

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE OFFISIELE KOERANT

UITGawe OP GESAG.

VAN SUIDWES-AFRIKA.



PUBLISHED BY AUTHORITY.

1/- Thursday, 28th April, 1955.

WINDHOEK

Donderdag, 28 April 1955.

No. 1899.

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Government Notice.

Goewermentskennisgewing.

The following Government Notice is published for general information.

J. NESER,
Secretary for South West Africa.
Administrator's Office,
Windhoek.

No. 98.]

ORDINANCES, 1955: PROMULGATION OF.

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:—

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Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

J. NESER,
Sekretaris van Suidwes-Afrika.
Kantoor van die Administrateur,
Windhoek.

No. 98.]

ORDONNANSIES, 1955: UITVAARDIGING VAN.

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomsdig artikel twee-en-dertig van „De Zuid-West-Afrika Konstituutie Wet 1925“ (Wet 42 van 1925), aan die volgende Ordonnansies wat hiermee vir algemene inligting gepubliseer word, ooreenkomsdig artikel vier-en-dertig van gemelde Wet:—

No.	Titel.	Bladsy.
1.	Addisionele Middele (1954/55) Ordonnansie 1955	347
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No. 1 of 1955.]

ORDINANCE

To apply a further sum not exceeding two hundred and nine thousand four hundred and sixty pounds towards the service of the Territory of South West Africa for the financial year ending on the thirty-first day of March, 1955.

(Assented to 15th April, 1955.)

(English text signed by the Administrator.)

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

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of two hundred and nine thousand four hundred and sixty pounds on Revenue Account to meet certain expenditure over and above the amounts appropriated for the service of the financial year ending on the 31st March, 1955, as specified in Ordinance 6 of 1954.

2. The money appropriated by this Ordinance shall be applied to the services detailed in the Schedule hereto and more particularly specified in the Estimates of Additional Expenditure (S.W.A. 2—1955) as approved by the Legislative Assembly.

3. This Ordinance shall be called the Additional Appropriation (1954/55) Ordinance, 1955.

SCHEDULE.

<i>Vote No.</i>	<i>Designation of Vote.</i>	<i>Amount</i>	<i>£</i>
1. Administration		86,400	
2. Legislative Assembly		800	
6. Miscellaneous Services		22,550	
8. Works		45,090	
9. Justice		5,100	
12. Native Affairs		2,000	
13. Pensions and Gratuities		10,250	
14. Posts, Telegraphs and Telephones		32,200	
15. Prisons and Reformatory		4,670	
17. Roads		400	
TOTAL		£209,460	

No. 2 of 1955.]

ORDINANCE

To amend the law relating to Land Settlement.

(Assented to 15th April, 1955.)

(Afrikaans 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 "the principal Proclamation" means the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927), as amended from time to time.

No. 1 van 1955.]

ORDONNANSIE

Tot aanwending van 'n verdere geldbedrag van hoogsste twee honderd en nege duisend vier honderd en sesig pond vir die diens van die Gebied Suidwes-Afrika vir die boekjaar wat op die een-en-dertigste dag van Maart 1955 eindig.

(Goedgekeur 15 April 1955.)

(Engelse teks deur die Administrateur geteken.)

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

1. Die Administrasierrekning van die Gebied Suidwes-Afrika word hiermee belas met die bedrag van twee honderd en nege duisend vier honderd en sesig pond op die inkosterekkening tot dekking van sekere uitgawes bo en behalwe die bedrag beskikbaar gestel vir die diens van die boekjaar wat op 31 Maart 1955 eindig, soos in Ordonnansie 6 van 1954 vermeld is.

2. Die geld wat deur hierdie Ordonnansie beskikbaar gestel word, moet aangewend word vir die diens in besonderheid vermeld in die Bylae tot hierdie Ordonnansie en omstandiger uiteengesit in die Begroting van Bykomende Uitgawe wat gedeel moet word uit Inkomstefondse (S.W.A. 2—1955) soos deur die Wetgewende Vergadering goedgekeur.

3. Hierdie Ordonnansie heet die Addisionele Middels (1954/55) Ordonnansie 1955.

BYLAE.

<i>No. van Begrotings- pos.</i>	<i>Benaming van Begrotingspos.</i>	<i>Bedrag.</i>
1. Administrasie		86,400
2. Wetgewende Vergadering		800
6. Diverse Dienste		22,550
8. Werke		45,090
9. Regspleging		5,100
12. Natuurlesake		2,000
13. Pensioene en Gratifikasies		10,250
14. Pos-, Telegraaf- en Telefoonwese		32,200
15. Gevangenis en Verbeteringsgestigte		4,670
17. Paai		400
TOTAAL		£209,460

No. 2 van 1955.]

ORDONNANSIE

Ter wysiging van die wet op landnedersetting.

(Goedgekeur 15 April 1955.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie dui „hoofproklamasie“ op „Landnedersetting Gekonsolideerde en Wysings Proklamasie, 1927“ (Unie-Proklamasie 310 van 1927), soos van tyd tot tyd gewysig.

2. Section forty-three of the principal Proclamation is hereby amended by—
 (a) the repeal of sub-section (4);
 (b) the substitution of the following sub-section for sub-section (5):—

"(5) The title deed of the grantee of any land granted under this proclamation or of his successors in title to such land, shall be subject to a condition that until the expiration of a period of ten years from the date upon which the lessee exercised the option of purchase under the lease, the land shall not, without the written consent of the Administrator, be sold, assigned, donated, transferred, leased, mortgaged or otherwise alienated or encumbered."

3. This Ordinance shall be called the Land Settlement Amendment Ordinance, 1955.

No. 3 of 1955.]

ORDINANCE

To amend the law concerning the Control of Extra-territorial and Northern Natives.

(Assented to 15th April, 1955.)
 (English 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 by section sixteen of the South West Africa Affairs Amendment Act, 1949 (Act 23 of 1949), of the Parliament of the Union of South Africa, as follows:—

1. Section six of the Extra-territorial and Northern Natives Control Proclamation, 1935 (Proclamation 29 of 1935), (hereinafter called the principal proclamation), is hereby amended by the deletion from paragraph (g) of subsection (4) of the words "other than contracts with the Consolidated Diamond Mines".

2. The following section is hereby inserted in the principal proclamation after section six bis:—

"6 ter. (1) Subject to the provisions of the proviso at the end of the second paragraph of sub-section (2) of section six and the provisions of section six bis, no person shall enter into a further contract of service contemplated in paragraph (g) of sub-section (4) of section six or section six bis; unless such contract is in writing, signed by the parties thereto and attested by an authorized officer.

(2) No authorized officer shall attest such a contract unless he has satisfied himself before such attestation that the terms and conditions of that contract are fully understood and accepted by the parties thereto.

(3) The provisions of this section shall be in addition and not in substitution for the provisions of section six of the Master and Servants Proclamation, 1920 (Proclamation 34 of 1920), as amended."

3. This Ordinance shall be called the Extra-territorial and Northern Natives Control Amendment Ordinance, 1955, and shall be deemed to have come into operation on the 31st March, 1955.

2. Artikel drie-en-veertig van die hoofproklamasie word hierby gewysig deur—

- (a) die herroeping van sub-artikel (4);
- (b) die vervanging van sub-artikel (5) deur die onderstaande sub-artikel:—

„(5) Die Goewernentsgrondbrief van die regverkryer op grond wat ingevolge hierdie proklamasie toegevoeg word, of van sy titelvolgers ten opsigte van daardie grond, word uitgerik onderhewig aan die voorwaarde dat tot verloop van tien jaar na die datum waarop die huurder sy reg van aankoopkragtens die huurkontrak uitgeoefen het, die grond nie sonder die skriftelike toestemming van die Administrateur verkoop, gesdeel, geskenk, oorgedra, verhuur, verbind of andersins vervreem of beswaar mag word nie."

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op Landnedersetting 1955.

No. 3 van 1955.]

ORDONNANSIE

Ter wysiging van die wet op die beheer van Ekstra-Territoriale en Noordelike Inboorlinge.

(Goedgekeur 15 April 1955.)
 (Engelse teks deur die Administrateur geteken.)

Dio Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Gouverneur-generaal dermate sodanige toestemming nodig is, vooraaf verkry en deur boodskap van die Administrateur aan die Wetgewende Vergadering meeggedel ooreenkomsdig die bepaling van artikel ses-en-twintig van die "Zuidwest-Afrika Konsitutiue Wet 1925" (Wet 42 van 1925), soos gewysig by artikel ses van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

1. Artikel ses van die Extra-Territoriale en Noordelike Inboorlinge Kontrole Proklamasie 1935 (Proklamasie 29 van 1935) (hierdie heet dit die hoofproklamasie) word hierby gewysig deur die skrapping van die woorde „buiteni kontrakte niet die Consolidated Diamond Mines“ in paragraaf (g) van sub-artikel (4) daarvan.

2. Die onderstaande nuwe artikel word hierby in die hoofproklamasie na artikel ses bis ingevoeg:—

"6 ter. (1) Behoudens die bepaling van die voorbehoude van die slot van die tweede paragraaf van sub-artikel (2) van artikel ses en die bepaling van artikel ses bis, mag niemand 'n verlengde dienskontrak aanvaan wat paragraaf (g) van sub-artikel (4) van artikel ses of ses bis bedoel nie, tensy so 'n kontrak op skrif geskied, die kontrakte wat dit onderteken en 'n gemagtigde beamppte dit bekrugtig.

(2) Geen gemagtigde beamppte mag so 'n kontrak bekrugtig nie, tensy hy kon vooraf daarvan oortuig het dat die kontrakte daar die bepaling van voorwaarde dat die kontrakte ten volle begryp en aanvaar.

(3) Die bepaling van hierdie artikel is 'n aanvulling van die bepaling van artikel ses van die "Meesters en bedienende Proklamasie 1920" (Proklamasie 34 van 1920), soos gewysig, en is nie 'n vervanging daarvan nie."

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Kontrole van Ekstra-Territoriale en Noordelike Inboorlinge 1955, en bet regskrag en -gevolg met ingang van 31 Maart 1955.

No. 4 of 1955.]

No. 4 van 1955.]

ORDINANCE

To provide for the amendment of certain legislation of the Territory in connection with the transfer of the administration of native affairs and matters specially affecting natives to the Minister of Native Affairs and for the confirmation of certain reservations of land as native areas.

(Assented to 15th April, 1955.)

(Afrikaans text signed by the Administrator.)

WHEREAS provision is made in the South-West Africa Native Affairs Administration Act, 1954 (Act 56 of 1954), of the Parliament of the Union of South Africa *inter alia* for the transfer of the administration of native affairs and matters specially affecting natives from the Administrator, acting under the direction and control of the Governor-General, to the Minister of Native Affairs;

AND WHEREAS it is expedient in connection with such transfer to amend certain legislation of the Territory;

AND WHEREAS it is further expedient to confirm certain reservations of land as native areas;

NOW THEREFORE, BE IT ORDAINED by the Legislative Assembly of 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 African Constitution Act, 1925 (Act 42 of 1925), as amended by section sixteen of the South-West Africa Affairs Amendment Act, 1949 (Act 23 of 1949) of the Parliament of the Union of South Africa, as follows:—

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

- (i) "Minister" means the Minister of Native Affairs of the Union of South Africa;
- (ii) "Secretary for Native Affairs" means the Secretary for Native Affairs of the Union of South Africa.

2. The laws mentioned in the First Schedule hereto are hereby amended to the extent indicated therein.

3. (1) The application of the laws mentioned in the Second Schedule hereto shall be subject to the following provisions:—

(a) In so far as the laws mentioned in Part I of the said Schedule are applicable to the areas mentioned in sub-section (1) of section four of the South-West Africa Native Affairs Administration Act, 1954, of the Parliament of the Union of South Africa, they shall be administered by the Minister and any reference in such laws to the Administrator or the Secretary for South West Africa shall also include the Minister or the Secretary for Native Affairs, as the case may be, or any official when acting on the instructions of the Minister or the Secretary for Native Affairs, as the case may be;

(b) the laws mentioned in Part II of the said Schedule shall be administered in respect of persons other than natives by the Administrator and in respect of natives by the Minister and any reference thereto to the Administrator or the Secretary for South West Africa shall also include the Minister or the Secretary for Native Affairs, as the case may be, or any official when acting on the instructions of the Minister or the Secretary for Native Affairs, as the case may be.

ORDONNANSIE

Om voorseeing te maak vir die wylsing van sekere wetgewing van die Gebied in verband met die oorplasing van die administrasie van Naturellesake en aangeleenthede wat naturelle in besonder raak na die Minister van Naturellesake, en vir die bekragting van sekere reservasies van grond as naturellegebiede.

(Gedruk op 15 April 1955.)

(Afrikaanse teks deur die Administrateur geteken.)

NADEMAAL voorseeing in die Wet op die Administrasie van Naturellesake in Suidwes-Afrika 1954 (Wet 56 van 1954) van die Parlement van die Unie van Suid-Afrika gemaak is onder andere vir die oorplasing van die administrasie van naturellesake en aangeleenthede wat naturelle in besonder raak van die Administrateur van Suidwes-Afrika handelende onder die direksie en toetsig van die Gouverneur-generaal na die Minister van Naturellesake;

EN NADEMAAL dit dienstig is om in verband met vermelde oorplasing sekere wetgewing betrofende die Gebied te wylsig;

EN NADEMAAL dit verder dienstig is om sekere reservasies van grond as naturelle-gebiede te bekragtig;

SO IS DIT dat dio Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Gouverneur-generaal, dermate daardie toestemming nodig is, nadat dit ontvang is en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel is oor eenkomstig die bepalings van artikel ses-en-twintig van die "Zuidwest-Afrika Konstitusie Wet 1925" (Wet 42 van 1925), soos gewysig by artikel sesien van die Wylsingwet op Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) van die Parlement van die Unie van Suid-Afrika,

VERORDEN:—

1. In hierdie Ordonnansie, tensy uit die sommang anders blyk, beteken—

- (i) "Minister", die Minister van Naturellesake van die Unie van Suid-Afrika;
- (ii) "Sekretaris van Naturellesake", die Sekretaris van Naturellesake van die Unie van Suid-Afrika.

2. Die wette verineld in die Eerste Bylae hiervan word hierneé gewysig in die mate daarin aangedui.

3. (1) Die toepassing van die wette vermeld in die Tweede Bylae hiervan sal aan die volgende bepalings onderworpe wees:—

(a) Vir sover die wette vermeld in Deel I van sodanige Bylae van toepassing is op die oppervlakte vermeld in sub-artikel (1) van artikel vier van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika 1954 van die Parlement van die Unie van Suid-Afrika, word hulle deur die Minister uitgevoer en enige verwysing in sodanige wette na die Administrateur of die Sekretaris van Suidwes-Afrika sluit ook in die Minister of die Sekretaris van Naturellesake, na gelang van die gevall, of enige amptenaar wanneer hy in opdrag van die Minister of die Sekretaris van Naturellesake, na gelang van die gevall, handel;

(b) die wette vermeld in Deel II van vermelde Bylae sal ten opsigte van persones anders as naturelle deur die Administrateur, en ten opsigte van naturelle deur die Minister uitgevoer word, en enige verwysing in sodanige wette na die Administrateur of die Sekretaris van Suidwes-Afrika sluit ook in die Minister of die Sekretaris van Naturellesake, na gelang van die gevall, of enige amptenaar wanneer hy in opdrag van die Minister of die Sekretaris van Naturellesake,

(2) With the consent of the Minister, the Administrator may, by notice in the Official Gazette, declare that the provisions of paragraph (a) or (b) of sub-section (1) shall not apply to any law mentioned in the Second Schedule hereto or to any particular provision thereof and may, by such a notice, declare that the provisions of paragraph (a) or (b) of sub-section (1) shall apply to any other law or to any particular provision thereof.

4. Any reservation and setting apart by the Administrator of land or an area in the Territory for the sole use and occupation of natives in accordance with the provisions of any law at any time since the commencement of the South-West Africa Affairs Amendment Act, 1949 (Act 23 of 1949), and before the commencement of this Ordinance is hereby confirmed and validated.

5. This Ordinance shall be called the South West Africa Native Affairs Administration Ordinance, 1955, and shall be deemed to have come into operation on the first day of April, 1955.

FIRST SCHEDULE.

No. and year of Law.	Title of Law.	To what extent amended.
(1) Proclamation 34 of 1920, as amended.	Master and Servants Proclamation, 1920.	In section two the word "Minister" to be substituted for the word "Administrator" wherever it occurs in the definition "Officer" or "proper officer".
(2) Proclamation 37 of 1920, as amended.	The Interpretation of Laws Proclamation, 1920.	In sections thirteen and fourteen the words "the Minister" to be inserted after the word "Governor-General" wherever it occurs.
(3) Proclamation 15 of 1928, as amended.	Native Administration Proclamation, 1928.	In section four the words "chief native commissioner" to be inserted between the words "as" and "a" in sub-section (4).
(4) Proclamation 26 of 1928, as amended.	Prohibited Areas Proclamation, 1928.	In sections two and three the words "or the Union Government" to be inserted after the word "Administration" wherever it occurs.
(5) Ordinance 13 of 1935, as amended.	Licences Consolidation Ordinance, 1935.	The powers vested by section fourteen in the Administrator and the Secretary for South West Africa to be vested in the Minister and the Secretary for Native Affairs respectively, or any official when acting on the instructions of the Minister or the Secretary for Native Affairs, as the case may be, in respect of any area declared or hereafter declared a Native Reserve, for the purposes of the Licences Consolidation Ordinance, 1935.
(6) Government Notice 177 of 1935, as amended.	(Regulations in terms of the Licences Consolidation Ordinance, 1935).	In regulation 1 the words "by the Administrator" to be deleted wherever they occur.

(2) Met die toestemming van die Minister, kan die Administrator, by kennisgewing in die *Offisiële Koerant*, verklaar dat die bepaling van paraagraaf (a) of (b) van sub-artikel (1) op enige wet vermeld in die Tweede Bylae of op enige besondere bepaling daarvan nie van toepassing is nie, en kan hy deur so'n kennisgewing hepaal dat die bepaling van paraagraaf (a) of (b) van sub-artikel (1) op enige ander wet of op enige besondere bepaling daarvan van toepassing is.

4. Enige reservasie en afsondering deur die Administrator van grond of 'n oppervlakte in die Gebied vir die uitsluitlike gebruik en okkupasie deur naturelle ingevalle enige wet te enige tyd sedert die inwerkingtreding van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) en voor die inwerkingtreding van hierdie Ordonnansie word hierby bekragtig en geldig gemaak.

5. Hierdie Ordonnansie het die Ordonnansie op die Administrasie van Naturellesake in Suidwes-Afrika 1955, en word geag op die eerste dag van April 1955 in werking te getree het.

EERSTE BYLAE.

No. en jaar van wet.	Titel van wet.	In hoeverre gewysig.
(1) Proklamasie 34 van 1920, bedienend Proklamasie 1920.	Meesters en bedienend Proklamasie 1920.	In artikel twee die woord „Administrator“ oral waar dit voorkom deur die woord „Minister“ vervang te word in die woord-bepaling „ambtenaar“ of „bevoegde amptenaar“.
(2) Proklamasie 37 van 1920, soos gewysig.	„De Wetuitslegging Proklamasie 1920“.	In artikel dertien en vier-tydien die woord „Gouverneur-generaal“ oral waar dit voorkom die woord „die Minister“ ingevoeg te word.
(3) Proklamasie 15 van 1928, soos gewysig.	Naturelle-administrasie Proklamasie 1928.	In artikel vier tussen die woorde „as“ en „Naturellekommissaris“ in die derde lyn van sub-artikel (4) die woord „hoof-naturellekommissaris“ ingevoeg te word.
(4) Proklamasie 26 van 1928, soos gewysig.	Verbode Ghiede Proklamasie 1928.	In artikels twee en drie na die woord „Administrator“ oral waar dit voorkom die woord „of die Unie-regering“ ingevoeg te word.
(5) Ordonnansie 13 van 1935, soos gewysig.	Konsolidasie-Ordonnansie betreffende Lisenisse, 1935.	Die bevoeglikheede wat in artikel vierteen aan die Administrator en die Sekretaris van Suidwes-Afrika verleen is aan die Minister en die Sekretaris van Naturellesake, respektiewelik, of enige amptenaar wanneer hy in opdrag van die Minister of die Sekretaris van Naturellesake, na gelang van die geval, handel, verleen te word ten opsigte van enige gebied wat as 'n naturelle-reservaat vir die doeleindes van die Konsolidasie-Ordonnansie betreffende Lisenisse, 1935 verklaar is of mag wees.
(6) Goewernements-kennisgewing 177 van 1935, soos gewysig.	(Regulasies krag-tens die Konsolidasie-Ordonnansie betreffende Lisenisse, 1935).	In regulasie 1 die woorde „deur die Administrator“ oral waar hulle voorkom geskrap te word.

No. and year of Law.	Title of Law.	To what extent amended.	No. en jaar van wet.	Titel van wet.	In hoeverre gewysig.
(7) Proclamation 31 of 1935, as amended.	Magistrates' Courts Procla- mation, 1935.	(1) In section one hundred- and-thirteen the follow- ing definition to be in- serted above the definition "Attorney-General":— "Administrator" means, with reference to any mat- ter to be dealt with in the magisterial district of Ovamboland, as defined in the Re-definition of Magis- terial Districts Proclama- tion, 1950, the Okavango Native Territory, as defi- ned in the Schedule to the Okavango Native Territory Affairs Proclamation, 1937, the land described in the Schedule to the South-West Africa Native Affairs Ad- ministration Act, 1934, the unnamed area between the Okavango Native Territory and the magisterial dis- trict of Ovamboland set aside as a Native Reserve by Government Notice 193 of 1952 and the Kaokoveld Native Reserve as defined in Government Notice 374 of 1947, as amended by Government Notices 156 of 1948, 201 of 1953 and 262 of 1954, the Minister or any other Cabinet Mi- nister acting on his behalf:	(7) Proklamasie 31 van 1935, soos gewysig.	Magistraatshewe Proklamasie 1935.	(1) In artikel hunderd- en-dertien die volgende woordbepaling ingesoege word: "beteken 'Admis- trateur' met betrekking tot 'aangeleenthed' waarne gehandel moet word in die magistratsdistrik Ovam- boland soos in die Prokla- masie ter Heromskrywing van Magistratsdistrikte, 1950, omskrywe, die Okavango Naturellegebied, soos in die bylae van die Prokla- masie op die Okavango Naturellegebied Aange- leenthede, 1937, omskry- we, die grond wat in die Bylae van die Wet op die Ad- ministrasie van Naturelle- sake in Suidwes-Afrika 1954 beskryf is, die naam- lose gebied geleë tussen die Naturellegebied Okavango en die magistratsdistrik Ovamboland wat as 'n naturellereservaat volgens Gouernementskennisgawe- ng 193 van 1932 aangesondre is en die Kaokoveld-Na uel- lereservaat soos in Goe- vernementskennisgawe 374 van 1947, soos gewysig deur Gouernementskennis- gewings 156 van 1948, 201 van 1953, en 262 van 1954, omskrywe, die Minister of enige ander Staatsminister wat namens hom optree:
		Provided that the Minister may delegate his powers under sub-sections (2) and (3) of section eight to the Secretary or Under-Secretary for Native Af- fairs:			Met dien verstande dat die Minister sy magte on- der sub-artikels (2) en (3) van artikel 8 en die Sekretaris of Onder- sekretaris van Naturelle- sake mag deleger:
		Provided further that the Minister may by notice in the Gazette and in the Official Gazette declare that he will exercise the powers under this Proclamation in respect of any other land or area referred to in section four of the South-West Africa Native Affairs Administration Act, 1954".			Met dien verstande ver- der dat die Minister deur misdief van konnisgawe in die Staatskoerant en die Offisiële Koerant mag aan- kondig dat hy die magte onder hierdie proklamasie sal uitvoer ten opsigte van enige ander grond of op- vervlakte waaraan in artikel vier van die Wet op die Administrasie van Natu- rellesake in Suidwes- Afrika 1954 verwys word."
		(2) In sub-section (3) of section thirteen and in sub- sections (1) and (2) of section fourteen the words "or the Consolidated Revenue Fund, as the case may be" to be inserted after the word "Fund".			(2) In artikel dertien en artikel veertien na die woord "Gebied" in sub- artikel (3) en sub-artikel (1), respektiewelik, en in artikel veertien na die woord "Fonds" in sub- artikel (2) die woorde "of die Gekonsolideerde In- komstefonds na gelang van die geval" bygevoeg te word.
(8) Ordinance 11 of 1951, as amended.	Game Preservation Ordinance, 1951.	In section thirty the fol- lowing proviso to be added at the end of paragraph (ii): "Provided that these powers shall only be ex- ercised in the Kaokoveld Native Reserve as defined in Government Notice 374 of 1947, as amended by Government Notices 156 of 1948, 201 of 1953 and 262 of 1954, after consultation with the Minister".	(8) Ordonnansie 11 van 1951, soos gewysig.	Ordonnansie op Wildbeskerming 1951.	In artikel dertig die vol- gende voorbehoedsbepaling aan die end van para- graaf (ii) bygevoeg te word: „met die verstande dat hierdie bevoegdheid sal uitgeoefen sal word in die uitgevoerende wet in die Kaokoveld-Naturellereser- vat soos in Gouerne- mentskennisgawe 374 van 1947, soos gewysig deur Gouer- nementskennisgewings 156 van 1948, 201 van 1953 en 262 van 1954, omskry- we, na oorlegpleging met die Minister".

No. and year of Law.	Title of Law.	To what extent amended.	No. en jaar van wet.	Titel van wet.	In hoeverre gewysig.
(9) Proclamation 56 of 1951, as amended.	Natives (Urban Areas) Proclamation, 1951.	In section eighteen the following words to be deleted from sub-section (1):— "subject to a deduction by the Administration of a fee of ten per centum to cover costs of collection". Insofar as this law applies to the land or areas mentioned in section four of the South-West Africa Native Affairs Administration Act, 1954, any reference to the Administration of South West Africa to be construed as a reference to the Union Government.	(9) Proklamasie 56 van 1951, soos gewysig.	Proklamasie op Inboorlinge in Stedelike Gebiede 1951.	In artikel <i>actien</i> die woorde „Die Administrateur kan egter tien persent per jaar afrik ter dekking van die inverorderingskoste“ in sub-artikel (1) geskrap is word.
(10) Ordinance 37 of 1952, as amended.	Preservation of Trees and Forests Ordinance, 1952.	In section four of the South-West Africa Native Affairs Administration Act, 1954, any reference to the Administration of South West Africa to be construed as a reference to the Union Government.	(10) Ordonnansie 37 van 1952, soos gewysig.	Ordonnansie op die Behoud van Bome en Bosse 1952.	Vir sover hierdie wet van toepassing is op die grond of oppervlakte vermeld in artikel vier van die wet op die Administrasie van Naturellesake in Suidwes-Afrika 1951 enige verwysing na die Administrasie van Suidwes-Afrika as 'n verwysing na die Unie-regering uitgelê is word. In artikel <i>actien</i> na die woorde „Gebieds-inkomste-fonds“ die woorde „of die Gekonsolideerde Inkonsistefonds al na die geväl“ bygewoeg te word. In artikel <i>honderd-en-vijf</i> die volgende woorde „na oorlegpleging met die Minister“ na die woorde „naturellerereservate“ in te voeg.
(11) Ordinance 48 of 1952.	Societies of Employers of Contracted Natives Ordinance, 1952.	In section five the words "or the Consolidated Revenue Fund, as the case may be" to be added after the word "Fund".	(11) Ordonnansie 48 van 1952.	Ordonnansie op Verenigings van Werkgevers van Kontrak-Inboorlinge 1952.	
(12) Ordinance 26 of 1954.	Mines, Works and Minerals Ordinance, 1954.	In section one hundred-and-sixty in paragraph (c) the words "after consultation with the Minister" to be inserted after the word "reserves".	(12) Ordonnansie 26 van 1954.	Ordonnansie op Myne, Werke en Minerale 1954.	

SECOND SCHEDULE.

Part I.

No. and year of Law.	Title of Law.	No. en jaar van wet.	Titel van wet.
(1) Proclamation 50 of 1920, as amended.	Undesirables Removal Proclamation, 1920.	(1) Proklamasie 50 van 1920, soos gewysig.	Verwydering van Ongewensten Proklamasie 1920.
(2) Proclamation 26 of 1928, as amended.	Prohibited Areas Proclamation, 1928.	(2) Proklamasie 26 van 1928, soos gewysig.	Verbode Gebiede Proklamasie 1928.
(3) Proclamation 31 of 1932.	Control of Sites (Churches, Schools and Missions) Proclamation, 1932.	(3) Proklamasie 31 van 1932.	Kontrole van Terreine (Kerke, Skole en Sendelingensoortskappe), Proklamasie 1932.
(4) Sections 26 and 34 (1) of Proclamation 28 of 1938.	Arms and Ammunition Proclamation, 1938.	(4) Artikel 26 en 34 (1) van Proklamasie 28 van 1938.	Wapens en Ammunisie Proklamasie 1938.
(5) Sections 6 (1), 11 (1), 12 (1), 13 (1), 14 (1), 17 (2), 27 and 31 (1) (vii) and (viii) of Ordinance 11 of 1951.	Game Preservation Ordinance, 1951.	(5) Artikel 6 (1), 11 (1), 12 (1), 13 (1), 14 (1), 17 (2), 27 en 31 (1) (vii) en (viii) van Ordonnansie 11 van 1951.	Ordonnansie op Wildbeskerming 1951.
(6) Ordinance 37 of 1952, as amended.	Preservation of Trees and Forests Ordinance, 1952.	(6) Ordonnansie 37 van 1952, soos gewysig.	Ordonnansie op die Behoud van Bome en Bosse 1952.

Part II.

No. and year of Law.	Title of Law.	No. en jaar van wet.	Titel van onderwerp van wet.
(1) Proclamation 50 of 1920, as amended.	Undesirables Removal Proclamation, 1920.	(1) Proklamasie 50 van 1920, soos gewysig.	Verwydering van Ongewensten Proklamasie 1920.
(2) Proclamation 27 of 1924, as amended.	Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924.	(2) Proklamasie 27 van 1924, soos gewysig.	Werklieden Schadeloosstelling (Ongevalle en Bedryfziekten) Proklamasie 1924.
(3) Section 4 (6) of Proclamation 28 of 1938.	Arms and Ammunition Proclamation, 1938.	(3) Artikel 4 (6) van Proklamasie 28 van 1938.	Wapens en Ammunisie Proklamasie 1938.

No. 5 of 1955.]

ORDINANCE

To amend the Motor Vehicle and Wheel Tax Ordinance, 1937
(Ordinance 17 van 1937) to provide for the licensing
of drivers of heavy motor vehicles, and for the amend-
ment of fees for the licensing of motor vehicles.

(Assented to 15th April, 1955.)

(Afrikaans text signed by the Administrator.)

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

1. Section one of the Motor Vehicle and Wheel Tax
Ordinance, 1937, hereinafter referred to as the principal
Ordinance, is hereby amended—

(a) by the insertion of the following definition after
the definition of "drive"—

"heavy motor vehicle" shall mean a motor vehicle
which is constructed to carry loads or passengers
or both exceeding six thousand lbs. in weight;"

(b) by the insertion in the definition of "motor car"
after the word "not" of the words "a heavy motor
vehicle or;"

(c) by the substitution of the following definition for
the definition of "motor vehicle"—

"Motor Vehicle shall mean—

(a) any vehicle self-propelled by mechanical or
electrical power and adapted or intended to
be employed for the purpose of conveying
persons or goods and shall include a pedal
cycle fitted with a motor whether or not such
motor be detachable from the cycle or not;

(b) any tractor, threshing machine or boring ma-
chine self-propelled by mechanical or elec-
trical power;

(c) any trailer (including caravan) adapted for
being drawn by a motor vehicle;

(d) any other vehicle declared by the Adminis-
trator by notice in the *Official Gazette* to be
a motor vehicle;

but shall not include—

(i) a vehicle running on rails;
(ii) a tractor which is self-propelled by mechani-
cal or electrical power and which is solely
used to haul agricultural implements;

(iii) a steam, electrical or motor roller;
(iv) a side car, attached to a motor cycle or a
trailer used solely in farming operations;

(v) a vehicle propelled by mechanical or electrical
power and specially designed and constructed
(not merely adapted) for the use of persons
suffering from some physical defect or dis-
ability and solely used by such persons;"

(d) by the insertion of the following definition after the
definition of "vehicle": "trailer" shall mean a vehicle
without motive power, designed for carrying persons
or goods wholly on its own structure and adapted
for being drawn by a motor vehicle;"

No. 5 van 1955.]

ORDONNANSIE

Ter wysiging van die Ordonnansie op Motorvoertuie en Wiel-
belasting 1937 (Ordonnansie 17 van 1937) om voor-
siening te maak vir lisensieverlening aan bestuurders
van swaarmotorvoertuie en ter wysiging van die geldende
betaalbaarheid by die lisensiestring van motorvoertuie.

(Goedgekeur 15 April 1955.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Artikel een van die Ordonnansie op Motorvoertuie
en Wielbelasting 1937 (hierna heet dit die hoofordonnansie)
word hierby gewysig—

(a) deur die onderstaande woordbepaling na die woord-
bepaling van „publieke pad“ in te voeg:—

„beteken „swaarmotorvoertuig“ 'n motorvoertuig wat
gebou is om vrag of passasiers of albei met 'n
gewig van meer as sesduisend pond te dra;“

(b) deur in die woordbepaling van „motorkar“ die woorde
„'n swaarmotorvoertuig of“ voor die woorde „'n mo-
torfiets“ in te voeg;

(c) deur die woordbepaling van „motorvoertuig“ te ver-
vang deur die onderstaande woordbepaling:—
„beteken „motorvoertuig“—

(a) 'n voertuig wat deur eie mekaniese of elektriese
krag aangedryf word en wat ingerig of bedoel
is om gebruik te word vir die vervoer van
mense of goedere, en omvat dit 'n trapfiets
wat met 'n motor toegerus is, ongeag of so 'n
motor van die fiets afgehaal kan word of nie;

(b) 'n trekker, dorsmasjien of boormasjien wat
deur eie mekaniese of elektriese krag aan-
gedryf word;

(c) 'n sleepwa (insluitende 'n woonwa) wat ingerig
is om deur 'n motorvoertuig getrek te word;

(d) enige ander voertuig wat die Administrateur
soos geskiktheid in die *Offisiële Koerant* tot
motorvoertuig verklaar;

maar sluit uit—

(i) 'n voertuig wat op spore loop;
(ii) 'n trekker wat deur eie mekaniese of elek-
triese krag aangedryf word en wat uitsluitend
gebruik word oor landbouwerklike te trek;

(iii) 'n stoom-, elektriese of motorroller;

(iv) 'n syspanwa wat nie 'n motorfiets vas is of
'n sleepwa wat uitsluitend vir die hoerdery
gebruik word;

(v) 'n voertuig wat deur mekaniese of elektriese
krag aangedryf word, wat spesial ontwerp en
gebou is (en nie bloot ingerig is nie) vir die
gebruik van mense wat aan 'n liggwaansbrek
of -ongeskiktheid ly en wat uitsluitend deur
sodaniges gebruik word;“

(d) deur die onderstaande woordbepaling na die woord-
bepaling van „publieke pad“ in te voeg:—
„beteken „sleepwa“ 'n voertuig sonder bewegkragt
wat ontwerp is om mense of goedere uitsluitend
op sy eie voetstel of bak te dra en wat ingerig
is om deur 'n motorvoertuig getrek te word;“

2. The following sub-section is hereby substituted for sub-section (2) of section two of the principal Ordinance:—

(2) The licence fee shall be as follows:— £ s. d.

(a) For every motor cycle under 100 lbs. in weight	0 10 0
(b) For every motor cycle over 100 lbs. in weight	1 10 0
(c) For every motor cycle with sidecar or similar attachment	1 15 0
(d) For every threshing machine or boring machine selfpropelled by mechanical or electrical power	1 0 0
(e) For every trailer (including caravan) adapted for being drawn by a motor car	5/- per 100 lbs. weight or part thereof.
(f) For every other motor vehicle:—	
Up to 1000 lbs. in weight	5 0 0
Exceeding 1000 lbs. in weight but not exceeding 2000 lbs. in weight	6 5 0
Exceeding 2000 lbs. in weight but not exceeding 3000 lbs. in weight	7 10 0
Exceeding 3000 lbs. in weight but not exceeding 4000 lbs. in weight	8 15 0
Exceeding 4000 lbs. in weight but not exceeding 5000 lbs. in weight	10 0 0
Exceeding 5000 lbs. in weight but not exceeding 6000 lbs. in weight	12 10 0
Exceeding 6000 lbs. in weight but not exceeding 7000 lbs. in weight	15 0 0
Exceeding 7000 lbs. in weight but not exceeding 8000 lbs. in weight	17 10 0
Exceeding 8000 lbs. in weight but not exceeding 9000 lbs. in weight	20 0 0
Exceeding 9000 lbs. in weight but not exceeding 10,000 lbs. in weight	22 10 0
Exceeding 10,000 lbs. in weight but not exceeding 11,000 lbs. in weight	25 0 0
Exceeding 11,000 lbs. in weight but not exceeding 12,000 lbs. in weight	27 10 0
Exceeding 12,000 lbs. in weight	30 0 0

Provided that in regard to any motor vehicle which is self-propelled by power other than mechanical power produced by the use of petrol or electrical power the licensee fees payable shall be fifty per cent more than the amounts hereinbefore specified."

3. The following section is hereby substituted for section nine of the principal Ordinance:—

"Licensing of drivers of motor vehicles. 9. (1) No person shall drive a motor vehicle upon a public road unless he be licensed so to do under this Ordinance. No person shall employ or permit any other person to drive a motor vehicle upon a public road unless that other person be so licensed.

A person whose licence has been suspended under this Ordinance shall during such suspension be deemed for the purposes thereof to be unlicensed. Any person who contravenes the provisions of this sub-section shall be guilty of an offence: Provided that the provisions of this sub-section shall not apply to a person undergoing the test referred to in sub-section (2) of this section during the time he is actually being tested.

(2) For the purposes of licensing drivers under this Ordinance the Administrator shall have power to appoint from time to time one or more persons at such centres and at such times as he may deem expedient to test the competence of applicants and such person or persons (hereinafter called "examining officers") shall, if satisfied that the proposed licensee—

2. Sub-artikel (2) van artikel twee van die hoofordonnansie word hierby vervang deur die onderstaande sub-artikel:—

(2) Die licensiegeld is—	£ s. d.
(a) vir elke motorfiets liger as 100 pond gewig	0 10 0
(b) vir elke motorfiets swaarder as 100 pond gewig	1 10 0
(c) vir elke motorfiets met syspanwa of soortgelyke toebchore	1 15 0
(d) vir elke dors- of hoormasjien wat deur eie meganiese of elektriese krag aangedryf word	1 0 0
(e) vir elke sleepwa (insluitende woonwa) wat ingeleg is om deur 'n motorkar getrek te word	5/- per 100 pondgewig of deel daarvan.
(f) vir elke ander motorvoertuig— tot op 1000 pondgewig meer as 1000 pondgewig maar hoogstens 2000 pondgewig Meer as 2000 pondgewig maar hoogstens 3000 pondgewig Meer as 3000 pondgewig maar hoogstens 4000 pondgewig Meer as 4000 pondgewig maar hoogstens 5000 pondgewig meer as 5000 pondgewig maar hoogstens 6000 pondgewig meer as 6000 pondgewig maar hoogstens 7000 pondgewig meer as 7000 pondgewig maar hoogstens 8000 pondgewig meer as 8000 pondgewig maar hoogstens 9000 pondgewig meer as 9000 pondgewig maar hoogstens 10,000 pondgewig meer as 10,000 pondgewig maar hoogstens 11,000 pondgewig meer as 11,000 pondgewig maar hoogstens 12,000 pondgewig meer as 12,000 pondgewig	5 0 0 6 5 0 7 10 0 8 15 0 10 0 0 12 10 0 15 0 0 17 10 0 20 0 0 22 10 0 25 0 0 27 10 0 30 0 0

Met dien verstande dat die licensiegeld ten opsigte van 'n motorvoertuig wat aangedryf word deur enigs soort se krag buiten meganiese krag wat met petrol of elektriese opgewek word, vyfentig persent hoër is as die bedrae wat hiervoor aangegeef word."

3. Artikel nege word hierby vervang deur die onderstaande artikel:—

"Licensieverlening aan bestuurders van motorvoertuie. 9. (1) Niemand mag 'n motorvoertuig op 'n publieke pad bestuur nie, tensy hy kragtens hierdie Ordonnansie duurt toe gelisensiéer is. Niemand mag iemand anders gebruik om 'n motorvoertuig op 'n publieke pad te bestuur nie, nog toelaat om dit te doen nie, tensy so iemand anders aldus gelisensiéer is.

Iemand wie se lisensie kragtens hierdie Ordonnansie geskors is, word by die toepassing daarvan gedurende die skorsingstyd as ongelisensiéer behou. Elkeen wat die bepaling van hierdie sub-artikel verontgaan is, is skuldig aan 'n oortreding: Met dien verstande dat die bepaling van hierdie sub-artikel nie geld vir iemand wat die toets ondergaan wat sub-artikel (2) van hierdie artikel noem, onderwyl hy werklik getoets word nie.

(2) By licensieverlening van bestuurders kragtens hierdie Ordonnansie kan die Administrator van tyd tot tyd een of meer persone aanstel om die bevoegdheid van applikante te toets, op plekke en op tye wat hy dienstig vind, en sodanige persoon of persone (hierna heet hulle ondersoekbeamptes) moet, by oortuiging dat die voorgestelde licensiehouer—

- (a) has a good knowledge of the rules of the road and is competent to drive and control a heavy motor vehicle or motor car or motor cycle (according as the application is for a licence to drive a heavy motor vehicle or motor car or motor cycle); and
 - (b) is not disqualified under the provisions of this Ordinance; and
 - (c) is of the age of seventeen years; and
 - (d) does not already hold any other licence under this Ordinance to drive a heavy motor vehicle or motor car or motor cycle, as the case may be; and
 - (e) has not had his licence suspended or cancelled and not reinstated in any Province of the Union or in the Territory; and
 - (f) does not suffer from any physical infirmity which might in the opinion of the examining officer render it unsafe to issue a certificate of competence (unless the applicant is able to satisfy the examining officer by means of a medical certificate, that it is not likely to be unsafe to issue such certificate);

grant a certificate of competence upon production of which to any magistrate and upon payment of a licence fee of ten shillings, if the motor vehicle be a motor cycle, and twenty shillings, if the motor vehicle be not a motor cycle, there shall be issued a licence which shall not require renewal, but shall be subject to the provisions of this Ordinance relative to suspension or cancellation. Such licence while in force shall entitle the owner thereof to drive throughout the Territory heavy motor vehicles, motor cars or motor cycles (as the case may be), but the same licence shall not entitle a person to drive both motor cars and motor cycles or heavy motor vehicles and motor cars, or heavy motor vehicles and motor cycles.

Provided that any licensee so granted may be cancelled by the Administrator upon proof to his satisfaction that the holder no longer is fit, owing to physical defect or infirmity, to hold a licence.

(3) Any European member of the South African Police, when he is in uniform, may demand from any person driving a motor vehicle the production of a driver's licence under this Ordinance, and any person who fails when demand is so made to produce any such licence within fourteen days shall be guilty of an offence. For the purposes of this sub-section a certificate of revenue, under the hand of the proper officer, may be accepted in lieu of a licence.

(4) A learner's licence may, on payment of a fee of two shillings and sixpence in the case of a motor cycle and of five shillings in the case of a heavy motor vehicle or of a motor car, be issued to any person *bona fide* learning to drive a motor cycle or a heavy motor vehicle or a motor car (as the case may be) under the personal supervision of a licensed driver. Such licence shall entitle the holder to drive for a period not exceeding one month. Any holder of a licence issued under the provisions of this sub-section who drives a motor cycle or a heavy motor vehicle or a motor car (as the case may be) otherwise than under the personal supervision of a licensed driver, shall be guilty of an offence."

- (a) gocie kennis dra van die padreels en bokwaam is om 'n swaarmotorvoertuig of motorkar of motorfiets (na gelang die aansoek om 'n lisenzie vir die bestuur van 'n swaarmotorvoertuig, 'n motorkar of motorfiets gaan) te bestuur en te beheer; en
 - (b) nie kragtens die bepalings van hierdie Ordonnansie ongeskik verklaar is nie; en
 - (c) sewentien jaar oud is; en
 - (d) nie reeds 'n ander lisenzie kragtens hierdie Ordonnansie besit om 'n swaarmotorvoertuig of 'n motorkar of motorfiets, na gelang, te bestuur nie; en
 - (e) se lisenzie nie in 'n provinsie van die Unie van Suid-Afrika of in die Gebied geskors of ingetrek en nie weer herstel is nie; en
 - (f) nie aan 'n liggaamsgebrek ly wat na die ondersoek beampete meen. dit onveilig maak om 'n bevoegdheidsertifikaat uit te reik nie (tenys die applikant die ondersoek beampete met behulp van 'n geneeskundige sertifikaat daarvan kan oortuig dat die heelwaarskynlik veilig sou wees om so 'n sertifikaat uit te reik)—

'n bevoegdheidsertifikaat verleen, en by voorlegging daarvan aan 'n magistrat met betrekking van lisensegeld van tien sjellings as die motorvoertuig 'n motorfiets is, of twintig sjellings as die motorvoertuig nie 'n motorfiets is nie, word daar 'n liseniese uitgerik wat nie hervuurbaar hoef te word nie maar wat onderhewig is aan die bepalings van hierdie Ordonnantie betreffende skorsing of intrekking. Vir die terny van sodanige liseniese het diehouer daarvan die reg om swaaromotorvoertuie, motorkarre of motorfiets, na gelang, dwarsdeur die Gebied te bestuur, maar diesselfde liseniese gee niemand die reg om sowel motorkarre en motorfiets of swaaromotorvoertuie en motorkarre, of swaaromotorvoertuie en motorfiets te bestuur nie:

Met dien verstande dat die Administrateur 'n licensie wat aldus verleen is, kan intrek as hy bewys ontvang wat hom oortuig dat die houer weens 'n liggamsgebrek of -ongesiktheid nie meer bevoeg is om 'n licensie te hou nie.

(3) 'n Blanke lid van die Suid-Afrikaanse Polisiemag kan, wanneer hy uniform dra, van enigiemand wat 'n motorvoertuig bestuur, eis dat hy sy bestuurderslisensie ingevolge hierdie Ordonnantie moet toon, en elkeen wat op so 'n versoen versuim om so 'n lisensie binne veertien dae daarna aldus te toon, is skuldig aan 'n oortreding. By die toepassing van hierdie sub-artikel kan 'n inkomsteserifklaaf wat deur die bevoegde beampete ondersteek is, in plaas van 'n lisensie aanvaar word.

(4) Teen betaling van geldie teen twee sjelings en ses pennies ten opsigte van 'n motorfiets in vyf sjeelings ten opsigte van 'n swaar-motorvoertuig of 'n motorkar kan 'n leerlings-licensie uitgereik word aan iemand wat te goeder trou onder die persoonlike toesig van 'n gelisensiende bestuurder 'n motorfiets of 'n swaar-motorvoertuig of 'n motorkar, na gelang, leer bestuur. Sodanige licensie gee die houer die reg om vir 'n tydperk van hoogsens een maand te bestuur. Elke houer van 'n licensie wat kragtens die bepalings van hierdie sub-artikel uitgereik is, wat 'n motorfiets of swaar-motorvoertuig of motorkar, na gelang, bestuur as hy nie onder die persoonlike toesig van 'n gelisensiende bestuurder staan nie, is skuldig aan 'n oortreding."

Section ten
disqualification
and
disqualification
for obtaining or
prevailing same.

4. The following section is hereby substituted for the principal Ordinance:

10. (1) Any court before which a person is convicted of an offence against this Ordinance or of an offence under any other law or at common law, in respect of circumstances relating to the driving of a motor vehicle, may—

(a) if the person convicted hold a licence under this Ordinance entitling him to drive a motor vehicle, suspend that licence for such time as the Court thinks fit, or cancel that licence; and

(b) If the person convicted do not hold a licence under this Ordinance entitling him to drive a motor vehicle declare him to be disqualified for a specified period from obtaining such a licence,

and shall, if the person convicted hold any licence under this Ordinance entitling him to drive a motor vehicle cause particulars of the conviction and of any order or declaration of the Court under this section to be endorsed upon the licence and a copy of these particulars to be transmitted to the magistrate who issued the licence, and if the person convicted do not hold any such licence, cause a copy of those particulars to be transmitted to the magistrate of the district in which the person convicted resides. Provided that whenever a person is convicted of an offence against this Ordinance or of an offence against any other law or at common law, in respect of the circumstances relating to driving a motor vehicle, the Court may suspend or cancel any licence to drive any motor vehicle which may be held by such person.

(2) Any person so convicted shall, if he hold a driver's licence under this Ordinance, produce the licence within such time as the Court may order for purposes of endorsement and if he fail so to do he shall be guilty of an offence. For the purposes of this subsection a certificate of revenue under the hand of a proper officer may be accepted in lieu of a licence.

(3) A suspension or cancellation of a licence or a declaration of disqualification under this section shall be deemed to be part of the sentence passed upon any person convicted as aforesaid. If upon appeal the suspension, cancellation or disqualification be set aside or the period thereof reduced, then the Court which passed the sentence shall delete or modify, as the case may be, the endorsement made under this section upon the licence so as to correspond with the order of the court which determined the appeal. A copy of such order shall further be transmitted by the first-mentioned Court to the magistrate aforesaid and the Secretary, in order that the particulars transmitted under sub-section (1) may be cancelled or modified, as the case may be.

(4) The Administrator may on good cause shown and on such conditions as he may think fit reinstate the licence of any person whose licence has been suspended or cancelled, or remove any disqualification debarring any person from obtaining a licence to drive a motor vehicle."

4. Artikel tien van die hoofordinansie word hierby deur die onderstaande artikel vervang:

. Skorsing van
lisensie en on-
bevoegverklaring
om dit te ver-
kry of herleu.

10. (1) 'n Hof wat iemand skuldig bevind het weens 'n oortreding van hierdie Ordonnansie van enige ander wet of van die gemeen reg ten opsigte van omstandighede betreklike die bestuur van 'n motorvoertuig, kan—

- (a) as die veroordeelde 'n lisensie ingevolge hierdie Ordonnansie hou waarragting hy 'n motorvoertuig kan bestuur, daardie lisensie skors vir so lank as die hof dit goed vind, of die lisensie intrek; en
- (b) as die veroordeelde nie 'n lisensie ingevolge hierdie Ordonnansie hou waarragting hy 'n motorvoertuig kan bestuur nie, honi vir 'n bepaalde tydperk onbevoeg verklaar om so 'n lisensie te verkry,

en moet, as die veroordeelde 'n lisensie ingevolge hierdie Ordonnansie hou waarragting hy 'n motorvoertuig kan bestuur, die besonderhede van die veroordeling en van moontlike hofbevels en verklarings ingevolge hierdie artikel op die lisensie laat inskryf, en 'n afskrif van hierdie besonderhede laat besorg aan die magistrant wat die lisensie uitgereik het, en as die veroordeelde nie so 'n lisensie hou nie, 'n afskrif van daardie besonderhede laat besorg aan die magistrant van die distrik waarin die veroordeelde woon: Met dien verstande dat telkens wanneer iemand skuldig gevind word aan 'n oortreding van hierdie Ordonnansie van 'n oortreding van enige ander wet of van die gemeen reg, ten opsigte van omstandighede betreklike die bestuur van 'n motorvoertuig, die hof elke lisensie om 'n motorvoertuig te bestuur wat so iemand hou, kan skors of intrek.

(2) Elkeen wat aldus veroordeel word, moet, as hy ingevolge hierdie Ordonnansie 'n bestuurderslisensie hou, die lisensie binne die tyd wat die hof bepaal, ter inskrywing inlewer, en by verontgaaning hiervan is hy skuldig aan 'n oortreding. By die toepassing van hierdie sub-artikel kan 'n uikomstesertifikaat wat deur die bevoegde beambte onderteken is, in plaas van 'n lisensie daarvaar word.

(3) 'n Skorsing of intrekking van 'n lisensie of 'n onbevoegverklaring ingevolge hierdie artikel word beskou as deel van die vonnis van enigemand wat soos voormalig skuldig gevind word. As die opskorting intrekking van onbevoegverklaring by appèl ter syde gestel word, moet die hof wat die vonnis geval het die inskrywing wat ingevolge hierdie artikel op die lisensie geskikk het, skrap of wysig, ne geluig, sodat dit ooreenkoms met die bevel van die appèlverhorende hof. 'n Afskrif van so 'n bevel moet voorts deur die eergenoemde hof aan die magistrant soos voormalig besorg word, en ook aan die Sekretaris, sodat die besonderhede wat ingevolge sub-artikel (1) meegegee is, nu gelung geskrap of gewysig kan word.

(4) By aanvoering van goede redes kan die Administrateur enigemand se lisensie wat geskors of ingetrek is, herstel op voorwaarde wat hy na goedvinding bepaal, of teen hy die onbevoegverklaring ter syde stel wat enigemand verhinder om 'n lisensie te verkry om 'n motorvoertuig te bestuur."

5. The following section is hereby substituted for section eleven of the principal Ordinance:

"Offense of applying for or obtaining a licence while disqualified, etc.

11. Any person who, during the period of suspension of his driver's licence under this Ordinance or while disqualified under this Ordinance from obtaining a driver's licence, or whose licence has been cancelled and not reinstated, applies for or obtains such a licence, or any person whose licence having been endorsed under this Ordinance applies for or obtains a driver's licence without giving particulars of the endorsement, shall be guilty of an offence, and any such licensee issued to him shall be void and he shall be deemed to have been an unlicensed person while holding the same."

6. Section 27 of the principal Ordinance is hereby amended by the insertion of the following new subsection:

"(4) In any proceedings in which the question whether or not a motor vehicle is a heavy motor vehicle arises for decision, it shall be presumed, unless and until the contrary is proved, that such motor vehicle is a heavy motor vehicle."

7. This Ordinance shall be called the Motor Vehicle and Wheel Tax Amendment Ordinance, 1955, and shall come into operation from the 1st day of April, 1955.

No. 6 of 1955.]

ORDINANCE

To amend the law relating to the Administration of Justice.

(Assented to 15th April, 1955.)

(English 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 by section sixteen of the South West Africa Affairs Amendment Act, 1949, of the Parliament of the Union of South Africa, as follows:—

1. The following section is hereby substituted for section three of the Administration of Justice Proclamation, 1919 (Proclamation 21 of 1919):—

"3. (1) There shall be and there is hereby created and constituted for the Territory a Superior Court to be known as the High Court of South West Africa which shall be a court of record and which shall consist of two or more judges appointed by the Administrator, one of whom shall be designated by the Administrator as judge president.

(2) The judge president and judges of the High Court of South West Africa shall receive as annual salary in respect of their office the sum as is for the time being received by the judge president or puisne judge respectively of the provincial or local division of the Supreme Court of South Africa as annual salary, and they shall in regard to fixation of salary, leave of absence, tenure of office and pension, have all such rights as are held by any judge of the provincial or local division of the Supreme Court of South Africa appointed after commencement of the Judge's Salaries and Pensions Act, 1912, of the Union Parliament, and shall be under all such obligations and disabilities as any such judge.

(3) The said High Court shall have and use as occasion may require a seal bearing a device and impression of the Arms of the Union of South Africa within an exergue or label surrounding the same with this inscription: "The Seal of the High Court of South

5. Artikel elf van die hoofordonnansie word hierop vervang deur die onderstaande artikel:—

"Aansoek om lisensie of verkyring daarvan gedurende onbevoegdheid ens. te oordredre."

11. Elkeen wat binne die tydperk waarvan die hoofordonnansie geskors is of onderwyl hy ingevalgerek hierdie Ordonnansie onbevoegd is om 'n bestuurderslisensie te verkry, of wie se lisensie ingeskors doen of dit verkyf, en elkeen op wie se lisensie daar inskrywings ingevalgerek hierdie Ordonnansie staan, wat aansoek doen om 'n bestuurderslisensie of dit verkyf, sonder oproefing van besonderhede oor die inskrywings, is skuldig aan 'n oortreding, en elk so 'n lisensie wat aan hem uitgereik word, is nietig, en hy word gebou aan 'n ongelukkige solank hy so 'n lisensie het."

6. Artikel seien-en-twintig van die hoofordonnansie word hierop gewysig deur die invoeging van die onderstaande nuwe sub-artikel:—

"(4) As daar by 'n strafregtelike vervolging die vrang beslis moet word of 'n motorvoertuig 'n swaar-motorvoertuig is al dan nie, geld die vermoede dat so 'n motorvoertuig wel 'n swaarmotorvoertuig is, tensy en totdat die teendeel bewys word."

7. Hierdie Ordonnansie het die Wysigingsordonnansie op Motorvoertuie en Wielbelasting 1955, en het regskas met ingang van die eerste dag van April 1955.

No. 6 van 1955.]

ORDONNANSIE

Om die wet met betrekking tot regbedeling te wysig

(Gedekleur 15 April 1955.)

(Engelse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Gouverneur-generaal, dermate sodanige toestemming nodig is, vooraf verkyf en deur boodskap van die Administrateur aan die Wetgewende Vergadering negegede ooreenkonsig die bepalings van artikel ses-en-twintig van die "Zuidwest Afrika Konstitutiewet 1925", soos gewysig by artikel setien van die Wysigingswet op Aanleenthede van Suidwes-Afrika 1949, van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

1. Artikel drie van die "Rechtsbedeling Proklamasië 1919" (Proklamasië 21 van 1919) word hiermee vervang deur die onderstaande artikel:—

"3. (1) Daar moet 'n hoëhof vir die Gebied wees, en so 'n hoëhof word hierop geskep en ingestel, en dit is 'n nieturalehof van twee of meer regters deur die Administrateur aangestel, en een van wie deur die Administrateur aangewys word as regter-president.

(2) Die regter-president en die regters van die Hoë Hof van Suidwes-Afrika ontvang ten opsigte van die huul aanspbeleding 'n jaarlike salaris gelyk aan die bedrag wat die regter-president of onderregter van die provinsiale of plaaslike afdeling van die Hooggergoshof van Suid-Afrika dan onderskeidelik as jaarlike salaris ontvang, en wat betref vastheid van salaris, verlof, amptstermy en pensioen het hulle dieselfde regte as 'n regter van die provinsiale of plaaslike afdeling van die Hooggergoshof van Suid-Afrika wat aangestel is na die inwerkingtreding van die "Rechters' Salaries en Pensioen Wet 1912" van die Unie-Parlement, en as hulle onderhewig aan dieselfde verpligtinge as ligg as so 'n regter.

(3) Die vermelde Hoë Hof moet 'n sèël hê waarop die devies en indruk van die Wapen van die Unie van Suid-Afrika staan binne 'n omtrekke randskrif wat lui: "The Seal of the High Court of South West Africa. Het Zegel van het Hooggergoshof van Zuid

West Afrika. Het Zegel van het Hooggerechtshof van Zuid West Afrika". The said seal shall be delivered to and shall be kept in the custody of the Registrar to and shall be kept in the custody of the Registrar of the said Court or the officer for the time being acting as such.

(4) The seat of the High Court shall be at Windhoek, and, subject to the provisions of this Proclamation, it shall exercise within the Territory all such jurisdiction as may lawfully be exercised within the province of the Cape of Good Hope by the judges of the Cape Provincial Division of the Supreme Court.

(5) The judge president of the High Court shall, subject to the approval of the Administrator, frame rules for the conduct of the proceedings of the said Court. Until such rules shall have been promulgated, the rules relating to practice and procedure in force in the Cape Provincial Division of the Supreme Court of South Africa shall govern the practice and procedure in the High Court.

(6) The law of procedure and evidence in civil proceedings before the High Court shall be that for the time being followed by the Cape Provincial Division of the Supreme Court of South Africa.

(7) Whenever for any reason it becomes expedient to do so, the Administrator may appoint some fit and proper person being an advocate of not less than seven years standing and entitled to practice within the area of jurisdiction of any provincial or local division of the Supreme Court of South Africa or the High Court of South West Africa to act as judge of the High Court in addition to or in the place of any judge of the High Court appointed in terms of sub-section (1) of this section.

(8) Whenever in terms of any law any cause, proceeding or matter is required to be heard or determined before a court consisting of more than two judges, the Administrator shall appoint one or more fit and proper persons holding the qualifications specified in sub-section (7) to act as a judge or judges of the High Court to form in addition to the judges of the High Court, the requisite number of judges to constitute such court. When the court so constituted consists of three judges the decision of the majority of such judges, in the event of any difference of opinion, shall be deemed and taken to be the decision of the whole court.

(9) There shall be a Registrar of the High Court who shall be appointed by the Administrator and shall have all such powers and perform all such duties as may be assigned to or imposed upon him by the rules of the said Court or by any law. The Registrar shall receive on behalf of the Administration such fees as shall be prescribed by the Administrator by notice in the *Official Gazette*.

(10) It shall be competent for one or two judges of the High Court of South West Africa to hear any civil cause, proceeding or matter and any criminal appeal or criminal review.

(11) Whenever any matter as is mentioned in subsection (10) is heard before two judges, the judge president, or in his absence, the next senior judge shall preside."

2. The Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the insertion of the word "president" after the word "judge" where it appears in sub-sections (1) and (3) of section three hundred and fifty-five thereof.

3. The Magistrate's Court Proclamation, 1935 (Proclamation 31 of 1935) is hereby amended by the insertion of the word "President" after the word "Judge" where it appears in sub-section (1) of section twenty-three thereof.

4. Notwithstanding anything in any other law contained, whenever in any law the expressions "the judge" or "the judge of the High Court" are used, these shall mean a judge of the High Court.

5. This Ordinance shall be called the Administration of Justice Proclamation Amendment Ordinance, 1953.

West Afrika.", en hierdie seël moet by elke aangewese geleentheid gebruik word. Voorts moet hierdie seël aan die Griffier van die vermeide hof, of aan die beampete wat dan as sodanig optrees besorg word, en hy moet dit in bewaring hou.

(4) Die Hoë Hof setel in Windhoek, en oesen, behoudens die bepalings van hierdie Proklamasie, binne die Gebied diesselfde regsbeweglikheid uit as wat die regters van die Kaapse Provinciale Afdeling van die Hooggereghof welklike binne die Provincie van die Kaap Gooie Hoop uitvoeren.

(5) Die regter-president van die Hoë Hof moet, onderhewig aan Administrateursgoedgekeuring, reëls opstellen waarvolgens die verrigting van die vermeide hof moet geskied. Voordat die reëls afgondig is, geld die reëls op praktyk en procedure van die Kaapse Provinciale Afdeling van die Hooggereghof van Suid-Afrika vir die praktyk en procedure in die Hoë Hof.

(6) Die wet op procedure en bewyslewering in siviele verrigting voor die Hoë Hof is diesselfde as dié wat die Kaapse Provinciale Afdeling van die Hooggereghof van Suid-Afrika volg.

(7) Wanneer dit ons enige rede raadsaam geeng word, kan die Administrateur 'n geskikte persoon wat minstens sewe jaar lank as advokaat gepraktiseer het en wat geregtig is om te praktyse binne die reggebied van enige provinsiale of plaaslike afdeling van die Hooggereghof van Suid-Afrika of van die Hoë Hof van Suidwes-Afrika, aanstel as waarnemende regter van die Hoë Hof buiten en behalwe, of in die plek van, enige regter van die Hoë Hof wangelot ingevolge paraafgraaf (1) van hierdie artikel.

(8) Telkens wanneer 'n saak, proses of aangeleentheid, ingeval 'n wet deur 'n hof van meer as twee regters verhoor of witgewys moet word, stel die Administrateur een of meer aangesigte bevoegde persone met dié kwalifikasies wat sub-artikel (7) vereis, aan ons waar as 'n regter of regters van die Hoë Hof om saam met die regters van so 'n hof uit te maak. Waar drie regters (3) van 'n hof uitmaak, word, by 'n meningsverskil, die beslissing van die meerderheid van sodanige regters as die beslissing van die hele hof beskou en aanvaar.

(9) Daar moet 'n Griffier van die Hoë Hof wees wat deur die Administrateur aangestel word, en hy het al die bevoegdhede en moet al die amptslige nuksom wat die regters van die vermeide hof of 'n wet am hom ople. Die Griffier moet nameus die Administrasie die gelde ontvang wat die Administrateur by kennis-gewing in die *Offisiële Koerant* voorskryf.

(10) Een of meer regters van die Hoë Hof van Suidwes-Afrika is bevoeg om enige siviele saak, proses of aangeleentheid en enige strafregtelike appèl- of bersettingszaak te verhoor.

(11) Telkens wanneer 'n saak in sub-artikel (10) genoem, deur twee regters verhoor word, moet die regter-president voorsit, en by sy afwesigheid die senior onder die ander regters."

2. Die Kriminale Procedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die vervanging van die woord „regter“ in sub-artikels (1) en (3) van artikel *driehonderd vyf-en-veertig* deur die woord „regter-president“.

3. Die Magistratshewe Proklamasie 1935 (Proklamasie 31 van 1935) word hierby gewysig deur die vervanging van die woord „regter“ in sub-artikel (1) van artikel *drie-en-twintig* deur die woord „regter-president“.

4. Ondanks andersluiende wetsbepalings duur die uitdrukkings „die regter“ of „die regter van die Hoëhof“, drukkings „die regter“ of „die regter van die Hoëhof“, waar hulle in 'n wet voorkom, op 'n regter van die Hoëhof.

5. Hierdie Ordonnansie heet die Wysigingsordonnansie op die „Rechtsbedeeling Proklamasie“, 1953.