale komiteevergadering belê, en tyd en plek daarvoor vasstel.

(4) Die Administrateur of die Grondbewaringskomitee kan die voorsitter van 'n distrikskomitee na redelike kennisgewing aansê om 'n komitee-vergadering te belê ter verrigting van spesiale of dringende sake.

(5) Die voorsitter van 'n distrikskomitee moet toesien dat kennisgewing van 'n gewone of 'n spesiale komiteevergadering aan elke lid besorg word, en wel vroeg genoeg dat die lid die vergadering kan bywoon.

15. 'n Distrikskomitee moet—

- (a) elke grondbewaringsplan wat hy vir grond binne sy grondbewaringsdistrik nodig ag, of wat die Grondbewaringskomitee van hom verlang, opstel en aan die Grondbewaringskomitee voorleë;
- (b) na goeddunke stappe doen om te verseker dat die bepalinge van 'n grondbewaringsplan wat ten opsigte van grond in sy grondbewaringsdistrik in werking is, behoorlik uitgevoer word;
- (c) van tyd tot tyd aan die Grondbewaringskomitee sodanige inligting betreffende veld-, grond- en waterbewaring binne sy grondbewaringsdistrik verstrek soos die Grondbewaringskomitee vereis;
- (d) eienaars en bewoners van grond binne sy grondbewaringsdistrik raad gee in sake veld-, grond- en waterbewaring;
- (e) sodanige ander pligte (so en behalwe die amppligte en werksaamhede wat kragtens hierdie Ordonnansie aan distrikskomitees toegewys word) betreffende veld-, grond- en waterbewaring in sy grondbewaringsdistrik, uitvoer soos die Administrateur van hom verlang.

16. Elke distrikskomitee moet iedere jaar so gou doenlik na die een-en-dertigste dag van Desember 'n verslag aan die Grondbewaringskomitee voorleë oor sy werksaamhede gedurende die onmiddellik voorafgaande jaar en oor die vooruitgang wat sy grondbewaringsdistrik gedurende sodanige jaar met veld-, grond- en waterbewaring gemaak het.

17. (1) As soon as a district committee has prepared a soil conservation plan it shall obtain from every owner and occupier of the land in respect of which that soil conservation plan has been prepared, a written acceptance thereof on the grounds upon which any such owner or occupier objects to that soil conservation plan: Provided that if any occupier or owner of land fails, within thirty days having been called upon to do so by the district committee, either to accept the soil conservation plan or to state the grounds of his objection thereto, he shall, for the purposes of this section, be deemed to have accepted that soil conservation plan.

(2) The district committee shall thereupon submit to the conservation committee the soil conservation plan prepared by it together with the written acceptances referred to in sub-section (1) and its report on the grounds upon which any owner or occupier of the land concerned objects to that soil conservation plan.

(3) The conservation committee may, with or without consultation with the district committee, modify such plan in any respect it may deem fit or may reject that plan.

(4) The Administrator may, upon the recommendation of the conservation committee, as from a date to be fixed by him, apply the soil conservation plan with such modifications thereof as he may deem fit, to the land in respect of which it has been prepared or to any portion thereof, and shall thereupon serve or cause to be served on the district committee concerned and on every owner and occupier of the land to which it has been applied, a copy of that soil conservation plan either by personal delivery or by post.

18. (1) Any owner of land situated outside a soil conservation district may at any time prepare a soil conservation plan in respect of any land owned by him and may submit it to the Administrator with a request to apply it to the land in respect of which it has been prepared.

(2) The Administrator may, on the recommendation of the conservation committee as from a date to be determined by him, apply any soil conservation plan referred to in sub-section (1), with such modifications thereof as may have been agreed upon between the Administrator and the owner concerned, to the land in respect of which it has been prepared or any portion thereof, and shall thereupon serve or cause to be served on the said owner a copy of that soil conservation plan either by personal delivery or by post, or he may reject that soil conservation plan.

19. (1) The Administrator may at any time, on the recommendation of the conservation committee, and after at least one month's written notice given to the owner and occupier of any land situated outside a soil conservation district, apply, as from a date to be fixed by him, any soil conservation plan to that land.

(2) A notice given in terms of sub-section (1) shall be accompanied by a copy of the soil conservation plan referred to therein and shall be served upon every owner or occupier of the land to which such plan is applied either by personal delivery or by post.

20. Every soil conservation plan shall state the objects and scope thereof and shall define the land to which it applies, and may include provisions relating to—

- (a) the soil conservation works which shall be constructed and maintained on the land by the Administration or the owner of the land respectively;
- (b) the order in which such soil conservation works shall be constructed;
- (c) the labour, equipment, or material which shall be provided by the Administration and the owner of the land respectively;
- (d) the soil conservation measures which shall be applied in respect of the land and the order in which they shall be applied;
- (e) the manner in which the land shall be prepared for sowing or planting including provisions relating to rotation of crops or strip cropping;

17. (1) Sodra 'n distrikskomitee 'n grondbewaringsplan opgestel het, moet hy van elke eienaar en bewoner van die grond waarvoor sodanige grondbewaringsplan opgestel is, of 'n skriftelike aanvaarding van sodanige plan verkry, of die redes vir die besware van so 'n eienaar of bewoner teen sodanige grondbewaringsplan: Met dien verstande dat as 'n eienaar of bewoner van grond versuim om binne dertig dae nadat die distrikskomitee hom aangeseë het om dit te doen, die grondbewaringsplan of te aanvaar of die redes vir sy besware daarteen te meld, sodanige eienaar of bewoner van grond by die toepassing van hierdie artikel gegag word sodanige grondbewaringsplan te aanvaar het.

(2) Daarop stuur die distrikskomitee die grondbewaringsplan wat hy opgestel het aan die Grondbewaringskomitee, tesame met die skriftelike aanvaardings daarvan ingevolge sub-artikel (1), sowel as sy verslag oor die redes waarom 'n eienaar of bewoner van die betrokke grond teen sodanige grondbewaringsplan beswaar het.

(3) Die Grondbewaringskomitee kan met of sonder beraad met die distrikskomitee so 'n plan na goeddunke in die een of ander opsig wysig, of dit afkeur.

(4) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur vanaf 'n datum wat hy self vasstel, die grondbewaringsplan, met wysigings na goedvinde, toepas op die grond waarvoor sodanige plan opgestel is, of op 'n deel daarvan, en daarop besorg hy 'n afskrif van sodanige plan persoonlik of deur die pos aan die betrokke distrikskomitee, en aan elke grondeienaar en -bewoner op wie dit van toepassing is, of laat hy so 'n afskrif aldus besorg.

18. (1) Elke eienaar van grond buite 'n grondbewaringsdistrik kan te eniger tyd 'n grondbewaringsplan vir sy grond opstel en dit aan die Administrateur voorleë met 'n versoek om toepassing op die grond waarvoor dit opgestel is.

(2) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur vanaf 'n datum wat hy self bepaal, 'n grondbewaringsplan waarop sub-artikel (1) dui, met wysigings waaroor hy en sodanige eienaar ooreenkom, toepas op die grond waarvoor dit opgestel is, of op 'n deel daarvan, en daarop besorg die Administrateur 'n afskrif van sodanige plan persoonlik of deur die pos aan die betrokke eienaar, of laat hy sodanige afskrif aldus besorg, of wys hy sodanige grondbewaringsplan af die hand.

19. (1) Op aanbeveling van die Grondbewaringskomitee kan die Administrateur te eniger tyd en na minstens 'n maand skriftelike kennisgewing aan die eienaar en bewoner van enige grond wat buite 'n grondbewaringsdistrik geleë is, vanaf 'n datum wat die Administrateur self bepaal, enige grondbewaringsplan op sodanige grond toepas.

(2) 'n Kennisgewing ingevolge sub-artikel (1) met 'n afskrif van die daarin vermelde grondbewaringsplan word op elke eienaar of bewoner van grond waarop die Administrateur sodanige plan toegepas het, deur persoonlike aflewering of die pos besorg.

20. Elke grondbewaringsplan meld die oogmerke en bestek daarvan en omskryf die grond waarop dit van toepassing is, en kan bepalings insluit betreffende—

- (a) die grondbewaringswerke wat die Administrasie of die eienaar van die betrokke grond onderskeidelik daarop moet aanleë en in stand hou;
- (b) die volgorde waarin sodanige grondbewaringswerke aangeleë moet word;
- (c) die arbeid, toerusting of materiaal wat die Administrasie en die eienaar van die grond onderskeidelik moet verskaf;
- (d) die grondbewaringsmaatreëls wat op sodanige grond toegepas moet word, en die volgorde waarin hulle toegepas moet word;
- (e) die wyse waarop die grond vir saad of plante voorberei moet word, met inbegrip van bepalings betreffende wissel- of strookbou;

- (f) the temporary withdrawal from cultivation or grazing of any defined portion of the land for specified periods;
- (g) the restriction of the number or kinds of livestock which may for any specified period be grazed on any land or any defined portion thereof;
- (h) the occupation of the land by lessees, native labour tenants, squatters or servants;
- (i) the regulation or prohibition of veld burning;
- (j) the prevention, control and extinguishing of veld and forest fires;
- (k) specific land-use practices or any other practice or action the adoption of which or the avoidance of which is necessary for giving effect to any provision of a soil conservation plan;
- (l) the propagation, tending and maintenance of trees, forests and plantations for the protection or reclamation of land subject to erosion by wind, water or sand drift, or for the provision of shade and shelter for stock or crops, or for the production of wood or other forest produce for use in connection with the conservation of the natural vegetation;
- (m) generally, the prevention of soil erosion, the conservation, protection and improvement of the veld, the soil, the surface of the land, the vegetation and the sources and resources of the water supplies on the land.

21. (1) A soil conservation plan to be applied to any land may contain—

- (a) directions requiring the revision of such plan or of any particular provision thereof at stated intervals or within stipulated times; or
- (b) prescriptions regarding the matters in respect of which, the circumstances under which, the extent to which, and the conditions subject to which, any particular provision, rule or specification contained therein may be varied at the discretion of the conservation committee or of the district committee, if any, or of the owner or occupier concerned.

(2) The Administrator may, after consultation with the conservation committee and any district committee concerned—

- (a) amend any provision of a soil conservation plan in operation in terms of this Ordinance, subject to reasonable notice thereof being given to every owner or occupier of the land affected thereby; or
- (b) exempt, on such conditions as he may determine, any owner or occupier of land from any provision of a soil conservation plan applied to the land owned or occupied by that owner or occupier, if he is satisfied that compliance with any such provision will cause undue hardship to that owner or occupier.

22. (1) Every owner or occupier of land to which a soil conservation plan has been applied in terms of this Ordinance shall, as from the date of the application of that soil conservation plan to the land owned or occupied by him, or from the date of the service on him in terms of this Ordinance of a copy of that soil conservation plan, whichever date is the later, be bound to carry out and comply with the provisions of that soil conservation plan.

(2) If an owner of land fails within the time specified—

- (a) to construct or to maintain any soil conservation works which he is in terms of a soil conservation plan required to construct or to maintain; or
- (b) to construct or to maintain such soil conservation works in the manner prescribed by the soil conservation plan,

the Administrator may, after consultation with the district committee concerned, and after not less than one month's notice to that owner, take such steps as may be necessary for the construction or maintenance of the said soil conservation works in accordance with the soil conservation plan, and may recover the costs thereof, or such proportion thereof as he may determine, from the owner concerned.

- (f) die tydelike onttrekking van enige bepaalde deel van die grond aan verbouing of weiding oor vermelde tydperke;
- (g) die beperking van die aantal of soorte lewende hawe wat vir enige vermelde tydperk toegelaat kan word op en op enige omskrewe grond of op 'n bepaalde deel daarvan te wei;
- (h) die bewoning van die grond deur huurders, inboorling-plakkerwerkers, plakkers of bediendes;
- (i) die reëling van, of verbod op, veldbrand;
- (j) die voorkoming, beheer en blussing van veld- en bosbrande;
- (k) bepaalde praktyke by grondgebruik of enige ander praktyk of optrede wat aanvaar of vermy moet word ter uitvoering van die bepalings van 'n grondbewaringsplan;
- (l) die voortplanting, versorging, en instandhouding van bome, bosse en plantasies ter beskerming of herwinning van grond wat onderhevig is aan erosie deur wind, water of waaisand, of ter verskaffing van skaduwec en beskutting aan vee of gesaaide, of ter voortbrenging van hout of ander bosprodukte vir gebruik by die bewaring van die natuurlike plantegroei;
- (m) in die algemeen, die voorkoming van gronderosie, die bewaring, beskerming en verbetering van die veld, die bodem, die grondoppervlakte, die plantegroei en die bronne en hulpbronne van die watervoorraad op sodanige grond.

21. (1) 'n Grondbewaringsplan wat op grond toegepas word kan die onderstaande bevat—

- (a) aanwysings wat vereis dat sodanige plan of 'n besondere bepaling daarvan met vasgestelde tussenposes, of binne vasgestelde tydperke, hersien moet word;
- (b) voorskieding insake die aangeleentheid waarvoor, die instandhouding waaronder, die mate waarin, en die voorwaardes waarop, 'n besondere bepaling, reël of spesifikasie in sodanige grondbewaringsplan na goeddunke van die Grondbewaringskomitee of van 'n moontlike distrikskomitee, of van die betrokke eienaar of bewoner, gewysig kan word.

(2) Die Administrateur kan, na beraad met die Grondbewaringskomitee, en enige betrokke distrikskomitee—

- (a) enige bepaling wysig van 'n grondbewaringsplan wat ingevolge hierdie Ordonnansie in werking is, mits redelike kennisgewing daarvan aan elke eienaar of bewoner van die betrokke grond geskied; of
- (b) enige eienaar of bewoner van grond, op voorwaardes wat die Administrateur self bepaal, vrystel van enige bepaling van 'n grondbewaringsplan betreffende die grond wat sodanige eienaar of bewoner besit of bewoon, as die Administrateur oortuig is dat sodanige eienaar of bewoner weens die nakoming van sodanige bepaling uitermatig sal ly.

22. (1) Elke eienaar of bewoner van grond waarop 'n grondbewaringsplan ingevolge hierdie Ordonnansie toepasslik verklaar word, is vanaf die datum waarop sodanige grondbewaringsplan toegepas word op die grond wat by besit of bewoon, of vanaf die datum waarop 'n afskrif van sodanige grondbewaringsplan ingevolge hierdie Ordonnansie aan hom besorg word, watter datum ook al die jongste is, verplig om die bepalings van sodanige grondbewaringsplan na te kom en daaraan te voldoen.

(2) Versuim 'n grondeienaar om binne die vasgestelde tydperk—

- (a) die grondbewaringswerke wat hy ingevolge 'n grondbewaringsplan moet aanleë of in stand hou, aan te lê of in stand te hou; of
- (b) sodanige grondbewaringswerke volgens voorskrif van die grondbewaringsplan aan te lê of in stand te hou,

kan die Administrateur na beraad met die betrokke distrikskomitee, en na minstens een maand kennisgewing aan sodanige eienaar, die nodige doen ter aanleg of instandhouding van sodanige grondbewaringswerke ooreenkomstig die grondbewaringsplan, en kan die Administrateur die koste daarvan, of sodanige deel daarvan soos hy bepaal, van die betrokke eienaar verhaal.

(3) (a) A soil conservation plan binds in succession every owner and occupier of the land to which it is applied.

(b) The application to any land of a soil conservation plan shall at the request of the Administrator be noted by the Registrar of Deeds in the appropriate register of his office.

(c) Before any land to which a soil conservation plan applies or any portion thereof is transferred, the transferor shall lodge with the Registrar of Deeds a document certifying that the person or persons, to whom such land or portion of land is to be transferred, have knowledge of the said plan.

23. (1) Whenever a soil conservation plan has been applied to any land under the control of a local authority to which the public have a common right of grazing their livestock, and that soil conservation plan contains a provision restricting the number or kinds of livestock which may for any specified period be grazed on that land or any portion thereof, the local authority concerned may, for the purpose of ensuring compliance with that provision, notwithstanding any rights which any member of the public may by virtue of any valid title deed or servitude have over such land or that portion thereof, make regulations restricting the number or kinds of livestock which any member of the public shall be permitted to graze on the said land or any portion thereof.

(2) Any provision in a soil conservation plan which requires the withdrawal from grazing for any period specified in the soil conservation plan of any land under the control of a local authority to which the public have a common right of grazing their livestock, shall have the effect of suspending, for the period so specified, any rights which any member of the public may by law or by virtue of any valid title deed or servitude have over such land.

24. Notwithstanding the provisions of this Ordinance, the Administrator may at any time take such steps as may be necessary for the construction or maintenance on any land of such soil conservation works as he may, on the recommendation of the conservation committee, consider necessary.

25. (1) The costs of any soil conservation works constructed or maintained by the Administration in terms of section *twenty-four* or *twenty-six* or in accordance with any soil conservation plan may, in the discretion of the Administrator, be charged entirely to the Administration or entirely to the owner or owners of the land which is in the opinion of the Administrator, beneficially affected by the soil conservation works, or partly to the Administration and partly to such owner or owners, and any costs so charged to an owner of land shall be recovered from the owner concerned by the Administrator in such manner as he may deem fit.

(2) Where the costs or any portion of the costs of any soil conservation works are in terms of sub-section (1) charged to more than one owner of land, the Administrator shall apportion the said costs between the said owners in such manner as he may deem equitable in the circumstances.

(3) If the said owner or owners of the land is/are dissatisfied with the amount of the costs so charged to him/them, the amount shall, on the application of the said owner or, if there is more than one owner, on the joint application of the said owners, be determined by a board consisting of the Magistrate of the district wherein the soil conservation works have been constructed, and two other persons, one to be appointed by the said owner or owners and the other by the Administrator.

(4) Such board shall have power to summon and hear witnesses, to call for the production of books and accounts and to punish for contempt of court as if it were a magistrate's court.

(5) The decision of the majority of the board shall be the judgment of the board, and shall be binding upon the parties.

(3) (a) 'n Grondbewaringsplan bind elke opvolgende eienaar en bewoner van die grond waarop sodanige plan toegepas word.

(b) Die toepassing van 'n grondbewaringsplan op 'n bepaalde stuk grond word op Administrateursversoek deur die Registrar van Aktes in die aangewese register van sy kantoor aangeteken.

(c) Voordat grond waarop 'n grondbewaringsplan toegepas is, of 'n deel van sodanige grond, oorgedra word, moet die transportgewer 'n getuiskrif dat die transportnemer(s) van die grondbewaringsplan weet, by die Registrar van Aktes indien.

23. (1) Wanneer 'n grondbewaringsplan toegepas word op grond wat onder beheer van 'n plaaslike bestuur staan en waarop die publiek 'n gemeenskaplike weidingsreg het vir hul lewende hawe, en wanneer sodanige grondbewaringsplan 'n bepaling bevat ter beperking van die aantal of soorte lewende hawe wat vir 'n vermelde tydspek toegelaat word om op sodanige grond of 'n deel daarvan te wei, kan die betrokke plaaslike bestuur — om nakoming van sodanige bepaling te verseker en nie-teestaande enige regte wat enige lid van die publiek ingevolge 'n regsgeeldige titelbewys op, of 'n serwituit oor, sodanige grond of sodanige deel daarvan het— regulasies uitvaardig ter beperking van die aantal of soorte lewende hawe wat in lid van die publiek op sodanige grond of enige deel daarvan kan laat wei.

(2) 'n Bepaling in 'n grondbewaringsplan wat eis dat 'n stuk grond onder beheer van 'n plaaslike bestuur waarop die publiek 'n gemeenskaplike weidingsreg vir hul vee het, aan weiding omtrek moet word oor 'n tydspek wat die grondbewaringsplan vermeld, het die uitwerking dat dit vir die aldus vermelde tyd elke reg opskort wat enige lid van die publiek moontlik volgens wet of ingevolge 'n regsgeeldige titelbewys op, of serwituit oor, sodanige grond het.

24. Die bepalings van hierdie Ordonnansie ten spyt, kan die Administrateur te eniger tyd die nodige doen ter aanlegging of instandhouding op enige grond van sodanige grondbewaringswerke soos hy op aanbeveling van die Grondbewaringskomitee nodig ag.

25. (1) Die Administrateur kan na goeदनुके die koste van enige grondbewaringswerke wat die Administrasie ingevolge artikel *vier-en-twintig* of *ses-en-twintig* of ooreenkomstig 'n grondbewaringsplan aangeleg het of in stand hou, of geheel teen die Administrasie in rekening bring, of geheel teen die eienaar(s) van die grond wat volgens Administrateursmening deur sodanige grondbewaringswerke bevoordeel word, of deels teen die Administrasie en deels teen sodanige eienaar(s); en die Administrateur kan enige koste wat aldus teen 'n grond-eienaar bereken word, na goeदनुके van die betrokke eienaar(s) verhaal.

(2) Word die koste of 'n deel van die koste van grondbewaringswerke ingevolge sub-artikel (1) teen meer as een grondeienaar in rekening gebring kan die Administrateur sodanige koste op die wyse wat hy onder omstandighede billik ag tussen sodanige eienaar(s) verdeel.

(3) Waar sodanige eienaar(s) ontevrede is oor die bedrag van die koste wat aldus teen hulle in rekening gebring word, word die bedrag op aansoek van sodanige eienaar (of, as daar meer as een eienaar is, op die gesamentlike aansoek van sodanige eienaar(s) vasgestel deur 'n raad wat bestaan uit die magistraat van die distrik waarin die grondbewaringswerke aangeleg is en twee ander persone van wie een deur sodanige eienaar of eienaar en die ander deur die Administrateur benoem word.

(4) Sodanige raad kan getuienes dagvaar en verhoor, en kan eis dat boeke en rekeninge aan hom voorgelê word, 'n kan strawwe opleë vir minagting van die hof, asof dit 'n magistratshof is.

(5) Die besluit van die meerderheid van die raad se lede is die bevinding van die raad, en bind die partye.

(6) For the purpose of carrying out any of the powers of the board, the law regulating the procedure of magistrates' courts shall apply.

(7) The remuneration of the members of the board including the expenditure incurred by the board, shall be borne by the Administration and the said owner or owners in equal shares.

(8) In coming to a decision under sub-section (3) the board shall have regard, in addition to any other relevant circumstance, to the extent to which the land of the said owner or owners is or is likely to be beneficially affected by or enhanced in value as a result of the construction of the soil conservation works concerned.

(9) Whenever in this section the expressions "owner" and "owner or owners" occur, these expressions shall for the purposes of this section be taken to include any owner of a dominant tenement.

26. (1) Whenever in the opinion of the Administrator any land should, in the national interest, be reclaimed or conserved by the Administration he may on the recommendation of the conservation committee with respect to that land or any portion thereof or any right therein or thereover—

- (a) acquire such land or such right by direct purchase; or
- (b) appropriate such land or such right subject to the provisions of this section and to a right of pre-emption remaining to the owner or his successor in title; or
- (c) by notice in writing suspend for a period to be specified in such notice (which period may from time to time in like manner be extended) all or any of the owner's or occupier's rights in or over such land, and at the expiration of three months from the date of such notice, enter upon and take possession of the land for the purpose of reclamation or conservation;
- (d) in the case of unalienated Crown land, reserve such land for any of the purposes of this sub-section.

For the purposes of this sub-section "national interest" shall include—

- (i) the prevention of sand drift or the reclamation of land affected thereby; or
- (ii) the prevention of soil erosion or the reclamation of land affected thereby; and
- (iii) the protection of catchment areas or the conservation of water sources.

(2) Not less than three months before the Administrator appropriates any land or any right in or over such land under this section, the Administrator shall give to the registered owner of the land and to every person who is shown upon the title deed to the land to have any interest therein, and whose whereabouts he can readily ascertain, a notice, in writing, setting forth clearly the land, or the particular right therein or thereover, as the case may be, which the Administrator proposes to appropriate and the compensation offered therefor.

(3) The compensation to be paid for any land or any right expropriated under the provisions of this section shall, in the absence of agreement, be determined by a board constituted in terms of sub-section (3) of section twenty-five.

(4) Before the matter in dispute is referred to such board, any party concerned shall be bound to disclose to the Administrator, upon his request and within a period to be stipulated by him in that request, the amount of compensation demanded by such party with full particulars of the basis on which the amount is arrived at.

(5) For the purposes of this section, the board aforesaid shall have power to award costs, including the reasonable remuneration and expenditure of the board.

(6) By die uitvoering van enige bevoegdheid van die raad geld die wet betreffende die procedure van magistratshoue.

(7) Die besoldiging van lede van die raad met inbegrip van die onkoste wat die raad aangaan, word gelyk-op deur die Administrasie en sodanige eienaar of eienaars gedra.

(8) Wanneer hy ingevolge sub-artikel (3) tot 'n beslissing geraak, moet die raad, benewens enige ander desbetreffende omstandigheid, die mate waarin die aanleg van die betrokke grondbewaringswerke 'n voordelige uitwerking op die grond van sodanige eienaar of eienaars het of waarskynlik sal hê, of die mate waarin die grond weens die aanlegging van sodanige werke in waarde gestyg het of waarskynlik sal styg, in ag neem.

(9) Waar ook al daar in hierdie artikel die woord „eienaar” of die woord „eienaars(s)” gebesig word, sluit dit by die toepassing van hierdie artikel ook die eienaar van 'n heersende erf in.

26. (1) Wanneer die Administrateur meen dat die Administrasie in die volksbelang grond moet herwin of bewaar, kan hy, op aanbeveling van die Grondbewaringskomitee, betreffende sodanige grond of 'n deel daarvan, of enige reg daarin of daarop—

- (a) sodanige reg of grond regstreeks aankoop; of
- (b) sodanige grond of reg onteien onderhewig aan die bepaling van hierdie artikel en aan die behoud deur die eienaar of sy regsopvolger van 'n voorkoepsreg; of
- (c) by skriftelike kennisgewing vir 'n termyn daarin vermeld (sodanige termyn kan van tyd tot tyd op soortgelyke wyse verleng word) al of enige van die eienaar of bewoner se regte in of of sodanige grond opskort, en na verloop van drie maande na die kennisgewingsdatum die grond betree en daarvan besit neem ter herwinning of bewaring;
- (d) wat onvervreemde kroongrond betref, sodanige grond vir enige van die doeleindes van hierdie sub-artikel voorbelou.

By die toepassing van hierdie sub-artikel omvat „volksbelang”—

- (i) die voorkoming van waaiaand of die herwinning van grond wat daaraan onderhewig is; of
- (ii) die voorkoming van gronderosie of die herwinning van grond wat daaraan onderhewig is; en
- (iii) die beskerming van opvanggebiede of die hewaring van waterbronne.

(2) Minstens drie maande voordat die Administrateur enige grond of enige reg in of op sodanige grond ingevolge hierdie artikel onteien, gee hy die geregistreerde eienaar van sodanige grond en elkeen wat volgens die titelbewys belang daarby het en gereedlik gevind kan word, skriftelik daarvan kennis, en in sodanige kennisgewing gee hy 'n duidelike uiteensetting van die grond, of aan die bepaalde reg daarin of daarop, al na gelang, wat die Administrateur wil onteien, en van die vergoeding wat daarvoor aangebied word.

(3) By gebrek aan ooreenkoors word die vergoedingsbedrag vir enige grond of reg wat kragtens die bepaling van hierdie artikel onteien word, vasgestel deur 'n raad wat ingevolge die bepaling van sub-artikel (3) van artikel vyf-en-twintig ingestel word.

(4) Voordat sodanige geskil na sodanige raad verwys word, moet elke betrokke party op Administrateursversoeke en binne 'n tydperk wat die Administrateur in sodanige versoeke vasstel, die Administrateur verwittig van die vergoedingsbedrag wat sodanige party eis, met volledige besonderhede van die grondslag waarop sodanige bedrag vasgestel is.

(5) By die toepassing van hierdie artikel kan voormelde raad koste, insluitende redelike besoldiging en uitgawe van die raad, toeken.

(6) If the amount of compensation awarded by the board is two hundred pounds or over, the costs awarded by the board shall be liable to taxation by the Registrar of the High Court of South West Africa, on the scale of costs applicable to proceedings had in the said High Court, and, if the amount of compensation awarded is less than two hundred pounds, be liable to taxation by the clerk of the magistrate's court of the district in which the property is situated, on the scale of costs applicable to proceedings had in a magistrate's court.

(7) The Administrator may in respect of any land referred to in paragraph (c) of sub-section (1) at his discretion—

(a) grant exemption from the provisions of that paragraph to an owner or occupier who has, within three months from the date of the notice of suspension, carried out a written undertaking to construct or carry out at his expense such soil conservation works or soil conservation measures (to be specified in the undertaking) as the Administrator may require; and

(b) terminate such exemption, after three months notice in writing to the owner or occupier, if he is satisfied that the said owner or occupier has failed to comply with the terms of his undertaking.

(8) The Administrator may at any time by notice in writing cancel any suspension of rights under paragraph (c) of sub-section (1).

(9) In the event of such cancellation the suspended rights shall be restored to the owner or his successor in title, or to the occupier, as the case may be, subject to the provisions of sub-section (10) and to such conditions as to occupation and use of the land as the Administrator may deem fit to impose, which conditions shall attach to the land and at the request in writing of the Administrator be noted free of charge by the Registrar of Deeds on the title deed of the said land and in the appropriate registers. For the purpose of this section the owner or other person in possession of the title deed to the land shall on demand deliver such title deed to the Administrator, and "owner" shall include the owner of a dominant tenement.

(10) Whenever the Administrator gives to any owner or person referred to in sub-section (2) a notice in terms of that sub-section, he shall at the same time transmit to the Registrar of Deeds a certified copy of such notice, and after the receipt thereof and until the land or the right, as the case may be, is transferred to the Administrator or until such notice is withdrawn, the Registrar shall not register any transaction affecting such land or right.

(11) Whenever any land has been acquired, expropriated or reserved in terms of paragraphs (a), (b) and (d) of sub-section (1) the Administrator shall reserve such land for the purpose for which it is required by proclamation in the *Gazette*.

(12) If in the opinion of the Administrator any land reserved by him in terms of sub-section (11) or any portion thereof should in the national interest be withdrawn from reservation or the boundaries thereof be amended, the Administrator may by proclamation in the *Gazette* withdraw such land or portion thereof from reservation or amend the boundaries thereof.

27. The Administrator may, out of moneys appropriated for the purpose by the Legislative Assembly for the Territory, and on such conditions as may be prescribed by regulation under this Ordinance—

(a) lend money to an owner of land for the purpose of constructing any soil conservation works or applying any soil conservation measures in accordance with a soil conservation plan applicable to land of that owner: Provided that the Administrator may refer any matter falling within this paragraph to the board established under the Promotion of Farming Interests Ordinance, 1952, to be dealt with under the provisions of that Ordinance.

(6) As die vergoeding wat die Raad toeken twee-honderd pond of meer is, is die koste wat die Raad toeken onderhewig aan taksasie deur die Griffier van die Hofhof van Suidwes-Afrika volgens die kosteskaal betreffende verrigtinge in genoemde Hofhof, en as die toekende vergoedingsbedrag minder as twee-honderd pond is, is dit onderhewig aan taksasie deur die klerk van die magistrats-hof van die distrik waarin die grond geleë is volgens die kosteskaal betreffende verrigtinge in magistrats-hof.

(7) Die Administrateur kan ten opsigte van grond genoem in paragraaf (c) van sub-artikel (1), na die goed-dunke—

(a) vrystelling van die bepaling van sodanige paragraaf verleen aan 'n eienaar of bewoner wat binne drie maande vanaf die datum van kennisgewing van op-skorting, skriftelik onderneem het om op die onkoste sodanige grondbewaringswerke of grondbewarings-maatreëls (hulle moet in die onderneming genoem word) aan te lê of uit te voer soos die Administrateur vereis; en

(b) sodanige vrystelling na drie maande skriftelike kennisgewing aan sodanige eienaar of bewoner beëindig, as hy oortuig is dat sodanige eienaar of bewoner versuim het om die bepaling van sy onderneming na te kom.

(8) Die Administrateur kan te eniger tyd by skriftelike kennisgewing 'n opskorting van regte ingevolge paragraaf (c) van sub-artikel (1) intrek.

(9) By sodanige intrekking word die opgeskorte regte aan die eienaar of sy titelopvolger of die bewoner, na gelang, teruggegee, behoudens die bepaling van sub-artikel (10) en sodanige voorwaardes betreffende bewoning en gebruik van die grond soos die Administrateur na goeddunke stel; sodanige voorwaardes is op die grond van toepassing, en op skriftelike versoek van die Administrateur teken die Registrateur van Aktes dit kosteloos aan op die titelbewys van die grond en in die passieke registers. Vir die doel van hierdie artikel moet die eienaar of ander besitter van die titelbewys van die betrokke grond sodanige titel-bewys op Administrateursversoek voorlê, en omvat „eienaar” die eienaar van 'n hersende erf.

(10) Wanneer ook al die Administrateur aan 'n eienaar of persoon genoem in sub-artikel (2) kennisgewing ingevolge daardie sub-artikel verstrek, stuur hy tegelykertyd 'n gewaarmerkte afskrif van die kennisgewing aan die Registrateur van Aktes; en na ontvangs daarvan en voordat die grond of die reg, na gelang, aan die Administrateur oorgedra word, of totdat sodanige kennisgewing ingetrek is, mag die Registrateur van Aktes geen transaksie ten opsigte van sodanige grond of reg registreer nie.

(11) Wanneer grond ingevolge die bepaling van paragraaf (a), (b) en (d) van sub-artikel (1) nangekoop, ontken of voorbehou word, behou die Administrateur by proklamasie in die *Offisiële Koerant* die grond voor vir die doeleindes waarvoor dit vereis word.

(12) As die Administrateur meen dat grond wat hy ingevolge die bepaling van sub-artikel (11) voorbehou het, of enige deel daarvan, in die volksbelang van voorbehoud onttrek moet word, of dat die grense daarvan gewysig moet word, kan die Administrateur by proklamasie in die *Offisiële Koerant* sodanige grond of deel daarvan van voorbehoud onttrek of die grense daarvan wysig.

27. Die Administrateur kan, uit gelde wat die Wetgewende Vergadering van die Gebied daarvoor beskikbaar stel, en op sodanige voorwaardes soos by regulasie krugteus hierdie Ordonnansie voorgeskryf word—

(a) aan 'n grondeienaar geld leen om grondbewarings-werke aan te lê of grondbewaringsmaatreëls toe te pas ooreenkomstig 'n grondbewaringsplan wat op sodanige eienaar se grond geleë is: Met dien verstande dat die Administrateur enige saak binne die bestek van hierdie paragraaf kan verwys na die raad ingestel by die Ordonnansie op die Bevordering van Boerderybelange 1952 ter ahandeling ingevolge die bepaling van daardie Ordonnansie;

- (b) grant rebates on loans made in terms of paragraph (a);
- (c) pay subsidies or make grants to the owner or occupier of any land in respect of any soil conservation works constructed or soil conservation measures applied by that owner or occupier in accordance with a soil conservation plan applicable to the land owned or occupied by that owner or occupier.

28. Any amount due to the Administration in respect of any loan granted or of any advance made thereon for the purpose of, or in respect of any liability assumed in connection with the construction of any soil conservation works or the application of any soil conservation measures under this Ordinance or any other law or any agreement, shall be recoverable by the Administrator in accordance with the law of the Territory.

29. The Administrator may, with the approval of the owner of any land and subject to such conditions as may be agreed upon between the Administrator and the said owner, construct and maintain or apply, or cause to be constructed and maintained or applied, at public expense, any soil conservation works or soil conservation measures on or in respect of the land of the said owner for the purpose of public demonstration or research in matters relating to veld, soil or water conservation.

30. (1) Any officer of the Administration or of the South African Railways and Harbours Administration and any person duly authorized thereto by the Administrator may enter upon any land and may take with him such equipment as may be necessary for the purpose of constructing or maintaining on that land any soil conservation works in accordance with the provisions of this Ordinance or of any soil conservation plan, and may dig or take on such land, after consultation with the owner or occupier thereof and without an obligation to pay compensation therefor, such stone, sand, earth, water, bush or wood as may be necessary for the purpose of construction or maintaining on that land, such soil conservation works.

(2) There shall be free access over any land over which an officer or a person referred to in sub-section (1) may consider it necessary to proceed with his equipment or servants to reach the land on which any soil conservation works are required to be constructed or maintained in terms of this Ordinance: Provided that this right shall not be exercised except after consultation with the owner or occupier of the land over which it is considered necessary to proceed.

(3) Any officer of the Administration, any member of the conservation committee or of any sub-committee thereof or of any district committee, and any person generally or specifically authorized thereto by the Administrator, may at all reasonable times enter upon any land for the purpose of—

- (a) ascertaining whether the provisions of any soil conservation plan applicable to that land are being properly carried out or complied with; or
- (b) ascertaining the desirability of constructing upon that land any soil conservation works or of applying to that land any soil conservation measures or any soil conservation plan; or
- (c) inspecting any soil conservation works which are being or which have been constructed on that land.

31. (1) Subject to directions, general or specific, by the Surveyor-General every government land surveyor who is concerned with the survey of any Crown land or any private land, shall—

- (a) indicate on the diagram of such land the existence on any part thereof of any sand drift or severe erosion of the soil or any part which is in danger of such drift or erosion; and
- (b) furnish to the Administration a report on such drift or erosion including his recommendation regarding the necessity or otherwise for any action by the Administrator in terms of sub-section (1) of section twenty-six.

- (b) kortings toekon op lenings wat ingevolge paragraaf (a) toegestaan word;

- (c) aan enige grondeienaar of -bewoner subsidies betaal of skenkings toekon vir grondbewaringswerke of -maatreëls wat sodanige eienaar of bewoner aanslê of toepas ingevolge 'n grondbewaringsplan wat geld op die grond wat sodanige eienaar besit of bewoner bebou.

28. Die Administrateur kan ooreenkomstig die Gebiedswette enige bedrag inrunder wat aan die Administrateur verskuldig is op 'n lening (of op 'n daarop uitbetaalde voorskot) vir, of betreffende enige aanspreklikeheid wat aanvaar is by die aanlegging van grondbewaringswerke of by die toepassing van grondbewaringsmaatreëls, hetsy ingevolge hierdie Ordonnansie of enige ander wet of ooreenkoms.

29. Die Administrateur kan, met goedkeuring van die eienaar van enige grond en op die voorwaardes waarvoor die Administrateur en sodanige eienaar ooreenkom, op staatskoste enige grondbewaringswerke of grondbewaringsmaatreëls op of betreffende sodanige eienaar se grond ter openbare demonstrasie of navorsing oor veld-, grond- en waterbewaring, aanslê en in stand hou of toepas, of laat aanslê en in stand hou of toepas.

30. (1) Elke amptenaar van die Administrasie of van die Administrasie van die Suid-Afrikaanse Spoorweë en Havens en elkeen wat die Administrateur behoorlik daartoe magtig, kan enige grond betree en die nodige toerusting saamneem om op sodanige grondbewaringswerke ooreenkomstig die bepalings van hierdie Ordonnansie of 'n grondbewaringsplan aan te lê of in stand te hou, en kan, na raadpleging met die betrokke eienaar of bewoner en sonder om enige vergoedingsaanspreklikeheid daarvoor te aanvaar, sodanige klippe, sand, grond, water, bosse of hout uitgrawe op, of verwyder uit sodanige grond soos nodig is vir die instandhouding van sodanige grondbewaringswerke op sodanige grond.

(2) 'n Amptenaar of gemagtigde op wie sub-artikel (1) dui, het vry deurgang oor enige grond waaroor hy na goeiddunke met sy toerusting of bedieners gaan om die grond te bereik waarop grondbewaringswerke ingevolge hierdie Ordonnansie aangelê of in stand gehou moet word: Met dien verstande dat hierdie reg uitgeoefen word slegs na raadpleging met die eienaar of bewoner van die grond waaroor dit nodig geag word om te gaan.

(3) Elke amptenaar van die Administrasie, elke lid van die Grondbewaringskomitee, of van 'n sub-komitee daarvan, of van 'n distrikskomitee, en enige iemand wat die Administrateur algemeen of spesifiek daartoe magtig, kan te alle redelike tye enige grond betree om—

- (a) vas te stel of die bepalings van 'n grondbewaringsplan, wat op sodanige grond geld, behoorlik uitgevoer of nagekom word; of
- (b) vas te stel of dit raadsaam is, al dan nie, om op sodanige grond grondbewaringswerke aan te lê of grondbewaringsmaatreëls toe te pas; of
- (c) grondbewaringswerke wat op sodanige grond aangelê word of aangelê is, te ondersoek.

31. (1) Onderhewig aan die aanwysings, hetsy algemeen of spesifiek, van die Landmeter-generaal, moet elke staatslandmeter wat betrokke is by die opmeting van kroongrond of private grond—

- (a) op die kaart van sodanige grond die bestaan op enige deel van sodanige grond van waaissand of ernstige gronderosie, of enige deel van sodanige grond wat bedrig word deur sodanige waaissand of gronderosie, aandui; en
- (b) aan die Administrasie verslag doen oor sodanige waaissand of gronderosie en in sodanige verslag aanbevel of dit nodig is dat die Administrateur ingevolge sub-artikel (1) van artikel ses-en-twintig moet optree, al dan nie.

(2) If any portion of any Crown land which is in the process of being alienated is required for any purpose mentioned in sub-section (1) of section twenty-six, the Administrator may cause such portion thereof to be defined on the diagram of the land by the Surveyor-General and at the request in writing of the Administrator the Registrar of Deeds shall reserve for such purpose such portion on the title deed of the said land and in the appropriate registers.

32. The Administrator may make regulations as to—

- the conditions subject to which loans or advances thereon may be made to an owner of land in terms of section twenty-seven and the manner in which and the times at which such loans or advances shall be repaid;
- the conditions subject to which and the rates at which grants, rebates on loans or advances and subsidies shall be made or paid in terms of section twenty-seven;
- generally, all matters which he considers necessary or expedient to prescribe in order that the purposes of this Ordinance may be achieved.

33. Any person who—

- obstructs or hinders any person referred to in section thirty in the execution of his duties or the performance of his functions; or
- without the written permission of the Administrator damages, alters or in any way interferes with any soil conservation works which were to his knowledge constructed by the Administration;

and any owner or occupier of land who—

- fails to comply with or contravenes or permits the contravention of any provision of a soil conservation plan in operation in respect of the land owned or occupied by him, other than a provision relating to the construction of soil conservation works, or of any provision of this Ordinance or of any regulation made thereunder,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

34. This Ordinance shall be called the Soil Conservation Ordinance, 1952, and shall come into operation on a date to be fixed by the Administrator by proclamation in the *Gazette*.

SCHEDULE.

MANNER PRESCRIBED FOR ELECTION OF FARMER MEMBERS OF DISTRICT COMMITTEES.

NOTICE OF ELECTION AND NOMINATIONS.

1. (1) As soon as may be after a soil conservation district has been declared in terms of section ten of the Ordinance, the Administrator shall by notice in one or more newspapers circulating in the area in which the soil conservation district is situated, or in any other manner he deems fit—

- invite owners of land situated within that soil conservation district to nominate persons *bona fide* carrying on farming operations within the said soil conservation district for election as farmer members of the district committee;
- designate a person (hereinafter called the election officer) to receive such nominations and, if necessary, to convene a meeting for the election of such members;
- indicate the latest date by which and the place at which nominations are to be submitted to the election officer, and the number of members to be elected.

(2) The nomination of each candidate for election as a farmer member of a district committee shall be made on a separate declaration and nomination form (obtainable, Annexure 1 hereto, from the election officer), as set out thereon in the space provided his acceptance of such nomination.

(2) As enige deel van kroongrond wat onder vervreemding staan, nodig is vir 'n deel wat sub-artikel (1) van artikel ses-en-twintig noem, kan die Administrateur sodanige deel daarvan deur die Landmeter-generaal op die kaart van die betrokke grond laat omskryf, en op skriftelike versoek van die Administrateur moet die Registrateur van Aktes sodanige deel op die titelbewys van die betrokke grond en in die paslike registers, vir sodanige doel voorberei.

32. Die Administrateur kan regulasies uitvaardig betreffende—

- die voorwaardes waarop lenings of voorskotte ingevolge artikel sewen-en-twintig aan 'n grondeienaar toegestaan kan word, en die wyse en tye waarop sodanige lenings of voorskotte terugbetaal moet word;
- die voorwaardes waarop en die skale waarteen skenkings, kortings op lenings en voorskotte en subsidies ingevolge artikel sewen-en-twintig toegeken of betaal moet word;
- alle sake oor die algemeen, die voorskrywing waarvan lyt ter bereiking van die oogmerke van hierdie Ordonnansie nodig of dienstig ag.

33. Elkeen wat—

- iemand op wie artikel dertig dui, by die uitvoering van sy amppligte of die verrigting van sy werksaamhede teengaan of hinder; of
- grondbewaringswerke wat na sy wete deur die Administrasie aangeleg is, sonder skriftelike Administrateurstoestemming beskadig, verander of enigsnis belemmer;

en elke grondeienaar of -bewoner wat—

- versuim om te voldoen aan 'n bepaling van 'n grondbewaringsplan wat ten opsigte van die grond wat hy besit of bewoon in werking is (buiten 'n bepaling op die aanleg van grondbewaringswerke, of 'n bepaling van hierdie Ordonnansie of 'n daaruitvloeiende regulasie) of wat so 'n bepaling oortree of 'n oortreding daarvan toelaat,

is skuldig aan 'n misdryf en is by skuldgebinding strafbaar met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf van hoogstens twaalf maande, of met beide sodanige boete en gevangenisstraf.

34. Hierdie Ordonnansie heet die Ordonnansie op Grondbewaring 1952 en tree in werking op 'n datum wat die Administrateur by proklamasie in die *Offisiële Koerant* bepaal.

BYLAE.

HOE BOERLEDEE VAN DISTRIKSKOMITEES VERKIES WORD.

KENNISGEWING VAN VERKIESING EN NOMINASIES.

1. (1) So gou doenlik nadat 'n gebied ingevolge artikel tien van die Ordonnansie tot 'n grondbewaringsdistrik uitgeroep is, laat die Administrateur by kennisgewing in 'n koerant of in verskeie koerante wat omloop in die streek waarin die grondbewaringsdistrik geleë is, of op 'n ander manier wat hy goed vind—

- grondeienaars binne sodanige grondbewaringsdistrik vra om persone wat te goeder trou binne sodanige grondbewaringsdistrik boer, vir verkiesing tot boerlede van die distrikskomitee te nomineer;
- iemand (hieronder heet hy die verkiesings-beampte) aanwys om die nominasie te ontvang en, waar nodig, 'n vergadering ter verkiesing van lede te beleg;
- die laaste datum vandaan waarop, en die plek waar, nominasies by die verkiesings-beampte ingedien moet word, sowel as die getal lede wat gekies moet word.

(2) Die nominasie van elke kandidaat vir verkiesing tot boerlede van 'n distrikskomitee geskied op 'n aparte verklarings- en nominasievorm (wat op aanvraag by die verkiesings-beampte verkry word), sies uiteengesit in die eerste aanhangsel hiervan, en die genomineerde onderteken daarop in die aangewese ruimte sy aanname van die nominasie.

(3) No owner of land shall nominate more persons than the number of farmer members required to be elected and in the event of his nominating more than that number all nominations by him shall be invalid.

(4) Any nomination form which is not properly completed in every material detail or which does not comply in every respect with the provisions of these regulations shall be rejected as invalid.

(5) As soon as may be after the date referred to in paragraph (c) of sub-clause (1) the election officer shall—

- (a) if the number of persons validly nominated is equal to the number of farmer members to be elected, post up in a prominent place a notice declaring the candidates so nominated to have been duly elected and at the same time advise each such candidate in writing thereof; or
- (b) if the number of persons validly nominated exceeds the number of farmer members to be elected, post up at a prominent place a notice giving the names of those persons and advising the date, time and place for the holding of a meeting for the election of the required number of farmer members, such date to be not less than 14 days and not more than 28 days after the date of the posting up of such notice;
- (c) if no person has been validly nominated, or if the number of persons validly nominated is less than the number of farmer members to be elected, forthwith report the result of the nomination to the Administrator and give the name and address of every person so nominated.

(6) Upon the receipt of a report in terms of paragraph (c) of sub-clause (5) the Administrator may in his discretion—

- (a) (i) direct the election officer to declare in the manner aforesaid the persons validly nominated to be duly elected as farmer members of the district committee; and
- (ii) call for further nominations in accordance with the procedure prescribed by sub-clause (1) for election of persons to make up the number of farmer members required; or
- (b) reject the nominations received and call for fresh nominations for the full number of farmer members required in terms of sub-clause (1).

MANNER OF EXERCISING RIGHT TO VOTE.

2. Every owner of land situated within the soil conservation district shall be entitled to vote in person for the election of the farmer members of the district committee for that soil conservation district: Provided that where the owner is—

- (a) a society, firm, association or company, the right to vote shall be exercised by a director, manager, chairman, secretary or other official of the society, firm, association or company duly authorised thereto;
- (b) a partnership or other joint venture of two or more persons, the right to vote shall be exercised by a partner or member of the joint venture duly authorised thereto;
- (c) a local authority, the right to vote shall be exercised by a person duly authorised thereto by that local authority;
- (d) any other body corporate established by law, the right to vote shall be exercised by a member or officer of the board of directors duly authorised thereto;
- (e) the Administration, the right to vote shall be exercised by the head of the department or division concerned or by any person duly authorised thereto;
- (f) a minor, or person mentally incapable of managing his own affairs or an insolvent or deceased estate, the right to vote shall be exercised by the trustee or curator, as the case may be.

(3) Geen grondeienaar mag meer mense nomineer as die getal boerelede wat gekies moet word nie, en waneer hy meer as sodanige getal nomineer, is al sy nominasies ongeldig.

(4) 'n Nominasievorm wat nie behoorlik in elke belangrike opsig voltooi is, of wat nie in elke opsig aan die bepalinge van hierdie regulasies voldoen nie, word as ongeldig verwerp.

(5) Die verkiesingsbeampte moet so gou doenlik na die datum waarop paragraaf (c) van sub-klausule (1) dui—

- (a) as die getal wettig genomineerdes gelykstaan aan die getal boerelede wat gekies moet word, 'n kennisgewing wat die aldus genomineerdes behoorlik verkose verklaar, opplak op 'n treffende plek, en elke kandidaat terselddertyd skriftelik daarvan verwittig; of
- (b) as die getal wettig genomineerdes die getal boerelede wat gekies moet word, oorskry, 'n kennisgewing van die name van sodanige genomineerdes en die datum (minstens 14 en hoogstens 28 dae na die opplakdatum van sodanige kennisgewing) en die tyd, en plek van 'n vergadering ter verkiesing van die vereiste getal boerelede op 'n treffende plek opplak;
- (c) as niemand wettig genomineer word nie, of as die getal wettig genomineerdes minder is as die getal boerelede wat verkies moet word, die uitslag van die nominasie onmiddellik aan die Administrateur medeel en die naam en adres van elke sodanige genomineerde verstrek.

(6) By ontvangs van 'n mededeling ingevolge paragraaf (c) van sub-klausule (5) kan die Administrateur na goeddunke—

- (a) (i) die verkiesingsbeampte aansê om die wettig genomineerdes op die voormelde wyse tot behoorlik verkose boerelede van die distrikskomitee te verklaar; en
- (ii) verdere nominasies vra ooreenkomstig die prosedure wat sub-klausule (1) vir die verkiesing van persone ter aanvulling van die vereiste getal boerelede voorskryf; of
- (b) die ontvangte nominasies verwerp en ander nominasies aanvaar ter aanvulling van die volle getal boerelede wat ingevolge sub-klausule (1) vereis word.

HOE STEMREG UITGEOEFEN MOET WORD.

2. Elke grondeienaar binne die grondbewaringsdistrik kan persoonlik stem by die verkiesing van die boerelede van die grondbewaringskomitee vir sodanige grondbewaringsdistrik: Met dien verstande dat waar die eienaar—

- (a) 'n genootskap, firma, vereniging of maatskappy is, die stemreg uitgeoefen moet word deur 'n behoorlik daartoe gemagtigde direkteur, bestuurder, voorsitter, sekretaris of ander beampte van die genootskap, firma, vereniging of maatskappy;
- (b) 'n vennootskap of ander gesamentlike onderneming van twee of meer persone is, die stemreg uitgeoefen moet word deur 'n behoorlik daartoe gemagtigde vennoot of lid van die gesamentlike onderneming;
- (c) 'n plaaslike bestuur is, die stemreg uitgeoefen moet word deur iemand wat sodanige plaaslike bestuur behoorlik daartoe magtig;
- (d) enige ander regspersoon is wat by wetgewing ingestel is, die stemreg uitgeoefen moet word deur 'n behoorlik daartoe gemagtigde lid of beampte van die raad van direkteure;
- (e) die Administrasie is, die stemreg uitgeoefen moet word deur die betrokke departements- of afdelingshoof of deur 'n behoorlik daartoe gemagtigde;
- (f) onmondig is, of iemand is wat weens geestesgebreke nie in staat is om sy eie sake te bestuur nie, of 'n insolvente of bestorwe boedel is, die stemreg deur die trustee of kurator, na gelang, uitgeoefen moet word.

MANNER OF VOTING.

3. (1) Whenever a election meeting has been convened the election officer shall preside thereat and every person entitled to vote who is present thereat may on request obtain from the election officer a declaration and ballot paper in the form set out in Annexure 2, hereto, which he may then complete and deposit in a sealed ballot box provided for that purpose. A voter may not use any ballot paper other than that supplied to him by the election officer.

(2) The election officer may in its discretion, at the request of any person present at the meeting and entitled to vote thereat, assist such person to complete a declaration and ballot paper, if such person is through infirmity unable to do so by himself or is unable to read or write; the election officer shall note on the ballot paper of such person the fact that he has assisted him and the reason therefor.

(3) No person may vote for candidates not duly nominated or cast more than one vote for each candidate or vote for more candidates than the number of members to be elected.

(4) Whenever any ballot paper—

- (a) records a vote for a person not duly nominated, that vote shall be disregarded;
- (b) records more than one vote for a duly nominated person only one of those votes shall be counted;
- (c) records votes for more duly nominated persons than the number of members to be elected, the votes recorded for duly nominated persons at the bottom of the list of names to the number of the excess shall be disregarded;
- (d) is in any material respect not properly completed in terms of these regulations, it shall be rejected as spoilt and the votes recorded thereon shall be disregarded.

DECLARATION OF RESULT OF POLL.

4. (1) After the expiration of a period of time to be stipulated by the election officer at the opening of the meeting, no further votes shall be cast, and the election officer shall then and there count the votes and declare the candidates for whom the highest number of votes was cast, to the number of members required, to be duly elected.

(2) In the event of there being an equality of votes affecting the result of the election, the election officer shall determine by lot the order of priority of the candidates concerned.

(3) The election officer shall as soon as possible after the conclusion of the meeting forward to the Administrator a record of the proceedings of the meeting, including a list of the names and addresses of the candidates nominated, the number of votes cast for each candidate and the names and addresses of those declared to be elected, and shall also transmit to the Administrator all nomination forms and ballot papers utilised in connection with the election and such papers shall be retained by the Administrator for a period of not less than six months from the closing date for nomination of candidates.

VALIDITY OF ELECTIONS.

5. No election shall be invalid by reason of any mistake or non-compliance with the provisions of these regulations, if the election officer is satisfied that the election was conducted in accordance with the principles laid down in the Ordinance and in these regulations, and that such mistakes or non-compliance did not affect the result of the election.

HOE DAAR GESTEM MOET WORD.

3. (1) Wanneer 'n verkiesingsvergadering belê is, tree die verkiesingsbeampte by sodanige vergadering as voorsitter op, en kan elke aanwesige stemgeregtigde op aanvraag 'n verklarings- en stembriefvorm, soos dié in die tweede aanhangsel hiervan, van die verkiesingsbeampte verkry, en sodanige stemgeregtigde kan sodanige verklarings- en stembriefvorm dan voltooi en dit in 'n daarvoor ingerigte, verselde stembus gooi. 'n Kieser mag geen ander stembriefgebruik buiten dié wat die verkiesingsbeampte aan hom verskaf nie.

(2) Die verkiesingsbeampte kan na goeddunke iemand wat by die vergadering teenwoordig is en geregtig is om daar te stem, op so iemand se versoek help om die verklarings- en stembriefvorm te voltooi as so iemand liggaamlik nie in staat is om dit self te doen nie, of as hy nie kan lees of skryf nie; die verkiesingsbeampte moet op so iemand se stembrief die feit dat hy hom gehelp het en die rede daarvoor aanteken.

(3) Niemand mag vir 'n kandidaat stem wat nie behoorlik genomineer is nie, of meer as een stem vir elke kandidaat uitbring nie, of vir meer kandidate stem as die getal lede wat gekies moet word nie.

(4) Wanneer 'n stembrief—

- (a) 'n stem uitbring vir iemand wat nie behoorlik genomineer is nie, word sodanige stem verontagsaam;
- (b) meer as een stem vir 'n behoorlik genomineerde uitbring, word slegs een sodanige stem getel;
- (c) stemme uitbring vir 'n groter getal behoorlik genomineerdes as die getal lede wat gekies moet word, word die oortollige stemme onderaan die naamlys verontagsaam;
- (d) in 'n belangrike opsig nie behoorlik ooreenkomstig hierdie bylae voltooi is nie, word dit verwerp as bedorwe en word die stemme wat daarop uitgebring is, verontagsaam.

BEKENDMAKING VAN UITSLAG VAN STEMMING.

4. (1) Na afloop van 'n tydperk wat die verkiesingsbeampte by die opening van die vergadering afkondig, word daar geen verdere stemme uitgebring nie, en tel die verkiesingsbeampte dadelik die stemme en verklaar hy die kandidate op wie die hoogste getal stemme uitgebring is (tot op die benodigde getal lede) behoorlik verkose.

(2) By 'n staking van stemme wat die uitslag van die verkiesing raak, bepaal die verkiesingsbeampte deur die lot die orde van voorrang van die betrokke kandidate.

(3) Die verkiesingsbeampte stuur, so gou doenlik na afloop van die vergadering, 'n verslag oor die verrigtinge van die vergadering, 'n lys van name en adresse van die genomineerde kandidate, die getal stemme wat op elke kandidaat uitgebring is, en die name en adresse van die verkoesdes, aan die Administrateur, en voorts stuur hy ook aan die Administrateur elke nominasie- en stembriefvorm wat by die verkiesing gebruik is, en die Administrateur bewaar sodanige stukke dan vir 'n tydperk van minstens ses maande vanaf die sluitingsdatum vir die nominasie van kandidate.

GELDIGHEID VAN VERKIESING.

5. Geen verkiesing is weens 'n fout of weens verontagsaming van die bepalinge van hierdie bylae ongeldig nie, as die verkiesingsbeampte oortuig is dat die verkiesing gehou is ooreenkomstig die beginsels wat die Ordonaansie en hierdie regulasies voorskryf en dat die fout of verontagsaming nie die uitslag van die verkiesing geraak het nie.

ANNEXURE 1.

FORM OF DECLARATION AND NOMINATION OF CANDIDATES FOR MEMBERS OF A SOIL CONSERVATION DISTRICT COMMITTEE.

1. I, the undersigned in the
residing at
Magisterial District of
hereby nominate (name)
(address)
as member of the district committee for the
Soil Conservation District.

2. I hereby declare that I am qualified in terms of
the Soil Conservation Ordinance No. of 1952
to vote for the election of members of the said District
Committee—

- * (a) on my behalf as owner of the property known
as, situate in the
Magisterial District of
- * (b) as duly authorised representative of,
being the owner(s) of the
property/properties known as, situate in the
Magisterial District of
- * (c) as holder of a Crown land lease with option to
purchase in respect of the property known as,
Magisterial District of, situated in the
Magisterial District of

As Witness

Date

Signature of Declarer.

Date:

ENDORSEMENT BY NOMINEE.

I, being the person herein nominated, hereby—

- (a) declare that I am *bona fide* carrying on farming
operations in the above-mentioned Soil Conserva-
tion District, and
- (b) intimate my acceptance of such nomination.

Signature of Nominee.

Full Address

Date

As Witness

Date

* N.B.—Delete what does not apply.

ANNEXURE 2.

FORM OF DECLARATION AND BALLOT PAPER FOR THE ELECTION OF MEMBERS OF A SOIL CONSERVATION DISTRICT COMMITTEE.

I, the undersigned in the
residing at, in the
Magisterial District of,
hereby declare that I am qualified, in terms of the
No. of 1952 to vote
for the election of members of the district committee for the
Soil Conservation
District—

- * (a) on my behalf as owner of the property known
as, situate in the
Magisterial District of
- * (b) as duly authorised representative of,
being owner(s) of the
property/properties known as, situate in the
Magisterial District of
- * (c) as holder of a Crown land lease with option to
purchase in respect of the property known as,
Magisterial District of, situated in the
Magisterial District of

EERSTE AANHANGSEL.

VERKLARINGS- EN NOMINASIEVORM BY DIE LEDE-
VERKIESING VAN 'N GRONDBEWARINGS-DISTRIKS-
KOMITEE.

1. Ek, die ondergetekende,
woonagtig te in die
magistraatsdistrik nomineer hierby
(naam) (adres)
as lid van die distrikskomitee van die Grondbewarings-
distrik

2. Ek verklaar hierby dat ek ooreenkomstig die Ordon-
nansie op Grondbewaring (Ordonnansie van 1952) be-
voegd is om te stem vir die verkiesing van lede van ge-
noemde distrikskomitee—

- * (a) in my eie naam as eienaar van die eiendom bekend
as geleë in die
magistraatsdistrik
- * (b) as behoorlik gemagtigde verteenwoordiger van
..... wat die eienaar(s) is
van die eiendom(me) bekend as geleë in die magistraats-
distrik
- * (c) as houër van 'n huurkontrak met opsie om te koop
ten opsigte van kroongrond bekend as geleë in die magistraats-
distrik

As getuie

Datum

Handtekening van verklaarder

Datum

AANNAME DEUR GENOMINEERDE.

Ek, die hierin genomineerde—

- (a) verklaar hierby dat ek te goeder trou in bogenoemde grondbewaringsdistrik boer, en
- (b) gee hierby my aanname van die nominasie te kenne.

Handtekening van genomineerde.

Volledige adres

Datum

As getuie

Datum

* L.W.—Skrap wat nie van toepassing is nie.

TWEDE AANHANGSEL.

VERKLARINGS- EN STEM BRIEFIEVORM TER VER-
KIESING VAN LEDE VAN 'N GRONDBEWARINGS-
DISTRIKSKOMITEE.

Ek, die ondergetekende,
woonagtig te in die magis-
traatsdistrik verklaar hierby
dat ek ooreenkomstig die
bevoegd is om te stem by die verkiesing van lede van die
distrikskomitee vir die Grondbewaringsdistrik

- * (a) in my eie naam as eienaar van die eiendom bekend
as geleë in die
magistraatsdistrik
- * (b) as behoorlik gemagtigde verteenwoordiger van
..... wat die eienaar(s) is
van die eiendom(me) bekend as geleë in die magistraats-
distrik
- * (c) as houër van 'n huurkontrak met opsie om te koop
ten opsigte van kroongrond bekend as geleë in die magistraats-
distrik

I vote for the undermentioned candidates who have been nominated to become members of the aforesaid district committee:—

Full names of Candidates.

1	5
2	6
3	7
4	8

Signature of Voter.

* N.B.—Delete what does not apply.

Ek stem vir die ondergenoemde kandidate wat as lede van voormelde distrikskomitee genomineer is:—

Volle name van kandidate.

1	5
2	6
3	7
4	8

Handtekening van Kieser.

* L.W.—Skrap wat nie van toepassing is nie.

DRAFT ORDINANCE

To amend the law relating to the registration of deeds.

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

1. Section *eighty-seven* of the Deeds Registry Proclamation, 1939 (Proclamation 37 of 1939), is hereby amended:—

(i) By the insertion in sub-section (2) after the words "the Territory" of the words "or the Union of South Africa", and

(ii) By the addition of the following new sub-section:—

"(5) Registration of an antenuptial contract in any deeds registry in the Union of South Africa shall be effective as registration for the Territory: Provided that if any transaction in connection with which evidence of such contract is necessary takes place in the deeds registry in the Territory, a copy of such contract certified by the registrar of the place of registration or a notary public shall be filed in such deeds registry of the Territory."

2. The provisions of this Ordinance shall be deemed to have come into operation as from the first day of October, 1939.

3. This Ordinance shall be called the Deeds Registry Amendment Ordinance, 1952.

ONTWERPORDONNANSIE

Om die wet betreffende die registrasie van Aktes te wysig.

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

1. Artikel *sewe-en-tagtig* van die Registrasie van Aktes Proklamasie 1939 (Proklamasie 37 van 1939) word hierby gewysig:—

(i) Deur die invoeging van die woorde „of die Unie van Suid-Afrika" na die woorde „die Gebied" in sub-artikel (2).

(ii) Deur die byvoeging van die volgende nuwe sub-artikel:—

„(5) Die registrasie van huweliksvoorwaardes in enige registrasiekantoor in die Unie van Suid-Afrika, is geldig as registrasie vir die Gebied: Met dien verstande dat as daar in die registrasiekantoor van die Gebied 'n verrigting plaasvind in verband waarmee bewys van huweliksvoorwaardes nodig is, 'n afskrif van die huweliksvoorwaardes, deur die registrateur van die plek van registrasie of deur 'n notaris gesertifiseer, by die registrasiekantoor van die Gebied, ingedien moet word."

2. Die bepalinge van hierdie Ordonnansie word gehou vir in werking vanaf die eerste dag van Oktober 1939.

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Registrasie van Aktes, 1952.