

BUI TENG EWONE
OFFISIËLE KOERANT
VAN SUIDWES - AFRIKA.



OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

UITGAWE OP GESAG.

PUBLISHED BY AUTHORITY.

1/- Woensdag, 25 Junie 1958

WINDHOEK

Wednesday, 25th June, 1958

No. 2152

INHOUD.

Bladsy

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Goewermentskennisgewing.

Government Notice.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

The following Government Notice is published for general information.

C. F. MARAIS,
Sekretaris van Suidwes-Afrika.

C. F. MARAIS,
Secretary for South West Africa.

Kantoor van die Administrateur,
Windhoek.

Administrator's Office,
Windhoek.

No. 141.] [25 Junie 1958.

No. 141.] [25th June, 1958.

ORDONNANSIES, 1958: UITVAARDIGING VAN.

ORDINANCES, 1958: PROMULGATION OF.

Dit het die Administrateur behaag om sy goedkeuring te heg, 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:—

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No. 16 van 1958.]

ORDONNANSIE

Tot aanwending van 'n verdere geldbedrag vir die diens van die Gebied Suidwes-Afrika vir die jaar wat op die een-en-dertigste dag van Maart 1957 geëindig het, tot bestryding en dekking van sekere ongemagtigde uitgawes.

(Goedgekeur 18 Junie 1958)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Die Administrasierekening van die Gebied Suidwes-Afrika word hierby belas met die bedrag van vyfduisend, seshonderd vier-en-negentig pond en drie pennies tot dekking van sekere uitgawes bo en behalwe die bedrag beskikbaar gestel vir die diens van die Gebied Suidwes-Afrika vir die jaar wat op die een-en-dertigste dag van Maart 1957 geëindig het. Hierdie uitgawes word uiteengesit in die Bylae tot hierdie Ordonnansie en word nader omskryf in paragraaf vier op bladsy tien van die Verslag (aan die Wetgewende Vergadering voorgelê) van die Kontroleur en Ouditeur-Generaal oor die rekenings vir die vermelde boekjaar en in die Eerste Verslag van die Gekose Komitee oor Openbare Rekenings 1958.

2. Hierdie Ordonnansie heet die Ongemagtigde Uitgawes (1956-'57) Ordonnansie 1958.

BYLAE.

Begrotingsposnommer.	Titel.	Bedrag.
		£ s. d.
1	Administrasie	4,500 0 0
14	Pos-, Telegraaf- en Telefoonwese	1,194 0 3
		<u>£5,694 0 3</u>

No. 17 van 1958.]

ORDONNANSIE

Ter wysiging van die wet op kriminele prosedure en bewyslewering en bepaalde skuldbekentenisse.

(Goedgekeur 18 Junie 1958)

(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *driehonderd drie-en-twintig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die sinsnede „'n polisiebeampte van, of bo, die rang van sersjant, en as" in sub-artikel (1) te skrap en te vervang deur die sinsnede „as 'n polisiebeampte van, of bo, die rang van sersjant, of die senior blanke lid van die Suid-Afrikaanse Polisie op diens by enige polisie-stasie of -pos, of”.

2. Artikel *een* van die Proklamasie op Wildbeskerming- en Prysbeheerskuldbekentenisse 1944 (Proklamasie 40 van 1944) word hierby gewysig deur die woorde „of die senior blanke lid van die Suid-Afrikaanse Polisie

No. 16 of 1958.]

ORDINANCE

To apply a further sum of money towards the service of the Territory of South West Africa for the year ended on the thirty-first day of March, 1957, for the purpose of meeting and covering certain unauthorised expenditure.

(Assented to 18th June, 1958).

(Afrikaans text signed by the Administrator.)

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

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of five thousand, six hundred and ninety-four pounds and three pence to meet certain expenditure over and above the amount appropriated for the service of the Territory of South West Africa for the year which ended on the thirty-first day of March, 1957. Such expenditure is set forth in the Schedule of this Ordinance and is referred to in paragraph four on page ten of the Report (which has been presented to the Legislative Assembly) of the Controller and Auditor-General on the Accounts of the said year and in the First Report of the Select Committee on Public Accounts, 1958.

2. This Ordinance shall be called the Unauthorised Expenditure (1956-'57) Ordinance, 1958.

SCHEDULE.

No. of Vote.	Title of Vote.	Amount.
		£ s. d.
1	Administration	4,500 0 0
14	Posts, Telegraphs and Telephones	1,194 0 3
		<u>£5,694 0 3</u>

No. 17 of 1958.]

ORDINANCE

To amend the law relating to criminal procedure and evidence and certain admissions of guilt.

(Assented to 18th June, 1958).

(English text signed by the Administrator.)

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

1. Section *three hundred and twenty-three* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935) is hereby amended by the insertion in sub-section (1) after the word "sergeant" of the words "or the senior European member of the South African Police on duty at any Police station or Police post."

2. Section *one* of the Price Control and Game Preservation Admissions of Guilt Proclamation, 1944 (Proclamation 40 of 1944) is hereby amended by the insertion in sub-section (1) after the word "sergeant" of the words

op diens by enige polisiestasie of -pos," na die woord „sersjant" in sub-artikel (1) in te voeg.

3. Hierdie Ordonnansie heet die Wysigingsordonnansie 1958 op die Kriminele Prosedure en Bewyslewering en die Wildbeskerming- en Prysbeheerskuldbekeentnisse.

No. 18 van 1958.]

ORDONNANSIE

Om voorsiening te maak vir die stigting van 'n Parkeeraad en vir die instelling van wildtuine en private wildreserwes en verbandhoudende sake.

(Goedgekeur 18 Junie 1958)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie, waar dit bestaanbaar is met die verband, beteken —

„wildtuin" 'n wildtuin wat ingevolge artikels twee of drie ingestel is;

„raad" die Parkeraad wat ingestel word by artikel sewe;

„wildbewaarder" en „ere-wildbewaarder" iemand wat aangestel is ingevolge sub-artikel (1) van artikel veertien van hierdie Ordonnansie;

„hierdie Ordonnansie" ook die regulasies daarkragtens uitgevaardig;

„eienaar" ten opsigte van grond, die geregistreerde eienaar van sodanige grond, of voor registrasie van die transportakte op sy naam, die koper te goeder trou daarvan, of, by oorlyde van die eenaar, die wettige erfgenaam of, waar sodanige grond aan vruggebruik onderhewig is, die betrokke vruggebruiker, of iemand wat uit hoofde van bestaande landnedersettingswette grond van die Administrasie huur.

„Sekretaris" die Sekretaris van Suidwes-Afrika.

2. Die gebied wat in die eerste bylae van hierdie Ordonnansie omskrywe is en wat bekend staan as wildreserwe No. 2, word, met uitsondering van die gedeelte wat in 'n Naturelgebied val, hierby tot 'n wildtuin verklaar wat die Etoshawildtuin heet, vir die voortplanting, beskerming en behoud daarin van wilde dierelewe, wilde plantegroei en voorwerpe van geologiese, etnologiese, historiese of ander wetenskaplike belang, in die belang en tot voordeel en genot van die inwoners van die Gebied.

3. Die Administrateur kan by proklamasie in die *Offisiële Koerant* enige ander gebied vir die doeleindes van hierdie Ordonnansie tot 'n wildtuin verklaar.

4. Die Administrateur kan van tyd tot tyd, by kennisgewing in die *Offisiële Koerant* die grense van 'n wildtuin wysig.

5. (1) Ondanks andersluidende bepalings en met inagneming van die bepalings van artikel ses is dit vir niemand buiten 'n beamppte of werknemer van die Administrasie of die Unie-Regering wat ampshalwe handel, veroorloof om —

(a) 'n wildtuin te betree of daarin te woon sonder verlot van die Sekretaris of van 'n beamppte wat deur hom gemagtig is om sodanige verlot te verleen en met inagneming van die bepalings van hierdie Ordonnansie;

(b) enige wapen, ontploffingsmiddel, val of gif in 'n wildtuin in te bring of binne die grense van 'n wildtuin in besit daarvan te wees;

(c) in 'n wildtuin enige dier dood te maak, te beseer, te vang of te hinder of 'n eier of nes van enige voël weg te neem of te verniel: Met dien verstande egter dat 'n gevaarlike dier doodgemaak kan word

“or the senior European member of the South African Police on duty at any Police station or Police post”.

3. This Ordinance shall be called the Criminal Procedure and Evidence and Price Control and Game Preservation Admissions of Guilt Amendment Ordinance, 1958.

No. 18 of 1958.]

ORDINANCE

To provide for the establishment of a Parks Board, game parks and private game reserves and for incidental matters.

(Assented to 18th June, 1958).

(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, unless inconsistent with the context —

“game park” means a game park established in terms of sections two and three;

“board” means the Parks Board established under section seven;

“game warden” and “honorary game warden” mean any person appointed in terms of sub-section (1) of section fourteen of this Ordinance;

“this Ordinance” includes the regulations framed thereunder;

“owner” in relation to land means the registered owner of such land, or the *bona fide* purchaser of such land before registration of the deed of transfer in his name; or the lawful heir of the owner at his death, or if such land is subject to a usufruct, the usufructuary thereof; or any person hiring land from the Administration under the laws for the time being in force relating to land settlement;

“Secretary” means the Secretary for South West Africa.

2. The area defined in the first schedule to this Ordinance and known as game reserve No. 2, but excluding that portion which falls within a Native Reserve, is hereby declared a game park, to be known as the Etosha Game Park, for the propagation, protection and preservation therein of wild animal life, wild vegetation and objects of geological, ethnological, historical or other scientific interest for the benefit, advantage and enjoyment of the inhabitants of the Territory.

3. The Administrator may, by proclamation in the *Official Gazette*, declare any other area of land to be a game park for the purposes of this Ordinance.

4. The Administrator may from time to time by notice in the *Official Gazette* amend the boundaries of a game park.

5. (1) Other provisions to the contrary notwithstanding and subject to the provisions of section six it shall not be lawful for any person other than an officer or employee of the Administration or the Union Government on official duty —

(a) to enter or reside in a game park except with the permission of the Secretary, or of an officer authorised by him to grant such permission, and subject to the provisions of this Ordinance;

(b) to bring into a game park, or, within the confines thereof, to be in possession of, any weapon, explosive, trap or poison;

(c) within a game park to kill, injure, capture or disturb any animal or to take away or destroy any egg or nest of any bird: Provided, however, that any dangerous animal may be killed in defence of

- ter verdediging van 'n menselewe of om die besering van 'n mens te voorkom;
- (d) opsetlik of deur nalatigheid in 'n wildtuin die veld aan die brand te steek of 'n voorwerp van geologiese, etnologiese, historiese of ander wetenskaplike belang te beskadig;
 - (e) 'n dier in 'n wildtuin in te bring of toe te laat dat 'n huisdier 'n wildtuin binne loop;
 - (f) 'n dier, hetsy dood of lewendig, of enige deel van 'n dier uit 'n wildtuin te verwyder (behalwe 'n dier wat wettig in daardie wildtuin ingebring is); of
 - (g) om in 'n wildtuin 'n boom te kap of te saag of te verniel:

Met dien verstande dat die Administrateur by regulasies iemand, wat wettig 'n wildtuin betree of wettig daarin vertoef, kan veroorloof om 'n by regulasies omskrewe wapen in 'n wildtuin te bring of daarbinne te gebruik daarvan te wees, op voorwaardes en met beperkings wat by regulasies bepaal word.

(2) Nieteenstaande die bepalinge van die voorgaande sub-artikel is enigiemand geregtig om —

- (a) sonder verlof van die Sekretaris of van 'n beambte wat deur hom gemagtig is om sodanige verlof te verleen in 'n spoorwegbus deur 'n wildtuin te reis, mits so iemand nie in 'n wildtuin die roete van die spoorwegbus of die terrein van die stilhouplekke verlaat nie;
- (b) 'n dier of voorwerp vermeld in paragraaf (b) van sub-artikel (1) in 'n spoorwegbus deur 'n wildtuin te vervoer, mits so 'n dier of voorwerp nie in 'n wildtuin van daardie spoorwegbus verwyder word nie;
- (c) met inagneming van die voorwaardes wat by regulasie bepaal word, 'n voorwerp vermeld in paragraaf (b) van sub-artikel (1) langs 'n voorgeskrewe roete deur 'n wildtuin te vervoer; en
- (d) met verlof van die Sekretaris of van 'n beambte wat deur hom gemagtig is om sodanige verlof te verleen, enige dier wat nodig is in verband met 'n wettige reis of vervoer in of deur 'n wildtuin of wettige inwoning of verblyf in 'n wildtuin, in 'n wildtuin in te bring of daardeur te vervoer.

6. Die verlof om 'n wildtuin te betree en daarin te woon, vermeld in paragraaf (a) van sub-artikel (1) van artikel vyf kan verleen word op die voorwaardes wat nodig geag word en mag net vir die volgende doeleindes verleen word —

- (a) gesondheid, studie, ontspanning of ander verbandhoudende sake;
- (b) reise of vervoer langs die roetes wat by regulasie bepaal word; of
- (c) verrigting van enige wettige besigheid met of aangaande iemand in 'n wildtuin.

7. (1) Die Administrateur stel by kennisgewing in die *Offisiële Koerant* 'n raad in wat die Parkeraad heet.

(2) Die raad bestaan uit minstens vyf lede, wat deur die Administrateur aangestel word.

(3) Die Administrateur benoem een van die lede van die raad tot voorsitter daarvan.

(4) Die Sekretaris van Suidwes-Afrika kan aan iemand uit die Staatsdiens opdrag gee om as sekretaris van die raad op te tree.

8. (1) Elke lid van die raad beklee sy amp gedurende 'n tydperk van drie jaar vanaf die dag van sy benoeming. 'n Afredende lid kan opnuut benoem word.

(2) Die Administrateur kan nuwe lede in die raad aanstel om toevallige vakatures te vul. Elke lid wat in so 'n toevallige vakature aangestel word, voltooi die ampterym van sy voorganger.

9. Die Administrateur kan 'n lid van die raad in sy bediening skors weens onbekwaamheid of wangedrag, maar in elke sodanige geval moet 'n volledige verslag van die skorsingsgrond binne veertien dae daarna aan die Wetgewende Vergadering voorgelê word as die Wetgewende Vergadering dan sit of as die Vergadering nie sit

- human life or to prevent the infliction of personal injury;
- (d) wilfully or negligently to cause any veld fire or any damage to any object of geological, ethnological, historical or other scientific interest within a game park;
- (e) to introduce any animal or to permit any domestic animal to stray into a game park;
- (f) to remove from a game park any animal, whether alive or dead, or any part of an animal, other than an animal lawfully introduced into such park; or
- (g) to chop, cut or damage any tree in a game park:

Provided that the Administrator may by regulation permit any person lawfully entering a game park or lawfully sojourning therein to bring into a game park, or, within the confines thereof, to be in possession of, any weapon specified by regulation, on such conditions and within such limitations as may be prescribed by regulation.

(2) Notwithstanding the provisions contained in the last preceding sub-section, it shall be lawful for any person—

- (a) to travel through a game park in a railway bus without the permission of the Secretary or of an officer authorised by him to grant such permission: Provided that such person shall not within a game park leave the route of the railway bus or the precincts of its stops;
- (b) to convey through a game park by railway bus any animal or any such article as is mentioned in paragraph (b) of sub-section (1), provided that such animal or article shall not be removed from such railway bus within a game park;
- (c) subject to such conditions as may be prescribed by regulation, to convey through a game park over any prescribed route any such article as is mentioned in paragraph (b) of sub-section (1); and
- (d) to convey into or through a game park with the permission of the Secretary or of an officer authorised by him to grant such permission, any animal required in connection with lawful travel or transport in, or through, or lawful residence or sojourn in, a game park.

6. The permission of entry into, and residence in a game park referred to in paragraph (a) of sub-section (1) of section five may be granted subject to such conditions as may be deemed necessary, and shall be granted only for the purposes of —

- (a) health, study or recreation, or matters incidental thereto;
- (b) travel or transport along such routes as may be defined by regulation; or
- (c) transacting any lawful business with or concerning any person within a game park.

7. (1) the Administrator shall by notice in the *Official Gazette* establish a board to be known as the Parks Board.

(2) The board shall consist of at least five members, appointed by the Administrator.

(3) The Administrator shall appoint one of the members of the board as chairman thereof.

(4) The Secretary for South West Africa may direct a member of the Public Service to act as secretary to the board.

8. (1) Every member of the board shall hold office during a period of three years as from the date of his appointment. A retiring member shall be eligible for re-appointment.

(2) The Administrator may appoint new members to the board to fill casual vacancies. Every member appointed to such a casual vacancy shall complete his predecessor's term of office.

9. The Administrator may suspend any member of the board from his office for incapacity or misconduct, but in every such case a full statement of the cause of suspension shall, within fourteen days thereafter, be laid before the Legislative Assembly if the Legislative Assembly is then in session, or, if it is not then in session,

nie, binne veertien dae na die begin van sy eersvolgende sitting.

10. 'n Lid van die raad ontruim sy amp as hy —
- insolvent word of sy boedel ten behoeve van sy skuldeisers afstaan; of
 - kranksinnig word of weens 'n oortreding tot gevangenisstraf sonder die keuse van boete veroordeel word; of
 - sonder verlof van die raad van vier agtereenvolgende vergaderings van die raad afwesig was, en sodanige verlof mag nie verleen word vir 'n tydperk van meer as ses agtereenvolgende maande nie.

11. (1) Drie lede van die raad is 'n kworum.
 (2) Die voorsitter het 'n beraadslagende stem en by staking van stemme ook 'n beslissende stem.
 (3) Wat die meerderheid van die lede van die raad aanwesig op 'n vergadering besluit, is die raad se besluit en is finaal en afdoende.

12. 'n Lid van die raad word nie besoldig nie maar ontvang 'n toelae en reis- en verblyf-koste, terwyl hy die raad se besigheid verrig, volgens 'n tarief wat die Administrateur kan bepaal.

13. (1) Die werksaamhede en pligte van die raad is —
- om die Administrateur te adviseer insake die beheer, bestuur en onderhoud van die wildtuine vir die doeleindes opgenoem in artikel twee;
 - om alle wildbeskermingsaangeleenthede deur die Administrateur aan die raad opgedra, te ondersoek, en daarvoor verslag te doen;
 - om na goeiedunke by die Administrateur aanbevelings oor wildbeskerming te doen en wysigings tot die Gebied se wildbeskermingswette voor te stel;
 - om minstens een keer per jaar in Windhoek byeen te kom;
 - om bowendien die werksaamhede, magte en pligte uit te oefen wat die Administrateur by regulasie aan die raad voorskryf.
- (2) Elkeen wat die raad as sodanig, of 'n raadslid, by die uitvoering van sy pligte belemmer, teengaan of steur, is skuldig aan 'n oortreding.

14. (1) Die Administrateur kan een of meer geskikte persone as wildbewaarders vir die Gebied of deel daarvan of vir elke landroosdistrik in die Gebied aanstel. Sodanige aanstelling kan in ere-hoedanigheid geskied, of onderhewig aan die staatsdienswette, wanneer sodanige aangesteltes amptenare van die Administrasie is.

- (2) Die Administrateur kan te eniger tyd 'n wildbewaarder wat in ere-hoedanigheid aangestel is, ontslaan en 'n ander, geskikte persoon in sy plek aanstel.
 (3) Alle aanstellings ingevolge hierdie artikel moet in die *Offisiële Koerant* bekend gemaak word.

15. Die Administrateur kan by proklamasie in die *Offisiële Koerant* enige gebied tot 'n private wildreserwe verklaar vir enige tydperk in sodanige proklamasie gespesifiseer en onderhewig aan sulke voorwaardes as hy nodig mag ag, of tot tyd en wyl dit gedeproklameer word: Met dien verstande dat —

- sodanige proklamasie geskied op ontvangs van 'n skriftelike aansoek van die eienaar van die grond;
- sodanige proklamasie nie sal geskied nie tensy sodanige eienaar minstens drie maande kennis in die *Offisiële Koerant* gegee het van sy voorgestelde aansoek vir die stigting van 'n private wildreserwe sodat belanghebbendes skriftelik besware teen die stigting daarvan aan die Administrateur mag voorle.
- die Administrateur te eniger tyd enige gebied wat kragtens die bepaling van hierdie artikel tot 'n private wildreserwe verklaar is, by proklamasie in die *Offisiële Koerant* kan deproklameer, en
- hierdie Ordonnansie in geen opsig afbreuk doen aan die bepaling van die Ordonnansie betreffende die Uitroeiing van Ongediertes 1935 (Ordonnansie 6 van 1935) nie.

within fourteen days after the commencement of its ensuing session.

10. A member of the board shall vacate his office if he —

- becomes insolvent or assigns his estate for the benefit of his creditors; or
- becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine; or
- has been absent from four consecutive meetings without the leave of the board, which leave shall not be granted for a period exceeding six consecutive months.

11. (1) Three members of the board shall form a quorum.

(2) The chairman shall have a deliberative vote and, in the event of an equality of votes, shall in addition have a casting vote.

(3) The decision of the majority of the members of the board present at any meeting shall be the decision of the board and shall be final and conclusive.

12. A member of the board shall not be remunerated but shall receive an allowance and travel and subsistence expenses while engaged upon the business of the board at a tariff which may be determined by the Administrator.

13. (1) The functions and duties of the board shall be —

- to advise the Administrator on the control, management and maintenance of the game parks for the purposes mentioned in section two;
- to investigate and report on all such matters concerning the preservation of game as the Administrator may refer to it;
- to make such recommendations to the Administrator as it may deem fit regarding the preservation of game and any amendment to the game preservation laws of the Territory;
- to meet in Windhoek at least once in every year;
- to perform such further functions, powers and duties as the Administrator may by regulation prescribe to the board.

(2) Any person obstructing, resisting or hindering the board or any of its members in the execution of its or his duties, shall be guilty of an offence.

14. (1) The Administrator may appoint one or more suitable persons as game wardens for the Territory or portion thereof or for every magisterial district in the Territory. Such appointments may be made in an honorary capacity, or, subject to the laws relating to the Public Service, as officers of the Administration.

(2) The Administrator may at any time remove from office any game warden appointed in an honorary capacity and appoint another suitable game warden in his place.

(3) All appointments in terms of this section shall be notified in the *Official Gazette*.

15. The Administrator may by proclamation in the *Official Gazette* declare any area to be a private game reserve for any period specified in such proclamation and subject to such conditions as he may deem fit, or until such time as it may be deproclaimed: Provided that —

- such proclamation shall be effected on receipt of a written application from the owner of the land;
- such proclamation shall not take place unless such owner gives at least three months notice in the *Official Gazette* of his proposed application for the establishment of a private game reserve so that interested parties may submit written objections to the Administrator.
- the Administrator may at any time by proclamation in the *Official Gazette* deproclaim any area which has been declared a private game reserve in terms of this section, and
- this Ordinance shall not in any way derogate from the provisions of the Extermination of Vermin Ordinance, 1935 (Ordinance 6 of 1935).

16. (1) Ondanks andersluidende bepalings mag niemand, behalwe die eienaar, die jag maak op enige wild of ander wilde diere of voël in enige gebied wat kragtens die bepalings van artikel vyftien tot private wildreserwe verklaar is nie, buiten kragtens en ooreenkomstig die skriftelike toestemming van die Administrateur en volgens die voorwaardes wat hy in elke geval opleë.

(2) Iedereen wat enige van die bepalings van sub-artikel (1) oortree, of enige voorwaarde van sodanige toestemming by daad of versuim verontagsaam, is skuldig aan 'n oortreding.

17. (1) Die Administrateur kan van tyd tot tyd regulasies uitvaardig wat nie teenstrydig is met hierdie Ordonnansie nie omtrent al of enigeen van die volgende onderwerpe —

- (a) die prosedure in verband met die byeenkoms van die raad ingestel kragtens die bepalings van artikel sewe van hierdie Ordonnansie;
- (b) die bykomende werksaamhede, magte en pligte van die raad;
- (c) die voorwaardes waaronder verlof om 'n wildtuin te betree of daarin te woon verleen kan word en die tydperke of tye gedurende welke 'n wildtuin of enige deel daarvan aan die publiek toeganklik is;
- (d) die voorwaardes waaronder iemand wat 'n wildtuin betree, deurreis of daarin verblyf hou, die dienste of aanwesigheid van beamptes of werknemers van die Administrasie kan verkry en die gelde wat vir daardie dienste of aanwesigheid betaal moet word;
- (e) die gelde, indien enige, wat betaal moet word vir verlof om 'n wildtuin te betree of daarin te woon, die toelating van motorkarre of ander voertuie en die neem van portrette in 'n wildtuin of vir enige ander doel in verband met die gebruik en genot van 'n wildtuin;
- (f) beskerming en behoud van 'n wildtuin en van die diere en eiendom daarin;
- (g) reëling van verkeer en passasiersvervoer in 'n wildtuin, die plekke waar mense 'n wildtuin kan binnegaan en die roetes waarlangs hulle dit kan deurreis;
- (h) oor die algemeen vir die doelmatige beheer en bestuur van 'n wildtuin;
- (i) die werksaamhede, magte, pligte en bevoegdhede van wildbewaarders en ere-wildbewaarders;
- (j) die administrasie en beheer van private wildreserwes gestig kragtens die bepalings van artikel vyftien; vir die beskerming van wilde dierelewe en wilde plantegroei daarin en vir die voorskrifte waaraan voldoen moet word voordat 'n gebied tot private wildreserwe geproklameer of gedeproklameer word.

(2) Die Administrateur kan verskillende regulasies vir verskillende wildtuine uitvaardig.

(3) Elke regulasie word in die *Offisiële Koerant* afgekondig.

18. Elkeen wat hierdie Ordonnansie of die regulasies oortree, is skuldig aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling van so 'n boete met gevangenisstraf met of sonder dwangarbeid van hoogstens ses maande.

19. (1) Elkeen wat aangekla word weens 'n daad wat kragtens hierdie Ordonnansie 'n oortreding is, indien dit sonder toestemming of verlof gedoen is, word beskou soos 'n daad sonder toestemming of verlof te doen het, tensy daar bewys word dat hy in besit was van sodanige toestemming of verlof toe hy die bewuste daad uitgevoer het.

(2) Wanneer daar by 'n proses teen 'n persoon op 'n aanklag dat hy op 'n bepaalde stuk grond 'n oortreding van hierdie Ordonnansie begaan het, bewys word dat enige daad wat 'n wesentlike bestanddeel van sodanige oortreding uitmaak of vorm in of naby die omgewing waarin sodanige stuk grond geleë is, gepleeg is, word sodanige daad gehou vir gepleeg op sodanige stuk grond, tensy daar bewys word —

16. (1) Other provisions to the contrary notwithstanding, no person, except the owner, may hunt any game or other wild animal or bird in any area which has been declared a private game reserve in terms of the provisions of section fifteen except under and in accordance with the written permission of the Administrator and on such conditions as he may impose in each case.

(2) Any person who contravenes any of the provisions of sub-section (1), or who contravenes or fails to comply with the conditions of such permission shall be guilty of an offence.

17. (1) The Administrator may from time to time make regulations not inconsistent with this Ordinance on all or any of the following matters:—

- (a) the procedure in connection with the meeting of the board established under the provisions of section seven of this Ordinance;
- (b) the additional functions, powers and duties of the board;
- (c) the conditions under which permission to enter a game park or to reside therein may be granted and the periods or times during which a game park or any part thereof shall be open to the public;
- (d) the conditions under which any person entering, passing through or sojourning within a game park, may obtain the services or attendance of officers or employees of the Administration and the fees to be paid for such services or attendance;
- (e) the fees, if any, to be paid for permission to enter or reside in a game park, the admission of motor cars or other vehicles and the taking of photographs in a game park or for any other purpose connected with the use and enjoyment of a game park;
- (f) the protection and preservation of a game park and of the animals and property therein;
- (g) the regulation of traffic and the carriage of passengers in a game park, the points at which persons may enter and the routes by which they may pass through a game park;
- (h) generally for the efficient control and management of a game park;
- (i) the functions, powers and duties of game wardens and honorary game wardens;
- (j) the administration and control of private game reserves established under the provisions of section fifteen for the protection of wild animal life and wild vegetation therein and the requirements to be complied with before an area may be proclaimed a private game reserve or deproclaimed.

(2) The Administrator may frame different regulations for different game parks.

(3) All regulations shall be published in the *Official Gazette*.

18. Any person contravening the provisions of this Ordinance or the regulations thereunder shall be guilty of an offence and liable upon conviction to a fine not exceeding one hundred pounds or in default of payment of such fine to imprisonment with or without hard labour for a period not exceeding six months.

19. (1) Any person charged with doing any act which is an offence under this Ordinance, if done without permission or leave, shall be deemed to have done such act without such permission or leave, unless it is proved that he was in possession of such permission or leave when he performed the act in question.

(2) Whenever in any proceedings against any person upon a charge alleging that he committed upon any particular piece of land an offence under this Ordinance it is proved that any act, constituting or forming an element of such offence was committed in or near the locality wherein such piece of land is situated, such act shall be deemed to have been committed upon such piece of land, unless it is proved —

- (a) dat dit op 'n ander stuk grond gepleeg is; en
- (b) dat die persoon wat sodanige daad gepleeg het, die reg gehad het om dit op sodanige stuk grond te pleeg.

20. (1) Wanneer 'n persoon skuldig bevind is weens 'n oortreding van hierdie Ordonnansie kan die hof bevel —

- (a) dat enige wild of biltong of enige vel, huid, horing, tand of karkas van wild wat in sy besit gevind is en wat betrekking het op die oortreding waarvan hy skuldig bevind is, verbeur verklaar word en dat daaroor beskik word soos die hof besluit;
- (b) dat enige toestemming of verlof wat ingevolge hierdie Ordonnansie aan die veroordeelde persoon uitgereik is, ingetrek word;
- (c) dat enige vuurwapen of ammunisie wat by die jag op wild teenstrydig met enige bepalings van hierdie Ordonnansie gebruik is, aan die Staat verbeur word;
- (d) dat enige voertuig wat by die jag op wild strydig met enige van die bepalings van hierdie Ordonnansie in 'n wildtuin of private wildreserwe gebruik is, aan die Staat verbeur word.

(2) Elke bevel kragtens die bepalings van sub-artikel (1) van hierdie artikel kan verstrek word bo en behalwe enige ander straf wat kragtens die bepalings van hierdie Ordonnansie opgelê word.

21. Elke hond wat in 'n wildtuin aangetref word, behalwe 'n hond wat in die wettige besit of bewaring van 'n beaume of werknemer van die Administrasie is of 'n hond wat kragtens die bepalings van artikel vyf deur 'n wildtuin vervoer word, kan deur 'n wildbewaarder of 'n lid van die Suid-Afrikaanse Polisie doodgemaak word.

22. Die wette genoem in die tweede bylae tot hierdie Ordonnansie word hierby herroep in die mate uiteengesit in die derde kolom van daardie bylae: Met dien verstande dat alle regulasies uitgevaardig kragtens die bepalings van enige sodanige wet wat aldus herroep word, en wat van krag is op die datum van die inwerkingtreding van hierdie Ordonnansie, van krag bly totdat hulle gewysig of herroep word.

23. Hierdie Ordonnansie heet die Ordonnansie op Wildtuine en Private Wildreserwes 1958.

EERSTE BYLAE.
ETOSHAWILDTUIN.
BESKRYWING:

Vanaf 'n punt met suid-breedtegraad 18° 30' en oos-lengtegraad 14° 32', by die suidwestelike hoek van die Magistraatsdistrik van Ovamboland, vandaar ooswaarts langs die grens van die Magistraatsdistrik Ovamboland tot by 'n punt reg noord van die noordwestelike hoekbaken van die plaas Onguma No. 314 in die Magistraatsdistrik van Tsumeb, vandaar reg suidwaarts in 'n reguit lyn tot by die noordwestelike hoekbaken van die plaas Onguma 314, vandaar algemeen suidwaarts langs die grense van maar uitsluitende die volgende plase na mekaar, naamlik Onguma 314, Vergenoeg 942, Kleinbegin 941, Leeudrink 940, plaas 858, Heliodor 857, Obab 856, Mara 840, Mopanie 447, Lynplaas 436, Vrede 435, Olfantslaagte 433, Nooitgedag 418, Hestria 417, tot by die noordwestelike hoekbaken van laasgenoemde plaas, vandaar algemeen weswaarts langs die grense van maar uitsluitende die volgende plase na mekaar in die Magistraatsdistrik van Outjo, naamlik Renex 494, Grensplaas 473, Tsabis 470, Werda 469, Nuchas 468, Elandsfontein 463, Mooiplaas 462, Koppies 457, Oberland 455, Montebello 456, Leeupoort 441, Margo 438, plaas 436, Sonop 434, plaas 432, Avondvrede 430, Eindpaal 429 tot by die mees noordelike hoekbaken van laasgenoemde plaas, vandaar algemeen weswaarts langs die „Pölsiesone" grens tot by die noordwestelike hoekbaken van die plaas Grenswag No. 655, vandaar algemeen noordweswaarts in 'n reguit lyn tot by 'n punt 1 kilometer suid van die watergat Otjokaware (Kowares) vandaar weswaarts in 'n reguit lyn tot by 'n punt waar 'n reguit lyn vanaf een kilometer

- (a) that it was committed on another piece of land and
- (b) that the person committing such act had the right to commit it on such piece of land.

20. (1) When any person has been convicted of an offence against this Ordinance the court may order —

- (a) that any game or biltong or any skin, hide, horn, tusk or carcass of game found in his possession and relating to the offence of which he has been convicted, be declared forfeited and that it shall be disposed of as the court may decide;
- (b) that any permission or leave granted under the Ordinance to the person convicted be cancelled;
- (c) that any firearm or ammunition used in connection with the hunting of game contrary to any of the provisions of this Ordinance, be forfeited to the state;
- (d) that any vehicle used in connection with the hunting of game in any game park or private game reserve contrary to any of the provisions of this Ordinance, be forfeited to the State.

(2) Any order under the provisions of sub-section (1) of this section may be made in addition to any other penalty which may be imposed under the provisions of this Ordinance.

21. Any dog found in a game park, other than a dog in the lawful possession or charge of an officer or employee of the Administration or a dog conveyed through a game park in accordance with the provisions of section five, may be killed by a game warden or a member of the South African Police.

22. The laws mentioned in the second schedule to this Ordinance are hereby repealed to the extent set forth in the third column of that schedule: Provided that all regulations made under the provisions of any such law so repealed and in force at the date of commencement of this Ordinance, shall remain in force until modified or repealed.

23. This Ordinance shall be called the Game Parks and Private Game Reserves Ordinance, 1958.

FIRST SCHEDULE.
ETOSHA GAME PARK.
DESCRIPTION:

From a point of latitude 18° 30' South and 14° 32' East, being the south-western corner of the Magisterial District of Ovamboland, proceeding eastwards along the boundary of the Magisterial District of Ovamboland to a point due North of the north-western corner beacon of the farm Onguma No. 314 in the Magisterial District of Tsumeb, then due southwards in a straight line to the north-western corner beacon of the farm Onguma 314, then generally southwards along the boundaries of but excluding the following farms in succession, in the Magisterial District of Tsumeb, viz. Onguma 314, Vergenoeg 942, Kleinbegin 941, Leeudrink 940, farm 858, Heliodor 857, Obab 856, Mara 840, Mopanie 447, Lynplaas 436, Vrede 435, Olfantslaagte 433, Nooitgedag 418, Hestria 417, to the north-western corner beacon of the last mentioned farm, then generally westwards along the boundaries of but excluding the following farms in succession in the Magisterial District of Outjo namely Renex 494, Grensplaas 473, Tsabis 470, Werda 469, Nuchas 468, Elandsfontein 463, Mooiplaas 462, Koppies 457, Oberland 455, Montebello 456, Leeupoort 441, Margo 438, farm 436, Sonop 434, farm 432, Avondvrede 430, Eindpaal 429, to the most northern beacon of the last mentioned farm, then generally westwards along the Police Zone boundary up to the north-western corner beacon of the farm Grenswag No. 655, then generally north-westwards in a straight line to a point 1 kilometre south of the waterhole Otjokaware (Kowares) then westwards in a straight line up to a point where a straight line from one kilo-

land van die watergat Otjokaware (Kowares) weswaarts verloop na die watergat Cerehamis (op die rivier Gomatum gelei, 'n tak van die Hoarusibrivier) die suid ooste-grenslyn van die Naturelle Reserwe Kaokoveld kruis, waarnaar algemeen noordooswaarts langs die grens van die Naturelle Reserwe Kaokoveld tot by 'n punt met suid-wesdegraad 18° 30' en oos-lengtegraad 14° 32', by die suid-weslike hoek van die Magistraatsdistrik van Ovamboland, synde die aanvangspunt.

metre south of the waterhole Otjokaware (Kowares) extended westwards to the waterhole Cerehamis (situated on the Gomatum River, a tributary of the Hoarusib River) intersects the south-eastern boundary of the Kaokoveld Native Reserve, then generally north-eastwards along the boundary of the Kaokoveld Native Reserve to a point of latitude 18° 30' South and Longitude 14° 32' East, at the south-western corner of the Magisterial District of Ovamboland, being the point of beginning.

TWEEDE BYLAE.

Nummer en datum van Wet.	Titel of Onderwerp van Wet.	Omvang van Herroeping.
Ordonnansie 11 van 1951	Ordonnansie op Wildbeskerming, 1951.	Artikels twee, drie, vier en paragrawe (i) tot (vi) van sub-artikel (1) van artikel een-en-dertig
Ordonnansie 29 van 1955	Wysigingsordonnansie op Wildbeskerming, 1955.	Artikel een.

SECOND SCHEDULE.

Number and date of law	Title or subject of law	Extent of repeal
Ordinance 11 of 1951	Game Preservation Ordinance 1951	Sections two, three, four and paragraphs (i) to (vi) of subsection (1) of section thirty-one.
Ordinance 29 of 1955	Preservation of Game Amendment Ordinance 1955	Section one.

No. 19 van 1958.]

ORDONNANSIE

Ter wysiging van die wet op die registrasie van Aktes.

(Goedgekeur 18 Junie 1958)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suid-wes-Afrika VERORDEN:—

1. Artikel twee van die Registrasie van Aktes Proklamasie 1939 (Proklamasie 37 van 1939 hieronder die Hoofproklamasie genoem) word hierby gewysig deur die sub-artikel (1) die volgende sub-artikel in te voeg:—

(1) *bis*. Niemand word na die inwerkingtreding van die Wysigingsordonnansie op Registrasie van Aktes, of die registrateur of assistentregistrateur van 1958, as registrateur of assistentregistrateur van 1958, aangestel nie, tensy hy in die Staatsdiens eksamen in die Regte of 'n eksamen wat die Staatsdienskommissie daaraan gelykwaardig ag, geslaag het, en in die administratiewe afdeling van die Staatsdiens in die registrasiekantoor van aktes ingestel deur sub-artikel 1 van Artikel Een hiervan of in een of meer registrasiekantore van aktes ingestel deur die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937) van die Parlement van die Unie van Suid-Afrika, of in die registrasiekantoor en in een of meer registrasiekantore van aktes ingestel deur die bedoelde wet 47 van 1937 vir 'n tydperk van minstens sewe jaar gedien het. Met dien verstande dat hierdie sub-artikel nie met betrekking tot die aanstelling as registrateur van aktes van iemand wat by die inwerkingtreding van bedoelde Ordonnansie die amp van registrateur van aktes of van 'n assistent-registrateur van aktes beklee het".

2. Artikel drie van die Hoofproklamasie word hierby gewysig —

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

“(c) grondbriewe of huurkontrakte van grond wetlik deur die Administrasie uitgereik, of grondbriewe deur enige ander bevoegde gesag uitgereik, registreer, en verbeterings, hernuwing en kansellerings van sodanige huurkontrakte, en bevrydings van enige deel van die verhuurde eiendom, registreer.”

No. 19 of 1958.]

ORDINANCE

To amend the law relating to the registration of deeds.

(Assented to 18th June, 1958).

(Afrikaans text signed by the Administrator).

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

1. Section two of the Deeds Registry Proclamation 1939 (Proclamation 37 of 1939 hereinafter referred to as the principal Proclamation) is hereby amended by the insertion after sub-section (1) of the following sub-section:—

“(1) *bis*. No person shall be appointed as registrar or assistant registrar of deeds after the commencement of the Deeds Registry Amendment Ordinance, 1958, unless he has passed the Public Service Law Examination or an examination deemed by the Public Service Commission to be equivalent thereto and has served in the administrative division of the public service in the deeds registry established by sub-section (1) of Section One hereof or in one or more deeds registries established by the Deeds Registries Act, 1937 (Act 47 of 1937) of the Parliament of the Union of South Africa, or in the deeds registry and in one or more deeds registries established under the aforesaid Act 47 of 1937 for a period of not less than seven years: Provided that this sub-section shall not apply with reference to the appointment as registrar of deeds of any person who held office as registrar of deeds or as an assistant registrar of deeds at the commencement of the said Ordinance”.

2. Section three of the principal Proclamation is hereby amended —

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) register grants or leases of land lawfully issued by the Administration or grants issued by any other competent authority, and register amendments, renewals and cancellations of such leases, and releases of any part of the property leased.”

No. 21 van 1958.]

ORDONNANSIE

Ter wysiging van die wet op landnedersetting.

*(Goedgekeur 18 Junie 1958)**(Afrikaanse teks deur die Administrateur geteken.)*

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

1. Artikel *vyf-en-dertig* van die Landnedersetting Gekonsolideerde en Wysigings Proklamasie 1927 (Unie Proklamasie 310 van 1927), hierna die hoofproklamasie genoem, word hierby gewysig deur die invoeging van die volgende subartikel na subartikel (3):—

„(4) Vir sover in hierdie Proklamasie nie anders bepaal word nie is dit 'n voorwaarde in iedere huurkontrak van 'n hoewe dat die huurder, of, waar 'n Goewermentsgrondbrief reeds uitgereik is, die regsverkryger of sy regsopvolgers waar die tydperk genoem in subartikel (5) van artikel *drie-en-veertig* nog nie verstryk het nie, te gener tyd aan enigiemand 'n opsie mag verleen of 'n verbintenis van watter aard ookal mag aangaan ten opsigte van die aankoop, verhuur, oordrag, vervoer of beswaring van die hoewe nie, tensy die Administrateur se skriftelike verlof vooraf daartoe verkry is.

2. Subartikel (5) van artikel *drie-en-veertig* van die hoofproklamasie word hiermee gewysig deur die invoeging van die volgende woorde na die woord „huurder” waar dit in die laaste lyn van paragraaf (ii) voorkom;

„of waar 'n Goewermentsgrondbrief reeds uitgereik is, deur die regsverkryger of sy regsopvolgers, waar die tydperk genoem in subartikel (5) van artikel *drie-en-veertig* nog nie verstryk het nie”,

3. Subartikel *een* (c) van artikel *vier-en-vyftig* van die hoofproklamasie word hierby gewysig deur die woorde „Afdeling van Lande” te vervang deur die woorde „Administrasie van Suidwes-Afrika”.

4. Hierdie Ordonnansie heet die Verdere Wysigingsordonnansie op Landnedersetting, 1958.

No. 22 van 1958.]

ORDONNANSIE

Om die openbaarmaking van inligting betreffende die identiteit van kinders wat by regsdinge betrokke is, te verbied, om erkenning aan die ampstitel „landdros” te verleen, om die Boedelwet 1913, soos toegepas op die Gebied by Proklamasie 52 van 1921, te wysig, om die Maatskappy-Ordonnansie 1928, die Kriminele Prosedure en Bewyslewering Proklamasie 1935, die Magistraatshowe Proklamasie 1935, die Wapens en Ammunisie Proklamasie 1938, en die Radio-ordonnansie 1957 te wysig.

*(Goedgekeur 18 Junie 1958)**(Engelse 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, voorafverkreë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepaling van artikel *ses-en-twintig* van die Zuidwest-Afrika Konstitusie Wet 1925, soos gewysig by artikel *ses-tien* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

No. 21 of 1958.]

ORDINANCE

To amend the law relating to land settlement.

*(Assented to 18th June, 1958).**(Afrikaans text signed by the Administrator).*

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

1. Section *thirty-five* of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927) — hereinafter called the principal Proclamation — is hereby amended by the insertion of the following sub-section after sub-section (3):—

“(4) Save as in this Proclamation is provided it shall be a condition of every lease of a holding that the lessee, or, in case a grant has already been issued, the grantee or his successors in title where the period referred to in sub-section (5) of section *forty-three* has not expired, shall not at any time grant any person an option or enter into any obligation whatever with regard to the purchase, lease, transfer, alienation or encumbrance of the holding unless the consent in writing of the Administrator has first been obtained.

2. Sub-section (5) of section *forty-three* of the principal Proclamation is hereby amended by the insertion of the following words after the word “lessee” where it appears in the last line of paragraph (ii):

“or, in case a grant has already been issued, by the grantee or his successors in title where the period referred to in sub-section (5) of section *forty-three* has not expired”.

3. Sub-section *one* (c) of section *fifty-four* of the principal Proclamation is hereby amended by the substitution of the words “Administration of South West Africa” for the words “Lands Branch”.

4. This Ordinance shall be called the Land Settlement Further Amendment Ordinance, 1958.

No. 22 of 1958.]

ORDINANCE

To prohibit the disclosure of information concerning the identity of children involved in legal proceedings, to give recognition to the official title of „landdros”, to amend the Administration of Estates Act, 1913, as applied to this Territory by Proclamation 52 of 1921, to amend the Companies Ordinance, 1928, the Criminal Procedure and Evidence Proclamation, 1935, the Magistrates Courts Proclamation, 1935, the Arms and Ammunition Proclamation, 1938, and the Radio Ordinance, 1957.

*(Assented to 18th June, 1958).**(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) Niemand mag op enige wyse die naam, adres, skool of werkplek van iemand jonger as negentien jaar wat 'n party by 'n siviele geding of 'n getuie in enige regsgeding van watter aard ook al is of was, of enige ander inligting wat so iemand se identiteit waarskynlik aan die lig sal bring, publiseer of bekend maak nie, tensy die regter, magistraat of ander amptenaar wat by so 'n geding voorsit of voorgesit het, na raadpleging met 'n ouer of voog, indien enige, van so iemand, skriftelik tot sodanige publikasie of bekendmaking toestem.

(2) Elkeen wat subartikel (1) verontagsaam, is aan 'n oortreding skuldig en is by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond, of met gevangenis vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en sodanige gevangenis.

2. (1) Vanaf die inwerkingtreding van hierdie artikel word 'n verwysing in die Afrikaanse of Hollandse teks van enige wet of dokument na die ampstitel —

(a) van magistraat of addisionele magistraat of assistent-magistraat so uitgelê dat dit ook onderskeidelik die ampstitel van landdros of addisionele landdros of assistent-landdros behels; en

(b) van landdros of addisionele landdros of assistent-landdros so uitgelê dat dit ook onderskeidelik die ampstitel van magistraat of addisionele magistraat of assistent-magistraat behels, en word 'n verwysing in so 'n wet of dokument na die bekleër van so 'n amp wat deur so 'n titel aangedui word of na die distrik of subdistrik of ampsetel van daardie bekleër of die hof van daardie distrik of subdistrik of die regsgebied van die hof wat vir daardie distrik of subdistrik ingestel is of 'n bevel of uitspraak wat daardie bekleër gegee het of na enige ander aangeleentheid wat op bedoelde amp of die bekleër daarvan of op so 'n distrik, subdistrik, ampsetel, hof of gebied betrekking het, dienoreenkomstig uitgelê.

(2) Artikel *honderd-en-vyftien* van die Magistraats-howe Proklamasie 1935 (Proklamasie 31 van 1935) word hierby gewysig deur die woord "Magistraatshowe" in die Afrikaanse teks te vervang deur die woord „Landdros-howe”.

3. Artikel *twee* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie 1921 (Proklamasie 52 van 1921), word hierby gewysig —

(a) deur aan die einde van die woordbepaling van „magistraat” die woorde “en met betrekking tot een biezondere aangelegenheid te worden verricht, of bevoegdheid of recht te worden uitgeoefend, of plicht te worden uitgevoerd, door de magistraat van een distrikt, wordt onder de uitdrukking ook verstaan een additionele of assistent-magistraat die elders als op de magistraatszetel van dat distrikt permanent de werkzaamheden van die magistraat van dat distrikt ten aanzien van een deel van dat distrikt verricht, wanneer die aangelegenheid, bevoegdheid, recht of plicht verricht, uitgeoefend of uitgevoerd moet worden uit hoofde, al naar het geval, van een sterfgeval in bedoeld deel van dat distrikt, of van de aanwezigheid aldaar van enig-iets, of van het feit dat een overledene aldaar woonachtig was of zijn bedrijf aldaar had;” by te voeg.

(b) deur in die woordbepaling van „Staat” die woorde „en een Gebied ten aanzien waarvan een proklamatie krachtens artikel *veertig* uitgereikt is” in te voeg na die woord „Bezittingen”.

4. (1) Artikel *twaalf* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie 1921 (Proklamasie 52 van 1921), word hierby gewysig deur die woorde „voorzover in de Bijlage tot deze Wet niet anders bepaald is, innen door middel van belastingzegels gehecht aan de stukken, waaruit van de werkzaamheid blijkt ten aanzien waarvan het loon betaald is” te vervang deur die woorde „innen zoals in bedoelde Bijlage bepaald is”.

1. (1) No person shall publish or make known in any manner the name, address, school, place of employment or any other information likely to reveal the identity of any person under the age of nineteen years who is or has been a party to any civil proceedings or a witness in any legal proceedings of whatever nature, unless the judge, magistrate or other officer who presides or presided at such proceedings, after having consulted any parent or guardian, if any, of such person, consents in writing to such publication or making known.

(2) Any person who contravenes sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

2. (1) As from the commencement of this section any reference in the Afrikaans or Dutch version of any law or document to the official title —

(a) of “magistraat” or “addisionele magistraat” or “assistent-magistraat” shall be construed to include a reference to the official title of “landdros” or „addisionele landdros” or “assistent-landdros” respectively; and

(b) of “landdros” or “addisionele landdros” or “assistent-landdros” shall be construed to include a reference to the official title of “magistraat” or “addisionele magistraat” or “assistent-magistraat” respectively, and any reference in such law or document to the holder of an office designated by any such title or to the district or sub-district or seat of office of that holder or the court of that district or sub-district or the area of jurisdiction of the court established for that district or sub-district or an order or judgment given by that holder or to any other matter which pertains to such office or the holder thereof or to any such district, sub-district, seat of office, court or area, shall be construed accordingly.

(2) Section *one hundred and fifteen* of the Magistrates' Court Proclamation, 1935 (Proclamation 31 of 1935), is hereby amended by the substitution in the Afrikaans version of the word “Landdroshowe” for the word “Magistraatshowe”.

3. Section *two* of the Administration of Estates Act, 1913, (Act 24 of 1913), of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended —

(a) by the addition at the end of the definition of “magistrate” of the words “and in relation to any particular matter, act or thing to be performed or power or right exercisable or duty to be carried out by the magistrate of a district, the expression shall include an additional or assistant magistrate permanently carrying out at any place other than the seat of magistracy of that district the functions of the magistrate of that district in respect of any portion of that district, whenever such matter, act, thing, power, right or duty has to be performed, exercised or carried out by virtue of any death occurring, thing being or deceased having resided or carried on business, as the case may be, in such portion of that district;”

(b) by the insertion in the definition of “State” after the words “British Possessions” of the words “and any Territory in respect of which a proclamation has been issued under section *forty*”.

4. (1) Section *twelve* of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the substitution of the words “as provided in that Schedule” for the words “save where it is otherwise provided in that Schedule to this Act, by means of revenue stamps affixed to the documents evidencing the act, matter or thing in respect of which the fee is paid”.

(2) Hierdie artikel word beskou as reeds in werking met ingang van 6 Julie 1955.

5. (1) Artikel *veertig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamasie 1921 (Proklamasie 52 van 1921), word hierby gewysig deur die woord „Staat” oral waar dit voorkom, deur die woord „Gebied” te vervang.

(2) Enige proklamasie uitgereik kragtens artikel *veertig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamasie 1921 (Proklamasie 52 van 1921) voor die inwerkingtreding van hierdie artikel, word geag kragtens daardie artikel, soos by subartikel (1) van hierdie artikel gewysig, uitgereik te wees.

6. Die volgende artikel word hierby ingevoeg na artikel *een-en-veertig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamasie 1921 (Proklamasie 52 van 1921):

Erkenning
van vreemde
trustees.

41bis. (1) Wanneer een behoorlik ge-
waarmerkt en gecertificeerd afschrift van
een testament van een overledene, dat in eni-
ge Staat ingediend is, aan een Meester over-
legd wordt en het testament goederen bin-
nen de Gebied aan een persoon (hieronder
een trustee genoemd) bemaakt om door hem
ten bate van een andere persoon beheerd te
worden, kan de Meester, behoudens de be-
palingen van subartikel (2), en indien hij
overtuigd is dat het testament behoorlik als
een geldige testamentêre beskikking in die
Staat bewezen en aangenomen is, het af-
schrift endosseren en van zijn ambtse-
gel voorzien en daarna is dat afschrift genoeg-
zaam erkenning van de trustee voor het doel
enige goederen binnen de Gebied te eisen die
hij krachtens het testament moet beheren.

(2) De trustee kiest *domicilium citandi*
et executandi binnen de Gebied en verschaft
zekerheidstelling tot bevrediging van de
Meester voor het behoorlik en getrouw be-
heer van de boedel waartoe hij aangesteld
is, tensy het testament gelast dat van de
zekerheidstelling afgezien moet worden of de
Meester overtuigd is dat van de zekerheid-
stelling afgezien moet worden of het hof
anders beveelt.”

7. Artikel *een-en-negentig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamasie 1921 (Proklamasie 52 van 1921) word hierby gewysig deur die woorde “met goedkeuring van de Minister” in paragraaf (c) van subartikel (1) te skrap.

8. Artikel *honderd-en-vier* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamasie 1921 (Proklamasie 52 van 1921) word hierby gewysig deur die woorde “in het Hof van de Provincie te verantwoorden, waar” deur die woorde “te verantwoorden in het Hof in wiens rechtsgebied” en die woorde “Provincie of binnen het rechtsgebied van het Hof van de Provincie” deur die woorde “het rechtsgebied van het betrokken Hof” te vervang.

9. (1) Die Vierde Bylae by die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamasie 1921 (Proklamasie 52 van 1921), word hierby deur die onderstaande Bylae vervang.

(2) Hierdie artikel word beskou as reeds in werking met ingang van 6 Julie 1955.

„VIERDE BIJLAGE.
TARIEF VAN LONEN.

1. (1) Op alle boedels van overleden personen of op boedels onder kuratele (behalwe boedels waarover een

(2) This section shall be deemed to have come into operation on the 6th July, 1955.

5. (1) Section *forty* of the Administration of Estates Act, 1913, (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the substitution of the word “Territory” for the word “State”, wherever it occurs.

(2) Any proclamation issued under section *forty* of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), before the commencement of this section, shall be deemed to have been issued under that section as amended by sub-section (1) of this section.

6. The following section is hereby inserted in the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), after section *forty-one*:

“Recognition
of foreign
trustees.

41bis. (1) Whenever a duly authenticated and certified copy of the will of a deceased person which has been lodged in any State is deposited with the Master and the will settles property within the Territory upon any person (in this section referred to as a trustee) to be administered by him for the benefit of any other person, the Master may subject to the provisions of sub-section (2), and if satisfied that the will has been duly proved and accepted as a valid testamentary disposition in that State, endorse such copy under his seal of office and thereupon such copy shall be sufficient recognition of the appointment of that trustee for the purpose of claiming any property within the Territory which he is required in terms of the will to administer.

(2) The trustee shall choose *domicilium citandi et executandi* within the Territory and furnish security to the satisfaction of the Master for the due and faithful administration of the estate to which he has been appointed, unless the will directs that such security is to be dispensed with or the Master is satisfied that such security should be dispensed with or the court otherwise directs”.

7. Section *ninety-one* of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the deletion in paragraph (c) of sub-section (1) of the words “with the approval of the Minister”.

8. Section *one hundred and four* of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the substitution for the words “of the Province in which” of the words “in whose area of jurisdiction” and for the words “that Province or otherwise within the jurisdiction of the Court of that Province” of the words “the jurisdiction of the Court concerned”.

9. (1) The following Schedule is hereby substituted for the Fourth Schedule to the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921.)

(2) This section shall be deemed to have come into operation on the 6th July, 1955.

“FOURTH SCHEDULE.
TARIFF OF FEES.

1. (1) On all estates of deceased persons or estates under curatorship (except estates under the charge of a

curator bonis gesteld is in afwagting van de aanstelling van een eksekuteur) waarvan de brutowaarde —

	£	s	d
(a) £500 of hoger is, doch £1,000 niet te bowe gaat	1	0	0
(b) £1,000 of hoger is, voor elke £1,000 met 'n maximum tarief van	2	0	0
	100	0	0

(2) Die in sub-paragraaf (1) bedoelde lonen zijn betaalbaar in gereed geld.

2. (2) Het volgend tarief word geheven ten aanzien van de vermelde dokumenten of diensten —

(a) (i) voor taksatie van de beloning van eksekuteurs, voogden en kurators op elke pond of onderdeel daarvan, van het getakseerd bedrag	1	0	
(ii) voor taksatie van de beloning van beëdigde taksateurs, op elke pond of onderdeel daarvan, van het getakseerd bedrag	1	0	
(b) (i) voor uittreksels of afschriften van dokumenten gemaakt in het kantoor van een Meester, voor elke honderdtal woorden of onderdeel daarvan	1	0	
(ii) voor uittreksels of afschriften van dokumenten gecertificeerd in het kantoor van een Meester (hetzij gemaakt in bedoeld kantoor al dan niet) voor elk honderdtal woorden of onderdeel daarvan	1	0	
(c) voor het binden van de stukken van elke boedel naar gelang van zijn omvang een tarief ter beoordeling van de Meester vanaf 7s. tot	1	10	0
(d) voor de bewaring van een testament gedurende het leven van de testateur	10	0	
(e) voor inzage in de stukken van of inlichtingen omtrent elke boedel (behalve in het geval van de eksekuteur of kurator van de betrokken boedel of zijn wettige agent of borg)	2	6	

(2) De lonen in items (a) (ii), (b), (d) en (e) van sub-paragraaf (1) vermeld zijn betaalbaar door middel van belastingzegels aan de betrokken stukken gehecht en de lonen in items (a) (i) en (c) van de bedoelde sub-paragraaf vermeld zijn betaalbaar in gereed geld.

3. Op alle onopgevraagde gelden in handen van een Meester overeenkomstig artikel twee-en-negentig van deze Wet of voor rekening van afwezige of onbekende schuld van een boedel, of voor rekening van afwezige of onbekende schuldeisers of aandeelschuldigen van een maatschappij is er betaalbaar in gereed geld een kommissie op het gestorte bedrag van vijf percent, te worden afgetrokken van de onopgevraagde, alzo in handen van de Meester gestorte gelden."

10. Artikel twee-en-sestig quat van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928) word hierby gewysig deur die onderstaande voorbehoudsbepaling aan die einde van paragraaf (a) van subartikel (6) by te voeg:—

„Met dien verstande dat voorkeuraandele vir doeleindes van hierdie paragraaf nie so uitgelê word nie dat dit voorkeur-aandele insluit waaraan stemregte, behalwe stemregte waarna in paragraaf (a) van subartikel (4) verwys word, verbonde is;”.

11. Artikel honderd ses-en-dertig van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928) word hierby gewysig deur —

- die woord „of” waar dit die eerste maal in die Afrikaanse teks van subartikel (1) voorkom, te verwang deur die woord „en”; en
- in genoemde sub-artikel na die woorde „maatskappy geleë is” die woorde „of, as die geregistreerde kantoor geleë is in 'n deel van 'n distrik ten opsigte waarvan 'n addisionele of assistent-magistraat permanent op 'n ander plek as die magistraatsetel van die distrik die werksaamhede van die magistraat van die distrik verrig, op die kantoor van sodanige addisionele of assistent-magistraat” in te voeg.

curator bonis pending the appointment of an executor) the gross value of which —

	£	s	d
(a) is £500 or more but less than £1,000	1	0	0
(b) is £1,000 or more, for each £1,000 subject to a maximum fee of	2	0	0
	100	0	0

(2) The fees referred to in sub-paragraph (1) shall be payable in cash.

2. (1) The following fees shall be payable in respect of the documents or services mentioned —

(a) (i) taxing the remuneration of executors, tutors and curators, upon every pound or fraction thereof of the taxed amount	1	0	
(ii) taxing the remuneration of sworn appraisers, upon every pound or fraction thereof of the taxed amount	1	0	
(b) (i) for extracts or copies of documents made in the office of a Master, for every one hundred words or fraction thereof	1	0	
(ii) for extracts or copies of documents certified in the office of a Master (whether or not made in such office), for every one hundred words or fraction thereof	1	0	
(c) for binding the records of any one estate according to the size thereof, a fee in the descretion of the Master from 7s. to	1	10	0
(d) for custody of any will during the testator's lifetime	10	0	
(e) for the inspection of the records of or information concerning any one estate (except in the case of the executor or curator of such estate or his lawful agent or surety)	2	6	

(2) The fees referred to in items (a) (ii), (b) (d) and (e) of sub-paragraph (1) shall be payable by means of revenue stamps affixed to the relevant documents and those referred to in items (a) (i) and (c) of the said sub-paragraph shall be payable in cash.

3. Upon all unclaimed moneys paid into the hands of a Master in pursuance of section ninety-two of this Act or for account of absent or unknown creditors of any estate or for account of absent or unknown creditors or contributories of any company a commission upon the amount paid in of five per cent shall be payable in cash and be deducted from the unclaimed moneys so paid into the hands of the Master”.

10. Section sixty-two quat of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the addition at the end of paragraph (a) of sub-section (6) of the following proviso:

“Provided that for the purposes of this paragraph preference shares shall not be construed to include preference shares to which voting rights other than voting rights referred to in paragraph (a) of sub-section (4), are attached;”.

11. Section one hundred and thirty-six of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by —

- the substitution in the Afrikaans version of sub-section (1) for the word “of” where it occurs for the first time of the word “en”; and
- the insertion in sub-section (1) after the word “situate” of the words “or, if such registered office is situated in a portion of such district in respect of which an additional or assistant magistrate permanently performs the functions of the magistrate of the district at a place other than the seat of magistracy of that district, at the office of such additional or assistant magistrate”.

12. Artikel *honderd sewen-en-sewentig* van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928) word hierby gewysig deur na die woord „en” waar dit die tweede maal voorkom, die woorde „(behoudens die bepalings van paragraaf (b) van subartikel (1) *ter* van artikel *honderd sewen-en-negentig ter*)” in te voeg.

13. Artikel *honderd sewen-en-negentig ter* van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928) word hierby gewysig deur die volgende paragraaf by subartikel (1) *ter* te voeg, terwyl die bestaande subartikel paragraaf (i) word:—

„(ii) As so 'n geregtelike bestuursorder deur 'n likwidasië-order vervang word, bly die voorkeur wat ingevolge paragraaf (a) aan enige skuld verleen is van krag behalwe wat betref vorderings wat voortspuit uit die koste van die likwidasië-order.”

14. Artikel *tweehonderd-en-agnien* van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928) word hierby gewysig deur na die woord „moet” waar dit die tweede maal in subartikel (1) voorkom, die woorde „tensy die bedoelde Bylae anders aandui” in te voeg.

15. Artikel *sewentig* van die Kriminele Prosedure en Bewyslewering Proklamasie (Proklamasie 30 van 1935) word hierby gewysig deur die woord „*bis*” na die woord „*ses-en-negentig*” in subartikel (2) in te voeg.

16. Artikel *ses-en-negentig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby deur die volgende artikels vervang:

„Hof kan verlos tot afwesigheid van voorlopige verhoor toestaan.

96. As die hof na die aanvang van 'n voorlopige ondersoek oortuig is, op aansoek in persoon gerig deur 'n beskuldigde of sy verteenwoordiger —

- dat die fieslese toestand van daardie beskuldigde so is dat hy nie in staat is om die ondersoek by te woon nie of dat dit onwenslik is dat hy die ondersoek moet bywoon; of
- dat omstandighede in verband met die siekte of dood van 'n lid van daardie beskuldigde se familie ontstaan het wat die beskuldigde se teenwoordigheid elders nodig of raadsaam maak,

kan die hof, as die ondersoek volgens sy oordeel nie uitgestel kan word nie sonder onbehoorlike benadeling, belemmering of ongerief vir die vervolging of 'n medebeskuldigde of 'n getuie wat teenwoordig is of gedagvaar is om teenwoordig te wees, die afwesigheid van daardie beskuldigde van die ondersoek magtig vir 'n tydperk deur die hof bepaal en onderworpe aan die voorwaardes wat die hof goedvind om op te lê.

96bis. (1) As 'n beskuldigde na die aanvang van 'n voorlopige ondersoek —

- vlug; of
- hom op so 'n wyse gedra dat sy verwydering uit die hof wenslik is en deur die hof gelas word; of
- verlof tot afwesigheid kragtens artikel *ses-en-negentig* toegestaan word; of

(d) om enige ander rede afwesig is, kan die hof gelas dat die voorlopige ondersoek in sy afwesigheid voortgaan, en daarna word, behalwe vir sover hierdie hoofstuk 'n spesiale prosedure voorskryf wat in die geval van 'n afwesige beskuldigde gevolg moet word, met bedoelde ondersoek in alle opsigte voortgegaan asof daardie afwesige beskuldigde teenwoordig was.

(2) 'n Lasgewing waarop sub-artikel (1) dui, word nie uitgereik nie indien die hof van oordeel is dat 'n uitstel van die ondersoek verleen kan word sonder onbehoorlike benadeling, ongerief of belemmering vir die vervolging of 'n medebeskuldigde of 'n getuie

Hof kan gelas dat voorlopige ondersoek in afwesigheid van beskuldigde voortgaan.

12. Section *one hundred and seventy-seven* of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the insertion after the word “and” where it occurs for the second time of the words “(subject to the provisions of paragraph (b) of sub-section (1) *ter* of section *one hundred and ninety-seven ter*)”.

13. Section *one hundred and ninety-seven ter* of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the addition to sub-section (1) *ter* of the following paragraph, the existing sub-section becoming paragraph (i):

“(ii) If such judicial management order is superseded by a winding-up order, the preference conferred upon any liability in terms of paragraph (a) shall remain in force except in so far as claims arising out of the costs of the winding-up are concerned”.

14. Section *two hundred and eighteen* of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the insertion in sub-section (1) after the word “shall” where it occurs for the second time of the words “unless otherwise indicated in the said Schedule”.

15. Section *seventy* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the insertion in sub-section (2) after the word “*ninety-six*” of the word “*bis*”.

16. The following sections are hereby substituted for section *ninety-six* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935):

“Court may grant leave of absence from a preparatory examination.

96. If after a preparatory examination has commenced, the court is upon application made in person by an accused or his representative, satisfied —

- that the physical condition of that accused is such that he is unable to attend or that it is undesirable that he should attend the examination; or
- that circumstances in connection with the illness or death of a member of that accused's family have arisen which make his presence elsewhere necessary or expedient,

the court may, if in its opinion the examination cannot be postponed without undue prejudice, embarrassment or inconvenience to the prosecution or any co-accused or any witness in attendance or subpoenaed to attend, authorize the absence of that accused from the examination for a period fixed by the court and subject to such conditions as it deems fit to impose.

Court may order preparatory examination to be proceeded with in absence of accused.

96bis. (1) If after a preparatory examination has commenced, an accused

- absconds; or
- conducts himself in such a manner that his removal from the court is desirable and is ordered by the court; or
- is granted leave of absence under section *ninety-six*; or
- is absent for any other reason, the court may direct that the preparatory examination be proceeded with in his absence and thereafter the said examination shall, except to the extent to which a special procedure is in this Chapter directed to be observed in the case of an absent accused, be proceeded with in all respects as if that absent accused were present.

(2) A direction referred to in sub-section (1) shall not be made if the court is of opinion that a postponement of the examination can be granted without undue prejudice, inconvenience or embarrassment to the prose-

wat teenwoordig is of gedagvaar is om teenwoordig te wees.

(3) 'n Voorlopige ondersoek met betrekking waartoe 'n lasgewing uitgereik is dat dit in die afwesigheid van 'n beskuldigde voortgaan, word met betrekking tot daardie beskuldigde, tensy hy kragtens die bepalings van subartikel (3) van artikel *agt-en-sewentig* ontslaan word, uitgestel indien hy nie teenwoordig is in die stadium waarop die bepalings van artikel *vyf-en-sewentig* in werking tree nie, en word, onderhewig aan die bepalings van subartikels (4) en (5), vanaf daardie stadium voortgesit wanneer die beskuldigde weer teenwoordig is.

(4) As 'n beskuldigde ten opsigte van wie die hof gelas het dat 'n voorlopige ondersoek in sy afwesigheid voortgaan, weer daardie ondersoek bywoon, word nie vereis dat die getuienis wat tydens sy afwesigheid afge neem is aan hom voorgelees word nie, maar, as hy nie tydens sy afwesigheid verteenwoordig was nie, deel die hof hom kortliks die aard en strekking van daardie getuienis mee, en laat die hof hom toe om op alle redelike tye onder toesig van die klerk van die hof die rekord na te gaan en om afskrifte daarvan te maak of te laat maak.

(5) As 'n beskuldigde in wie se afwesigheid dit gelas is dat 'n voorlopige ondersoek voortgaan, weer die ondersoek bywoon, kan die hof, tensy 'n regsverteenvoordiger tydens die beskuldigde se afwesigheid vir hom opgetree het, op aansoek van daardie beskuldigde of sy verteenwoordiger, 'n getuie wat by die ondersoek in die afwesigheid van daardie beskuldigde getuig het, vir verdere ondervraging oproep.

96ter. Wanneer 'n hof tydens 'n voorlopige ondersoek teen twee of meer beskuldiges 'n lasgewing kragtens subartikel (1) van artikel *ses-en-negentig bis* uitgereik het en, vanweë die bepalings van subartikel (3) van bedoelde artikel, nie die bedoelde ondersoek ten opsigte van 'n afwesige beskuldigde kan beëindig nie, kan die voorlopige ondersoek teen die beskuldigde wat dan teenwoordig is in alle opsigte beëindig word asof hy die enigste beskuldigde is wat daarby verskyn."

Voorlopige ondersoek kan teen aanwesige beskuldigde beëindig word.

17. Artikel *vyf-en-sewentig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die woorde „in die teenwoordigheid van die beskuldigde” in subartikel (1) te skrap, en in genoemde artikel na die woord „beskuldigde” waar dit die tweede keer voorkom, die woorde „wat dan teenwoordig is” in te voeg.

18. Artikel *honderd een-en-veertig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die woord „albel” te skrap en die woorde „sodanige oortreding” te vervang deur die woorde „die onderskeie oortredings”.

19. Artikel *honderd ses-en-tagtig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die volgende voorbehoudsbepaling aan die einde van subartikel (4) by te voeg:

„Met dien verstande dat as die getuienis dië is van 'n getuie wat vantevore by 'n voorlopige ondersoek in die afwesigheid van die beskuldigde ondervra is, en die Magistraat wat by daardie voorlopige ondersoek voorgesit het, die magistraat is wat by die daaropvolgende verhoor voorsit, die beskuldigde kan toestem, behoudens die reg om daardie getuie onder kruisverhoor te neem, dat sodanige getuienis by bedoelde verhoor uitgelees of gebruik word.”

20. Artikel *honderd-en-negentig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1925 (Proklamasie 30 van 1935) word hierby gewysig —

cution or any co-accused or any witness in attendance or subpoenaed to attend.

(3) A preparatory examination in regard to which a direction is made that it be proceeded with in the absence of an accused, shall in respect of that accused, unless he is discharged under the provisions of sub-section (3) of section *seventy-eight*, be postponed if he is not in attendance at the stage at which the provisions of section *seventy-five* come into operation and be proceeded with subject to the provisions of sub-sections (4) and (5), from that stage when the accused is again in attendance.

(4) If an accused in respect of whom the court has directed that a preparatory examination be proceeded with in his absence again attends at such examination the evidence recorded in his absence shall not be required to be read over to him but, if he was not represented during his absence, the court shall briefly inform him of the nature and purport of that evidence and permit him to inspect the record and to make or cause copies thereof to be made at all reasonable times under the supervision of the clerk of the court.

(5) If an accused in whose absence a preparatory examination was directed to be proceeded with again attends the examination the court may, unless such accused was legally represented during his absence, upon the application of that accused or his representative recall for further examination any witness who testified at the examination during that accused's absence.

Preparatory examination may be concluded against accused present.

96ter. Whenever a court has in the course of a preparatory examination against two or more accused made a direction under sub-section (1) of section *ninety-six bis* and is unable to conclude the said examination in respect of an absent accused by reason of the provisions of sub-section (3) of the said section, the preparatory examination may be concluded against the accused then present in all respects as if he were the only accused appearing thereat.”

17. Section *seventy-five* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the deletion in sub-section (1) of the words “in the presence of the accused” and the insertion in the said sub-section after the words “ask the accused” of the words “then present”.

18. Section *one hundred and forty-one* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the deletion of the word “both” and the substitution for the words “such offence” of the words “the respective offences”.

19. Section *one hundred and eighty-six* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the addition at the end of sub-section (4) of the following proviso:

“Provided that if the evidence is that of a witness who was previously examined at a preparatory examination in the absence of the accused, and the magistrate who presided at that preparatory examination is the magistrate who is presiding at the subsequent trial, the accused may, subject to the right to cross-examine that witness, consent to such evidence being read or used at such trial”.

20. Section *one hundred and ninety* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended —

- (a) deur in sub-artikel (1) die woorde „of dat hy artikel ses van die Algemene Regswysigingsordonnansie 1956 (Ordonnansie 12 van 1956) oortree het” na die woord „diefstal” waar dit die eerste keer voorkom, en die woorde „of ’n oortreding van die genoemde artikel ses” na die woord „diefstal” waar dit die tweede keer voorkom, in te voeg;
- (b) deur in subartikel (2) die woorde „of dat die beskuldigde stryding met subartikel (1) van artikel sewe van die Algemene Regswysigingsordonnansie 1956 (Ordonnansie 12 van 1956) gesteelde goed verkry of in sy besit ontvang het” na die woorde „gesteel is” waar dit die eerste keer voorkom, en die woorde „of weens ’n oortreding van die genoemde subartikel (1) van artikel sewe, al na gelang” na die woorde „gesteel is” waar dit die tweede keer voorkom, in te voeg.

21. Artikel *honderd ses-en-negentig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby vervang deur die volgende artikel:

„Persone wat weens diefstal aangekla word, kan weens ander misdrywe skuldig bevind word.

196. Iemand wat weens diefstal aangekla word, kan skuldig bevind word weens die ontvang van goedere wetende dat dit gesteel is, of weens ’n oortreding van artikel ses van die Algemene Regswysigingsordonnansie 1956 (Ordonnansie 12 van 1956) of weens ’n oortreding van subartikel (1) van artikel sewe van daardie Ordonnansie of weens ’n oortreding van artikel agt van die Algemene Regswysigingsordonnansie (Ordonnansie 12 van 1956), as die feite dit bewys.”

22. Artikel *twee honderd-en-dertig* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die woord „bis” na die woord „ses-en-negentig” in subartikel (1) in te voeg.

23. Artikel *driehonderd-en-agtien* van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

„(2) Wanneer ’n geneeskundige skriftelik sertifiseer dat iemand wat ingevolge subartikel (1) gevonnissen is, nie geskik is om die vonnis of enige deel daarvan te ondergaan nie, besorg die persoon wat deur die hof aangewys is om die vonnis te voltrek, die sertifikaat onverwyld aan die vonnisvellende hof, of ’n hof wat soortgelyke regsbevoegdheid besit, wat dan, as hy oortuig is dat so iemand nie geskik is om daardie vonnis of enige deel daarvan te ondergaan nie, bedoelde vonnis na goedduke kan wysig: Met dien verstande dat as bedoelde geneeskundige nie ’n distriksgeneesheer of iemand met soortgelyke gesag is nie, die hof, as die omstandighede dit toelaat, die distriksgeneesheer of iemand met soortgelyke gesag kan gelas om skriftelik te sertifiseer of die betrokke persoon geskik is om bedoelde vonnis of enige deel daarvan te ondergaan al dan nie.”

24. Artikel *agt-en-twintig* van die Landdroshowe Proklamasie 1935 (Proklamasie 31 van 1935) word hierby gewysig deur die volgende paragrafe in te voeg na paragraaf (c) van subartikel (1):

- „(d) alle eise op grond van ’n likwiede dokument of ’n verband ter verhaling van ’n bedrag van hoogstens vyfhonderd pond;
- (e) alle eise op grond van ’n kontrak, soos bepaal by subartikel (1) van artikel een van die Huurkoopordonnansie 1942 (Ordonnansie 7 van 1942), waar die eis of die waarde van die eiendom in geskil hoogstens vyfhonderd pond is.

25. Artikel *twee* van die Wapens en Ammunisie Proklamasie 1938 (Proklamasie 28 van 1938) word hierby gewysig deur die woorde „maar hoogstens ses maande vanaf die datum van invoer van sodanige wapen” in subartikel (9) te skrap.

- (a) by die insering in sub-section (1) after the word “indictment” where it appears for the second time of the words “or that he did commit an offence under section six of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956); and the insertion after the word “theft” where it occurs the second time of the words “or of a contravention of the said section six”; and
- (b) by the insertion in sub-section (2) after the word “stolen” where it occurs the second time of the words “or that the accused acquired or received into his possession stolen goods in contravention of sub-section (1) of section seven of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956)”, and the insertion after the word “stolen” where it occurs the fourth time of the words “or of a contravention of the said sub-section (1) of section seven, as the case may be”.

21. The following section is hereby substituted for section *one hundred and ninety-six* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935):

“Persons charged with theft may be convicted of other offences.

196. Any person charged with theft may be found guilty of receiving stolen goods knowing them to have been stolen, or of a contravention of section six of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956), or of a contravention of sub-section (1) of section seven of that Ordinance or of a contravention of section eight of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956, if such be the facts proved”.

22. Section *two hundred and thirty* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the insertion in sub-section (1) after the word “*ninety-six*” of the word “*bis*”.

23. Section *three hundred and eighteen* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) Whenever any medical practitioner certifies in writing that any person sentenced under sub-section (1) is not in a fit state to undergo the sentence or any part thereof, the person appointed by the court to execute the sentence shall submit the certificate immediately to the court which passed the sentence or to a court having like jurisdiction which may thereupon, if it is satisfied that such person is not in a fit state to undergo such sentence or any part thereof, amend such sentence as it deems fit: Provided that if such medical practitioner is not a district surgeon or a person with like authority, the court may, if the circumstances so permit, require the district surgeon or a person with like authority to certify in writing whether or not the person concerned is in a fit state to undergo such sentence or any part thereof”.

24. Section *twenty-eight* of the Magistrates’ Courts Proclamation, 1935 (Proclamation 31 of 1935), is hereby amended by the insertion after paragraph (c) of sub-section (1) of the following paragraphs:

- “(d) in actions on a liquid document or a mortgage bond for the recovery of an amount not exceeding five hundred pounds;
- (e) in actions on any agreement as defined in sub-section (1) of section *one* of the Hire Purchase Ordinance, 1942 (Ordinance 7 of 1942), where the claim or the value of the property in dispute does not exceed five hundred pounds.”

25. Section *two* of the Arms and Ammunition Proclamation, 1938 (Proclamation 28 of 1938), is hereby amended by the deletion in sub-section (9) of the words “but not exceeding a period of six months as from the date of importation of such arm”.

26. Artikel *negen-en-twintig* van die Wapens en Ammunisie Proklamasie 1938 (Proklamasie 28 van 1938) word hierby gewysig —

(a) deur paragraaf (i) deur die volgende paragrawe te vervang:

„(i) Weens 'n oortreding van of versuim om te voldoen aan 'n bepaling van artikel *een*, met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens tien jaar;

(i) *bis* weens 'n oortreding van of versuim om te voldoen aan 'n bepaling van artikel *twee*, *vier*, *vyftien*, *drie-en-twintig*, *vyf-en-twintig* of *vyf-en-twintig bis* of 'n kennisgewing kragtens artikel *ses-en-twintig* uitgevaardig, of weens 'n in paragraaf (a), (b), (f) of (g) bedoelde misdryf, by 'n eerste veroordeling, met 'n boete van hoogstens vierhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met beide daardie boete en daardie gevangenisstraf, en by 'n tweede of latere veroordeling, met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens drie jaar: Met dien verstande dat as die betrokke persoon veroordeel word weens 'n oortreding —

(aa) van sub-artikel (1) van artikel *drie-en-twintig*, en die getuienis bewys dat hy die betrokke wapen of ammunisie aan 'n persoon wat nie 'n blanke is nie of aan 'n maatskappy waarvan enige direkteur of die bestuurder of die sekretaris nie 'n blanke is nie, verstrekket; of

(bb) van sub-artikel (1) van artikel *vier* of sub-artikel (2) van artikel *drie-en-twintig*, en die aantal wapens met uitsondering van wapens wat ontwerp is om 'n patroon af te vuur wat gelaai is met 'n koeël met 'n gebruiklik aangegewe deursnee van .22 van 'n duim of minder, ten opsigte waarvan hy veroordeel is, meer as een is of die hoeveelheid ammunisie, met uitsondering van enige patroon wat gelaai is met 'n koeël met 'n gebruiklike aangegewe deursnee van .22 van 'n duim of minder, ten opsigte waarvan hy veroordeel is, meer as honderd patrone is en bedoelde persoon oortuig nie die hof dat bedoelde aantal of hoeveelheid nie in die omstandighede meer was as sy redelike benodighede nie, hy strafbaar is met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens tien jaar;”;

(b) deur in paragraaf (ii) die woord „*vier*” te skrap en die woorde „*twee-en-twintig* of *drie-en-twintig*” deur die woorde „of *twee-en-twintig*” en die woord „*vyftig*” deur die woord „*honderd*” te vervang; en

(c) deur in paragraaf (iii) na die uitdrukking „(i)” die uitdrukking „(i) *bis*” in te voeg en die woord „*vyftig*” deur die woord „*honderd*” te vervang.

27. Artikel *drie-en-dertig* van die Wapens en Ammunisie Proklamasie 1938 (Proklamasie 28 van 1938) word hierby gewysig deur in paragraaf (a) na die woord „sertifikate” die woorde „aansoeke, magtigings” in te voeg.

28. Artikel *agtien* van die Radio-ordonnansie 1957 (Ordonnansie 7 van 1957) word hierby gewysig —

(a) deur in paragraaf (a) van subartikel (1) die woorde „*twaalf* of *sestien*” te vervang deur die woorde „of *twaalf*”;

(b) deur in genoemde subartikel die woorde „behalwe soos by subartikel (1) *bis* bepaal” in te voeg na die woorde „skuldig aan 'n oortreding en is” in te voeg.

(c) deur die volgende subartikel na subartikel (1) in te voeg:

„(1) *bis*. Elkeen wat in stryd met artikel *vier* deur middel van radio oorsend of wat in stryd met sub-artikel (1) van artikel *vyf* radio-apparaat, be-

26. Section *twenty-nine* of the Arms and Ammunition Proclamation, 1938 (Proclamation 28 of 1938), is hereby amended —

(a) by the substitution for paragraph (i) of the following paragraphs:

“(i) In the case of a contravention of or failure to comply with any provision of section *one*, to imprisonment without the option of a fine for a period not exceeding ten years;

(i) *bis*. In the case of a contravention of or failure to comply with any provision of section *two*, *four*, *fifteen*, *twenty-five* or *twenty-five bis* or a notice issued under section *twenty-six*, or in the case of an offence mentioned in paragraphs (a), (b), (f) or (g), upon a first conviction, to a fine not exceeding four hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and upon a second or subsequent conviction, to imprisonment without the option of a fine for a period not exceeding three years; Provided that if the person concerned is convicted of a contravention —

(aa) of sub-section (1) of section *twenty-three* and the evidence establishes that he supplied the arm or ammunition in question to a person other than a European or to a company of which any director or the manager or the secretary is not a European; or

(bb) of sub-section (1) of section *four* or sub-section (2) of section *twenty-three*, and the number of arms excluding arms designed to discharge any cartridge loaded with a bullet of a reputed diameter of .22 of an inch or less, in respect of which he is convicted exceeds one or the quantity of ammunition, excluding any cartridge loaded with a bullet of a reputed diameter of .22 of an inch or less, in respect of which he is convicted exceeds one hundred rounds and such person does not satisfy the court that such number or quantity was not in the circumstances in excess of his reasonable requirements, such person shall be liable to imprisonment without the option of a fine for a period not exceeding ten years;”

(b) by the deletion in paragraph (ii) of the word “*four*” and the substitution for the words “*twenty-two* or *twenty-three*” of the words “or *Twenty-two*” and for the word “*fifty*” of the words “*one hundred*”; and

(c) by the insertion in paragraph (iii) after the expression “(i)” of the expression “(i) *bis*” and the substitution for the word “*fifty*” of the words “*one hundred*”.

27. Section *thirty-three* of the Arms and Ammunition Proclamation, 1938 (Proclamation 28 of 1938), is hereby amended by the insertion in paragraph (a) after the word “certificates” of the words “applications, authorizations”.

28. Section *eighteen* of the Radio Ordinance, 1957 (Ordinance 7 of 1957), is hereby amended —

(a) by the substitution in paragraph (a) of sub-section (1) for the words “*twelve* or “*sixteen*” of the words “or *twelve*”;

(b) by the insertion in the said sub-section after the words “guilty of an offence and” of the words “except as provided in sub-section (1) *bis*”; and

(c) by the insertion after sub-section (1) of the following sub-section:

“(1) *bis*. Any person who transmits by radio in contravention of section *four* or who has in his possession radio apparatus, other than a radio re-

halwe 'n radio-ontvangstoestel, in sy besit het of iemand, wat kragtens 'n lisensie, sertifikaat of permit ingevolge hierdie Wet uitgereik, gemagtig is om deur middel van radio oor te send of om in besit van radio-apparaat, soos voormeld te wees, wat enige voorwaarde van bedoelde lisensie, sertifikaat of permit oortree of in gebreke bly om daaraan te voldoen, of wat artikel *sestien* oortree, is by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd pond of met gevangenis vir 'n tydperk van hoogstens drie jaar of met beide sodanige boete en sodanige gevangenis, en die hof wat bedoelde persoon skuldig bevind kan verder enige van die in sub-paragraaf (i), (ii) of (iii) van sub-artikel (1) van hierdie artikel bedoelde bevele uitreik."

29. Hierdie Ordonnansie heet die Algemene Regswyzigingsordonnansie 1958.

ceiving set, in contravention of sub-section (1) of section *five* or who, having been authorised under a licence, certificate or permit issued under this Ordinance to transmit by radio or to be in possession of radio apparatus as aforesaid, contravenes or fails to comply with any condition of such licence, certificate or permit, or who contravenes section *sixteen*, shall be liable on conviction to a fine not exceeding three hundred pounds or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment, and the court convicting such person may in addition make any of the orders referred to in subparagraphs (i), (ii) or (iii) of sub-section (1) of this section".

29. This Ordinance shall be called the General Law Amendment Ordinance, 1958.