

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA.



OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

UITGAWE OP GESAG.

PUBLISHED BY AUTHORITY.

1/- Woensdag, 30 Julie 1952.

WINDHOEK

Wednesday, 30th July, 1952.

No. 1702.

INHOUD

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Goewermentskennisgewing.

Government Notice.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

J. NESER,
 Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

The following Government Notice is published for general information.

J. NESER,
 Secretary for South West Africa.

Administrator's Office,
Windhoek.

No. 221.] [30 Julie 1952.

No. 221.] [30th July, 1952.

ORDONNANSIES, 1952: UITVAARDIGING VAN.

ORDINANCES, 1952: PROMULGATION OF.

Dit het die Administrateur behaag om sy goedkeuring te lig, ooreenkomstig artikel twee-en-dertig van „De Zuidwest-Afrika Konstitutie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansies wat hiermee vir algemene inligting gepubliseer word, ooreenkomstig artikel vier-en-dertig van gemelde Wet:—

The Administrator has been pleased to assent, in terms of section thirty-two of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), to the following Ordinances which are hereby published for general information in terms of section thirty-four of the said Act:—

<i>No.</i>	<i>Titel.</i>	<i>Bladsy.</i>
37.	Ordonnansie op die Behoud van Bome en Bosse, 1952.	3218
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No. 37 van 1952.]

ORDONNANSIE

Om beter voorsiening te maak vir die beskerming, behoud en benutting van bome en bosprodukte en vir die reëling van veldbrand, om die handel met bosprodukte te reël, om die uitvoer en invoer daarvan te beheer, om siektes en peste in timmerhout te bestry en om voorsiening te maak vir sake in verband daartoe.

(Goedgekeur 8 Julie 1952.)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal, dermate daardie toestemming nodig is, nadat dit ontvang is en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel is ooreenkomstig die bepalings van artikel *ses-en-twintig* van die „Zuidwest-Afrika Konstitusie Wet 1925“, soos gewysig by artikel *sesien* van die Wysigingswet op Suidwes-Afrikaanse Aangeleenthede 1949 van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

INLEIDENDE BEPALINGS.

1. Hierdie Ordonnansie geld vir alle grond binne die Gebied van Suidwes-Afrika en die hawe en nedersetting van Walvisbaai: Met dien verstande dat geen bepaling daarvan, grond binne die Gebied Rehoboth of binne 'n natuurreserwe of -gebied geld nie, totdat dit deur die Administrateur by Proklamasie in die *Offisiële Koerant* daarop toegepas word.

2. Op skriftelike versoek van die eienaar van private grond kan die Administrateur, as hy oortuig is dat dit nie die openbare belang sal benadeel nie, by proklamasie in die *Offisiële Koerant* enige bepalings van hierdie Ordonnansie wat slegs kroongrond of -bosse geld en wat syns insiens nodig is vir die doelmatiger bewaring van bome of ander bosprodukte op daardie private grond toepas. So 'n proklamasie moet die grond waarop dit betrekking het, duidelik omskryf, en die Administrateur kan na goeddunke so 'n proklamasie by soortgelyke proklamasie herroep of, met die toestemming van die eienaar, wysig.

3. Hierdie Ordonnansie is verdeel in vyf hoofstukke wat elk en onderskeidelik die onderstaande sake behandel:—

Hoofstuk I: Aanskaffing en Voorbehoud van Grond vir Bosdoeleindes.

Hoofstuk II: Beskerming en Benutting van Bome en Bosprodukte.

Hoofstuk III: Beskerming van Grond teen Brand.

Hoofstuk IV: Allerlei.

Hoofstuk V: Regulasies en Strafbepalings.

No. 37 of 1952.]

ORDINANCE

To make better provision for the protection, preservation and utilization of trees and forest produce and the regulation of veld burning, to regulate trade in forest produce, to control the exportation and importation thereof, to combat diseases and pests in timber and to provide for matters incidental thereto.

(Assented to 8th July, 1952.)

(Afrikaans tekst signed by the Administrator.)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925, as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949, of the Parliament of the Union of South Africa, as follows:—

PRELIMINARY.

1. This Ordinance 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 territory, until applied thereto by the Administrator by proclamation in the *Gazette*.

2. Upon the written request of the owner of any private land the Administrator may, if he is satisfied that the public interest will not be prejudiced thereby, by proclamation in the *Gazette* apply to that private land any provisions of this Ordinance which relate to Crown land or Crown forests only and which he may deem necessary for the better protection of trees or other forest produce thereon. Any such proclamation shall clearly define the land to which the Proclamation relates, and may at the discretion of the Administrator by like proclamation be withdrawn or, with the consent of the owner, amended.

3. This Ordinance is divided into five Chapters each and severally relating to the following matters:—

Chapter I: Acquisition or Reservation of Land for Forest Purposes;

Chapter II: Protection and Utilization of Trees and Forest Produce;

Chapter III: Protection of Land from Fire;

Chapter IV: Miscellaneous Provisions;

Chapter V: Regulations and Penalties.

4. Die wette genoem in die eerste bylae van hierdie Ordonnansie word hierby herroep dermate die derde kolom van daardie bylae aantoon.

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

- „Kroonbos“—
- (a) kroongrond wat ingevolge die bepalings van artikel ses of sewe om enige van die daaringenoemde doeleindes voorbehou is, en enige bosprodukte op sodanige grond;
 - (b) grond wat ingevolge die bepalings van artikel ses binne die strekking van hierdie Ordonnansie aangeskaf is, en enige bosprodukte op sodanige grond;
 - (c) alle bome, hout of bosprodukte op—
 - (i) kroongrond; of
 - (ii) enige ander grond, mits die Kroon die reg op sodanige bome, timmerhout of bosprodukte daarop behou het;

„huishoudelike doeleindes“ in verband met die afkap, toeciening of verwydering van bome, timmerhout of bosprodukte, die kernbehoefes van die huishouding of boerdery, en „gebruik“ die redelik spaarsame gebruik van sodanige materiaal vir daardie doeleindes;

„droeg/droef“ in verband met bome, timmerhout, of bosprodukte, dood, of sodanige bome, timmerhout, of produkte nog staan of geval het;

„brandhout“ hout wat slegs as brandstof gebruik of verkoop kan word;

- „bosbeampte“—
- (a) iemand wat die Administrateur ten opsigte van kroonbosse daartoe benoem,
 - (b) die bekleër van 'n amp wat die Administrateur in die regulasies daarvoor aanwys, en
 - (c) elkeen wat met Administrateursgoedkeuring deur 'n private boscienaar of plaaslike bestuur spesiaal tot bosbeampte aangestel word ten opsigte van 'n private bos onder die beheer van sodanige eienaar of bestuur;

- „bosprodukte“—
- (a) alles wat bome voortbring of in 'n bos groei, en ook timmerhout, hout, brandhout, pale, latte, langpaaltjies, kraalhout, takke en ander afvalhout, houthoek, plantjies, gras, riete, klimplante, vesels, blomme, vrugte, saad, wortels, bolle, bas, rubber, melkapp, gom, en
 - (b) wild, voëls, velle, horings, ivoor, vis, heuning, was, bye, skulpe, grond, klippe, gruit en enigiets anders wat in of vanuit 'n bos verkry word;

„inheemse boom“ 'n boomsoort eie aan Suidwes-Afrika;

„kralhout“ die takke van bome en dorings of ander bosse bestem of gebruik vir die besheinings van veekrale of die beskerming van landerye, maar dit sluit uit pale bestem of gebruik vir paalheinings ter atkamping van vee of landerye;

„polisiebeampte“ 'n lid van polisie magte by wet in Suidwes-Afrika gevestig;

„private bos“ 'n bos of plantasie of boom hoegenaamd op grond wat geen kroonbesit is nie, maar sluit uit 'n bos, plantasie of boom op grond waarvan die Kroon middels grondbrief of ander akte die boombesikkingereg behou het;

„voorbehoude boom“ enige boomsoort genoem in die tweede bylae van hierdie Ordonnansie en sy moontlike wysigings ingevolge artikel nege;

„timmerhout“ die hout van elke boom wat nog staan, of wat geval het, of geval is, en alle hout hetsy in Suidwes-Afrika voortgebring of daarheen ingevoer;

„boom“ die geheel of deel van enige boom in die gewone sin van die woord, of van 'n struik, bossie, saaiplant, oorplantseel, onderbos, ondergroei of opslag.

4. The laws mentioned in the First Schedule to this Ordinance are hereby repealed to the extent set forth in the third column of that Schedule.

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

- „Crown forest“ means—
- (a) any area of Crown land which has in accordance with the provisions of section six or seven been reserved for any of the purposes mentioned therein, and any forest produce on such land;
 - (b) any land acquired in terms of section six for the purposes of this Ordinance and any forest produce on such land;
 - (c) all trees, timber or forest produce on—
 - (i) Crown land, or
 - (ii) any other land, if the right to such trees, timber or forest produce thereon has been retained by the Crown;

„domestic purposes“, in relation to the cutting, taking or removal of trees, timber or forest produce, means the essential needs of the household or farmstead, and „use“ means the conservative and orderly use of such material for those purposes;

„dry“, in relation to trees, timber or forest produce, means dead, whether such trees, timber or produce is standing or has fallen;

„firewood“ means wood not serviceable or saleable otherwise than for use as fuel;

- „forest officer“ means—
- (a) any person nominated as such by the Administrator in respect of Crown forests,
 - (b) the incumbent of any office designated by the Administrator for the purpose in the regulations, and
 - (c) any person specially appointed, with the approval of the Administrator, by any private forest owner or any local authority as forest officer in respect of any private forest under the control of such owner or authority;

- „forest produce“ means—
- (a) anything which is produced by trees or is grown in a forest and includes timber, wood, firewood, poles, laths, droppers, kraalwood, branchwood and other waste wood, charcoal, plants, grass, reeds, creepers, fibre, flowers, fruit, seed, roots, bulbs, bark, rubber, latex, gum, and
 - (b) game, birds, skins, horns, ivory, fish, honey, wax, bees, shells, earth, stone, gravel, and any other thing naturally found in or obtained from a forest;

„indigenous tree“ means a tree of a species native to South West Africa;

„Kraalwood“ consists of branches of trees and thorn or other bush intended or used for making bush fences for the kraaling of stock or for the protection of lands, and shall not include poles used or intended for making of palisade enclosures for stock or lands;

„police officer“ means a member of any police force established by law in South West Africa;

„private forest“ means a forest or plantation or tree of any kind situated on land not owned by the Crown, but shall not include a forest, plantation or tree on land on which the Crown by deed of grant or other document has retained the right to the trees;

„reserved tree“ means a tree of any one of the species enumerated in the Second Schedule to this Ordinance and any amendment thereof in terms of section nine;

„timber“ means all wood contained in trees whether standing, fallen or felled, and all wood whether produced in or imported into South West Africa;

„tree“ includes the whole or part of any tree as ordinarily understood or of any shrub, bush, seedling, reyhout, underbush, undergrowth or regrowth.

CHAPTER I.

HOOFSTUK I.
AANKAFFING EN VOORBEHOUD VAN GROND VIR BOSDOELEINDES.

ACQUISITION OR RESERVATION OF LAND FOR FOREST PURPOSES.

6. (1) Wanneer ook al, na die Administrateur meen, grond nodig is ter bewaring, beheer of voortplanting daarop deur die Administrasie van bome, timmerhout of bosprodukte, kan die Administrateur—

6. (1) Whenever in the opinion of the Administrator any land is required for the preservation, management or propagation thereon of trees, timber or forest produce by the Administration, the Administrator may—

- (i) waar dit onvervreemde kroongrond aangaan, by proklamasie in die *Offisiële Koerant* daardie grond vir enige sodanige doel voorbehou; of
- (ii) waar dit private grond aangaan, die grond ingevolge die bepalings van die Grondontcienings-Ordonnansie 1927 (Ordonnansie No. 13 van 1927), soos gewysig, aanskaf.

- (i) in the case of unalienated Crown land, by proclamation in the *Gazette* reserve that land for any such purpose; or
- (ii) in the case of private land, acquire the land in accordance with the provisions of the Expropriation of Lands Ordinance, 1927 (Ordinance No. 13 of 1927), as amended.

(2) Alle grond aangeskaf ingevolge sub-artikel (1) hiervan, word, vir die aanskaffing daarvan, deur die Administrateur voorbehou by die doel waarvoor dit by proklamasie in die *Offisiële Koerant* aangeskaf is.

(2) All land acquired in terms of sub-section (1) shall, upon the acquisition thereof, be reserved by the Administrator for the purpose for which it is required by proclamation in the *Gazette*.

(3) Indien, na die Administrateur meen, grond wat ingevolgt hierdie artikel of deel daarvan voorbehou is, in die volksbelang aan voorbehoud onttrek moet word, of die grense daarvan verskuif moet word, kan die Administrateur sodanige grond of deel daarvan op dieselfde wyse aan voorbehoud onttrek, of die grense daarvan verskuif.

(4) Geen bepaling van hierdie artikel geld grond wat behoort aan, of gebruik word deur die Administrasie van die Suid-Afrikaanse Spoorwee en HAwens nie.

7. (1) As 'n deel van kroongrond wat onder vervoemding staan op 'n deel, wat artikel *six* noem, nodig word kan die Administrateur sodanige deel daarvan deur die Landmeter-generaal laat omskryf op die landkaart en op skriftelike versoek van die Administrateur moet die Registeraar van Aktes sodanige gedeelte op die titelbewys van sodanige grond en die gepaste registers voorbehou.

(2) Dien dit openbare belang dat die reg op timmerhout of op 'n bepaalde boom of plant of boom- of plantsoort op enige kroongrond wat onder vervoemding staan deur die Kroon gehou moet word ten opsigte van die hele of enige bepaalde deel daarvan, dan word sodanige timmerhout, boom, of plant of boom- of plantsoort vir die Kroon voorbehou middels endossement en aantekening soos sub-artikel (1) voorskryf.

(3) Sodanige endossement en aantekening is 'n servituut op die betrokke land, en bind elke opvolgende eienaar daarvan totdat die Administrateur dit kanselleer of tot niet maak, op voorwaardes wat hy vasstel.

8. Onderhewig na aanwysings, algemeen of besonder, deur die Landmeter-generaal, moet elke staatslandmeter wat te doen het met die opmeting van kroongrond aan die Administrasie 'n verslag inlewer oor die voorval van enige timmerhout, boom, plant of boom- of plantsoort op 'n deel of geheel van sodanige grond waartoe die reg, syns insiens, deur die Kroon ingevolgt artikel *seven* behou moet word.

HOOFSTUK II.

BESKERMING EN BENUTTING VAN BOME EN BOSPRODUKTE.

9. Die boomsoorte genoem in die tweede bylae van hierdie Ordonnansie word by name voorbehou ten opsigte van alle grond: Met dien verstande dat die Administrateur van tyd tot tyd by kennisgewing in die *Offisiële Koerant* daardie bylae kan wysig deur enige boomsoort en ten opsigte van enige grond, na eis goeiddunke, daaruit te skrap of daaraan toe te voeg.

10. Ondanks die bepalings van enige ander wet, of eiendoms- of bewoningsreg, of 'n reg verkry deur verjaring, 'n kontrak of ooreenkoms, ten opsigte van private grond, of die bepalings van hierdie Ordonnansie daarop toegepas is ooreenkomstig die bepalings van artikel *two*, al dan nie, of ten opsigte van 'n kroonbos, maar behoudens die bepalings van artikel *thirteen*, mag nienand 'n voorbehoude boom kap, beskadig, neem, verwyder of vernietig wat op sodanige grond groei of staan nie, of iemand anders toelaat, of hom daarin bestaan of andersins help nie, tensy hy 'n lisensie, permit of ander dokument daartoe het, wat die Administrateur of 'n persoon behoorlik deur hom daartoe gemaatig, ingevolgt hierdie artikel aan hom uitgereik het, en dan slegs onderhewig aan die voorwaardes daarin uitgesig.

11. (1) Elke permit, lisensie of magtiging wat ingevolgt artikel *ten*: uitgereik is, moet, ten opsigte van elke boomsoort wat dit aangaan, die onderstaande noem—

- die plantkundige, of algemene of naturellenaam of name daarvan;
- die aantal bome van elke soort;
- die plek (so naby doelnik) waarop dit gekap of waaraan dit bymekaar gemaak en verwyder kan word;
- die tyd wat vir die kap, bymeekaarmaak, en verwydering daarvan toegelaat word; en
- die doel waarvoor sodanige boom of enige timmerhout daarvan gebruik mag word.

(2) Elke sodanige lisensie, permit, of magtiging kan voorwaardes insluit oor—

- die ondersoek, sertifisering, en vrystelling van gekapte, toegeinde of verwyderde bome, of ter beperking van hulle gebruik tot die wetenskap of navorsing, en ter verbod op die verkoop of uitvoer uit Suidwes-Afrika daarvan; of
- (i) die minimale of maksimale omvang van die bepaalde kapbare boomsoorte;
- (ii) die maksimale hoogte van die grond af waarop die betrokke boomsoort gekap mag word, en die soort werktuig of gereedskap wat by die afskap gebruik moet word;
- (iii) die vasgestelde jaargety waarin die betrokke boomsoort gekap en versamel mag word;

(3) If in the opinion of the Administrator, any land reserved in terms of this section or any portion thereof should in the national interest be withdrawn from reservation or the boundaries thereof be amended, the Administrator may in like manner withdraw such land or portion from reservation or amend the boundaries thereof.

(4) Nothing in this section contained shall apply to land belonging to or used by the South African Railways and Harbours Administration.

7. (1) If any portion of any Crown land which is in process of being alienated is required for any purpose mentioned in section *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.

(2) If it is deemed expedient in the public interest that the right in any timber or in any particular tree or plant or species or tree or plant existing on any Crown land which is in process of being alienated should be retained by the Crown in respect of the whole or any defined portion thereof, such timber, tree or plant or species of tree or plant shall be reserved to the Crown by endorsement and noting in the manner provided by sub-section (1).

(3) Any such endorsement and noting shall constitute a servitude on the land concerned binding in succession every subsequent owner of the land, until cancelled or annulled by the Administrator and on such conditions as he may determine.

8. Subject to directions, general or specific, by the Surveyor-General every government land surveyor who is concerned with the survey of any Crown land shall furnish to the Administration a report on the occurrence of any timber, tree, plant or species of tree or plant on the whole or any part of such land the right to which should, in his opinion, be retained by the Crown in terms of section *seven*.

CHAPTER II.

PROTECTION AND UTILIZATION OF TREES AND FOREST PRODUCE.

9. The species of trees enumerated in the Second Schedule to this Ordinance are specially reserved in respect of all land: Provided that the Administrator may from time to time by notice in the *Gazette* alter or amend that Schedule by the addition or deletion of any species of tree and in respect of any land he may deem desirable.

10. Notwithstanding the provisions of any other law and subject to the provisions of section *thirteen* or a right in ownership or occupation or a right acquired by prescription, contract or agreement, with respect to private land, whether or not any provision of this Ordinance has been extended thereto in accordance with the provisions of section *two*, or with respect to a Crown forest, it shall not be lawful for any person to cut, injure, take, remove or destroy any reserved tree growing or occurring on such land or to allow, aid or abet another person to do so, except upon the authority of a licence, permit or other document issued in terms of this section by the Administrator or by a person duly authorised thereto by him and subject to the conditions stated therein.

11. (1) Every permit, licence or authority issued in terms of section *ten* shall with respect to any species of tree to which it relates specify—

- the botanical or common or native name or names thereof;
- the number of each species of tree;
- the locality, as near as may be practicable, on or from which it may be cut, collected or removed;
- the period allowed for the cutting, collection or removal thereof; and
- the purpose for which any such tree or any timber contained therein may be used.

(2) Every such licence, permit or authority may include conditions—

- regarding the inspection or certification and release of the trees cut, taken or removed, or limiting the use thereof to scientific or research purposes and prohibiting the sale thereof or the export thereof from South West Africa; or
- relating to—
 - the minimum, or maximum girth of the particular species of tree which may be cut;
 - the maximum height from the ground at which the particular kind of tree may be cut and the kind of tool or implement which shall be used in the cutting thereof;
 - the defined season of the year in which the particular species of tree may be cut or collected;

- (iv) die wyse van uitdunning en beskerming teen beskadiging deur vee of wild van nuwe spruitjies of lootjies wat hergroeï nadat die bome afgekop is.
- (3) Word die maksimale kaphoogte of die minimale omvang of die kaptedde vir 'n bepaalde voorbehoude boom nie op die lisensie, permit of magtiging aangegee nie, dan is dit 'n voorwaarde van sodanige lisensie, permit of magtiging dat die onderstaande voorwaardes daarop betrekking moet hê—
- (a) elke boom, ongeag die soort, word met 'n saag teen hoogstens ses duim vanaf die grond by die voet van die boom, gevel;
- (b) die duim-omvang teen borshoogte (vier voet, ses duim bo die grond), bas inklusief, wat vir elke boomsoort van in hierdie sub-artikel voorkom, bepaal is, is die minimale kappare grootte van daardie boomsoort; witsiering — 46 duim; maroela — 50 duim; tamboti — 28 duim; geelhout — 32 duim; gummibaum — 22 duim; moekoestie — 50 duim; oemtiebie — 40 duim; dolf — 40 duim; moenghongo — 40 duim; appelblaar — 30 duim; moepumena — 60 duim; kameldoring — 40 duim; ebbeloutboom — 32 duim.

12. (1) Die eienaar of wettige bewoner van 'n stuk grond kan by die magistraat van die distrik waarin die grond lê, of waar dit die grond in 'n naturreliewe-reserve of -gebied gaan, by die naturreliewe-kommissaris binne wie se reggebied die betrokke grond lê, aansoek doen om verlof om enige voorbehoude boom af te kap, te beskuldig, te neem of te verwyder.

(2) Elkeen, buiten die eienaar of die wettige bewoner van 'n stuk grond kan op dieselfde wyse by die betrokke magistraat of naturreliewe-kommissaris aansoek doen om sodanige verlof. Elke sodanige aansoek moet geskied wees van die skriftelike toestemming van die eienaar of bewoner tot sodanige aansoek.

(3) Elke aansoek ingevolge sub-artikel (1) of (2) moet skriftelik geskied en moet al die nodige besonderhede aangee om die uitreiker van die gevraagde lisensie, permit of magtiging in staat te stel om dit streng ooreenkomstig die bepalinge van artikel 11j op te stel.

Verhinder 'n liggaams- of ander gebrek die applikant om te lees of te skryf, kan die betrokke magistraat of naturreliewe-kommissaris, of sy waarnemer, al na gelang, so iemand help by die opstel van die aansoek.

13. (1) Die bepalinge van hierdie Ordonnansie betreffende die beskerming van voorbehoude bome geld nie die afkap of benutting van enige boom, droë bome, timmerhout of bos-produkte van sodanige voorbehoude bome vir die gebruik deur 'n eienaar of wettige bewoner van grond op die grond wat hy, na gelang, besit of bewoon nie, maar die droë bome of timmerhout van enige voorbehoude soort mag nie deur of namens sodanige eienaar of wettige bewoner verkoop word nie.

(2) Behoudens die terme of voorwaardes waarop by die grond besit of bewoon, kan sodanige eienaar of wettige bewoner van grond enige voorbehoude boom of timmerhout op daardie grond afkap, beskuldig, neem of verwyder wanneer dit werklik, onontbeerlik en te goeder trou nodig is vir huishoudelike doeleindes of as vuurmaak- of kraalhout vir die huishouding van enige iemand of wat verloop op die grond woon.

14. Teenstrydige bepalinge in hierdie Ordonnansie of in enige wet of reg van enige persoon ten spijt, mag niemand sonder 'n lisensie, permit of ander magtiging wat verkry word soos artikel twaalf voorskryf, op grond, buiten die gebied van die opgemete erwe van 'n stad of dorp—

- (a) 'n verdroegde of levende inheemse boom, bossie, struik, gras of enige ander soort plant hoegenaamd wat op sodanige grond op 'n sandduin of dryfsand of grond of in of aan enige donga of sloot groei; of
- (b) enige levende inheemse boom, bossie, of struik hoegenaamd wat in of op 'n rivierbedding of binne eenhonderd jaart van die wal van 'n rivier, stroom of waterloop groei;

kap, beskuldig, vernietig, neem, verwyder of gebruik, tensy die materiaal wat daarvan verkry word onmiddellik te goeder trou nodig is ter terugwinning van sodanige sandduin, dryfsand, donga of sloot, of ter voorkoming van verdere uitbreiding daarvan.

HOOFSTUK III.

BESKERMING VAN GROND TEGEN BRAND.

15. (1) Teenstrydige bepalinge in hierdie Ordonnansie ten spijt, maar onderhevig aan die bepalinge van hierdie artikel, kan elke Administrasie-beampte wat toesig hou op 'n kroonbos of kroongrond of elke eienaar of bewoner van die eienaar van private grond aan beide kante of een of aan die eienaar van private grond die grens tussen sodanige kroonbos of -grond of private grond en enige aangrensende grond hoegenaamd, 'n brandstrook maak of laat maak.

(iv) the treatment as regards thinning or protection from damage by stock or game of regrowth or reshoots resulting from the cutting of the trees.

(3) If the maximum height at which any species of reserved tree may be cut or the minimum girth thereof or the method of cutting is not stated on any such licence, permit or authority, it shall be a condition of that licence, permit or authority that the following stipulations shall apply with regard thereto—

- (a) every tree, irrespective of species, shall be felled by means of a saw at a height not exceeding six inches from the ground at the base of the tree;
- (b) the girth in inches at breast height (four feet six inches above ground level), over bark, specified for each species of tree mentioned in this sub-section shall be the minimum size of tree of that kind which may be cut; witsiering — 46 inches; marula — 50 inches; tamboti — 28 inches; geelhout — 32 inches; gummibaum — 22 inches; mu-kusi — 50 inches; umchibi — 40 inches; dolf — 40 inches; muungongo — 40 inches; appelblaar — 30 inches; mupumena — 60 inches; kameldoring — 40 inches; ebbhoutboom — 32 inches.

12. (1) An owner or lawful occupier of land may apply to the magistrate of the district in which that land is situated or, in the case of land in a native reserve or native territory, to the native commissioner having jurisdiction over that land, for permission to cut, injure, take or remove any reserved tree.

(2) Any person other than an owner or a lawful occupier of land may likewise apply to the magistrate or native commissioner concerned for such permission. Every such application shall be accompanied by the written consent of the owner or occupier to the making of the application.

(3) Every application made under sub-section (1) or sub-section (2) shall be in writing and shall contain all particulars required to enable the issuer of the necessary licence, permit or authority to frame it in due compliance with the provisions of section eleven. If the applicant is a person who through infirmity or otherwise is unable to read or write, the magistrate or the native commissioner concerned, as the case may be, or his deputy, may assist such person to make the application.

13. (1) The provisions of this Ordinance relating to the protection of reserved trees shall not apply to the cutting or utilization of any tree, dry trees, timber or forest produce of such reserved species by an owner or lawful occupier of land on the land owned or occupied by him, as the case may be, for his own use, but excluding the sale by or on behalf of such owner or lawful occupier of dry trees or timber of any reserved species.

(2) Such owner or lawful occupier of land, subject to the terms or conditions under which he owns or occupies the land, may cut, injure take or remove on that land any reserved tree or timber actually and necessarily required for the *bona fide* domestic purposes, or as firewood or kraal wood, for the household of any person lawfully resident thereon.

14. Notwithstanding anything contained in this Ordinance or in any other law or any right held by any person it shall not be lawful to cut, injure, destroy, take, remove or utilize on any land not being land within the area of the surveyed erven of any town or village—

- (a) any dry or living indigenous tree, bush, shrub, grass or other plant of any kind found on such land on any sand dune or drifting sand or soil or in or on any donga or sluit; or
- (b) any living indigenous tree, bush, or shrub of any kind growing in or on the bed of or within one hundred yards of a bank of a river, stream or watercourse;

without a licence, permit or other authority obtained in the manner provided by section twelve, unless the material to be derived therefrom is required *bona fide* for immediate use to reclaim such sand dune, drift sand, donga or sluit or to prevent the extension thereof.

CHAPTER III.

PROTECTION OF LAND FROM FIRE.

15. (1) Notwithstanding anything to the contrary in this Ordinance contained, but subject to the provisions of this section, any officer of the Administration in charge of any Crown forest or Crown land or any owner or occupier or person in charge of any private land may clear or cause to be cleared a firebelt on the boundary common to such Crown forest or Crown or private land and any land adjacent thereto on any line on each or on one or other side of such boundary.

- (a) Hy wat voornemens is om so 'n brandstrook te maak of te laat maak, gee die toesighouer van die aangrensende grond minstens sewe dae kennis van sy voorneme, soos die derde bylae hiervan voorskryf.
- (b) Die ontvanger van sodanige kennisgewing moet help by die ruiming, maar kan 'n redelike tydsverlenging vra om hom in staat te stel om stroke of ruimtes te kap of te ruim, of om werkers en toerusting te haal ter doeltreffender beheer van die brand- en ander bedryfghede.
- (c) Die betrokkenes kom ooreen oor die wyse en tyd waarop so 'n brandstrook gemaak moet word, asook oore die brandstrooklyn en die aard van die hulp wat elkeen moet gee, of by gebrek aan so 'n ooreenkoms moet 'n regsbevoegde magistraat van die distrik waarin die persele lê, op aansoek van enigeen van die twee partye, daaroor besluit, en hy kan sodanige bevels oor die koste van die skoonmaak en oor ander koste, soos hy nodig ag, uitvaardig.
- (d) Op die aangewese dag en daarna totdat die brandstrook klaar gemaak is, moet die betrokkenes elkeen persoonlik of deur behoorlike gemagtigde verteenwoordiger en met die aangewese werkerstal en die nodige toerusting aanwesig wees, en alles geskied ingevolge die gesamenlike aanwysing en beheer van al twee betrokkenes of hulle onderskeie verteenwoordigers. Elke betrokkenes dra sy eie koste. Indien die aangewese dag ongunstig is, word 'n ander dag ingevolge paragraaf (c) van hierdie sub-artikel vasgestel.
- (e) Indien die een of ander van die genoemdes versuim om met sodanige manne en toerusting op te daag of om sodanige hulp te verleen soos daar deur die betrokkenes op besluit is, of deur die magistraat bepaal is, of in die kennisgewing van voorneme wat paragraaf (a) vermeld, genoem word, al na gelang, kan die betrokkenes wat wel opdaag of wat op die eerstvolgende geskikte dag opdaag, self en met sy bediendes onverwyl en van dag tot dag die brandstrook wat in genoemde kennisgewing vermeld word, of waarop die betrokkenes besluit het, of waaroor die magistraat beslis het, skoonmaak of laat skoonmaak, en kan hy van die versuimer soodanige onkoste of ander hulp eis en verhaal soos die magistraat vasstel.
- (2) Teenstrydige bepalinge in hierdie Ordonnansie ten spyte kan elke Administrasie-beampte wat toesig het oor 'n kroonbos of kroongrond of elke ander beheerder van grond, nadat hy die beheerder van enige aangrensende grond op die vorm voorgeskryf by die vierde bylae hiervan minstens sewe dae kennis gegee het, op die dag wat sodanige kennisgewing vermeld, of binne 'n redelike tyd daarna, deur te brand of andersins, 'n brandstrook ter beskerming van sy eie eiendom teen brand aan sy eie kant van die gemeenskaplike grens tussen die betrokke persele skoonmaak: Met dien verstande dat die kennisgegewene te eniger tyd voor verstryking van die tydperk wat sodanige kennisgewing vermeld, skriftelik van die kennisgewer kan eis dat hy die prosedure wat sub-artikel (1) voorskryf moet volg, en in so 'n geval geld die bepalinge van daardie sub-artikel *mutatis mutandis* asof genoemde kennisgewing 'n kennisgewing ingevolge paragraaf (a) hiervan is.
- (3) Versuim om sodanige kennisgewing ingevolge hierdie artikel te gee, is 'n oortreding.
- (4) Die bepalinge van hierdie artikel tree in geen distrik, of strek of wyk van sodanige distrik, in werking nie tensy die magistraat van sodanige distrik aan die Sekretaris van die Gebied die volgende stukke besorg—
- (a) 'n besluit, aangeneem soos hierna bepaal word, wat aanbeveel dat die genoemde bepalinge in die genoemde distrik, of in enige strek of wyk van sodanige distrik, van krag verklaar moet word, en
- (b) bewys dat—
- (i) 'n besluit aangeneem is by 'n vergadering held op skriftelike versoek van minstens twaalf eienaars of bewoners van grond binne die bedoelde distrik; en dat
- (ii) kennisgewing van sodanige vergadering deurnmiddell van advertensie in een of meer koerante wat in sodanige distrik onloop, een innaad vooruit geskied het; en dat
- (iii) die bedoelde magistraat van sodanige vergadering voorgesit het en dat die bedoelde besluit behoorlik by sodanige vergadering tot stemming gebring is, en aangeneem is deur 'n meerderheid van die teenwoordige of verteenwoordigende eienaars of bewoners.
- (5) By oortuiging dat die bepalinge van sub-artikel (4) niegemaak is en dat 'n besluit behoorlik ooreenkomsig daardie sub-artikel aangeneem is, verklaar die Administrateur dat die bepalinge van hierdie artikel in werking tree vanaf 'n datum wat hy by kennisgewing in die *Offisiële Koerant* bepaal.
- (a) The person proposing to clear such a firebelt or to cause it to be cleared, shall serve on the person in charge of the adjacent land at least seven days notice of his intention in the form prescribed in the Third Schedule hereto.
- (b) The party receiving such notice shall assist in any such clearing but may claim a reasonable extension of time to enable him to cut or clear belts or spaces or to bring up labourers and equipment more effectually to execute and control the burning or other operations.
- (c) The manner and time of clearing such firebelt, the line on which it shall be made, and the nature of the assistance to be rendered by each party, shall be subject to mutual agreement between the parties concerned, or, failing such agreement, shall on the application of either party be summarily decided by a magistrate having jurisdiction in the district in which the adjacent property is situated, who may make such order as to payment of the expenses of clearing such firebelt and as to costs as he deems just.
- (d) On the appointed day and thereafter until the clearing of the firebelt has been completed, the parties concerned shall each in person or through a duly authorised representative attend with the appointed number of workmen and the required equipment, and all operations shall be under the joint direction and control of both parties or their respective representatives. Each party shall be responsible for his own expenses. Should the appointed day prove unfavourable, another day shall be fixed as provided in paragraph (c) of this sub-section.
- (e) In the event of one or other of the said parties failing to attend with such number of men and such equipment or to render such assistance, as may have been mutually agreed upon by the parties or decided by the magistrate, or as is specified in the notice of intention referred to in paragraph (a), as the case may be, the party who does so attend or who attends on the first succeeding suitable day, may forthwith and from day to day by himself and his servants clear or cause to be cleared the firebelt specified in the said notice or agreed upon or ordered by the magistrate, and he shall be entitled to claim and recover from the defaulting party such expenses or other relief as the magistrate may decide.
- (2) Notwithstanding anything to the contrary contained in this Ordinance an officer of the Administration in charge of a Crown forest or Crown land or any person in charge of any other land may, after having given, in the form prescribed in the Fourth Schedule hereto, not less than seven days notice to the person in charge of any land adjacent to such first mentioned land, on the day stated in that notice or within a mentioned land, on his own side of the common boundary clear a firebelt on his own side of the common boundary between the lands concerned, for the protection of his property from fire: Provided that the person on whom such notice is served may, at any time before the expiration of the period mentioned in that notice, in writing require the person giving notice to follow the procedure prescribed in sub-section (1), and in that event the provisions of that sub-section shall *mutatis mutandis* apply in the same manner as if the said notice were a notice given under paragraph (a) thereof.
- (3) Failure to give notice as required by this section shall constitute an offence.
- (4) The provisions of this section shall not come into operation in any district, or in any area or locality in such district, unless the magistrate of such district has transmitted to the Secretary for the Territory—
- (a) a resolution passed as hereinafter provided recommending that the said provisions be declared in force in the said district, or in any area or locality in such district; and
- (b) proof that—
- (i) a resolution was passed at a meeting convened upon a written request signed by not less than twelve owners or occupiers of land within the said district; and
- (ii) one month's notice of such meeting was given by advertisement in one or more newspapers circulating in such district; and
- (iii) the said magistrate presided at such meeting and the said resolution was duly put to such meeting and carried by a majority of the owners or occupiers of land present or represented thereat.
- (5) On being satisfied that the provisions of sub-section (4) have been complied with and that a resolution was duly passed as provided for in that sub-section, the Administrator shall declare the provisions of this section to come into operation from a date to be fixed by him by notice in the *Gazette*.

16. (1) Waar daar goeie rede is om aan te neem dat 'n brand in die ope lug gevaarlik vir lewende diere kan word, kan enige iemand wat te goeder trou optree, of alleen, of saam met sy ondergeskiktes enige grond binnegaan om daardie brand te blus of te verhoed dat dit sprei.

(2) As die brand op grond 'n halfmyl of minder vanaf die grens van 'n kroonbos of kroongrond is, kan die bosbeampes wat daarvoor toetsing hou, of enige aanvaarbare verantwoordelike Administrasie-beampte die beheer aanvaar.

(3) Elkeen wat ingevolge sub-artikel (1) optree—

(a) beheer die mense onder sy bevel en diegene wat hulles diens te verriglyk kom aanbid;

(b) kan sodanige maatreëls tref soos onder omstandighede ter lewende- en eiendomsbeskerming redelik en nodig is, of ter brandblussing of vernietiging, doenlik blyk, en kan te dien effekte redelike vernietiging van boom, gras, oeste of ander plantegroei deur afkapping, verbranding, ploeg of andersins laat geskied;

(c) kan op elkeen wat by of naby die vuur teenwoordig is, 'n beroep doen om te help of enigiets hoegenaamd te doen wat redelikerwysse ter brandblussing en -beheer nodig of doenlik blyk;

(d) kan elkeen wie sy lewe in gevaar is of kan kom, of wie te teenwoordig is of naby die brand die blusbedryfheid kan strem, bevel om homself of enige voertuig of ding onder sy beheer te verwyder.

(4) Elke buurman wat die inwonende eienaar of bewoner is, of by sy afwesigheid, sy agent of gemagtigde, bestuurder, hoof of opsigter wat die grond grensende aan die waar die brand voorkom, bewoon, of enigeen wat op die betrokke grond woon of teenwoordig is, is wanner hy ingevolge paragraaf (c) van sub-artikel (3) opgeroep word, verplig om self of deur sy werknemers, al na gelang, sodanige hulp te verleen soos die omstandighede hom toelaat.

(5) Elkeen wat 'n versoek of bevel ingevolge sub-artikel (3) of (4) verontagsaam, is skuldig aan 'n oortreding.

(6) Nóg die Administrateur nóg enige ander is aanspreeklik vir verlies of skade wat veroorsaak word deurdat 'n Administrasie-beampte of ander gemagtigde wettig ingevolge hierdie artikel optree, en niemand is geregtig op enige vergoeding of beloning hoegenaamd vir optrede op enige versoek of bevel ingevolge sub-artikel (3) of (4) nie.

(7) Daar kan geen aksie ingestel word vir 'n oortreding of skade veroorsaak wanner die bevelhebber of sy helpers te goeder trou wettig ingevolge hierdie artikel optree nie maar die bevelhebber moet die omstandighede en die optrede so gou doenlik by die naaste polisiebeampte of vredegreter, of by die magistraat van die betrokke distrik of die natuurle-kommissaris van die betrokke reserwe of gebied, aanmeld.

HOOFSTUK IV.

ALLERLEIE.

17. (1) Wanneer 'n magistraat, natuurlekommissaris, vredegreter, bosbeampte, polisiebeampte of die bekleeur van enige ander amp deur die Administrateur in die regulasies, algemeen of bepaald vir die doel aangewys, op redelike gronde vermoed dat 'n bosprodukt aanwesig is of afkomstig uit 'n onwettig vanaf 'n kroon- of private bos wederregtelik verwyder is, of gaan word, kan hy daardie bosprodukt in beslag neem en aanhou totdat kan hy daardie bosprodukt in beslag neem en aanhou totdat andersoek ingestel is. Geen eis om skadevergoeding kan weens so 'n beslaglegging of aanhouding ingestel word nie.

(2) 'n Beampte genoem in sub-artikel (1) kan iemand wat in besit van bosprodukte gevind word, sonder lasbrief in hegtenia neem, tensy so iemand 'n lisensie, permit of ander dokument het, wat die verwydering magtig, of 'n bevredigende verklaring gee van die wysse waarop genoemde bosprodukte in sy besit gekom het. Indien iemand wat aldus in hegtenia geneem is, nie die hof kan oortuig dat hy 'n wettige reg op die besit van genoemde bosprodukte gehad het nie, is hy aan 'n misdryf skuldig.

18. (1) Elke beampte genoem in sub-artikel (1) van artikel 17 kan op alle redelike tye van enige iemand wat 'n ingevolge hierdie Ordonnansie of die regulasies, permit of magtiging wat in gebreke bly om bedoelde lisensie, permit of magtiging te toon wanner dit aldus georderd word, is aan 'n misdryf skuldig.

(2) Elke bosbeampte het in, of in verband met, kroon- of private bosse of in verband met 'n oortreding, poging te oortreding of verdagte oortreding ingevolge hierdie Ordonnansie of die regulasies daaringevolge uitgevaardig, al die bevoegdhede waarmee polisiebeamptes deur die wet beklee is.

16. (1) Whenever there is good reason to believe that any fire in the open air may become dangerous to life or property, any person acting in good faith may either alone or with persons under his control enter upon any land for the purpose of extinguishing that fire or for preventing the extension thereof.

(2) If such fire be on land half a mile or less from the boundary of a Crown forest or Crown land the forest officer in charge thereof or any responsible officer of the Administration present shall have the right to take full control.

(3) Any person acting in terms of sub-section (1)—

(a) shall have the control of persons under his command and of persons who voluntarily place their services at his disposal;

(b) may take such measures as in the circumstances are reasonable and necessary or expedient for the protection of life and property or extinguishing or preventing the spread of the fire, and may for such purposes cause reasonable destruction of any trees, grass, crops or other vegetation by cutting, burning, ploughing or otherwise;

(c) may require any person present at or in the vicinity of such fire to assist or to do any act or perform any service which may reasonably be considered necessary or expedient to control or extinguish or prevent the spread of the fire;

(d) may order any person, whose life may be or may become endangered or whose presence at or in the vicinity of the fire may interfere with any operation in connection with such fire, to remove himself or any vehicle or other thing under his control.

(4) Any neighbour, being the resident owner or occupier or in his absence his agent or person in charge, manager, headman or caretaker, if any, resident on land adjoining that on which the fire occurs, or any person resident or present on that land, shall, when called upon in terms of paragraph (c) of sub-section (3), be bound to render such assistance personally or as the case may be, by means of his employees, as under the circumstances he is able to give.

(5) Any person who fails to comply with any requirement or order under sub-section (3) or (4), shall be guilty of an offence.

(6) No liability shall attach to the Administration or to any other person in respect of any loss or damage arising out of the lawful exercise by an officer of the Administration or such other person of any power conferred by this section, and no person shall be entitled to any compensation or reward whatever in respect of any act performed or service rendered by him in pursuance of any requirement or order under sub-section (3) or (4).

(7) No action shall lie for trespass or for damages caused in good faith by any person in charge of any operations lawfully undertaken under this section, or by any person assisting in such operations, but the person in charge of the operations shall at the first convenient opportunity report the circumstances and the action taken to the nearest police officer or justice of the peace or to the magistrate of the district or the native commissioner of the reserve or territory concerned.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

17. (1) Whenever a magistrate, native commissioner, justice of the peace, forest officer, police officer, or the incumbent of any other office designated in the regulations or by the Administrator generally or specifically for the purpose, on reasonable grounds suspects that any forest produce found in or obtained from or in transit from a Crown or private forest is about to be, or has been, wrongfully removed, he may seize and detain such forest produce pending enquiry. No action for damages shall lie in respect of such seizure or detention.

(2) An officer referred to in sub-section (1) may without warrant arrest any person in possession of any forest produce unless such person produces a licence, permit or other document authorizing the removal or gives a satisfactory account of the manner in which he became possessed of such forest produce. If any person so arrested is unable to satisfy the court that he had lawful right to be in possession of the said forest produce, he shall be guilty of an offence.

18. (1) Every officer referred to in sub-section (1) of section 17 may at all reasonable times demand from any person the production of any licence, permit or other authority which he is required under this Ordinance or the regulations to have, and any person failing to produce such licence, permit or authority on such demand shall be guilty of an offence.

(2) Every forest officer shall in or in connection with Crown or private forests or in respect of any offence, attempted offence or suspected offence under this Ordinance or the regulations made thereunder have all the powers vested by law in police officers.

(3) Elke bosbeampte kan, benewens die bevoegde hom by sub-artikel (2) verleen, en elke polisiebeampte kan—

(a) sonder lasbrief iemand in begtenis neem wat redelikerwys verdrag is van medeplichtigheid by—

(i) enige oortreding genoem in sub-artikel (3) of (6) van artikel *seven-en-twintig*; of

(ii) enige ander oortreding ingevolge hierdie Ordonnansie of die regulasies, indien sodanige beampte rede het om te vermoed dat so iemand nie op 'n dagvaarding sal verskyn nie;

(b) beslag lê op enige bosprodukte, waar ook al aangetref, ten opsigte waarvan sodanige beampte rede het om te vermoed dat 'n oortreding van hierdie Ordonnansie of die regulasies begaan is;

(c) beslag lê op 'n wapen, werktuig, instrument, voertuig, dier of ander voorwerp, wat, na bedoelde beampte rede het om te vermoed, by sodanige oortreding gebruik is.

19. Beslaglegging ingevolge artikel *seventien* of artikel *agtiem* moet onverwyld aangemeld word by die magistrat van die distrik of die natterlekommisaris van die natterleerreserwe of -gebied waarin sodanige beslaglegging gedoen is, en daardie magistrat of kommissaris, al na gelang, kan ten aansen van die verdere aanhouding van, of die beskikking oor die inbeslaggenome voorwerpe, 'n bevel uitvaardig wat hy, na die feite aan hom voorgelê, billik of raadsaam ag.

20. (1) Wanneer die hof by die verhoor aan 'n aanklag ingevolge hierdie Ordonnansie of die regulasies of enige ander wet, bevind dat bosprodukte van 'n kroon- of private bos, inderdaad wederregtelik verwyder is, kan hy, benewens die bevoegdhede hom verleen by artikel *driehonderd agt-en-twintig* en sub-artikel (2) van artikel *driehonderd een-en-dertig* van die Kriminele Procedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) gelas dat die persoon in besit daarvan dit terugbesorg of dat ten opsigte daarvan skadevergoeding teen 'n bedrag deur die Hof bepaal deur die beskuldigde aan die eienaar betaal word. Elke sodanige bevel kan ten uitvoer gelê word op dieselfde wyse as 'n vonnis van daardie hof in siviele geding.

(2) Die bepaling van sub-artikel (1) betreffende skadevergoeding is van toepassing ten opsigte van wederregtelike kaping of beskadiging van bosprodukte, of brandskade wat opsetlik of deur nalatigheid aan bosprodukte in 'n bos veroorsaak word.

21. (1) Wanneer in 'n regsdinging ingevolge hierdie Ordonnansie of die regulasies die vraag ontstaan of bosprodukte die eiendom van die Administrasie is, of, of dit die eiendom is van die eienaar van 'n bepaalde private bos, word dit gehou vir die eiendom van die Administrasie, of van die eienaar, na gelang van die geval, tensy die teendele bewys word.

(2) Iemand wat aangekla word weens 'n handeling vir die verrigting waarvan daar by hierdie Ordonnansie of die regulasies 'n lisensie, permit of ander magtiging vereis word, word gegag nie so 'n lisensie, permit of magtiging te besit nie, tensy hy dit aan die hof toon of ander bevredigende bewys lewer dat hy dit besit.

22. Ondanks die bepaling van enige ander wet, word daar, wanneer in 'n geding ingevolge hierdie Ordonnansie of die genereer die vraag van nalatigheid in verband met die verspreiding van 'n veld- of bosbrand of die veroorsaking van skade of letsel deur sodanige brand, ontstaan, veronderstel dat sodanige brand versprei het, of dat sodanige skade of letsel veroorsaak is, deur nalatigheid, tensy die teendele bewys word.

23. Elke boom wat binne die padreserwe van 'n openbare pad groei of geplant is, is onder die beheer van die Administrateur, hetsy gelde om die boom te plant en op te pas uit openbare inkomste bygedra is, al daa nie, en niemand mag so 'n boom afkap, snuci, beskuldig of verwyder nie, behalwe op gesag van 'n permit, algemeen of spesiaal, deur die Administrasie aan hom uitgereik: Met die verstaande dat hierdie verbod nie geld vir bome langs paale op grond binne die grense van die opengete erwe van 'n stad of dorp nie.

24. Nieteenstaande die bepaling van enige ander wet, word geen reg om bome of kreupelhout op 'n stuk grond af te kap, te snuci of te verwyder, of kroonbosgrond te betree vir die doeleindes van die Posadministrasie-Proklamasie 1931 (No. 15 van 1931), die Ordonnansie op Paale en Uitspanplekke 1937 (No. 7 van 1937), en hul wysings, of die Administrasie van die Suid-Afrikaanse Spoorwee en Havens, sonder voorafgaande raadpleging met die beampte wat regsbevoegdheid oor sodanige kroonbosgrond het of met die eienaar, na gelang van die geval, uitgeoefen nie: Met dien verstaande dat wanneer verbinding deur bome of kreupelhout onderbrek of in onmiddellike gevaar gestel word, die betrokke owerheid sonder bedoelde raadpleging die maatreks kan neem wat werklik nodig is om die onderbreking of onmiddellike gevaar te verwyder: Met dien verstaande voorts dat die betrokke owerheid alle redelike voorsorg moet tref om oormatige skade of verlies te verhoed, en dat enige besnoeiing van bome op 'n bekwame en deeglike wyse gedoen word.

(3) Every forest officer may, in addition to the powers conferred upon him by sub-section (2), and every police officer may—

(a) arrest without warrant any person reasonably suspected of having been a party to—

(i) any offence mentioned in sub-section (3) or (6) of section *twenty-seven*; or

(ii) any other offence under this Ordinance or the regulations if such officer has reason to believe that the said person will fail to appear in answer to a summons;

(b) seize any forest produce found anywhere in respect of which he has reason to believe that an offence against this Ordinance or the regulations has been committed;

(c) seize any weapon, tool, implement, vehicle, animal or any other thing which such officer has reason to believe has been used in the commission of any such offence.

19. Any seizure under section *seventeen* or section *eighteen* shall forthwith be reported to the magistrate of the district or to the native commissioner of the native reserve or territory in which such seizure was made, and that magistrate or commissioner, as the case may be, may make such order regarding the further retention or disposal of the seized articles as may appear to him from the facts reported to be just or expedient.

20. (1) Whenever upon the hearing of any charge under this Ordinance or the regulations or any other law, the court finds as a fact that forest produce has been unlawfully removed from a Crown forest or a private forest, it may, in addition to the powers conferred upon it by section *three hundred and twenty-eight* and sub-section (2) of section *three hundred and thirty-one* of the Criminal Procedure and Evidence Proclamation, 1935 (No. 30 of 1935), order that the same be returned by the person in possession thereof or that damages in respect thereof to an amount fixed by the court, be paid by the accused to the owner. Every such order may be enforced in the same manner as judgments of such court in civil actions are enforced.

(2) The provisions of sub-section (1) relating to damages shall apply in respect of any unlawful cutting of or injury to forest produce, or any damage wilfully or negligently caused by fire to forest produce.

21. (1) Whenever in any proceedings under this Ordinance or the regulations the question arises whether any forest produce is the property of the Administration or whether any such produce is the property of the owner of a particular private forest, it shall be presumed to be the property of the Administration or of the owner of that private forest, as the case may be, unless the contrary is proved.

(2) Any person charged with doing an act for which by this Ordinance or the regulations a licence, permit or other authority is required, shall be deemed to be without such licence, permit or authority unless he produce the same to the court or give other satisfactory proof of possessing the same.

22. Notwithstanding the provisions of any other law whenever in any proceedings under this Ordinance or at common law the question of negligence in respect of the spreading of any wild or forest fire or the causing of damage or injury by such fire arises, it shall be presumed that such fire spread or that such damage or injury was caused through negligence until the contrary is proved.

23. All trees growing or planted within the road reserve of any public road shall be under the control of the Administrator, whether or not moneys have been contributed out of public revenues to the planting or tending of such trees, and no person shall cut down, trim, damage or remove any such tree, except upon the authority of a permit generally or specifically issued by the Administration to such person: Provided that this prohibition shall not apply in respect of roadside trees within the limits of the surveyed erven of any town or village.

24. Notwithstanding the provisions of any other law, no rights of cutting, trimming or removing trees or underwood on any land or of entry upon any Crown forest land for the purposes of the Post Office Administration Proclamation, 1931 (No. 15 of 1931), the Roads and Outspans Ordinance, 1937 (No. 7 of 1937), including any amendments to the above-mentioned laws, or the South African Railways and Harbours Administration, shall be exercised without prior consultation with the officer having jurisdiction over such Crown forest land or with the owner, as the case may be: Provided that where communication is interfered with or immediately endangered by trees or underwood, the authority concerned may take such steps as are actually necessary for the removal of the interference or of the immediate danger without consultation as aforesaid: Provided further that the authority concerned shall take all reasonable care to prevent any undue damage or loss and that any trimming of trees shall be effected in a skilful and workmanlike manner.

25. Elke polisiebeampte en elke bosbeampte, behalwe 'n bosbeampte wat spesiaal ten opsigte van 'n private bos aangestel is, het te alle reële tye en ter uitvoering van sy pligte onbelemmerde toegang tot enige private grond waarop daar bome of bosprodukte groei of bestaan.

25. Every police officer and every forest officer, except a forest officer specially appointed in respect of any private forest, shall at all reasonable times for the execution of his duties have free access to any private land on which trees or forest produce grow or exist.

HOOFSTUK V.

CHAPTER V.

REGULASIES EN STRAFBEPALINGS.

REGULATIONS AND PENALTIES.

26. (1) Tensy onbestaanbaar met die bepalings van hierdie Ordonnansie, kan die Administrateur regulasies uitvaardig—

26. (1) The Administrator may make regulations, not inconsistent with the provisions of this Ordinance, as to—

- (a) ten opsigte van kroonbosse of private bosse, oor—
 - (i) die verkoop of van die hand sit van bome, hout of ander bosprodukte en die kap, bewerking en verwydering daarvan;
 - (ii) die verlening van huurregte, die uitreiking van lisensies of permitte, en die prosedure in verband daarmee, en met die verkoop of van die hand sit van bosprodukte, en waar alternatiewe prosedure voorgeskryf word, die oordrag aan 'n beampte wat deur hom aangewys word, van die bevoegdheid om die prosedure te bepaal wat in 'n besondere geval gevolg moet word;
 - (iii) die wyse waarop beskik moet word oor bome, hout of ander bosprodukte wat verkoop is, of waarop dit vervaardig of verwerk moet word, en die wyse waarop produkte wat daarvan verkry is, bemark, verkoop of andersins oor beskik moet word;
 - (iv) die oprigting en bestuur van saagmeule en ander inrigtings met hul toebehore om hout of ander bosprodukte te saag, te vervaardig of te verwerk;
- (b) ten opsigte van kroonbosse, oor—
 - (i) die weiding van diere op kroonbosgrond en die wyse waarop weivelde gebruik moet word;
 - (ii) die ontbossing, ombrak of bebouing van grond;
 - (iii) die gebruik van grond vir meule-, fabrieks-, of winkelterreine of vir woon- en kampeerdoelendes;
 - (iv) jag of visvang met inagneming van die wette op die beskerming van wild, voëls of vis;
 - (v) die opstel van tariewe wat kan afwissel na omstandighede en op 'n wyse bepaal deur 'n beampte in die regulasies aangewys vir die afset van bosprodukte of die gebruik en besetting van grond vir bepaalde doelendes of die gebruik en bewoning van geboue;
 - (vi) die uitreiking van lisensies of permitte;
 - (vii) die toegang tot kroonbosgrond, met inagneming van die regte van die reisende publiek;
 - (viii) die skut van vee uit kroonbosgrond met inagneming van die wette daarop;
 - (ix) die oordrag aan 'n beampte wat in die regulasies genoem word, van die bevoegdheid om die voorwaardes te reël of voor te skryf verbonde aan die verkoop van, of die beskikking oor, bosprodukte en aan die gebruik van kroonbosgrond vir enige doel wat in hierdie Ordonnansie genoem word;

- (a) in respect of Crown forests or private forests—
 - (i) the sale or disposal of trees, wood or other forest produce and the felling, working and removing thereof;
 - (ii) the granting of leases, the issue of licences or permits and the procedure in connection therewith or with the sale or disposal of forest produce, and, where alternative procedures are prescribed, delegating to an officer designated by him the power to determine which procedure shall in any particular case be followed;
 - (iii) the manner in which trees, wood or other forest produce sold shall be disposed of, manufactured or processed and the manner in which any products derived therefrom shall be marketed, sold or otherwise disposed of;
 - (iv) the establishment and management of sawmills and other plants and appurtenances thereto for sawing, manufacturing or processing wood or other forest produce;
- (b) in respect of Crown forests—
 - (i) the grazing of animals on Crown forest land, and the manner in which pasturage shall be used;
 - (ii) the clearing, breaking up or cultivating of land;
 - (iii) the use of land for mill, factory or shop sites or for residence or camping purposes;
 - (iv) hunting or fishing, subject to the laws relating to the preservation of game, birds or fish;
 - (v) the framing of tariffs, which may vary according to circumstances and in a manner determined by an officer specified in the regulations for the disposal of forest produce, or the use and occupation of land for specific purposes or the use and occupation of buildings;
 - (vi) the issuing of licences or permits;
 - (vii) entry to Crown forest land, subject to the rights of the travelling public;
 - (viii) impounding of stock from Crown forest land, subject to the laws relating thereto;
 - (ix) delegating to an officer specified in the regulations the power to regulate or prescribe the conditions attached to the sale or disposal of forest produce and to the use of Crown forest land for any purpose mentioned in this Ordinance;

- (c) in die algemeen oor—
 - (i) die toepassing en bestuur van die Ordonnansie in besondere omstandighede, of ten opsigte van verskillende distrikte of omskrawe gebiede;
 - (ii) die bestryding van swam- of bakteriese siektes, insek- of parasietplae wat enige timmerhout-boomsorte of enige timmerhout op of in enige grond, skip, of enige timmerhout op of in enige grond, skip, voertuig, vliegtuig, gebou, depot of plek waar timmerhout gebore, opgestapel, drooggemaak of verwerk word, aantas of die voorkoming van so 'n siekte of pes, of van sy verspreiding;
 - (iii) die invoer of uitvoer of die verwydering van een plek na 'n ander of die aankoop of verkoop van enige boomsoort of deel of produkte daarvan (uitgesonderd die van aangeplante vrugtebome), met inbegrip van timmerhout.

- (c) in general—
 - (i) the application and administration of the Ordinance in particular circumstances, or for different districts or defined areas;
 - (ii) the combating of any fungus or bacteria disease, insect or parasite pest affecting any kind of timber tree or any timber on any land or in any ship, vessel, vehicle, aircraft, building, depot or place for storing, stacking, seasoning or working of timber, or preventing the introduction or spread of any such disease or pest;
 - (iii) the importation or exportation or removal from any one place to another or the purchase or sale of trees of any kind or portions or products thereof (other than of cultivated fruit trees), including timber.

(2) 'n Regulasie uitvaardig ingevolge sub-paragraaf (iii) van paragraaf (a) van sub-artikel (1) kan—

(2) Any regulations made under sub-paragraaf (iii) of paragraph (a) of sub-section (1) may—

- (a) voorsiening maak vir die inspeksie van bedoelde bome, timmerhout of bosprodukte deur 'n beampte wat die Administrateur algemeen of spesieel vir die doel aanwys, Administrateur algemeen of spesieel vir die doel aanwys, en onderhevig aan die voorwaardes en bepalings wat die Administrateur stel;
- (b) die afmetings en die metodes van droging van daardie timmerhout, en die grade, standarde van gehalte, of die wyse van gradering, verpakking of merk van daardie bosprodukte spesifiseer, waarvolgens daardie verwerkte bosprodukte vir die handel gesaag, vervaardig of uitgevoer werk, of aangekoop of verkoop, of ingevoer of uitgevoer mag word;

- (a) provide for the inspection of any such trees, timber or forest produce by any officer designated generally or specifically for the purpose by the Administrator and on such terms and conditions as the Administrator may determine;
- (b) prescribe the dimensions and the methods of seasoning of any such timber, and the grades, standards of quality, or the manner of grading, packing or marking of any such forest produce, in accordance with which such timber or forest produce may be sawn, manufactured or processed for trade purposes or purchased or sold or imported or exported;

- (c) die gebruik vir handelsdoeleindes, verkoop, verwydering van een plek na 'n ander, of die uitvoer of invoer van sodanige timmerhout wat nie die voorgeskrewe afmetings het nie, of nie op die voorgeskrewe wyse gedroeg is nie, of van daardie bosprodukte wat nie van die voorgeskrewe graad of gehalte of op die voorgeskrewe wyse gegraadeer, verpak of gemerk is nie, belet;
- (d) die handelsnaam of -beskrywing voorskryf of onskryf waarby daardie timmerhout of die produkte daaruit verkry, bekend sal staan of beskryf moet word, en waaronder dit ingevoer of uitgevoer, verkoop of andersins van die hand gesit moet word, en die gebruik van 'n ander handelsnaam of -beskrywing ten opsigte daarvan belet.
- (3) Strawwe kan voorgeskryf word vir die oortreding van die regulasies wat ingevolge hierdie artikel uitgevaardig word, of vir verontagsaming daarvan, maar geen sodanige straf mag dié genoem in artikel *sive-en-twintig* te bowe gaan nie.
27. (1) Enigiemand wat 'n oortreding begaan wat in hierdie artikel genoem word, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens eenhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en gevangenisstraf.
- (2) Enigiemand wat skuldig is aan 'n oortreding van hierdie Ordonnansie of 'n regulasie daaringevolge uitgevaardig is, waar geen straf uitdruklik daarvoor bepaal is nie, by veroordeling onderbewig aan die strawwe wat in sub-artikel (1) genoem word.
- (3) Niemand mag sonder magtiging in of op 'n kroon- of private bos—
- a) 'n boom, timmerhout of ander bosprodukte kap, beskadig, vernietig, versamel, neem of verwyder nie; of
 - b) 'n baken, grensmerk, heining, of kennisgewing of kennisgewingsbord beskadig, verander, verskuif, verwyder, of hom daarmee bemoei nie; of
 - c) 'n deel betree waar toegang by kennisgewing verbode is, of deur of oor 'n heining of hek klim nie; of
 - d) rook waar rook by kennisgewing verbode is, of op paltige wyse 'n vuurhoutjie trek of 'n brandende vuurhoutjie of ander brandende materiaal neergooi nie; of
 - e) 'n vuur maak of help maak of gebruik, weer aansteek of brandstof daarby voeg nie.
- (4) Niemand mag sonder magtiging in of op 'n kroonbos—
- a) grond ontbos, omkraak of bebou nie;
 - b) op enigerlei wyse op wild, voëls of ander diere jag maak of hulle doodmaak of op hulle probeer jag maak of hulle probeer dood maak, of vis vang of doodmaak of probeer vang of doodmaak, of met 'n hond of geweer binnegaan nie; of
 - c) 'n bykorf uithaal of probeer uithaal of 'n swerin bye steur of verwyder nie;
 - d) 'n voorwaarde waarop 'n lisensie of permit uitgereik is wat verbouing, bewoning of werk of veeleiding magtig, of waarvolgens hout of ander bosprodukte verkoop of andersins van die hand gesit is, oortree nie.
- (5) Niemand mag—
- (i) enige voorwaarde of regulasie gestel of genoem in enige lisensie, permit of ander magtiging wat ingevolge dié bepalings van hierdie Ordonnansie uitgereik is; of
 - (ii) enige regulasie wat daaronder uitgevaardig is, oortree of in gebreke bly om dit na te kom nie;
 - b) 'n stempel, merk of teken op timmerhout of ander bosprodukte geplaas of 'n lisensie, pas of permit deur, of op gesag van die Administrateur, uitgereik, verander, vernietig, of uitwis nie;
 - c) aan 'n bosprodukt 'n merk maak of heg wat gebruik word om aan te dui dat daardie bosprodukt wettig gekap of verwyder mag word nie.
- (6) Niemand mag in die ope lug op enige grond 'n vuur wat liggie met of sonder magtiging gemaak of gehelp maak het, of gebruik het of weer aangesteek het, of waarby brandstof gevoeg het, onbewaak laat voordat dit deeglik geblus is nie.
- (7) Niemand mag in die ope lug op enige grond met of sonder magtiging, persoonlik of middels sy bediende of agent 'n vuur maak of help maak of gebruik of weer aansteek of brandstof daarby voeg, indien so 'n vuur deur sy nalatigheid versprei of skade of besering veroorsaak nie.
28. Hierdie Ordonnansie heet die Ordonnansie op die Behoud van Bone en Bosse 1952 en tree in werking op 'n datum wat deur die Administrateur by proklamasie in die *Offisiële Koerant* vasgestel word.
- (c) prohibit the use for trade purposes, sale, removal from any place to another, or the exportation and importation of any such timber which is not of the prescribed dimensions or has not been seasoned in the prescribed manner or any such forest produce which is not of the prescribed grade or standard of quality or has not been graded, packed or marked in the prescribed manner;
- (d) prescribe and define the trade name or description whereby any such timber or any product derived therefrom shall be known or described and under which it shall be imported or exported or sold or otherwise disposed of and prohibit the use of any other trade name or description in respect thereof.
- (3) Penalties may be prescribed for the contravention of any regulations made under this section or for a failure to comply therewith, but no such penalties shall exceed those mentioned in section *twenty-seven*.
27. (1) Any person who commits any offence specified in this section shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- (2) Any person guilty of an offence against this Ordinance or any regulation made thereunder shall, where no penalty is expressly provided for the offence, be liable on conviction to the penalties specified in sub-section (1).
- (3) No person shall in or on a Crown or private forest, without authority—
- (a) cut, injure, destroy, collect, take or remove any tree, timber or other forest produce; or
 - (b) injure, alter, shift or remove or interfere with any beacon, boundary mark, fence or any notice or notice board; or
 - (c) enter any part where entry is by notice prohibited, or climb through or over any fence or gate; or
 - (d) smoke where smoking is by notice prohibited or negligently light or throw down any burning match or other burning material; or
 - (e) light or assist in lighting or use, rekindle or add fuel to any fire.
- (4) No person shall in or on a Crown forest, without authority—
- (a) clear, break up or cultivate land; or
 - (b) in any manner hunt, destroy or attempt to hunt or destroy game, birds or other animals, or fish for or destroy or attempt to fish for or destroy fish or enter with dog or gun; or
 - (c) rob or attempt to rob any beehive or disturb or remove any swarm of bees;
 - (d) contravene any condition upon which a licence or permit to cultivate, occupy, work or graze animals, has been issued or upon which any wood or other forest produce has been sold or otherwise disposed of.
- (5) No person shall—
- (a) contravene or fail to comply with—
 - (i) any condition or regulation stated or referred to in any licence, permit or other authority issued in terms of the provisions of this Ordinance; or
 - (ii) any regulation made thereunder;
 - (b) alter, obliterate or deface any stamp, mark or sign placed upon timber or other forest produce or any licence, pass or permit issued by or on the authority of the Administrator;
 - (c) make upon or affix to any forest produce a mark used to indicate that such forest produce may be lawfully cut or removed.
- (6) No person shall in the open air on any land leave unattended a fire which he, with or without authority, has lighted or assisted in lighting or used or rekindled or to which he has added fuel, before such fire is thoroughly extinguished.
- (7) No person shall in the open air on any land with or without authority, either personally or through his servant or agent, light or assist in lighting or use, rekindle or add fuel to any fire which through his negligence, spreads or causes damage or injury.
28. This Ordinance shall be called the Preservation of Trees and Forests Ordinance, 1952, and shall come into force on a date to be fixed by the Administrator by proclamation in the *Gazette*.

EERSTE BYLAE.

WETTE HERROEP.

No. en Jaar van Wet.	Kort Titel van Wet	Omvang van Herroeping.
Proklamasie No. 27 van 1921.	„Regeling van Grasverbranding Proklamatie, 1921.”	Die geheel.
Proklamasie No. 23 van 1925.	„Bescherming van Bomen Proklamatie, 1925.”	Die geheel.
Ordonnansie No. 9 van 1936.	Reëling van Grasbrande Wysigingsordonnansie 1936.	Die geheel.
Proklamasie No. 13 van 1937.	Wysigingsproklamasie op Behoud van Bome 1937.	Die geheel.

FIRST SCHEDULE.

LAWS REPEALED.

No. and Year of Law.	Short Title of Law.	Extent of Repeal.
Proclamation No. 27 of 1921.	Regulation of Grass Burning Proclamation, 1921.	The whole.
Proclamation No. 23 of 1925.	Preservation of Trees Proclamation, 1925.	The whole.
Ordinance No. 9 of 1936.	Regulation of Grass Burning Amendment Ordinance, 1936.	The whole.
Proclamation No. 13 of 1937.	Preservation of Trees Amendment Proclamation, 1937.	The whole.

TWEEDE BYLAE.

VOORBEHOUDE BOME, PLANTF OF BOSPRODUKTE.

Plantkundige Name.	Gewone Name.	Inbooringname.
Acacia albid	Anaboom, weisholz	Amuë, anaheib
Acacia giraffae	Kameelboom, -doring	Omumbonde, muheto ganab
Acanthosycios horrida	Nara	Omungaraha, Naras
Adansonia digitata	Baobab, affenbrotbaum	Mubuyu
Baikiaea plurijuga	Mukusi (Rhodesian Teak)	Mukusi, ohahe
Boscia — alle soorte	Witgatboom, stinkbos	Omutedwereti, huni-beib, xaobes, otjuzantoni, abaheib
Burkea africana	Mucarala, wilde sering	Mucarala, musheshe
Compretum primum	Loodhout, hardekoel	Omumborumbonga
Copaifera coleosperma	Umchibi	Miusibi, muzuali
Copaifera mopane	Mopane	Omuntati
Etandrophragma angdense	Sapele	Mupumena, mubana
Euclea pseudobenus	Ebbhoutboom	Onusema
Kirkia acuminata	Witsering	Muzumina, mulembalema
Lonchocarpus — alle soorte	Appelblaar	Omupanda, mukololo
Olea verrucosa	Wilde-olyf	Kauanongwaondu
Peltophorum africanum	Huilbos	Omupara
Pterocarpus erinaceus	Dolphi, kiaat	Mukwa
Rhus Lancea	Karee	Oruzo
Ricinodendron rautanenii	Mungongo	Omungeiti, mungongo
Sclerocarya schweinfurthiana	Marula	Omuongo, goaros
Spirostachys africana	Tamboti	Orupapa
Tamarix austro-africana	Abiqua, davi	Amunguata, dabbi, motxlewa

SECOND SCHEDULE.

RESERVED TREES, PLANTS OR FOREST PRODUCE.

Botanical Names.	Common Names.	Native Names.
Acacia albid	Anaboom, weisholz	Amuë, anaheib
Acacia giraffae	Kameelboom, -doring	Omumbonde, mulieto ganab
Acanthosycios horrida	Nara	Omungaraha, Naras
Adansonia digitata	Baobab, affenbrotbaum	Mubuyu
Baikiaea plurijuga	Mukusi (Rhodesian Teak)	Mukusi, ohahe
Boscia — all species	Witgatboom, stinkbos	Omutedwereti, huni-beib, xaobes, otjuzantoni, abaheib
Burkea africana	Mucarala, wilde sering	Mucarala, musheshe
Compretum primum	Loodhout, hardekoel	Omumborumbonga
Copaifera coleosperma	Umchibi	Miusibi, muzuali
Copaifera mopane	Mopane	Omuntati
Etandrophragma angdense	Sapele	Mupumena, mubana
Euclea pseudobenus	Ebbhoutboom	Onusema
Kirkia acuminata	Witsering	Muzumina, mulembalema
Lonchocarpus — all species	Appelblaar	Omupanda, mukololo
Olea verrucosa	Wild Olive	Kauanongwaondu
Peltophorum africanum	Huilbos	Omupara
Pterocarpus erinaceus	Dolphi, kiaat	Mukwa
Rhus Lancea	Karee	Oruzo
Ricinodendron rautanenii	Mungongo	Omungeiti, mungongo
Sclerocarya schweinfurthiana	Marula	Omuongo, goaros
Spirostachys africana	Tamboti	Orupapa
Tamarix austro-africana	Abiqua, davi	Amunguata, dabbi, motxlewa

DERDE BYLAE.

KENNISGEWING VAN VOORNEMENS OM BRANDSTROOK TE MAAK EN AANVRAAG OM HULP BY DIE MAAK DAARVAN.

Aan Adres
 wat toesig hou oor (1)

Neem hierby ingevolge artikel vyftien van die Ordonnansie op die Behoud van Bome en Bosse 195..... (Ordonnansie No. van 195.....) kennis dat ek voornemens is om 'n brandstrook skoon te maak op die gemeenskaplike grens tussen die eiendom bekend as (1) en die eiendom bekend as (1) in die magistraatsdistrik(te)/Natuurreserwe(s)/Natuurlegebied(e) onderskeidelik.

Ek is voornemens om die brandstrook skoon te maak deur die gebied af te brand/te skoffel/ te ploeg/te skraap/te kap (2) of en om met die werk te begin om uur v.m./n.m. op die dag van 19..... of op die eerste geskikte dag daarna.

Ek sal (getal) werkslui verskaf en die onderstaande werktuie, gereedskap, toestelle, ens., gebruik:

U word versoek om op die vasgestelde dag en tyd teenwoordig te wees by (plek) op die genoemde grens met 'n gelyke getal werkslui en met soortgelyke toerusting, of my vooraf in kennis te stel van u voornemens in hierdie verband.

Handtekening
 Adres
 Datum

- (1) Gee aan No. en/of naam van eiendom.
 (2) Skrap wat nie van toepassing is nie.

VIERDE BYLAE.

KENNISGEWING VAN VOORNEMENS OM BRANDSTROOK TE MAAK.

Aan Adres
 wat toesig het oor (1)

Neem hierby ingevolge sub-artikel (2) van artikel vyftien van die Ordonnansie op die Behoud van Bome en Bosse 195..... (Ordonnansie No. van 195.....) kennis dat ek voornemens is om 'n brandstrook skoon te maak op die gemeenskaplike grens tussen die eiendom bekend as (1) en die eiendom bekend as (1) in die magistraatsdistrik(te)/Natuurreserwe(s)/Natuurlegebied(e) onderskeidelik.

Ek is voornemens om die brandstrook skoon te maak deur die gebied af te brand/te skoffel/ te ploeg/te skraap/te kap (2) of en om met die werk te begin om uur v.m./n.m. op die dag van 19..... of op die eerste geskikte dag daarna.

Ek sal (getal) werkslui verskaf en die onderstaande werktuie, gereedskap, toestelle, ens., gebruik:

Ingevolge die voorbehoudsbepaling tot die bogenoemde artikel van die Ordonnansie word u versoek om my betyds in kennis te stel van u voornemens. Indien u dit nie doen nie sal daar met die werk voortgegaan word, ooreenkomstig die kennisgewing.

Naamtekening
 Adres
 Datum

- (1) Gee aan No. en/of naam van eiendom.
 (2) Skrap wat nie van toepassing is nie.

THIRD SCHEDULE.

NOTICE OF INTENTION TO CLEAR A FIREBELT AND REQUEST FOR ASSISTANCE.

To Address
 being the person in charge of (1)

I propose to clear the firebelt in terms of section fifteen of the Preservation of Trees and Forests Ordinance, 195..... (Ordinance No. of 195.....), that it is my intention to clear a firebelt on the boundary common to the property known as (1) and the adjoining property known as (1) in the Magisterial District(s)/Native Reserve(s)/Native Territory(ies) of, respectively.

I propose to clear the firebelt by burning/skoffeling/ploughing/raking/slashing (2) or and to commence the work at o'clock a.m./p.m. on the day of 19..... or on the first suitable day thereafter.

I shall provide (Number) workmen and will use the following tools, implements, appliances, etc.,

You are requested to attend on the appointed day and time at (place) on the boundary described with a like number of men and with similar outfit or to notify me in advance of your intentions in this connection.

Signature
 Address
 Date

- (1) State No. and/or name of property.
 (2) Delete what is inapplicable.

FOURTH SCHEDULE.

NOTICE OF INTENTION TO CLEAR A FIREBELT.

To Address
 being the person in charge of (1)

I intend to clear the firebelt in terms of sub-section (2) of section fifteen of the Preservation of Trees and Forests Ordinance, 195..... (Ordinance No. of 195.....), that it is my intention to clear a firebelt on the boundary common to the property known as (1) and the adjoining property known as (1) in the Magisterial District(s)/Native Reserve(s)/Native Territory(ies) of, respectively.

I intend to clear the firebelt by burning/skoffeling/ploughing/raking/slashing (2) or and to commence the work at o'clock a.m./p.m. on the day of 19..... or on the first suitable day thereafter.

I shall provide (Number) of workmen and propose using the following tools, implements, appliances, etc.,

In terms of the Proviso to the section of the Ordinance quoted you are requested to inform me of your intentions in good time, failing which the work will be proceeded with in terms of this notification.

Signature
 Address
 Date

- (1) State No. and/or name of property.
 (2) Delete what is inapplicable.

No. 38 van 1952.]

ORDONNANSIE

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

(Goedgekeur 8 Julie 1952.)

(Engelse teks deur die Administrateur geteken.)

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

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

„argitek” iemand wat ingevolge hierdie Ordonnansie as lid van die Instituut van Suidwes-Afrikaanse Argitekte geregistreer is;

„die Komitee” die Uitvoerende Komitee van die Instituut wat ingevolge artikel sewo by regulasie ingestel word;

„die Stigtingsraad” die raad wat die Administrateur ingevolge artikel ses aanstel;

„Instituut” die Instituut van Suidwes-Afrikaanse Argitekte wat by hierdie Ordonnansie gestig word;

„plaaslike bestuur” ’n plaaslike stadsowerheid soos bepaal by sub-artikel (3) van artikel sewo van die Publieke Gezondheids Wet, 1919 (Wet 36 van 1919), van die Unie-Parlement, soos toegepas op die Gebied by die Publieke Gezondheids Proklamasie, 1920 (Proklamasie 36 van 1920);

„register” die lys van argitekte wat as lede van die Instituut geregistreer staan;

„argitekswerk” die ontwerping van skemas vir bouwerk, en die toesighouding oor sodanige werk.

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

(a) hom ns argitek beskryf of voordoen, hetsy geregistreerd al dan nie;

(b) middels advertensie, beskrywing, dokument of andersins

(i) sodanige naam, titel, toevoeging of letters gebruik as sou hy ’n argitek wees, geregistreerd al dan nie; of

(ii) verklaar of te kenne gee dat hy bereid of gewillig is om argitekswerk te onderneem nie,

tensy hy ingevolge hierdie Ordonnansie geregistreer is.

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

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

(2) Die Instituut wat hierby gestig word, is ’n regspersoon met ewigdurende opvolging, en kan by ’n regs-geding eiser sowel as verweerder optree, en kan roerende of onroerende eiendom verkry, hou of verreem.

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

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

No. 38 of 1952.]

ORDINANCE

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

(Assented to 8th July, 1952.)

(English text signed by the Administrator.)

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

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

„architect” means a person registered as a member of the Institute of South West African Architects in terms of this Ordinance;

„the Committee” means the Executive Committee of the Institute established by regulation in accordance with the provisions of section seven;

„the Inaugural Board” means the Board appointed by the Administrator in terms of section six;

„Institute” means the Institute of South West African Architects by this Ordinance established;

„local authority” means an urban local authority as defined by sub-section (3) of section seven of the Public Health Act, 1919 (No. 36 of 1919), of the Union Parliament, as extended to the Territory by the Public Health Proclamation, 1920 (No. 36 of 1920);

„the register” means the list of architects registered as members of the Institute;

„work of an architect” means the designing and supervision of buildings or works accessory thereto.

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

(a) describe or hold himself out as an architect, whether registered or not;

(b) by advertisement, description, document or other means —

(i) use any such name, title, addition, description or letters as to indicate that he is an architect, whether registered or not; or

(ii) give out or state that he is willing or prepared to perform the work of an architect.

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

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

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

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

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

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

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

- (a) die bestuur, bevoegdhede en pligte van die Instituut; die klas en beskrywing van lede; die bestek van hul regte, en die perke van hul verpligtinge aanwas;
- (b) die instelling van 'n Uitvoerende Komitee van die Instituut, en die aanstelling of verkiesing van sy lede, en die aanstellings en pligte van sy ampsdraers reël;
- (c) die prosedure, bevoegdhede en pligte van die genoemde Komitee, en die leiding van sy verrigtinge voorskryf;
- (d) ten opsigte van die argiteksberoep, wangedrag omskryf;
- (e) ondersoek- en handelwyses by die wangedrag van argitekthe bepaal, sowel as die strawwe wat daarby pas;
- (f) argiteksgelde vasstel;
- (g) argitekregistrasiegelde en die inskrywingsgelde van die Instituut vasstel;
- (h) beroepsopleiding en -eksamens voorskryf; en
- (i) die stand van Suidwes-Afrikaanse argitekthe algemeen handhaaf en bevorder, en die sluiting van wederkerige ooreenkomste met ander volkere in verband met die registrasie van argitekthe reël.

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

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

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

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

- (a) voor die eerste dag van Julie 1951 openbaar en *bona fide* argitekwerk in die Gebied verrig het; of
- (b) voor die eerste dag van Julie 1951 ses maande lank in die Gebied as argitekshulp gedien het, en altesaam minstens vyf jaar ondervinding van argitekwerk het.

9. (1) Almal wat ingevolge artikel *agt* as argitekthe geregistreer staan, is lede van die Instituut.

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

- (a) 'n kwalifiserende eksamen, goedgekeur deur die Administrateur, geslaag het; en
- (b) minstens vier jaar opleiding of kontraktuele vakleerling-skap in die argitekwerk afgelê het, en nog een jaar praktiese ondervinding by 'n argitek, of vyf jaar ondervinding van argitekwerk opgedoen het by die Argitekafdeling van die Unie-Staatsdiens, of van die Administrasie van die Gebied, of van die verskeie Unie-Provinsies, of van die Suid-Afrikaanse Spoorweë en Haweis, of by 'n plaaslike bestuur in die Gebied of die Unie van Suid-Afrika, kan by die Komitee om registrasie as 'n argitek, en om lidmaatskap van die Instituut, aansoek doen.

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

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

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

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

- (a) providing for the management, powers and duties of the Institute, the classes and designations of members; the defining of their rights, and limiting of their liabilities;
- (b) providing for the establishment of an Executive Committee of the Institute and for the appointment or election of members and the appointment and duties of officers thereof;
- (c) prescribing the procedure, powers and duties of the said Committee and the conduct of its business;
- (d) as to what in an architect shall constitute unprofessional conduct;
- (e) determining the mode of enquiry into and method of dealing with unprofessional conduct on the part of any architect and the sanctions to be imposed in respect of such conduct;
- (f) governing the fees payable to architects;
- (g) as to the fees to be paid in respect of registration and as to subscriptions to be paid by members of the Institute;
- (h) as to professional education and examinations; and
- (i) tending in general to maintain and improve the status of South West African architects and to enable agreements to be entered into with other countries on a reciprocal basis as to the registration of architects.

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

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

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

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

- (a) prior to the first day of July, 1951, he was publicly and *bona fide* performing the work of an architect in the Territory; or
- (b) prior to the first day of July, 1951, he was engaged as an assistant to an architect in the Territory for six months and has at least a total of five years experience in the work of an architect.

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

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

- (a) passed a qualifying examination approved by the Administrator; and
- (b) had not less than four years training or articulated pupilage in the work of an architect in addition to one year's practical experience under an architect, or five years experience in the work of an architect in an architectural department of the Union Government, or of the Administration of the Territory, or of the South African Railways and Harbours Administration, or of a Provincial Administration of the Union or of a local authority whether in the Union or the Territory,

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

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

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

10. Weier die Stigtingsraad om iemand te registreer wat ingevolge artikel 4gt om registrasie aanvaar, of verwerp die Komitee 'n aansoek om registrasie as argitek en lidmaatskap van die Instituut ingevolge artikel 4nee, kan die beoogde lid hom skriftelik op die Administrateur beroep teen die besluit van die Stigtingsraad of die Komitee, al na gelang, en die Administrateur kan, na ooreleg met die Stigtingsraad of die Komitee, al na die gelang, die betrokke besluit bekragtig of ter syde stel. Die Administrateur kan die Stigtingsraad beveel om so iemand as argitek aan te teken, of die Komitee beveel om sodanige aansoek om registrasie en lidmaatskap van die Instituut te aanvaar.

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

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

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

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

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

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

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

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

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

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

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

15. Strydige bepalinge in hierdie Ordonnansie of in die regulasies wat daerkragtigens afgekondig word, ten spyte, kan elkeen wat onmiddellik voor die eerste dag van Julie 1951 openbaar en *bona fide* gekombineerde argitek- en bouwerk in die Gebied verrig het, na die inwerkingtreding van hierdie Ordonnansie voortgaan om sodanige gekombineerde argitek- en bouwerk onafhanklik en vir sy eie profyt en voordeel te verrig.

16. Hierdie Ordonnansie heet die Argitek-Ordonnansie 1952.

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

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

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

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

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

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

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

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

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

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

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

15. Any person who, immediately prior to the first day of July, 1951, was publicly and *bona fide* performing the combined work of an architect and builder in the Territory, may, notwithstanding anything in this Ordinance or the regulations framed thereunder contained, continue after the coming into force of this Ordinance to perform such combined work of architect and builder on his own account and for his own profit and benefit.

16. This Ordinance shall be called the Architects Ordinance, 1952.

No. 39 van 1952.]

ORDONNANSIE

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

(Goedgekeur 8 Julie 1952.)

(Afrikaanse teks deur die Administrateur geteken.)

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

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

„applikant” ’n blanke wat aansoek gedoen het, of maat-reëls tref om aansoek te doen, om ’n ongeskiktheids-toelae ingevolge hierdie Ordonnansie;

„ongeskiktheidstoelae” of „toelae” ’n toelae genoem in artikel vier;

„distrikspensioenbeampte” ’n beampte as sodanig aangewys ingevolge artikel twee;

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

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

„voorgeskryf” by regulasie voorgeskryf;

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

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

„hierdie Ordonnansie” ook die regulasies.

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

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

(b) om sodanige aansoek te ondersoek;

(c) om sodanige aansoek met hul verslag daarop aan die Sekretaris te stuur;

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

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

3. Die bepaling van sub-artikel (3) van artikel twee en van artikel drie van die Ouderdomspensioenordonnansie 1942 (Ordonnansie 13 van 1942) is, *mutatis mutandis* van toepassing op ongeskiktheidstoelae ingevolge hierdie Ordonnansie.

No. 39 of 1952.]

ORDINANCE

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

(Assented to 8th July, 1952.)

(Afrikaans text signed by the Administrator.)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act 42 of 1925), as amended, of the Parliament of the Union of South Africa, as follows:—

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

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

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

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

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

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

“prescribed” means prescribed by regulation;

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

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

“this Ordinance” includes the regulations.

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

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

(b) to investigate such applications;

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

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

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

3. The provisions of sub-section (3) of section *two* and of section *three* of the Old Age Pensions Ordinance, 1942 (Ordinance 13 of 1942), shall *mutatis mutandis* apply to disability grants under this Ordinance.

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

- minstens sestien jaar oud is;
- in die Gebied gedomileer is;
- in die Gebied woon ten tyde van sy aansoek om 'n toelae;
- 'n Suid-Afrikaanse burger is of reeds tien jaar uit die vyftien jaar wat die datum van sy aansoek onmiddellik voorafgaan, gereeld in die Gebied gewoon het;
- weens liggaams- of geestesgebrek van 'n blywende aard ongeskik is om deur werk of 'n beroep genoeg middelle te verdien om vir sy eie onderhoud te sorg;

Met dien verstande dat —

- geen vrou wat bevoeg sou gewees het om 'n toelae te ontvang as sy nie met 'n vreemdeling getroud was nie, bloot weens sodanige huwelik onbevoegd tot 'n toelae is of word nie;
- domisilie in die Gebied, by die toepassing van hierdie artikel, nie beskou word as onderbreek deur 'n tydperk wat 'n betrokke vrou die Gebied deurgebring het onderwyl hy sy domisilie in die Gebied behou het, of onderwyl hy in die Unie was nie.

5. Niemand is bevoegd tot 'n ongeskiktheidstoelae —

- wat in staat is, en die geleentheid het, om voldoende vir sy eie onderhoud te sorg; of
- wat pensioen trek ingevolge die Ouderdomspensioenordonnansie 1942, of ingevolge die Ordonnansie op Blindes 1952, of wat oudstryderspensioen trek ingevolge die Oorlogspensioenwet 1941 van die Unie-Parlement; of
- wat volgens wet skool moet gaan; of
- wat 'n getroude vrou is, en na die mening van die Sekretaris, voldoende deur haar man onderhou word, hetsy sy gereeld by hom woon of nie: Met dien verstande dat 'n getroude vrou wie se man pensioen trek ingevolge die Ouderdomspensioenordonnansie 1942, of die Ordonnansie op Blindes 1952, of oudstryderspensioen trek ingevolge die Oorlogspensioenwet 1941 van die Unie-Parlement, nie beskou word as voldoende deur haar man onderhou nie; of
- wat in 'n gevangenis, werkkolonie, melaatsgeestig, kraakinnige-geestig, swakinnige-geestig, of ander Staatsinrigting onder dwang aangehou en op Staatskoste onderhou word, en moonlik langer as drie maande aldus aangehou sal word; of
- wat om redes wat, na die Sekretaris meen, ontoereikend is, weier om hom te onderwerp aan 'n distriksgenees mediese ondersoek of behandeling wat 'n distriksgeneesheer noodsaaklik ag om die grond van sy bevoerde ongeskiktheid vas te stel: Met dien verstande dat as so iemand weier om behandeling te ondergaan, wat lewensgevaar mebring of mee kan bring, sodanige weiering nie beskou word as ontoereikende rede nie; of
- wat om redes wat, na die Sekretaris meen, ontoereikend is, versuim of weier om werk te probeer verkry ooreenkomstig 'n vereiste van die distrikspensioenbeaampte ingevolge artikel agt; of
- wat om redes wat, na die Sekretaris meen, ontoereikend is, weier om werk te aanvaar wat binne sy vermoë is en wat by sy omstandighede pas, en waaruit hy in staat sou gewees het om die middelle te verdien waarmee hy hom voldoende sou kon onderhou.

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

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

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

- he has attained the age of sixteen years;
 - he is domiciled in the Territory;
 - he is resident in the Territory at the time of making application for the grant;
 - he is a Union National or has been ordinarily resident in the Territory for ten out of the fifteen years immediately preceding the date of the application;
 - physical or mental disabilities of a permanent nature render him incapable of deriving from any employment or occupation the means required to enable him to provide adequately for his own maintenance:
- Provided that —

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

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

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

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

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

(2) Die distrikgeneesheer kan —

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

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

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

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

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

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

10. (1) Toelae aan applikante bedra soveel soos die Sekretaris redelik en toereikend ag vir die applikant se onderhoud met inagneming van al die verbandhoudende omstandighede van sy geval, maar dit mag hoogstens twee-en-sewentig pond per jaar bedra, en dit mag ook nie soveel bedra dat die toelae tesame met die begunstigde se inkomste (of middelle) ooreenhoud twee-en-sestig pond per jaar oorskry nie, en daarby word twaalf pond per jaar toegeken ten opsigte van elke kind onder sesien jaar wat hy onderhou: Met dien verstande dat die Sekretaris by die berekening van so iemand se inkomste of middel, hoogstens die helfte van so iemand se verdienste in aanmerking mag neem.

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

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

(2) The district surgeon may —

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

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

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

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

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

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

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

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

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

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

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

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

12. Telkens as die Sekretaris oortuig is —

- (a) dat die begunstigde nie meer ingevolge hierdie Ordonnansie tot 'n toelae bevoegd is nie;
- (b) dat die bedrag van sy toelae meer of minder as die bedrag wat hy ingevolge die bepalings van artikel tien moet ontvang, kan die Sekretaris sodanige toelae stank, of na gelang vermeerder of verminder, ooreenkomstig die bepalings van artikel tien.

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

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

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

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

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

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

16. Geen toelae ingevolge hierdie Ordonnansie kan oorgemaak, oorgeerd of andersins gesceder word, of verpand of verbind word nie, nóg kan dit in beslag geneem word of onderwerp word aan tenuitvoerlegging hoegenaamd ingevolge 'n beslissing of bevel van 'n geregshof nie, en 'n begunstigde poeg om 'n toelae oor te maak, oor te dra of andersins te sceder, of te verpand of verbind, kan die uitbetaling van die toelae weerhou, opgeskort of geheel en al gestaak word, al na gelang die Sekretaris besluit.

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

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

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

12. Whenever the Secretary is satisfied —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. (1) Geen seëlregte is betaalbaar —

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

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

21. Die Sekretaris kan enigiemand magtig om die bevoegdheid wat kragtens of ingevolge hierdie Ordonnansie aan hom verleen word, namens hom uit te oefen.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (h) die opskorting, staking, wysiging of verval van toelae;
- (i) die terugbetaling deur iemand genoem in artikel agtien, of sy boedel, van gelde waarop hy nie geregtig was nie;
- (j) die vasstelling van 'n applikant se ouderdom by gebrek aan 'n geboorteregistrasie- of doopsertifikaat;
- (k) elke ander saak wat ingevolge enige bepaling van hierdie Ordonnansie voorgeskryf moet of kan word;
- (l) elke ander saak wat, no die Administrateur nodig of wenslik ag, voorgeskryf moet word ter behoorlike nakoming van die oogmerke van hierdie Ordonnansie.

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

No. 40 van 1952.]

ORDONNANSIE

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

(Goedgekeur 8 Julie 1952.)

(Afrikaanse teks deur die Administrateur geteken.)

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

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

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

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

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

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

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

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

No. 40 of 1952.]

ORDINANCE

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

(Assented to 8th July, 1952.)

(Afrikaans text signed by the Administrator.)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925, as amended, of the Parliament of the Union of South Africa, as follows:—

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

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

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

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

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

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

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

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

Met dien verstande dat —

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

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

Met dien verstande dat die Kommissaris by die berekening van so-iemand se inkomste of middelle hoogstens die helfte van so-iemand se verdienste in aanmerking mag neem.

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

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

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

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

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

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

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

Provided that —

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

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

Provided that the Commissioner in assessing such person's income or means, shall not taken into account more than one half of the earnings of such person.

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

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

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

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

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

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

6. Die bepaling van sub-artikels (2) en (3) van artikel twee, artikels drie tot vyf, sewe tot vyftien, en paragraaf (b) van artikel sesstien van die Ouderdomspensioenordonnansie 1942 is *mutatis mutandis* van toepassing betreffende pensioene ingevolge hierdie Ordonnansie.

7. Die Administrateur kan uit gelde wat die Wet-gewende Vergadering daarvoor aanwend en op sodanige voorwaardes as hy mag bepaal, toelae toeken ter—

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

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

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

(3) 'n Applikant wat Administrateursgoedgeuring begeer moet —

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Die Administrateur kan regulasies maak oor—

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

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

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

9. The Administrator may make regulations as to—

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

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