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The following Draft Ordinances, which will be introduced during the next Session of the Legislative Assembly, are published for general information.

C. F. MARAIS,

Secretary for South West Africa.

Administrator's Office,
Windhoek.

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

C. F. MARAIS,

Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

CONTENTS

Page

DRAFT ORDINANCES:

Apprenticeship Amendment Ordinance, 1959	101
Native Reserves Amendment Ordinance, 1959	103
South West Africa Administration Employees Pension Ordinance, 1959	103
Water Amendment Ordinance, 1959	111
Attorneys, Notaries and Conveyancers Admission Amendment Ordinance, 1959	111
Liquor Licensing Amendment Ordinance, 1959	113
Appropriation (1958-59) Amendment Ordinance, 1959	114
Territorial Development and Reserve Fund Amendment Ordinance, 1959	114
Roads Amendment Ordinance, 1959	115
Shop Hours and Shop Assistants Amendment Ordinance, 1959	116

INHOUD.

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ONTWERPORDONNANSIES:

Wysigingsordonnansie op Vakleerlinge 1959	101
Wysigingsordonnansie op Naturelleservate 1959	103
Administrasiewerknemerspensioenordonnansie 1959	103
Waterwysigingsordonnansie 1959	111
Wysigingsordonnansie op die Toelating van Prokureurs, Notarisse en Transportbesorgers 1959	111
Wysigingsordonnansie op Dranklisensies 1959	113
Middele — (1958-59) Wysigingsordonnansie 1959	114
Wysigingsordonnansie op die Gebiedsontwikkelings- en reserwefonds 1959	114
Wysigingsordonnansie op Paaie 1959	115
Wysigingsordonnansie op Winkelure en Winkelbediendes 1959	116

DRAFT ORDINANCE

To amend the Apprenticeship Ordinance, 1938.

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

1. The following section is hereby inserted in the Apprenticeship Ordinance, 1938 (Ordinance 12 of 1938), hereinafter called the principal Ordinance, after section ten:

¹Suspension of apprentices

10bis (1) If an employer is satisfied that an apprentice bound to him by a contract under this Ordinance has committed a serious breach of the terms of the contract or of any condition of apprenticeship, he may forthwith suspend the apprentice for a period

ONTWERPORDONNANSIE

Ter wysiging van die Vakleerlinge Ordonnansie 1938

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

1. Die onderstaande artikel word hierby na artikel tien in die Vakleerlinge Ordonnansie 1938 (Ordonnansie 12 van 1938) ingevoeg — hierna heet hierdie Ordonnansie die hoofordonnansie:—

¹Skorsing van vakleerlinge.

10bis (1) As 'n werkgewer oortuig is dat 'n vakleerling wat deur 'n kontrak ingevolge hierdie Ordonnansie aan hom gebonde is, 'n ernstige oortreding van die bepaling van die kontrak of van 'n leerlingskapvoorwaarde begaan het, kan hy die vakleerling

not exceeding thirty working days, or such further period as the committee concerned may from time to time allow.

(2) If in the opinion of the inspector an apprentice has acted in a manner justifying his suspension under sub-section (1), and he has not been suspended by the employer concerned, the inspector may at any time, after consultation with the committee concerned, by written notice order the suspension of the apprentice as from such date and for such period, not exceeding thirty working days, as he may determine.

(3) Any employer who has so suspended an apprentice shall report the matter in writing to the committee concerned within three days of the suspension.

(4) The committee shall, as soon as may be, enquire into and confirm, vary or set aside any suspension under sub-section (1).

(5) If the committee varies or sets aside the suspension of an apprentice under sub-section (4) it may order that any or all of the wages which may have been withheld from the apprentice during the period of suspension, be paid to the Secretary within such period as the committee may direct.

(6) An order made under sub-section (5) and any decision under sub-section (7) in respect of any such order (other than a rescission thereof), shall have the effect of, and may be executed as if it were, a civil judgement in favour of the Administration and the Secretary shall pay any amount received by him in pursuance of the order or decision to the apprentice, or if he is a minor, to his guardian.

(7) If an employer or apprentice feels aggrieved by any decision of a committee under this section, or if the committee fails to give any decision within a period of three months, he may at any time within thirty days of the decision, or on the expiry of the said period, as the case may be, appeal or submit the matter to the inspector, who may, after consultation with the committee, confirm its decision or give such other decision as in his opinion it ought to have given, or decide the matter, as the case may be.

(8) The suspension of an apprentice shall not release him from compliance with any condition of apprenticeship prescribed under paragraph (f) of sub-section (1) of section *thirteen*."

2. The following section is hereby inserted after section *twenty* of the principal Ordinance:—

"Exemption by the Administrator.

20bis. (1) Notwithstanding anything in this Ordinance contained the Administrator may, if in his opinion special circumstances exist which justify exemption, on the recommendation of the apprenticeship committee concerned, exempt any class, group, section or type of employers or apprentices, either generally or with such restrictions as he may deem fit and subject to any conditions he may impose, from all or any of the provisions of this Ordinance, or from any condition of apprenticeship.

(2) The Administrator may, after consultation with the committee concerned, if in his opinion special circumstances exist which justify exemption, under licence signed by the inspector, exempt any person, either generally or with such restrictions as he may deem fit and subject to any conditions he may impose and for such period as he may spe-

leerling in sy diens geskors word vanaf die onmiddelik in sy diens skors vir 'n tydperk van hoogstens dertig werksdae of vir die verdere tydperk wat die betrokke komitee van tyd tot tyd toestaan.

(2) As 'n vakleerling na die mening van die inspekteur opgetree het op 'n wyse wat sy skoring kragtens subartikel (1) regverdig, en hy nie deur die betrokke werkgewer geskors is nie, kan die inspekteur te eniger tyd na raadpleging met die betrokke komitee, by skriftelike kennisgewing beveel dat die vakdatum en vir die tydperk, maar hoogstens dertig werksdae, wat hy bepaal.

(3) 'n Werkgewer wat 'n vakleerling al dus geskors het, moet die saak binne drie dae na die skoring skriftelik by die betrokke komitee aanmeld.

(4) Die komitee moet die saak so spoedig doenlik ondersoek en die skorsing van die vakleerling kragtens subartikel (1) bekragtig, wysig of ter syde stel.

(5) As die komitee die skorsing van die vakleerling kragtens subartikel (4) wysig of ter syde stel, kan hy beveel dat 'n deel of die hele bedrag van die loon wat moontlik tydens die duur van die skorsing van die vakleerling weerhou is, aan die Sekretaris betaal moet word binne die tydperk wat die komitee bepaal.

(6) 'n Bevel wat kragtens subartikel (5) gegee is en 'n beslissing kragtens subartikel (7) ten opsigte van so 'n bevel (buiten 'n opheffing daarvan) het die uitwerking van 'n siviele vonnis ten gunste van die Administrasie en kan ten uitvoer gelê word asof dit so 'n vonnis is, en die Sekretaris betaal enige bedrag wat hy ingevolge die bevel of beslissing ontvang aan die vakleerling, of, as hy 'n minderjarige is, aan sy voog.

(7) As 'n werkgewer of vakleerling hom veronreg voel deur 'n beslissing van 'n komitee kragtens hierdie artikel, of as die komitee versuim om binne 'n tydperk van drie maande 'n beslissing te gee, kan hy hom te eniger tyd binne dertig dae na die beslissing op die inspekteur beroep, of na verstryking van die tydperk van drie maande, na gelang, die saak aan die inspekteur voorlê, en inspekteur kan, na raadpleging met die komitee, die beslissing bekragtig of die ander beslissing gee wat die komitee syns insiens moes gegee het, of die saak beslis, na gelang.

(8) Die skorsing van 'n vakleerling onthef hom nie van die verpligting om enige leerlingskapvoorwaardes na te kom wat kragtens paragraaf (f) van subartikel (1) van artikel *dertien* voorgeskryf is nie."

2. Die onderstaande artikel word hierby na artikel *twintig* van die hoofordonnansie ingevoeg:—

„Vrystelling deur Administrateur.

20bis. (1) Nieteenstaande andersluitende bepalings in hierdie Ordonnansie kan die Administrateur, as daar syns insiens spesiale omstandighede heers wat vrystelling regverdig, op aanbeveling van die betrokke vakleerlingskomitee enige klas, groep, afdeling of soort werkgewers of vakleerlinge of in die algemeen of met die beperkings wat hy goed vind en op die voorwaardes wat hy stel, vrystel van almal of van enigeen van die bepalings van hierdie Ordonnansie of van enige leerlingskapvoorwaarde.

(2) Die Administrateur kan, na raadpleging met die betrokke komitee, as daar syns insiens spesiale omstandighede heers wat vrystelling regverdig, enigiemand of in die algemeen of met die beperkings wat hy goed vind en op voorwaardes wat hy stel en vir die tydperk wat hy bepaal, middels 'n vergunning onderteken deur die inspekteur,

cify, from all or any of the provisions of this Ordinance, or from any condition of apprenticeship or from any condition imposed under sub-section (1).

(3) The Administrator may from time to time by writing under his hand and subject to such conditions as he may deem fit delegate all or any of the powers conferred upon him by this section to any officer in the service of the Administration, and withdraw any such delegation.

(4) Any exemption granted under sub-section (1) or sub-section (2) may, after consultation with the committee concerned, at any time be withdrawn at the discretion of the Administration or of an officer to whom powers have been delegated under sub-section (3)."

3. (1) Section *four* of the Apprenticeship Amendment Ordinance, 1957 (Ordinance 25 of 1957) is hereby amended by the substitution for the expression "paragraph (e)" of the expression "paragraph (1)".

(2) This section shall be deemed to have come into operation on the eighteenth day of June, 1957.

4. This Ordinance shall be called the Apprenticeship Amendment Ordinance, 1959.

DRAFT ORDINANCE

To amend the law relating to the addition of certain land to the Okombahe Native Reserve.

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 (Act 23 of 1949), of the Parliament of the Union of South Africa as follows:—

1. Section *one* of the Native Reserves Ordinance, 1958 (Ordinance 26 of 1958) is hereby amended by the substitution in the Afrikaans text of the following sub-section for sub-section (1):—

„(1) Die kroongrond bestaande uit gedeelte 1, die oorblywende gedeelte van gedeelte 2 en gedeelte 4 van die plaas Sorris Sorris 186 wat in die distrik Omaruru geleë is en 12,860.6242 hektaar beslaan, word hiermee by die natuurereservaat Okombahe gevoeg.”

2. This Ordinance shall be called the Native Reserves Amendment Ordinance, 1959, and shall be deemed to have come into operation on the 26th June, 1958.

DRAFT ORDINANCE

To provide for pensions and other financial benefits payable upon retirement or discharge to certain employees in the Administration of South West Africa or, at the death of such employees, to their dependants and to provide for matters incidental thereto.

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

1. In this Ordinance, unless it is inconsistent with the context —

vrystel van almal of enigeen van die bepalinge van hierdie Ordonnansie, of van enige leerlingskapvoorwaarde of van enige voorwaarde gestel kragtens subartikel (1).

(3) Die Administrateur kan van tyd tot tyd skriftelik onder sy handtekening en op die voorwaardes wat hy goed vind, almal of enigeen van die bevoegdhede wat hierdie artikel aan hom verleen, oordra aan 'n beampte in die Administrasie se diens, en kan so 'n oordrag intrek.

(4) 'n Vrystelling, kragtens subartikel (1) of (2) kan na raadpleging met die betrokke komitee te eniger tyd na goeddunke van die Administrateur of 'n beampte aan wie die bevoegdhede kragtens subartikel (3) oorgedra is, ingetrek word.”

3. (1) Artikel *vier* van die Wysigingsordonnansie op Vakleerlinge 1957 (Ordonnansie 25 van 1957) word hierby gewysig deur die uitdrukking „paragraaf (e)” te vervang deur die uitdrukking „paragraaf (1)”.

(2) Hierdie artikel word beskou as reeds in werking met ingang van die agtiende dag van Junie 1957.

4. Hierdie Ordonnansie heet die Wysigingsordonnansie op Vakleerlinge 1959.

ONTWERPORDONNANSIE

Ter wysiging van die wet op die byvoeging van bepaalde grond by die natuurereservaat Okombahe.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal, dermate sodanige toestemming nodig is, vooraf verkreeë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalinge van artikel *ses-en-twintig* van die „Zuidwest Afrika Konstitutie Wet 1925” soos gewysig by artikel *sestien* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

1. Artikel een van die Ordonnansie op Natuurereservate 1958 (Ordonnansie 26 van 1958) word hierby gewysig deur die vervanging van sub-artikel (1) van die Afrikaanse teks deur die onderstaande sub-artikel:—

„(1) Die kroongrond bestaande uit gedeelte 1, die oorblywende gedeelte van gedeelte 2 en gedeelte 4 van die plaas Sorris Sorris 186 wat in die distrik Omaruru geleë is en 12,860.6242 hektaar beslaan, word hiermee by die natuurereservaat Okombahe gevoeg.”

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Natuurereservate 1959 en word beskou as reeds in werking met ingang van 26 Junie 1958.

ONTWERPORDONNANSIE

Om voorsiening te maak vir pensioene en ander geldelike voordele by uitdienstreding of ontslag betaalbaar aan sekere werknemers in die Administrasie van Suidwes-Afrika aangestel, of by die dood van sulke werknemers aan hulle afhanklikes, en verbandhoudende aangeleenthede.

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

1. In hierdie Ordonnansie, tensy dit met die samehang strydig is, beteken —

“actuary” means a Fellow of the Institute of Actuaries of London or the Faculty of Actuaries of Scotland or any other person recognised as an actuary by the Administrator;

“Administration” means the Administration of South West Africa;

“Administrator” means the Administrator of the Territory of South West Africa acting on the advice and with the consent of the Executive Committee of the said Territory;

“annuity” means an amount which is payable each year during the lifetime of the annuitant;

“arrear contributions” means the amounts paid or due by a member to the fund in respect of past periods of pensionable service;

“contributions” means the amounts paid or due by a member to the fund, excluding interest;

“dependant” means, in relation to any person —
 (a) the widow or a minor child or stepchild of such person; or
 (b) any other relative or person dependent upon such person for his maintenance, as the Administrator may direct;

“fixed date” means the first day of April, 1959;

“fund” means the South West Administration Employees Pension Fund as established under section two;

“Government department” includes any Provincial Administration, the Administration of South West Africa and the South African Railway and Harbours Administration;

“institution for higher education” means an institution within the meaning of section *seventeen* of the Financial Relations Consolidation and Amendment Act, 1945 (Act 38 of 1945);

“member” means an employee who contributes to the fund, and includes any person who is entitled to a payment from the fund although no longer a contributor;

“employee” means any person in the service of the Administration not being a member of the Public Service as defined by section *one* of the Public Service Act, 1957 (Act 54 of 1957) or a teacher as defined by section *one* of the Education Proclamation, 1926 (Proclamation 16 of 1926), or any person employed in a temporary capacity or on contract, but shall include any person occupying a post which the Administrator under the provisions of regulation 3 of the regulations published in Government Notice 156 of 1957 in accordance with the provisions of section *three* of the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957) has directed to be classified into Professional (Higher), Professional (Lower), Administrative, Clerical, General and Nursing Divisions as well as all the non-European staff nurses in Government institutions and European nurses on the permanent staff of subsidised hospitals;

“own contributions” means the amounts paid or due by a member to the fund and the amount representing the contributions paid by a member under the provisions regulating any other pension fund or scheme, which is paid to the fund in respect of such member under the provisions of section *fifteen*, excluding interest;

“pension” means an annuity, gratuity or other benefit;

“pensionable age” means the age of sixty-five years;

“pensionable emoluments” includes a member's pay and any special allowance or any allowance for the cost of living or a climatic allowance, if such special or other allowance is declared by the Administrator to be pensionable, but does not include —

- (a) any special remuneration which a member may receive for performing special duties or while acting in any post; or

„aktuaris 'n „fellow” van die „Institute of Actuaries” van Londen of van die „Faculty of Actuaries” van Skotland, of enige ander persoon wat die Administrateur as aktuaris erken;

„Administrasie” die Administrasie van Suidwes-Afrika;

„Administrateur” die Administrateur van die Gebied Suidwes-Afrika, handelende op raad on met die toestemming van die Uitvoerende Komitee van genoemde Gebied;

„jaargeld” „n bedrag wat elke jaar gedurende die leeftyd van die jaargeldtrekker betaalbaar is;

„agterstallige bydraes” die bedrae wat 'n lid ten opsigte van vorige tydperke pensioen-gewende diens aan die fonds betaal het of skuld;

„bydraes” die bedrae wat 'n lid aan die fonds betaal het of skuld, maar nie ook rente nie;

„afhanklike” met betrekking tot 'n persoon

(a) die weduwee of onmodige kind of stiefkind van sodanige persoon; of

(b) enige ander deur die Administrateur aangewese familiebetrekking of persoon wat vir sy onderhoud van sodanige persoon afhanklik is;

„bepaalde datum” die eerste dag van April 1959;

„fonds” die Administrasiewerknemerspensioenfonds soos by artikel *twee* ingestel;

„staatsdepartement” ook enige Provinsiale Administrasie, die Administrasie van Suidwes-Afrika en die Suid-Afrikaanse Spoorweg- en Hawensadministrasie;

„inrigting vir hoër onderwys” 'n inrigting binne die bedoeling van artikel *sewentien* van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet 38 van 1945);

„lid” 'n werknemer wat tot die fonds bydra, asook iemand wat tot 'n uitkering uit die fonds geregtig is hoewel hy nie meer 'n bydraer is nie;

„werknemer” 'n persoon in diens van die Administrasie uitgesonderd 'n lid van die Staatsdiens soos bepaal by artikel *een* van die Staatsdienswet, 1957 (Wet 54 van 1957) of 'n onderwyser soos bepaal by artikel *een* van die Onderwysproklamasie 1926 (Proklamasie 16 van 1926) of iemand wat in 'n tydelike hoedanigheid of op kontrak werk maar ingeslote iemand wat 'n pos beklee wat die Administrateur gelas het, kragtens die bepalings van regulasie 3 van die regulasies uitgevaardig by Goewermentskennisgewing 156 van 1957 ooreenkomstig die bepalings van artikel *drie* van die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957), om ingedeel te word in die Vakkundige (Hoër), Vakkundige (Laer), Administratiewe, Klerklike, Algemene en Verpleeg-afdelings asook alle nie-blanke stafverpleegsters in Staatsinrigtings en blanke verpleegpersoneel in die vaste personeel van gesubsidieerde hospitale;

„eie bydraes” die bedrae wat 'n lid aan die fonds betaal het of skuld en die bedrag aan bydraes wat 'n lid kragtens die bepalings tot reëling van enige ander pensioenfonds of -skema gestort het en kragtens artikel *vyftien* ten opsigte van sodanige lid in die fonds gestort word, maar dit dek nie rente nie;

„pensioen” 'n jaargeld, gratifikasie of ander uitkering;

„pensioenleeftyd” die leeftyd van vyf-en-estig jaar;

„pensioengewende besoldiging” ook 'n lid se betaling en enige spesiale toelae of enige duurtetoelae of 'n klimaatstoelae indien sodanige spesiale of ander toelae deur die Administrateur tot pensioengewend verklaar word, maar dit dek nie die volgende nie, naamlik —

- (a) enige spesiale besoldiging wat 'n lid ontvang omrede hy spesiale pligte vervul of terwyl hy in 'n betrekking waarneem; of

- (b) any transport or subsistence allowance; or
- (c) any fees, honoraria or bonuses of any kind; or
- (d) any overtime payments; or
- (e) any other allowance not specified herein and not declared pensionable by the Administrator;

"pensionable service" means pensionable service according to the provisions of section *twelve*;

"revenue" means the Territorial Revenue Fund;

"recognised pension or provident fund" means a fund controlled by the Union Treasury, Provincial Administrations, semi-Government and other authorities constituted or approved in terms of any law;

"contributing service" means service in respect of which contributions are paid to the fund;

"Secretary" means the Secretary for South West Africa.

2. As from the fixed date there shall be established the South West Africa Administration Employees Pension Fund which shall consist of —

- (a) the amounts paid to the fund by contributors;
- (b) the amounts paid to the fund out of revenue; and
- (c) any other amounts which are to be credited to the fund.

3. Subject to the provisions of section *five* contributions shall be made to the fund at the rate of six per cent of the pensionable emoluments by —

- (a) every person who is an employee on the fixed date; and
- (b) every person who is appointed as an employee on or after the fixed date.

4. (1) Any person who becomes a member on removal of any disqualification referred to in section *five* in respect of any period of his past continuous service approved by the Secretary, shall contribute, unless he intimates in writing within six months of the date of his appointment or of the fixed date, whichever is the latest, that he does not wish to contribute with regard to the approved period.

(2) Any employee who immediately before the fixed date was not a contributor to any pension or provident fund, and who becomes a member on the fixed date shall contribute in terms of sub-section (1) hereof.

(3) A member, not being a member to whom the provisions of sub-section (2) apply, may, with the approval of the Secretary, and on such terms and conditions as may be specified in such approval, be permitted to contribute to the fund in respect of one or more previous periods of service in respect of which he contributed to a recognised pension or provident fund.

5. No person shall contribute to the fund —

- (a) while under the age of sixteen years;
- (b) while he receives pensionable emoluments on a scale of less than ninety pounds per annum;
- (c) if he has been engaged for the completion or performance of specific work;
- (d) if his remuneration consists solely of fees or allowances;
- (e) if all his time is not at the disposal of the Administration;
- (f) while he is employed for a fixed number of years or months;
- (g) while he is employed temporarily.

6. (1) A member shall have the right to retire on pension on reaching the pensionable age, and shall be so retired on reaching the said age, unless the Administrator considers it desirable in the public interests to retain him in his post beyond that age and in that case he may be retained for a further period or periods which shall in all not exceed five years.

(2) A member may request to be retired on pension on reaching the age of sixty years, and may be so retired: Provided that he shall give written notice of his intension so to retire at least three months before he reaches the age of sixty years.

- (b) enige vervoer- of onderhoudstoelae; of
- (c) gelde, honorariums of bonusse van enige aard; of
- (d) betaling vir oortydwerk; of
- (e) enige ander toelae wat nie hierin vermeld staan en nie deur die Administrateur tot pensioengewend verklaar word nie;

„pensioengewende diens” pensioengewende diens soos by artikel *twaaft* bepaal;

„inkomste” die Gebiedsinkomstefonds;

„erkende pensioen- of voorsorgfonds” ’n fonds wat deur die Unie-tesourie, Provinsiale Administrasies, semi-Staatsbesture en ander by wet gestigte of goed-gekeurde besture beheer word;

„bydraende dien” diens ten opsigte waarvan bydraes tot die fonds betaal is;

„Sekretaris” die Sekretaris van Suidwes-Afrika.

2. Die Administrasiewerknemerspensioenfonds word met ingang van die bepaalde datum ingestel en bestaan uit —

- (a) die bedrae wat bydraers in die fonds stort;
- (b) die bedrae uit inkomste in die fonds gestort; en
- (c) enige ander bedrae waarmee die fonds gekrediteer moet word.

3. Behoudens die bepaling van artikel *vyf* moet volgens die skaal van ses persent van die pensioengewende besoldiging tot die fonds bygedra word deur —

- (a) elkeen wat op die bepaalde datum ’n werknemer is; en
- (b) elkeen wat op of na die bepaalde datum as werknemer aangestel word.

4. (1) ’n Lid moet by verwydering van ’n in artikel *vyf* bedoelde diskwalifikasie ten opsigte van enige deur die Sekretaris goedgekeurde tydperk van sy vorige on-derbroke diens bydra tensy hy binne ses maande vanaf die datum van sy aanstelling of die bepaalde datum, watter ook al die jongste is, skriftelik aandui dat hy nie ten opsigte van die goedgekeurde tydperk wil bedra nie.

(2) As ’n werknemer nie onmiddellik voor die bepaalde datum ’n bydraer tot ’n pensioen- of voorsorgfonds was nie en op die bepaalde datum lid word, moet hy ingevolge sub-artikel (1) bydra.

(3) ’n Lid wat nie ’n lid is op wie die bepaling van subartikel (2) van toepassing is nie, kan met goedkeuring van die Sekretaris en op die bedinge en voorwaardes in die bedoelde goedkeuring uiteengesit, toegelaat word om ten opsigte van een of meer vorige dienstyperke ten opsigte waarvan hy tot ’n erkende pensioen- of voorsorgfonds bygedra het, by te dra tot die fonds.

5. Niemand dra tot die fonds by nie —

- (a) terwyl hy onder die leeftyd van sestien jaar is;
- (b) terwyl hy pensioengewende verdienste trek volgens ’n skaal van minder as negentig pond per jaar;
- (c) as hy in diens geneem is vir die voltooiing of verrigting van bepaalde werk;
- (d) as sy besoldiging uitsluitlik uit honoraria of toelae bestaan;
- (e) as al sy tyd nie tot beskikking van die Administrasie staan nie;
- (f) terwyl hy vir ’n bepaalde aantal jare of maande in diens is;
- (g) terwyl hy tydelik in diens is.

6. (1) ’n Lid het die reg om by bereiking van die pensioenleeftyd met pensioen af te tree en hy word aldus afgedank wanneer hy genoemde leeftyd bereik tensy die Administrateur dit in die openbare belang wenslik ag om hom na bereiking van daardie ouderdom in sy betrekking aan te hou in welke geval hy vir ’n verdere tydperk of tydperke van altesaam hoogstens vyf jaar aangehou kan word.

(2) ’n Lid kan versoek om by bereiking van die ouderdom van sestig jaar met pensioen afgedank te word en kan so afgedank word: Met dien verstande dat hy minstens drie maande voordat hy die ouderdom van sestig jaar bereik skriftelik kennis moet gee van sy voornemens om aldus af te tree.

(3) When a member has reached the age of sixty years he may be retired on pension by the Administrator.

7. (1) A member who has completed at least ten years of pensionable service, shall, on retirement at the retirement age, be entitled to an annuity based on the annual average of his pensionable emoluments during the last seven years of his pensionable service, calculated on the scale of one-eightieth of such average for every year of pensionable service.

(2) When a member who has completed not less than ten years pensionable service, is retired —

- (a) after reaching the age of sixty years;
- (b) because of ill-health occasioned without his own default;
- (c) in order to promote efficiency or economy, or because of the abolition of his post;
- (d) because he is unfitted for the duties attached to his post, or incapable of performing them efficiently;
- (e) on voluntary retirement on or after reaching the age of sixty years —

he may be granted an annuity in accordance with that provided for in sub-section (1) in respect of his pensionable service up to the date of his retirement.

8. (1) A member who retires in terms of the provisions of section seven, shall, in addition to his annuity, be paid a gratuity calculated at five per cent of the average pensionable emoluments during the last seven years in respect of each year of his average pensionable service.

(2) If a member is retired in terms of the provisions of section seven before having completed ten years pensionable service, he shall be paid a gratuity equal to double the amount of his contributions paid into the fund.

(3) If a member dies while in service, his dependants shall receive a gratuity of ten per cent of the member's average pensionable emoluments during the last seven years of service in respect of every year of pensionable service: Provided that, in the case of members with less than ten years service, a minimum gratuity equal to one year's average pensionable salary during the last seven years, or during his whole period of service, if it is less than seven years, shall be payable. If he leaves no dependants his own contributions shall be paid into his estate. The gratuity shall be allocated amongst his dependants as the Secretary determines, and the Secretary may, in the case of dependants other than the widow of a deceased member, reduce such gratuity to the extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

(4) A female member who is discharged on her marriage or who resigns in contemplation of marriage and marries within three months thereafter having completed at least five years of pensionable service, shall receive the greater of the following amounts:—

- (a) her own contributions;
- (b) a percentage of the amount of the monthly average of her pensionable emoluments for the last seven years of her pensionable service, or for the whole period of such service, whichever is the shorter period, in respect of each completed year of pensionable service calculated according to the following scale:—

Number of completed years of pensionable service.	Percentage of the monthly average of pensionable emoluments.
Less than 5 years	Own contributions
5	50
6	60
7	70
8	80
9	90
10 and more.	100

(5) Notwithstanding any provision in this Ordinance a member who is a student nurse or a student auxilliary nurse, whose services are terminated and who resigns before she has passed the prescribed examination qualifying her for appointment as nurse or auxilliary nurse, shall be

(3) Wanneer 'n lid die ouderdom van sestig jaar bereik, kan die Administrateur hom met pensioen afdank.

7. (1) 'n Lid wat minstens tien jaar pensioengewende diens voltooi het, is by aftrede op die aftreeouderdom geregtig op 'n jaargeld gebaseer op die jaarlikse gemiddelde van sy pensioengewende besoldiging gedurende die laaste sewe jaar van sy pensioengewende diens, en bereken volgens die skaal van een-tagtieste van bedoelde gemiddelde vir elke jaar van pensioengewende diens.

(2) As 'n lid wat minstens tien jaar pensioengewende diens voltooi het, ontslaan word —

- (a) na bereiking van die ouderdom van sestig jaar;
- (b) weens swak gesondheid wat sonder sy eie toedoen veroorsaak is;
- (c) ter bevordering van doeltreffendheid, besuiniging of weens die afskaffing van sy pos;
- (d) omdat hy vir die werk verbonde aan sy betrekking ongeskik is of nie die werk bekwaam kan doen nie;
- (e) by vrywillige aftrede by of na bereiking van die ouderdom van sestig jaar —

kan aan hom 'n jaargeld toegestaan word in ooreenstemming met dié in subartikel (1) genoem ten opsigte van sy pensioengewende diens tot op die datum van sy aftrede.

8. (1) Aan 'n lid wat aftree ingevolge artikel seven is, benewens sy jaargeld, 'n gratifikasie betaalbaar bereken teen vyf persent van die gemiddelde pensioengewende besoldiging oor die laaste sewe jaar ten opsigte van elke jaar van sy gemiddelde pensioengewende diens.

(2) As 'n lid afgedank word ingevolge artikel seven en minder as tien jaar pensioengewende diens het, word aan hom 'n gratifikasie gelyk aan dubbel sy bydraes tot die fonds betaal.

(3) As 'n lid in diens sterf, ontvang sy afhanklikes 'n gratifikasie van tien persent van die lid se gemiddelde pensioengewende besoldiging oor die laaste sewe diensjare ten opsigte van elke jaar pensioengewende diens: Met dien verstande dat 'n minimum gratifikasie aan lede met minder as tien jaar diens, gelyk aan een jaar se gemiddelde pensioengewende salaris oor die laaste sewe jaar of oor die hele dienstermyn indien minder as sewe jaar, betaalbaar is. As hy nie afhanklikes het nie, ontvang sy boedel sy eie bydraes. Die gratifikasie word aan sy afhanklikes toegewys op die wyse wat die Sekretaris bepaal en die Sekretaris kan so 'n gratifikasie in die geval van ander afhanklikes as die weduwee van 'n oorlede lid verminder in die mate wat hy met inagneming van die omstandighede van daardie afhanklikes redelik ag.

(4) 'n Vroulike lid wat by haar huwelik ontslaan word of met die oog op haar huwelik bedank en binne drie maande daarna in die huwelik tree en minstens vyf jaar pensioengewende diens voltooi het, ontvang die grootste van die ondervermelde bedrae:

- (a) haar eie bydraes;
- (b) 'n persentasie van die bedrag van die maandelikse gemiddelde van haar pensioengewende besoldiging vir die laaste sewe jaar van haar pensioengewende diens of vir die hele tydperk van sulke diens, welke ook al die kortste tydperk is, ten opsigte van elke voltooide jaar van haar pensioengewende diens bereken teen die volgende skaal:

Getal voltooide jare pensioengewende diens.	Persentasie van maandelikse gemiddelde van pensioengewende besoldiging.
Minder as 5 jaar	eie bydraes
5	50
6	60
7	70
8	80
9	90
10 en meer	100

(5) Nieteenstaande enige ander bepaling in hierdie Ordonnansie is 'n lid wat 'n leerlingverpleegster of leerlinghulpverpleegster is en wie se diens beëindig word en wat bedank voordat sy in die voorgeskrewe eksamen wat haar kwalifiseer vir aanstelling as verpleegster of hulp-

entitled only to payment of the amount of her contributions.

9. If a pensioner dies within five years after his retirement and leaves dependants, his pension shall be paid out to his dependants, either annually until the five years have elapsed, or immediately in a lump sum equaling five times his annual pension less the amount already paid out to him.

10. If a member resigns, the following amounts are payable to him:—

- (a) the total amount of his own contributions to the fund; and
- (b) four per cent of (a) for each completed year of contributing service beyond ten years.

11. To a member who becomes a member of the Union Widow's Pension Fund but who was in the Administration's service before becoming such a member additional benefits may be paid on a basis determined by the Secretary.

12. (1) The pensionable service in respect of which the pension is to be calculated, shall be continuous or otherwise such service as is approved by the Secretary in terms of sub-section (3) of section *four*.

(2) Subject to the provisions of sub-section (3) pensionable service shall include —

- (a) actual service;
- (b) leave of absence;
- (c) suspension, if followed by reinstatement in the same or another post,

and shall not be deemed to be interrupted by leave of absence without pay.

(3) No period of employment, leave or suspension of a member shall be included in his pensionable service unless he has contributed to the fund in respect of that period, or unless his contributions in respect of that period are deducted from the pension in terms of sub-section (3) of section *thirteen*.

(4) The period of pensionable service shall be calculated by the year and month, and fractions of a month shall be discounted.

13. (1) A member's contributions to the fund shall be adjusted by deductions from his emoluments at the end of each month or at such times, and on such conditions, which shall include the levying of interest charges where necessary, as the Administrator may determine.

(2) Any contributions which a member is required to make, or has elected to make in terms of section *four* shall, except where otherwise provided in this Ordinance, be paid in instalments, and the deductions to be made in respect thereof from a member's pensionable emoluments shall be calculated at the rate of two per cent of those emoluments or at such higher rate as the member may desire.

(3) If a member who is paying contributions in terms of section *four* or *fifteen* dies or retires or is retired or discharged before the total amount of such contributions has been paid, the amount which remains unpaid shall be set off against the pension payable to him or his dependants from the fund or from revenue, as the case may be, and such pension shall be calculated on the whole period of pensionable service in respect of which he is required, or has elected, to contribute.

(4) A member shall continue to contribute to the fund while on sick or other leave with full or half pay, or in respect of any period of leave without pay of fourteen days or less, and his contributions during such leave shall be based on his full pensionable emoluments.

(5) A member shall contribute in respect of any period of sick or other leave without pay longer than fourteen days unless he gives written notice that he does not wish so to contribute.

(6) A member who has been suspended or discharged from his post and reinstated in that post or another post shall, on such conditions as the Administrator may deter-

verpleegster geslaag het, slegs geregtig op die betaling van haar eie bydraes.

9. As 'n gepensioeneerde binne vyf jaar na sy aftrede sterf en afhanklikes nalaat, word sy pensioen aan sy afhanklikes uitbetaal, of jaarliks totdat die vyf jaar om is, of onmiddellik in een bedrag wat gelyk is aan vyf maal sy jaarlikse pensioen min die bedrag wat reeds aan hom uitbetaal is.

10. As 'n lid bedank, is die volgende aan hom betaalbaar:—

- (a) Die totale bedrag van sy eie bydraes tot die fonds; en
- (b) vier persent van (a) vir elke voltooide jaar van bydraende diens meer as tien jaar.

11. Aan 'n lid wat 'n lid word van die Unieweduwees-pensioenfonds maar wat in diens van die Administrasie was voordat hy sodanige lid geword het kan bykomende voordele betaal word op 'n grondslag wat die Sekretaris bepaal.

12. (1) Die pensioengewende diens ten opsigte waarvan pensioen bereken moet word, moet deurlopend wees of anders moet dit diens wees wat die Sekretaris ingevolge subartikel (3) van artikel *vier* goedkeur.

(2) Behoudens die bepalings van subartikel (3) omvat pensioengewende diens —

- (a) werklike diens;
- (b) afwesigheidsverlof;
- (c) skorsing, indien dit deur herstelling in dieselfde of in 'n ander betrekking gevolg word,

en word afwesigheidsverlof sonder betaling nie as 'n onderbreking daarvan beskou nie.

(3) Geen tydperk van diens, verlof of skorsing van 'n lid word by sy pensioengewende diens gereken nie tensy sodanige lid ten opsigte van daardie tydperk tot die fonds bygedra het of tensy sy bydraes ten opsigte van daardie tydperk ooreenkomstig subartikel (3) van artikel *dertien* van die pensioen afgetrek word.

(4) Die tydperk pensioengewende diens word by die jaar en maand bereken en dele van 'n maand word buite rekening gelaat.

13. (1) 'n Lid se bydraes tot die fonds word aangesuiwer by wyse van aftrekkings van sy besoldiging aan die end van elke maand of op die tydstippte en voorwaardes, met inbegrip van die vordering van rente waar nodig, wat die Administrateur bepaal.

(2) Enige bydraes wat van 'n lid geëis word of wat 'n lid ooreenkomstig artikel *vier* gekies het om te betaal, moet behoudens enige andersluidende bepalings van hierdie Ordonnansie paaielementsgewys betaal word, en die bedrae wat in daardie verband van 'n lid se pensioengewende besoldiging afgetrek moet word, moet bereken word teen twee persent van daardie besoldiging of teen die hoër koers wat die lid verkies.

(3) As 'n lid ooreenkomstig artikels *vier* of *vyftien* bydraes betaal en sterf of aftree of afgedank of ontslaan word voordat die volle bedrag van sodanige bydraes betaal is, moet die nog onbetaalde bedrag afgetrek word van die pensioen wat uit die fonds of uit inkomste, na gelang, aan hom of aan sy afhanklikes betaalbaar is, en moet die pensioen bereken word op die volle tydperk pensioengewende diens ten opsigte waarvan hy moet bydra of gekies het om by te dra.

(4) Terwyl 'n lid met siekte- of ander verlof afwesig is met volle of halwe betaling of ten opsigte van enige tydperk van verlof sonder betaling wat veertien dae of korter is, moet hy aanhou om tot die fonds by te dra en sy bydraes gedurende sodanige verlof moet op sy volle pensioengewende besoldiging gebaseer word.

(5) 'n Lid dra by ten opsigte van enige siekte- of ander verlof sonder betaling vir langer as veertien dae tensy hy skriftelik kennis gee dat hy nie aldus wil bydrae nie.

(6) As 'n lid geskors of uit sy betrekking ontslaan is en in daardie of in 'n ander betrekking herstel word, moet hy met ingang van die skorsings- of ontslagdatum tot die

mine, contribute to the fund from the date of his suspension or discharge and his contributions in respect of that period shall be based on his full pensionable emoluments immediately before his suspension or discharge.

14. A member who is seconded to a Government department or any board, institution or body established by law, may, subject to the Administrator's approval, continue while so seconded to make contributions to the fund: Provided that the contributions which would otherwise be made to the fund from revenue in respect of such member shall be made either by the said Government department, board, institution or body to which such member has been seconded or by the member himself, and such contributions shall be credited to revenue: Provided, further, that the contributions so continuing to be made shall be based upon such amount, not being less than the pensionable emoluments which such member would have drawn had he not been seconded, as the Administrator may determine from time to time, and any such amount shall, for the purposes of this Ordinance, be deemed to be the pensionable emoluments of such member during the period concerned.

15. (1) Any person in the service of a Government department or of an institution for higher education or other institution or body approved by the Administrator for this purpose, in which he has to contribute to a pension or provident fund and who is appointed without a break in his service as an employee or who without a break in his service becomes liable to contribute to such fund, shall, subject to the provisions of section five, contribute to the fund according to the scale set forth in section three.

(2) Any person so appointed or becoming liable as aforesaid, may elect in writing within sixty days after he has been called upon by the Secretary to do so, to reckon his past service as pensionable service under this Ordinance, and if he so elects, he shall pay to the fund an amount which would have been payable by or in respect of him to the fund during his previous service had he during that period been a member of the fund. Interest on such contributions at the rate of five per cent per annum shall be deposited into the fund from revenue. Such interest shall be compounded annually as at the thirty-first day of March and calculated according to the dates on which the contributions would have been payable: Provided that —

- (i) from the amount payable by the member plus the interest payable from revenue there shall be deducted any sum paid to the fund by such Government department, institution or body in respect of such past pensionable service; and
- (ii) if such sum is less than the amount payable to the fund in terms of this sub-section, the balance, after the interest has been deposited from revenue, may be paid in instalments by the member within the period and upon the conditions determined by the Secretary.

16. (1) If a member is appointed without a break in his service to a Government department or an institution for higher education or any other institution or body approved by the Administrator for this purpose, in which he is subject to a pension or provident fund and becomes a contributor to another fund as from the date of such appointment and is permitted and elects to contribute to the other fund in respect of his past pensionable service, there shall be transferred from the fund to such other fund an amount equal to twice his own contributions together with interest at the rate of five per cent on such contributions, and such interest shall be compounded annually as at the thirty-first day of March, and calculated according to the dates upon which the contributions became payable. If the amount so to be transferred exceeds the amount which is required in respect of such past pensionable service by the other fund, then only the amount so required by such other fund shall be transferred and the excess dealt with as the Secretary may direct.

(2) If a member who is appointed to any such service is not permitted to contribute in respect of his past

fonds bydra op die voorwaardes wat die Administrateur bepaal, en sy bydraes ten opsigte van daardie tydperk moet op sy volle pensioengewende besoldiging onmiddellik voor sy skorsing of ontslag gebaseer word.

14. As 'n lid na 'n staatsdepartement of 'n by wet gestigte raad, inrigting of liggaam gesekondeer word, kan hy behoudens die goedkeuring van die Administrateur gedurende sy sekondering aanhou om tot die fonds by te dra: Met dien verstande dat die bydraes ten opsigte van die lid wat anders uit inkomste in die fonds gestort sou word, of deur vermelde staatsdepartement, raad, inrigting of liggaam waarna die lid gesekondeer is of deur die lid self betaal word, en dat die bydraes in inkomste gestort word: Met dien verstande voorts dat die aldus volgehoue bydraes gebaseer moet word op 'n bedrag wat die Administrateur van tyd tot tyd bepaal en wat nie kleiner mag wees as die pensioengewende besoldiging wat sodanige lid sou ontvang het as hy nie gesekondeer was nie, en vir die doeleindes van hierdie Ordonnansie word enige sodanige bedrag as die lid se pensioengewende besoldiging gedurende die betrokke tydperk beskou.

15. (1) Elkeen wat in diens is van 'n staatsdepartement of van 'n inrigting vir hoër onderwys of van 'n ander vir hierdie doel deur die Administrateur goedgekeurde inrigting of liggaam waar hy aan 'n pensioen- of spaarfonds onderhewig is, en wat sonder onderbreking van sy diens as 'n werknemer aangestel word of wat sonder onderbreking van sy diens daarvoor aanspreeklik word om tot die fonds by te dra moet behoudens die bepalings van artikel vyf ooreenkomstig dié in artikel drie uiteengesette skaal tot die fonds bydra.

(2) Enigeen wat aldus aangestel of soos voormeld aanspreeklik word, kan binne sestig dae nadat die Sekretaris hom versoek het om dit te doen, skriftelik kies om sy vorige diens as pensioengewende diens kragtens hierdie Ordonnansie te reken en as dit sy keuse is, moet hy aan die fonds 'n bedrag betaal wat deur en ten opsigte van hom gedurende sy vorige diens aan die fonds betaalbaar sou gewees het as hy gedurende daardie tydperk 'n lid van die fonds was. Rente op sodanige bydraes teen vyf persent per jaar word uit inkomste in die fonds gestort. Sodanige rente moet jaarliks op die een-en-dertigste dag van Maart saamgestel word en moet bereken word volgens die datums waarop die bydraes betaalbaar sou gewees het: Met dien verstande dat —

- (i) van die bedrag betaalbaar deur die lid plus die rente betaalbaar uit inkomste afgetrek moet word enige bedrag wat deur sodanige Staatsdepartement, inrigting of liggaam ten opsigte van sodanige vorige pensioengewende diens aan die fonds betaal is en
- (ii) as die bedrag kleiner is as die bedrag wat die fonds ooreenkomstig hierdie subartikel toekom, die balans nadat die rente uit inkomste gestort is, paaiementsgewys deur die lid betaal kan word en wel binne die tydperk en op die voorwaardes wat die Sekretaris bepaal.

16. (1) As 'n lid sonder onderbreking van sy diens aangestel word in 'n staatsdepartement of 'n inrigting vir hoër onderwys of van 'n ander vir hierdie doel deur die Administrateur goedgekeurde inrigting of liggaam waar hy aan 'n pensioen- of spaarfonds onderhewig is, en as hy met ingang van die datum van sodanige aanstelling 'n bydraer van 'n ander fonds word en toegelaat word en kies om ten opsigte van sy vorige pensioengewende diens tot die ander fonds by te dra, moet uit die fonds aan die ander fonds 'n bedrag oorgedra word wat gelyk is aan twee maal sy eie bydraes, tesame met rente teen vyf persent op die bydraes, en vermelde rente moet jaarliks op die een-en-dertigste dag van Maart saamgestel word en moet bereken word volgens die datums waarop die bydraes betaalbaar geword het. As die aldus oordraagbare bedrag egter die bedrag oortref wat die ander fonds ten opsigte van die vorige pensioengewende diens vereis moet net daardie bedrag oorgedra word wat die ander fonds aldus vereis en moet met die oorblywende bedrag gehandel word soos die Sekretaris gelas. Die Sekretaris bepaal wat in verband met tekorte gemaak moet word.

(2) As 'n lid wat in enige sodanige diens aangestel word, nie toegelaat word om ten opsigte van sy vorige pensioengewende diens by te dra nie of nie aldus bydra

pensionable service, or, if so permitted, does not so contribute, he may elect in writing within one month after he has been called upon to do so by such Government department, institution or body, either —

- (a) to be dealt with under the provisions of this Ordinance as if he had retired voluntarily; or
- (b) if for any reason he should retire, or be retired or discharged from the service of such department, administration, institution or body, that he, or in the event of his death, his dependants, be granted out of the fund or from revenue the pension to which he would have been entitled on the date of such appointment in respect of his pensionable service, had he, on that date retired, or been retired or discharged for the same reason, or had he died on that date: Provided that if such member so retires or is discharged by reason of the age which he has attained, any such pension shall only be payable as from the date on which he attains an age at which he could have claimed to be pensioned.
- (3) If such member fails to make an election in terms of sub-section (2) he shall be deemed to have elected to accept the benefits intended to in paragraph (a) of the paid sub-section.

17. There shall be paid out of revenue to the fund, with effect from the fixed date —

- (1) at the end of each month an amount equal to the aggregate of the contributions paid to the fund by members during that month in terms of section *three*;
- (2) on the thirty-first day of March in each year —
 - (a) an amount equal to the aggregate of the contributions in respect of past pensionable service for which members may have become liable in terms of section *four*;
 - (b) interest at the rate of four per cent per annum on —
 - (i) twice the amount of the contributions referred to in sub-paragraph (a), such interest to be compounded annually and calculated according to the dates on which the said contributions would have become payable had the members been contributors as from the beginning of the periods of their past pensionable service;
 - (ii) the amount of any contributions due by members in terms of sections *four* and *fifteen* which remain unpaid at the end of each month during the period in respect of which the interest is paid, such interest to be calculated on a monthly basis; and
 - (iii) the average of the uninvested amounts in the fund at the end of each month during the period in respect of which the interest is paid.

18. (1) All the amounts paid to the fund shall be lodged with the Administration to the credit of the fund.

(2) So much of the amounts so lodged as is not required for current purpose shall be deposited with the Public Debt Commissioners for investment.

(3) If the total investment of the fund produce during any financial year an average annual rate of interest lower than four per cent, a sum equal to the deficit shall, as soon as the deficit is ascertained, be paid to the fund from revenue.

19. (1) The Administrator shall cause full and true accounts of the fund to be kept, showing particulars in connection with —

- (a) all amounts paid or due —
 - (i) to the fund by members;
 - (ii) out of the fund to members or their dependants, or to other persons;
 - (iii) to the fund from revenue or to revenue from the fund;

nie hoewel hy toegelaat word om dit te doen, kan hy binne een maand nadat hy deur sodanige staatsdepartement, inrigting of liggaam versoek is om dit te doen, skriftelik kies —

- (a) òf om ooreenkomstig die bepalings van hierdie Ordonnansie behandel te word asof hy vrywillig afgetree het;
- (b) òf dat daar, as hy om enige rede uit die diens van sodanige departement, administrasie, inrigting of liggaam tree, ontslaan of afgedank word, aan homself, of, in die geval van sy dood, aan sy afhanklikes uit die fonds of uit inkomste, na gelang, die pensioen betaal word waartoe hy op die datum van sodanige aanstelling ten opsigte van sy pensioengewende diens geregtig sou gewees het as hy op daardie datum om dieselfde rede afgetree het of ontslaan of afgedank was of as hy op daardie datum oorlede is: Met dien verstande dat, as die lid aldus aftree of ontslaan word vanweë die leeftyd wat hy bereik het, enige pensioen slegs betaalbaar is met ingang van die datum waarop hy 'n leeftyd bereik het waarop hy kon geëis het om op pensioen gestel te word.
- (3) As die lid in gebreke bly om ooreenkomstig subartikel (2) te kies, word beskou dat hy gekies het om die uitkerings aan te neem wat in paragraaf (a) van genoemde subartikel vermeld staan.

17. Met ingang van die bepaalde datum moet daar uit inkomste aan die fonds betaal word —

- (1) aan die end van elke maand, 'n bedrag gelyk aan die totaal van die bydraes wat gedurende daardie maand ooreenkomstig artikel *drie* deur lede aan die fonds betaal is;
- (2) op die een-en-dertigste dag van Maart elke jaar —
 - (a) 'n bedrag gelyk aan die totaal van die bydraes ten opsigte van vorige pensioengewende diens waarvoor lede ooreenkomstig artikel *vier* aanspreeklik geword het;
 - (b) rente teen vier persent per jaar op
 - (i) twee maal die bedrag van die in sub-paragraaf (a) vermelde bydraes, en sodanige rente moet jaarliks saamgestel word en moet bereken word op grondslag van die datums waarop vermelde bydraes betaalbaar sou geword het as die lede sedert die aanvang van die tydperke van hul vorige diens bydraers was;
 - (ii) die bedrag van enige bydraes wat ooreenkomstig artikels *vier* en *vyftien* deur lede verskuldig is en onvereffen bly aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word, en sodanige rente moet op 'n maandelikse grondslag bereken word; en
 - (iii) die gemiddelde van die onbelegde bedrae in die fonds aan die end van elke maand gedurende die tydperk ten opsigte waaraan die rente betaal word.

18. (1) Alle bedrae wat aan die fonds betaal word, moet vir krediet van die fonds by die Administrasie inbetaal word.

(2) Daardie deel van die aldus inbetaalde bedrae wat nie vir lopende doeleindes nodig is nie, moet vir belegging by die Staatskuldkommissarisse gedeponeer word.

(3) As die totale beleggings van die fonds gedurende enige boekjaar 'n gemiddelde jaarlikse rentekoers van minder as vier persent oplewer, moet 'n bedrag gelyk aan die tekort uit inkomste in die fonds gestort word sodra die tekort vasgestel is.

19. (1) Die Administrateur laat volledige en juiste rekeninge van die fonds byhou, en sodanige rekeninge moet besonderhede verstrek —

- (a) in verband met alle bedrae betaal of verskuldig —
 - (i) aan die fonds deur lede;
 - (ii) uit die fonds aan lede of hul afhanklikes of aan ander persone;
 - (iii) aan die fonds uit inkomste of aan inkomste uit die fonds;

(iv) to or from the fund in terms of sections *fifteen* and *sixteen*; and

(b) any other matter for which it is necessary to keep an account for the purposes of this Ordinance, or in order that an actuarial valuation of the fund may be made at any time.

20. (1) The assets and liabilities of the fund as at the thirty first day of March, 1964, and every five years thereafter, shall be valued by an actuary who shall declare any surplus or deficit which appears therein and report thereon to the Administrator. His report shall be laid upon the Table of the Legislative Assembly within one month of the Administrator's receipt thereof if the Legislative Assembly is then in session, or, if it is not then in session, within fourteen days of its next ensuing session.

(2) If the actuary certifies in such report that there is a substantial surplus or that there is a substantial deficit, the contributions payable by or in respect of members, or of any class of members, may be reduced or increased, as the case may be, to such an extent and from such date as the Administrator, on the recommendation of the actuary, may determine. The rates at which contributions are payable in respect of members from revenue shall not, however, be reduced to less than the rates at which contributions are payable by members.

(3) The decision of the Administrator under subsection (2) shall be laid upon the Table of the Legislative Assembly within one year after the actuary's report.

21. The business of the fund shall be conducted by the Administrator and the costs in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid from revenue.

22. All pensions payable under this Ordinance shall, except where otherwise provided, be paid out of the fund.

23. (1) If an annuitant is convicted of any offence, and sentenced therefor to any term of imprisonment exceeding twelve months without the option of a fine, payment of the annuity to him shall be discontinued.

(2) During such annuitant's imprisonment, the annuity or portion thereof shall be paid to, or for the benefit of, one or more of his dependants and according to such allocation amongst them as the Administrator may determine.

(3) On the discharge of such annuitant from prison the payment to him of the annuity shall be resumed and he shall also be paid any portion of his annuity which may have been withheld.

24. If an annuitant's estate is sequestrated or assigned, the annuity shall not form part of the assets in his insolvent or assigned estate.

25. (1) No right in respect of a pension may be ceded or hypothecated, and any such right shall not be liable to be attached or to be subject to any form of execution under a judgment or order of the court.

(2) If a person attempts to cede or hypothecate any rights in respect of any such pension, the payment of such pension may, if the Administrator so directs, be withheld, suspended or discontinued. The Administrator may, however, direct that such pension or a part thereof be paid to one or more of such person's dependants during such period as he may determine.

26. If a benefit due to or in respect of a member in terms of this Ordinance has not been claimed within a period of twelve months from the date of retirement, discharge or death of the member, such benefit shall, as soon as may be feasible thereafter, be paid to revenue, and if such member or his dependants subsequently claim payment thereof, an amount equal to the said benefit shall be paid out of revenue to or for the benefit of the person entitled to it.

27. (1) If the Secretary is satisfied that it is for any reason undesirable to pay the whole amount of any pension due to any person under this Ordinance, to that

(iv) aan of uit die fonds ooreenkomstig artikels *vyftien* en *sestien*.

(b) in verband met enige ander aangeleentheid ten opsigte waarvan dit nodig is om vir die doeleindes van hierdie Ordonnansie 'n rekening by te hou, of sodat 'n aktuariële waardering van die fonds te eniger tyd uitgevoer kan word.

20. (1) Die fonds se bate en laste op die een-en-der-tigste dag van Maart 1964, en elke vyf jaar daarna, moet gewaardeer word deur 'n aktuaris wat enige oorskot of tekort ten opsigte daarvan verklaar en daarvoor aan die Administrateur verslag doen. Sy verslag moet in die Wetgewende Vergadering ter Tafel gelê word en wel, indien die Wetgewende Vergadering dan sitting hou, binne 'n maand na die ontvangs daarvan deur die Administrateur of, indien die Wetgewende Vergadering nie dan sitting hou nie, binne veertien dae na die aanvang van sy eersvolgende sitting.

(2) As die aktuaris in sodanige verslag sertifiseer dat daar 'n aansienlike oorskot of 'n aansienlike tekort is, kan die bydraes betaalbaar deur of ten opsigte van lede of enige klas lede na gelang van omstandighede verhoog of verlaag word en wel in die mate en met ingang van die datum wat die Administrateur op aanbeveling van die aktuaris bepaal. Die tariewe waarteen bydraes ten opsigte van lede uit inkomste betaalbaar is, mag egter nie so verlaag word dat hulle laer is as die tariewe waarteen bydraes deur lede betaalbaar is nie.

(3) Die Administrateur se beslissing kragtens subartikel (2) moet in die Wetgewende Vergadering ter Tafel gelê word binne 'n jaar na die aktuaris se verslag.

21. Die Administrateur bestuur sake van die fonds en die koste daarvan en van enige aktuariële ondersoek en van verbandhoudende aangeleenthede word uit inkomste betaal.

22. Tensy anders bepaal is, moet alle pensioene wat kragtens hierdie ordonnansie betaalbaar is, uit die fonds betaal word.

23. (1) As 'n jaargeldtrekker aan 'n misdryf skuldig bevind en daarom sonder die keuse van 'n boete tot langer as twaalf maande gevangenisstraf gevonniss word, moet betaling van die jaargeld aan hom gestaak word.

(2) Gedurende die jaargeldtrekker se gevangenhouding word die jaargeld, of 'n deel daarvan, uitbetaal in die verhouding aan, of ten behoeve van, een of meer van sy afhanklikes, al na die Administrateur bepaal.

(3) Wanneer die jaargeldtrekker uit die gevangenis ontslaan word, moet die betaling van die jaargeld aan hom hervat word en moet enige deel van sy jaargeld wat teruggehou is, ook aan hom uitbetaal word.

24. As die boedel van 'n jaargeldtrekker gesekwestreer of hy daarvan afstand doen, maak die jaargeld nie deel van die bate van sy insolvente of afgestande boedel uit nie.

25. (1) Geen reg ten opsigte van 'n pensioen kan oordra of verpand word nie, en dit is nie aan beslaglegging of aan enige vorm van eksekusie kragtens 'n hofuitspraak of -bevel onderhewig nie.

(2) As iemand enige reg ten opsigte van enige sodanige pensioen probeer sedeer of verpand, kan die uitbetaling van sodanige pensioen op las van die Administrateur teruggehou, opgeskort of gestaak word. Die Administrateur kan egter gelas dat sodanige pensioen of 'n deel daarvan gedurende 'n deur hom bepaalde tydperk aan een of meer van sodanige persoon se afhanklikes betaal word.

26. As 'n uitkering ooreenkomstig hierdie Ordonnansie aan of ten opsigte van 'n lid verskuldig is en nie binne twaalf maande na die datum van die lid se aftrede, ontslag of dood opgeëis word nie, moet die uitkering so spoedig doenlik daarna in inkomste gestort word, en as die lid of sy afhanklikes later die uitbetaling daarvan eis, moet 'n bedrag gelyk aan vermelde uitkering uit inkomste aan of ten behoeve van die daarop geregtigde persoon betaal word.

27. (1) As die Sekretaris oortuig is dat dit om een of ander rede onwenslik is om die hele bedrag van 'n pensioen wat kragtens hierdie Ordonnansie aan iemand

person, the Secretary may direct that the pension or a part thereof be paid to some other person on such conditions relating to its control in favour of such pensioner or his dependants as the Secretary may determine.

(2) Notwithstanding any provision in this or any other law any amount payable by a member to the Administration, may, in such manner as the Administrator may determine, be deducted from the pension payable to such member under this Ordinance and paid into revenue.

28. The Administrator and the Secretary may delegate all or any of the powers conferred upon them by this Ordinance, to any officer on such conditions as they may determine.

29. The Administrator may make regulations not inconsistent with this Ordinance in respect of any such matters as he may deem it necessary or expedient to provide for in order that the provisions of this Ordinance may be effectively and conveniently administered.

30. This Ordinance shall be called the South West Africa Administration Employees Pension Ordinance 1959.

betalbaar is, aan so iemand self te betaal, kan die Sekretaris gelas dat die pensioen of 'n gedeelte daarvan aan iemand anders betaal word op die voorwaardes wat betref die beheer daarvan ten bate van so 'n pensioentrekker of sy afhanklikes wat die Sekretaris bepaal.

(2) Ongeag enige bepalings van hierdie of enige ander wet kan 'n bedrag wat deur 'n lid aan die Administrasie betaalbaar is op die wyse deur die Administrateur bepaal van die pensioen ooreenkomstig hierdie ordonnansie aan hom betaalbaar, afgetrek en in inkomste gestort word.

28. Die Administrateur en die Sekretaris kan alle of enige van die bevoegdhede wat hierdie Ordonnansie aan hulle verleen aan enige beampte deleger op voorwaardes wat hulle stel.

29. Die Administrateur kan regulasies wat bestaanbaar is met hierdie Ordonnansie uitvaardig in verband met enige aangeleenthede ten opsigte waarvan hy voorsiening nodig of dienstig ag ten einde die bepalings van hierdie Ordonnansie doelmatig en gerieflik toe te pas.

30. Hierdie Ordonnansie heet die Administrasiewerknemerspensioenordonnansie, 1959.

DRAFT ORDINANCE

To amend the law relating to the diversion, storage and use of water.

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

1. Section *one* of the Water Ordinance, 1932 (Ordinance 13 of 1932), as amended, (hereinafter called the principal Ordinance) is hereby amended —

- (a) by the deletion of the definition of "Department"; and
- (b) by the insertion after the definition of "authorisation" of the following definition:
" 'Branch' means the Water Affairs Branch of the Administration: "

2. Section two of the principal Ordinance is hereby amended by the substitution in sub-section (11) of the word "Branch" for the word "Department".

3. Section *twenty-three* of the principal Ordinance is hereby repealed.

4. This Ordinance shall be called the Water Amendment Ordinance, 1959.

DRAFT ORDINANCE

To amend the law in force relating to the admission and practice of persons as attorneys-at-law, notaries public and conveyancers in the Courts of South West Africa.

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. From and after the taking of effect of this Ordinance the provisions of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934) of the Parliament of the Union of South Africa, together with

ONTWERPORDONNANSIE

Ter wysiging van die wet op die afleiding, bewaring en gebruik van water.

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

1. Artikel *een* van die Waterordonnansie 1932 (Ordonnansie 13 van 1932) soos gewysig, (hierna heet dit die hoofordonnansie) word hierby gewysig —

- (a) deur die skraping van die woordbepaling van „Departement”; en
- (b) deur die invoeging van die onderstaande woordbepaling na die woordbepaling van „magtiging”:— „beteken „Afdeling” die Afdeling Waterwese van die Administrasie;”

2. Artikel *twee* van die hoofordonnansie word hierby gewysig deur die vervanging van die woord „Departement” deur die woord „Afdeling” in subartikel (11).

3. Artikel *drie-en-twintig* van die hoofordonnansie word hierby herroep.

4. Hierdie Ordonnansie heet die Waterwysigingsordonnansie 1959.

ONTWERPORDONNANSIE

Ter wysiging van die wet op die toelating en praktyk van persone as prokureurs, notarisse en transportbesorgers in die howe van Suidwes-Afrika.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika met die toestemming van die Goewerneur-Generaal, dermate sodanige toestemming nodig is, vooraf verkreë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel *ses-en-twintig* van die Zuidwest-Afrika Konstitutie 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:—

1. Met ingang van hierdie Ordonnansie en na die inwerkingtreding daarvan is die bepalings van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet 1934 (Wet 23 van 1934) van die Parlement van die

any amendments thereof and additions thereto, and any amendments and additions thereto which may hereafter be enacted, and any regulations for the time being in force thereunder shall *mutatis mutandis* and so far as circumstances permit and subject to the modifications set forth in Schedule A hereof, be of force and effect within this Territory.

2. Any person who has been admitted and enrolled as an attorney of the Supreme Court of South Africa, shall be exempted from service under articles.

3. (1) Articles registered in any province of the Union of South Africa in terms of the relevant laws relating to the several law societies of the Union, may be ceded to an attorney practising in the Territory, if the articulated clerk has served not less than one year of such articles in the Union, and any period so served in the Union shall be accepted as a portion of the term required to be served under the provisions of section *six* of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934): Provided that the said clerk serves not less than one year of such term in the Territory.

(2) Service under articles in the Territory after cession in terms of sub-section (1) shall be deemed, for the purposes of the said laws, to be service under articles with an attorney practising in the Union.

4. The laws specified in Schedule B hereto shall be and are hereby repealed to the extent indicated in column three of the aforesaid Schedule together with all such other existing laws as may be repugnant to or in conflict with the provisions of the aforesaid Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934), as amended: Provided that any person admitted and enrolled as an attorney, notary or conveyancer in the Territory on or after the 25th June, 1958, under the provisions of the Law Society (South West Africa) Private Proclamation, 1921 (Proclamation 32 of 1921), shall be deemed to have been admitted and enrolled under the corresponding provisions of this Ordinance with effect from the date of such admission and enrolment: Provided further that any act or thing done or purporting to have been done under the provisions of Ordinance 20 of 1958 shall be deemed to have been validly and properly done thereunder.

5. This Ordinance shall be called the Attorneys, Notaries and Conveyancers Admission Amendment Ordinance, 1959, and shall be deemed to have come into operation on the twenty-fifth day of June, 1958.

SCHEDULE A.

Modifications to Act 23 of 1934, unless the context otherwise indicates, are:—

1. Any reference to the Union or a province shall be construed as a reference to the Territory of South West Africa.

2. Any reference to "Court", "Provincial Division of the Supreme Court of South Africa" or "Supreme Court of South Africa" shall be construed as a reference to the High Court of the Territory of South West Africa.

3. Any reference to "Law Society" shall be construed as a reference to the Law Society of South West Africa as constituted by the Law Society (South West Africa) Private Proclamation, 1921 (Proclamation 32 of 1921) as amended.

4. Any reference to the "Minister of Justice" and "Chief Justice" shall mean a reference to the Administrator of the Territory of South West Africa.

5. Any reference to the Companies Act, 1926 (Act 46 of 1926), shall mean a reference to the Companies Ordinance, 1928 (Ordinance 19 of 1928).

6. Any reference to the "Licences Consolidation Act, 1925 (Act 32 of 1925)", shall mean a reference to the Licences Consolidation Ordinance, 1935 (Ordinance 13 of 1935).

Unie van Suid-Afrika tesame met enige wysigings daarvan en byvoegings daartoe en enige wysigings daarvan en byvoegings daartoe wat moontlik hierna aangeneem word, en enige daaruitvloeiende regulasies wat as dan geld *mutatis mutandis* en dermate die omstandighede dit toelaat en onderhewig aan die veranderinge wat in bylae

A hiervan uiteengesit word, binne hierdie Gebied van krag.

2. Iemand wat as prokureur van die Hooggeregshof van Suid-Afrika toegelaat en ingeskryf is, word van diens onder leerkontrak vrygestel.

3. (1) 'n Leerkontrak wat ingevolge die betrokke wette op die verskeie wetsgenootskappe van die Unie in enigen van die provinsies van die Unie van Suid-Afrika geregistreer is, kan aan 'n prokureur wat in die Gebied praktiseer, gesedeer word, as die klerk wat onder leerkontrak staan, minstens een jaar van so 'n kontrak in die Unie uitgedien het, en 'n termyn wat aldus in die Unie gedien is, word aangeneem as 'n deel van die termyn wat ingevolge die bepalings van artikel *ses* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet 1934 (Wet 23 van 1934) gedien moet word:

Met dien verstande dat die bedoelde klerk minstens een jaar van so 'n termyn in die Gebied dien.

(2) Diens onder 'n leerkontrak in die Gebied na 'n sessie ingevolge subartikel (1) word by die toepassing van die bedoelde wette beskou as diens onder leerkontrak by 'n prokureur wat in die Unie praktiseer.

4. Die wette genoem in Bylae B hiervan word en is hierby herroep dermate aangedui word in kolom drie van die bedoelde bylae tesame met alle ander huidige wette wat onbestaanbaar of strydig is met die bepalings van die bedoelde Toelating van Prokureurs, Notarisse en Transportbesorgers Wet 1934 (Wet 23 van 1934) soos gewysig. Met dien verstande dat enigiemand wat op of na die 25ste Junie 1958 ingevolge die bepalings van die Wetsgenootskap (Zuid-West Afrika) Private Proklamatie 1921 (Proklamasie 32 van 1921) as prokureur, notaris of transportbesorger in die Gebied toegelaat en ingeskryf is, beskou word as toegelaat en ingeskryf ingevolge die ooreenstemmende bepalings van hierdie Ordonnansie met ingang van die datum van sodanige toelating en inskrywing: Met dien verstande voorts dat enige daad of enigiets anders wat ingevolge die bepalings van Ordonnansie 20 van 1958 gedoen is of na voorgewing gedoen is, beskou word as geldig en behoorlik daaringevolge gedoen.

5. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Toelating van Prokureurs, Notarisse en Transportbesorgers 1959, en word beskou as reeds in werking met ingang van die vyf-en-twintigste dag van Junie 1958.

BYLAE A.

Tensy die samehang anders aandui, geld die onderstaande veranderinge aan Wet 23 van 1934:—

1. Elke verwysing na „Unie” of „Provinsie” moet vertolk word as 'n verwysing na die Gebied Suidwes-Afrika.

2. Elke verwysing na „hof”, „Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika” of die Hooggeregshof van Suid-Afrika moet vertolk word as 'n verwysing na die Hoë Hof van die Gebied Suidwes-Afrika.

3. Elke verwysing na „Wetsgenootskap” moet vertolk word as 'n verwysing na die Wetsgenootskap van Suidwes-Afrika ingestel by die Wetsgenootskap (Zuid-West Afrika) Private Proklamatie, 1921 (Proklamasie 32 van 1921) soos gewysig.

4. Elke verwysing na „Minister” en „Hoofregter” is 'n verwysing na die Administrateur van die Gebied Suidwes-Afrika.

5. Elke verwysing na die Maatskappywet 1926 (Wet 46 van 1926) is 'n verwysing na die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928).

6. Elke verwysing na die Licenties Konsolidatie Wet 1925 (Wet 32 van 1925) is 'n verwysing na die Konsolidasie-Ordonnansie betreffende Lisensies 1935 (Ordonnansie 13 van 1935).

7. Section *eight* of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934 shall be construed as if sub-section (2) thereof had been deleted.

8. Section *thirty* of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934) shall be construed as if the words "(other than a person who has been admitted and enrolled as an attorney of the High Court of the Mandated Territory of South West Africa)" in paragraph (c) thereof had been deleted.

9. Any reference to the Magistrate's Court Act 1917 (Act 32 of 1917) and the Magistrate's Court Act, 1944, (Act 32 of 1944) shall mean a reference to the Magistrate's Court Proclamation, 1935 (Proclamation 31 of 1935) and any reference to a magistrate shall be construed accordingly.

10. Any reference to "Government of the Union" and "Provincial Administration" shall mean a reference to the Administration of South West Africa.

11. Any reference to the "Land and Agricultural Bank of South Africa" shall mean a reference to the Land and Agricultural Bank of South West Africa established under the Land Bank Amendment Proclamation, 1922 (Proclamation 10 of 1922).

12. The provisions of section 18 (1) of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934) shall not apply to any person who at the commencement of this Ordinance was actually practising the profession of attorney either on his own account or as a partner in a firm of attorneys.

13. Any person who at the commencement of this Ordinance had duly entered into articles of clerkship with an attorney of the High Court of South West Africa and had duly registered such articles of clerkship under the provisions of the Law Society (South West Africa) Private Proclamation, 1921 (Proclamation 32 of 1921) and continuously served thereunder may, notwithstanding the amendment of section 4 of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934) effected by paragraph (b) of sub-section (1) of section *one* of the Legal Practitioners' Amendment Act, 1956 (Act 18 of 1956), at any time after the completion of such articles apply to the Court to be admitted and enrolled as an attorney.

SCHEDULE B.

Laws repealed.

No. and year of Law.	Title.	Extent of Repeal.
Proclamation 32 of 1921.	Law Society (S.W.A.) Private Proclamation 1921.	Sections <i>sixteen, eighteen, nineteen and twenty-one, twenty-five to thirty-three inclusive, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-eight bis and forty-one.</i>
Ordinance 20 of 1958.	Attorneys, Notaries and Conveyancers Admission Amendment Ordinance, 1958.	The whole.

DRAFT ORDINANCE

To amend the law relating to the sale and control of intoxicating liquor.

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 amen-

7. Artikel *agt* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet 1934 (Wet 23 van 1934) word vertolk asof sub-artikel (2) daarvan geskrap is.

8. Artikel *dertig* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet 1934 (Wet 23 van 1934) word vertolk asof die woorde „(behalwe 'n persoon wat as prokureur van die Hoë hof van die mandaatgebied Suidwes-Afrika toegelaat en ingeskryf is)” in paragraaf (c) daarvan geskrap is.

9. Elke verwysing na die Magistraatshoven Wet 1917 (Wet 32 van 1917) en die Magistraatshovewet 1944 (Wet 32 van 1944) is 'n verwysing na die Magistraatshowe Proklamasie 1935 (Proklamasie 31 van 1935), en elke verwysing na 'n magistraat word dienooreenkomstig vertolk.

10. Elke verwysing na „Regering van die Unie” en „Provinsiale Administrasie” is 'n verwysing na die Administrasie van Suidwes-Afrika.

11. Elke verwysing na die „Land- en Landboubank van Suid-Afrika” is 'n verwysing na die Land- en Landboubank van Suidwes-Afrika gestig by die Landbank Wysigings Proklamatie 1922 (Proklamasie 10 van 1922).

12. Die bepalinge van artikel 18 (1) van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet 1934 (Wet 23 van 1934) geld nie vir iemand wat by die inwerkingtrede van hierdie Ordonnansie onafhanklik of as vennoot in 'n prokureursfirma reeds werklik die prokureursberoep uitgeoefen het nie.

13. Elkeen wat by die inwerkingtrede van hierdie Ordonnansie reeds behoorlik ingeskryf is as klerk by 'n prokureur van die Hoë Hof van Suidwes-Afrika en wat sy leerkontrak behoorlik ingevolge die bepalinge van die Wetsgenootschap (Zuid-West Afrika) Private Proklamatie (Proklamasie 32 van 1921) geregistreer het en ononderbroke daaringevolge gedien het, kan niesteenstaande die wysiging van artikel *vier* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet 1934 (Wet 23 van 1934) aangebring by paragraaf (b) van subartikel (1) van artikel *een* van die Wysigingswet op Regspraktisyns 1956 (Wet 18 van 1956) te eniger tyd na die voltooiing van sodanige leerkontrak aansoek doen by die Hof om as prokureur toegelaat en ingeskryf te word.

BYLAE B.

Herroepe wette:—

No. en jaar van wet.	Titel.	Omvang van herroeping.
Proklamasie 32 van 1921.	Wetsgenootschap (Zuid-West Afrika) Private Proklamatie.	Artikels <i>sestien, agtien, negentien en een-en-twintig, vyf-en-twintig tot en met drie-en-dertig, vyf-en-dertig, ses-en-dertig, sewe-en-dertig, agt-en-dertig, agt-en-dertig bis en een-en-veertig.</i>
Ordonnansie 20 van 1958.	Wysigingsordonnansie op die Toelating van Prokureurs, Notarisse en Transportbesorgers 1958.	Die hele.

ONTWERPORDONNANSIE

Ter wysiging van die wet op die verkoop en beheer van sterk drank.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika met die toestemming van die Goewerneur-generaal, dermate sodanige toestemming nodig is, vooraf verkreë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalinge van artikel *ses-en-twintig* van die „Zuidwest Afrika Konstitusie Wet 1925” soos gewysig by artikel

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

1. Section *sixty-six* of the Liquor Licensing Proclamation 1920, (Proclamation 6 of 1920), hereinafter called the principal Proclamation, is hereby amended —

- (a) by the insertion in sub-section (1) of the words "other than the holder of a licence" after the word "person" where it occurs for the first time.
- (b) by the addition at the end of sub-section (1) of the following provisos:
"Provided that no such permit shall be required by any person other than the holder of a licence for the importation of not more than twelve quart bottles or the equivalent amount of liquor in a receptacle or receptacles properly and securely corked or stoppered:
Provided further that the foregoing exemption shall not apply to the area described in paragraph (b) of sub-section (1)."

2. Section *sixty-seven* of the principal Proclamation is hereby amended by the substitution in sub-section (1) of the words "the preceding" for the word "this".

3. Section *seventy-one* of the Principal Proclamation, is hereby amended by the substitution for the words "the following penalties, that is to say,

For the first offence a penalty not exceeding fifty pounds, and in default of payment being made or security given for the same, to imprisonment, with or without hard labour, for any period not exceeding three months, unless such penalty be sooner paid or levied.

For a second offence a penalty not exceeding one hundred pounds, and in default of payment or security as aforesaid being made or given, to imprisonment, with or without hard labour, for any period not exceeding six months, unless such penalty be sooner paid or levied.

For a third or any subsequent offence a penalty not exceeding one hundred and fifty pounds, and in default of payment or security as aforesaid being made or given, to imprisonment with or without hard labour for any period not exceeding twelve months, unless such penalty be sooner paid or levied; or to both such penalty and such imprisonment." of the words „a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment."

4. This Ordinance shall be called the Liquor Licensing Amendment Ordinance, 1959.

DRAFT ORDINANCE

To Amend the Appropriation (1958-59) Ordinance, 1958.

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

1. The Schedule to the Appropriation (1958-59) Ordinance, 1958 (Ordinance 15 of 1958) is hereby amended by the deletion of the amounts appearing opposite Vote 1 ("Administration") and Vote 10 ("Lands, Deeds and Surveys") and the substitution therefor of the amounts of £739,735 and £202,170 respectively.

2. This Ordinance shall be called the Appropriation (1958-59) Amendment Ordinance, 1959.

DRAFT ORDINANCE

To amend the law relating to the Territorial Development and Reserve Fund.

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

sestien van die Wysigingswet op Aangeleentehede van Suidwes-Afrika 1949 van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

1. Artikel ses-en-sestig van die Drank Licentie Proklamatie 1920 (Proklamasie 6 van 1920) — hierna heet dit die hoofproklamasie — word hierby gewysig —

- (a) deur die invoeging in subartikel (1) van die woorde „buiten die houder van 'n lisensie" na die woord persoon" waar dit die eerste keer voorkom;
- (b) deur die byvoeging aan die slot van subartikel (1) van die onderstaande voorbehoude:
Met dien verstande dat niemand, buiten die houder van 'n lisensie, so 'n permit nodig het nie vir die invoer van hoogstens twaalf kwart-bottels of 'n gelyke hoeveelheid drank in 'n houder of houters wat behoorlik en dig gekurk of geprop moet wees: Met dien verstande voorts dat die bovermelde vrystelling nie geld vir die streek wat in paragraaf (b) van subartikel (1) aangedui word nie."

2. Artikel *sewen-en-sestig* van die hoofproklamasie word hierby gewysig deur die vervanging in subartikel (1) van die woord „deze" deur die woorde „die voorafgaande".

3. Artikel *een-en-sewentig* van die hoofproklamasie word hierby gewysig deur die woorde „de volgende straffen:

voor de eerste overtreding en boete vijftig pond niet te boven gaande, en indien geen securiteit voor de betaling gegeven is, en bij gebreke van betaling, aan gevangenisstraf, met of zonder harde arbeid, drie maanden niet te boven gaande, tenzij de boete vroeger betaald of geïnd is.

Voor een tweede overtreding een boete honderd pond niet te boven gaande en bij gebreke van betaling of voornoemde securiteit, aan gevangenisstraf, met of zonder harde arbeid, zes maanden niet te boven gaande, tenzij de boete vroeger betaald of geïnd is.

Voor een derde verdere overtreding een boete honderd en vijftig pond niet te boven gande, en bij gebreke van betaling of voornoemde securiteit, aan gevangenisstraf, met of zonder harde arbeid, twaalf maanden niet te boven gaande, tenzij de boete tevorens betaald of geïnd is of de boete en gevangenisstraf te samen" te vervang deur die woorde 'n boete van hoogstens vyfhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of beide sodanige boete en sodanige gevangenisstraf."

4. Hierdie Ordonnansie heet die Wysigingsordonnansie op Dranklisensies 1959.

ONTWERPORDONNANSIE

Ter Wysiging van die Middele-(1958-59) Ordonnansie 1958.

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

1. Die bylae van die Middele-(1958-59) Ordonnansie 1958 (Ordonnansie 15 van 1958) word hierby gewysig deur die skraping van die bedrae wat verskyn teenoor begrotingspos 1 („Administrasie") en begrotingspos 10 („Lande, Aktes en Opmetings") en die vervanging daarvan deur die bedrae £739,735 en £202,170 onderskeidelik.

2. Hierdie Ordonnansie heet die Middele-(1958-59) Wysigingsordonnansie 1959.

ONTWERPORDONNANSIE

Ter wysiging van die wet op die Gebiedsontwikkelings- en -reserwefonds.

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

1. In this Ordinance the expression "the principal Ordinance" means the Territorial Development and Reserve Fund Ordinance 1944, (Ordinance 13 of 1944), as amended by the Territorial Development and Reserve Fund Amendment Proclamation, 1945. (Proclamation 16 of 1945), the Territorial Development and Reserve Fund Amendment Ordinance, 1946 (Ordinance 5 of 1946), the Territorial Development and Reserve Fund Amendment Ordinance, 1947 (Ordinance 8 of 1947), the Territorial Development and Reserve Fund Amendment Ordinance, 1948 (Ordinance 9 of 1948), the Territorial Development and Reserve Fund Amendment Ordinance, 1950 (Ordinance 2 of 1950), the Territorial Development and Reserve Fund Amendment Ordinance, 1951 (Ordinance 18 of 1951), the Promotion of Farming Interests Ordinance, 1952 (Ordinance 29 of 1952), the Territorial Development and Reserve Fund Amendment Ordinance, 1953 (Ordinance 3 of 1953), the Territorial Development and Reserve Fund Further Amendment Ordinance, 1953 (Ordinance 16 of 1953), the Territorial Development and Reserve Fund Amendment Ordinance, 1955 (Ordinance 15 of 1955) the Territorial Development and Reserve Fund Amendment Ordinance, 1957 (Ordinance 27 of 1957), and the Territorial Development and Reserve Fund Amendment Ordinance, 1958 (Ordinance 12 of 1958).

2. Section *six* of the principal Ordinance is hereby amended by the addition of the following proviso at the end of paragraph (b) of sub-section (1):—

"provided that if at any time it appears to the Administrator to be necessary in the public interest that an issue of moneys should be made from the General Social Security Account —

- (i) to defray unforeseen expenditure of a special nature not recommended to and adopted by the Assembly and which cannot, without serious injury to the public interest, be postponed until it can be recommended to and be adopted by such Assembly; or
- (ii) to meet an excess on an amount recommended to and adopted by such Assembly,

the Administrator may under his hand, and in anticipation of the adoption of such expenditure by the Assembly, authorise and require the Accounting Officer to issue such amount as may be required in terms of sub-paragraphs (i) or (ii): Provided that the total amount authorised in anticipation of the adoption thereof by the Assembly shall not exceed twenty thousand pounds and that any amounts so issued shall be submitted for adoption by the Assembly, not later than its next ensuing session".

3. This Ordinance shall be called the Territorial Development and Reserve Fund Amendment Ordinance, 1959.

DRAFT ORDINANCE

To amend the law relating to roads.

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

1. Section *forty-three* of the Roads Ordinance, 1953 (Ordinance 17 of 1953), hereinafter called the principal Ordinance, is hereby amended by the substitution for sub-section (4), of the following subsection:

"(4) When an owner, lessee or occupier of a farm has so fenced off a public road that the erection of motor-gridgates in fences across that road is no longer necessary, the Administrator may in his discretion contribute towards such fencing: Provided that where the Administrator has directed

1. In hierdie Ordonnansie beteken die uitdrukking „die hoofordonnansie" die Ordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1944 (Ordonnansie 13 van 1944), soos gewysig by die Wysigingsproklamasie op die Gebiedsontwikkelings- en -reserwefonds 1945 (Proklamasie 16 van 1945), die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1946 (Ordonnansie 5 van 1946), die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1947 (Ordonnansie 8 van 1947) die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1948 (Ordonnansie 9 van 1948), die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1950 (Ordonnansie 2 van 1950), die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1951 (Ordonnansie 18 van 1951), die Ordonnansie op die Bevordering van Boerderybelange 1952 (Ordonnansie 29 van 1952) die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1953 (Ordonnansie 3 van 1953), die Verdere Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1953 (Ordonnansie 16 van 1953), die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1955 (Ordonnansie 14 van 1955), die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1957 (Ordonnansie 27 van 1957) en die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1958 (Ordonnansie 12 van 1958).

2. Artikel *ses* van die hoofordonnansie word hierby gewysig deur die byvoeging van die onderstaande voorbehoud aan die slot van paragraaf (b) van subartikel (1):—

„Met dien verstande dat as dit te eniger tyd vir die Administrateur in die algemene belang nodig blyk dat gelde uit die Algemene Maatskaplike Veiligheidsrekening uitgegee moet word —

- (i) ter vereffening van onvoorsiene uitgawe van 'n spesiale aard, wat nie by die Vergadering aanbeveel is of deur hom aanvaar is nie, en wat nie sonder ernstige skade aan die openbare belang uitgestel kan word tot tyd en wyl dit wel by die Vergadering aanbeveel en deur hom aanvaar kan word nie; of
- (ii) ter vereffening van 'n oorskryding van 'n bedrag wat by die Vergadering aanbeveel en deur hom aanvaar is,

die Administrateur onder sy hand en in afwagting van die aanvaarding van sodanige uitgawe deur die Vergadering die Rekenpligtige Amptenaar kan magtig en gelas om die nodige bedrae ingevolge subparagraaf (i) of (ii) uit te gee: Met dien verstande dat die totaalbedrag gemagtig in afwagting van die aanvaarding deur die Vergadering hoogstens twintigduisend pond mag bedra, en dat bedrae aldus uitgegee geen sins later as by die eersvolgende sessie van die Vergadering ter aanvaarding ingedien moet word nie."

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds 1959.

ONTWERPORDONNANSIE

Ter wysiging van die wet op paaie.

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

1. Artikel *drie-en-veertig* van die Ordonnansie op Paaie 1953 (Ordonnansie 17 van 1953), hierna die hoofordonnansie genoem, word hierby gewysig deur subartikel (4) te vervang deur die volgende sub-artikel:

„(4) Wanneer 'n eienaar, huurder of bewoner van 'n plaas 'n publieke pad so afgekamp het dat die bou van motor-roosterhekke in heinings oor daardie pad onnodig word, kan die Administrateur na goeë dunde tot sodanige afkamping bydra: Met dien verstande dat wanneer die Administrateur gelas

that a trunk road shall be given a bituminous surface and the portion concerned is fenced off in order to eliminate the necessity for either swing or motor-gridgates across it, and the fencing work is done either by the owner, lessee or occupier of the farm concerned or by order of the Administrator, compensation as provided for in this sub-section shall not be paid for the elimination of such gates, but, after consultation and agreement entered into before any fencing work is done, the costs connected with the erection of such fences shall be borne equally by the owner, lessee or occupier of the farm concerned and the Administrator on submission of documentary proof of the expenditure".

2. Section *forty-five* of the principal Ordinance is hereby amended by the deletion of paragraph (b) of sub-section (1); paragraphs (c), (d), (e) and (f) becoming paragraphs (b), (c), (d) and (e) respectively.

3. This Ordinance shall be called the Roads Amendment Ordinance, 1959.

DRAFT ORDINANCE

To amend the shop hours and shop Assistants Ordinance, 1939.

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

1. Section *two* of the Shop Hours and Shop Assistants Ordinance, 1939 (Ordinance 15 of 1939), as amended, hereinafter called the principal Ordinance, is hereby further amended by the deletion of the word "European" and by the substitution of the words "in or in connection with any shop or premises used in connection with the business of a shop" for the words "in or about a shop" where they appear in the definition of "Shop Assistant."

2. Subsection (2) of section *three* of the principal Ordinance is hereby deleted and substituted by the following subsection (2):—

"The Administrator may, by notice in the *Gazette* alter or amend the opening and closing hours stipulated in sub-section (1) hereof, either generally or specially in regard to —

- (a) any particular district or area; and may extend the application of the said sub-section to any other district or area; or
- (b) any particular trade or business in any district or area."

3. (1) Sub-section (1) of section *eight* of the principal Ordinance is hereby amended by the deletion of the words "in or about a shop, or in or about any premises used in connection with the business of a shop."

(2) Sub-section (3) of section *eight* of the principal Ordinance is hereby amended by the substitution of the words "in or in connection with a shop or premises used in connection with the business of a shop" for the words "in or about a shop."

4. Paragraph (a) of sub-section (1) of section *nine* of the principal Ordinance is hereby amended by the deletion of the words "in or about any shop."

5. Section *eleven bis* of the principal Ordinance is hereby amended by the deletion of the words "in or about a shop, or in or about any premises used in connection with the business of a shop."

6. This Ordinance shall be called the Shop Hours and Shop Assistants Amendment Ordinance, 1959.

dat 'n hoofpad 'n teerblad kry en die betrokke gedeelte dan afgekamp word om die noodsaaklikheid van hekke, hetsy swaai- of motor-roosterhekke daaroor uit te skakel en die omheiningswerk gedoen word òf deur die eienaar, huurder of bewoner van die betrokke plaas òf op las van die Administrateur, daar nie soos in hierdie subartikels bepaal vergoeding vir die uitskakeling van hekke betaal word nie, maar, na beraad en ooreenkoms alvorens enige omheiningswerk gedoen word, die onkoste verbonde aan die oprigting van die betrokke heinings deur die eienaar, huurder of bewoner van die betrokke plaas en die Administrateur om die helfte gedra moet word op voorlegging van dokumentêre bewys van uitgawe."

2. Artikel *vyf-en-veertig* van die hoofordonnansie word hierby gewysig deur paragraaf (b) van subartikel (1) daarvan te skrap; paragrafe (c), (d), (e) en (f) daarvan word onderskeidelik paragrafe (b), (c), (d) en (e).

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op Paaie 1959.

ONTWERPORDONNANSIE

Ter wysiging van die Ordonnansie op Winkelure en Winkelbediendes 1939.

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

1. Artikel *twee* van die Ordonnansie op Winkelure en Winkelbediendes 1939 (Ordonnansie 15 van 1939), soos gewysig, hierna die hoofordonnansie genoem, word hierby verder gewysig deur die woord „blanke” te skrap en die woorde „in of naby 'n winkel” in die woordbepaling van „winkelbediende” te vervang deur die woorde „in of in verband met enige winkel of perseel wat in verband met die besigheid van 'n winkel gebruik word”.

2. Subartikel (2) van artikel *drie* van die hoofordonnansie word hierby geskrap en deur die volgende subartikel (2) vervang:—

„Die Administrateur kan by kennisgewing in die *Offisiële Koerant* die openings- en sluitingsure in subartikel (1) hiervan aangegee, verander of wysig, of in die algemeen, of net ten opsigte van —

- (a) enige besondere distrik of gebied; en kan die toepassing van die gemelde subartikel uitbrei om enige ander distrik of gebied in te sluit; of
- (b) enige besondere ambag of besigheid in enige distrik of gebied.”

3. (1) Subartikel (1) van artikel *agt* van die hoofordonnansie word hierby gewysig deur die woorde „in of naby 'n winkel of in of naby enige lokaal gebruik in verband met die besigheid van 'n winkel” te skrap.

(2) Subartikel (3) van artikel *agt* van die hoofordonnansie word hierby gewysig deur die woorde „in of naby enige winkel” deur die woorde „in of in verband met 'n winkel of perseel wat in verband met die besigheid van 'n winkel gebruik word” te vervang.

4. Paragraaf (a) van subartikel (1) van artikel *nege* van die hoofordonnansie word hierby gewysig deur die woorde „in of naby enige winkel” te skrap.

5. Artikel *elf bis* van die hoofordonnansie word hierby gewysig deur die woorde „in of by 'n winkel, of op of by 'n perseel wat in verband met 'n winkelbedryf gebruik word” te skrap.

6. Hierdie Ordonnansie heet die wysigingsordonnansie op Winkelure en Winkelbediendes 1959.