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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.

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.

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ONTWERPORDONNANSIE

Ter wysiging van die wet op landnedersetting.

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

1. Artikel *vier-en-veertig* van die Landnedersetting Gekonsolideerde en Wysigings Proklamasie 1927 (Unie-Proklamasie 310 van 1927) word hierby gewysig deur die vervanging van paragraaf (e) van subartikel (1) deur die onderstaande paragraaf:

„(e) 'n Geldvoorskot moet uitbetaal word binne ses maande, of binne die langer tydperk wat die Administrateur mag toelaat, na die datum waarop dit goedgekeur word, en, as dit nie aldus uitbetaal word nie, veral die goedkeuring om dit te verleen.”

Die bepalinge van hierdie paragraaf word beskou as reeds in werking met ingang van die eerste dag van Januarie 1930.

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Landnedersetting 1959.

ONTWERPORDONNANSIE

Ter wysiging van die Ordonnansie op Myne, Werke en Minerale, 1954.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:

1. Artikel *agt-en-vyftig* van die Ordonnansie op Myne, Werke en Minerale 1954 (Ordonnansie 26 van 1954) word hierby gewysig deur—

(a) Subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Die Administrateur kan aan enigiemand die alleenreg toeken, op voorwaardes wat hy na goeë dunde stel, om in 'n bepaalde streek te prospekter of te myn of in die algemeen of ten opsigte van enige besondere minerale.

(b) So 'n alleenreg om te prospekter of te myn geld vir 'n termyn wat die Administrateur bepaal en hy kan die termyn van tyd tot tyd verleng.

(c) By ontvangs van kennisgewing van die Administrateur dat 'n alleenreg om te prospekter of te myn, of dat 'n verlenging van 'n bestaande reg om te prospekter of te myn aan enigiemand toegestaan is, publiseer die Inspekteur so gou doenlik 'n kennisgewing te dien effekte in die *Offisiële Koerant*.

(d) Die alleenreg om te prospekter of te myn moet opgeneem word in 'n akte van toekenning onderteken deur die Administrateur en wat heet 'n prospekter- of myntoekenning en die akte word in die Aktekantoor geregistreer. 'n Verlenging inge-

DRAFT ORDINANCE

To amend the law relating to land settlement.

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

1. Section *forty-four* of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927) is hereby amended by the substitution of the following paragraph for paragraph (e) of sub-section (1):

“(e) An advance in money shall be paid over within six months, or such longer period as the Administrator may allow, after the date on which it is approved and, if it is not so paid over, the approval for the making thereof shall lapse.”

The provisions of this paragraph shall be deemed to have been in operation as from the first day of January, 1930.

2. This Ordinance shall be called the Land Settlement Amendment Ordinance, 1959.

DRAFT ORDINANCE

To amend the Mines, Works and Minerals Ordinance, 1954.

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

1. Section *fifty-eight* of the Mines, Works and Minerals Ordinance, 1954 (Ordinance 26 of 1954) is hereby amended —

(a) by the substitution for sub-section (1) of the following sub-section:

“(1) (a) The Administrator may grant to any person the exclusive right to prospect or mine any defined area, either generally or in respect of any particular mineral, subject to such terms and conditions as he may deem fit.

(b) Such exclusive right to prospect or mine shall be for a period determined by the Administrator and he may extend such period from time to time.

(c) On receipt of a notification from the Administrator that an exclusive right to prospect or mine or that an extension of an existing right to prospect or mine has been granted to any person, the Inspector shall as soon as practicable publish a notice to that effect in the *Official Gazette*.

(d) The exclusive right to prospect or mine shall be embodied in a deed of grant signed by the Administrator and styled a Prospecting and/or Mining Grant and shall be registered in the Deeds Registry.

volge paragraaf (b) word desgelyks geregistreer.

- (b) die skraping van subartikel (4); subartikels (5) en (6) word onderskeidelik (4) en (5).

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Myne, Werke en Minerale 1959 en word beskou as reeds in werking met ingang van die dertiende dag van Julie 1954.

ONTWERPORDONNANSIE

Ter wysiging van die wet op pensioene aan onderwysers:—

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

1. Artikel *vier-en-sestig* van die Onderwys Proklamasie 1921 (Proklamasie 55 van 1921), soos gewysig, word hierby gewysig deur die vervanging van die woorde „zal zijn pensioen gedurende zodanige tydperk van weder-aanstelling onderworpen zijn aan vermindering, zodat hij met zodanig salaris niet meer betaald worden zal dan het salaris dat aan hem betaald werd onmiddellik vóór zijn aftreding als tevoren genoemd.” deur die woorde: „kan sy pensioen gedurende die tydperk van sodanige heraanstelling onderhewig gemaak word aan die vermindering wat die Administrateur gelas.”

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Pensioene vir Onderwysers 1959 en het regsrag vanaf 1 Januarie 1943.

ONTWERPORDONNANSIE

Om voorsiening te maak vir die noodleniging van bepaalde boere buiten huurders soos bepaal by die Landnedersetting Gekonsolideerde en Wysigingsproklamasie 1927 (Unieproklamasie 310 van 1927).

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

1. (1) Nieteenstaande enige ander wetsbepalings geld die bepaling van subartikel (2) vir diegene vir wie soortgelyke voorsiening nie in die Noodlenigingsordonnansie op Landnedersetting 1959 (Ordonnansie van 1959) gemaak is nie en aan wie lenings voor die eerste dag van April 1959 ingevolge die bepaling van die ondervermelde wette toegewys is:—

- (a) die Wysigingsordonnansie op Landnedersetting (weidingslisensiehouers) 1951 (Ordonnansie 14 van 1951);
- (b) die Proklamasie op Hulpverlening aan Oudvrywilligers 1945 (Proklamasie 2 van 1945);
- (c) die Ordonnansie op die Bevordering van Boerderybelange 1952 (Ordonnansie 29 van 1952).

(2) Vir 'n tydperk van twee jaar met ingang van die eerste dag van April 1959 —

- (a) is geen rente op enige sodanige lening betaalbaar nie; en
- (b) word die terugbetaling van die kapitale bedrag wat ten opsigte van sodanige lening nog uitstaande is, opgeskort.

2. By die toekenning van noodleniging ingevolge hierdie Ordonnansie is dit 'n verdere vereiste dat die applikant —

- (a) gedurende 'n tydperk van minstens twaalf maande onmiddellik voor die eerste dag van April 1959

Any extension granted in terms of paragraph (b) shall also be registered.”

- (b) by the deletion of sub-section (4); sub-section (5) and (6) becoming sub-sections (4) and (5) respectively.

2. This Ordinance shall be called the Mines, Works and Minerals Amendment Ordinance, 1959, and shall be deemed to have come into operation on the thirteenth day of July, 1954.

DRAFT ORDINANCE

To amend the law relating to pensions to teachers.

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

1. Section *sixty-four* of the Education Proclamation 1921 (Proclamation 55 of 1921) as amended, is hereby amended by the substitution for the words “his pension shall, during such period of re-employment, be subject to abatement so that with such salary he shall not be paid at a total rate exceeding the salary paid to him immediately before his retirement as aforesaid.” of the words “his pension may, during such period of re-employment, be made subject to such abatement as the Administrator may direct.”

2. This Ordinance shall be called the Teachers' Pensions Amendment Ordinance 1959, and shall be deemed to have come into operation on the 1st day of January, 1943.

DRAFT ORDINANCE

To provide relief to certain farmers other than lessees as defined in the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927).

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

1. (1) Notwithstanding anything in any law contained, the provisions of sub-section (2) shall apply to persons for whom similar provisions has not been made in the Land Settlement Relief Ordinance, 1959 (Ordinance of 1959) and to whom loans were granted prior to the first day of April, 1959 under the provisions of the enactments enumerated hereunder:

- (a) Land Settlement (Grazing Licences) Amendment Ordinance, 1951 (Ordinance 14 of 1951);
- (b) Ex-Volunteers Assistance Proclamation, 1945 (Proclamation 2 of 1945);
- (c) Promotion of Farming Interests Ordinance, 1952 (Ordinance 29 of 1952).

(2) for a period of two years as from the first day of April, 1959 —

- (a) no interest shall be payable on any such loan; and
- (b) repayment of the capital amount still outstanding in respect of such loan shall be suspended.

2. It shall be a further requisite to the granting of relief under this Ordinance that the applicant —

- (a) during a period of not less than twelve months immediately preceding the first day of April, 1959, has been carrying on farming operations in the

boerdery in die Gebied as sy enigste of vernaamste lewensonderhoud beoefen het;

(b) van goeie karakter is; en dat

(c) sy middele deur die heersende droogtetoestande nadelig getref is.

3. Die Administrateur kan die bepalings van hierdie Ordonnansie toepas op enigiemand anders aan wie 'n lening uit openbare geld voor die eerste dag van April 1959 toegestaan is.

4. Hierdie Ordonnansie heet die Ordonnansie op die Noodleniging van Boere buiten Huurders ten opsigte van Rente en Delging 1959.

Territory as his sole or principal means of livelihood;

(b) is of good character; and

(c) has had his means adversely affected by the prevailing conditions of drought.

3. The provisions of this Ordinance may be applied by the Administrator to any other person to whom a loan from public funds has been granted prior to the first day of April, 1959.

4. This Ordinance shall be called the Ordinance for Relief in respect of Interest and Redemption to Farmers other than Lessees, 1959.

ONTWERPORDONNANSIE

Om voorsiening te maak vir die noodleniging van huurders en ter wysiging van die wet op landnedersetting.

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

1. In hierdie Ordonnansie —

(i) beteken „hoofproklamasie” die Landnedersetting Gekonsolideerde en Wysigingsproklamasie 1927 (Unieproklamasie 310 van 1927);

(ii) het elke uitdrukking waaraan die hoofproklamasie 'n betekenis heg, in hierdie Ordonnansie dieselfde betekenis.

2. (1) Nieteenstaande enige bepaling van die hoofproklamasie of van enige huurkontrak of ooreenkoms uitgereik of aangegaan ingevolge die bepalings van die genoemde proklamasie, moet die Administrateur op aansoek van die betrokke huurder, ongeag of sodanige huurder toegelaat is om sy opsie om die hoewe te koop uit te oefen of nie, enige bedrae wat ten opsigte van die onderstaande skulde op 31 Maart 1959 nog nie betaal is nie, by die koopprys van die hoewe voeg en insluit:—

(a) enige voorskot wat ingevolge artikel *vier-en-veertig* van die hoofproklamasie aan die huurder gemaak is, of enige restant daarvan, saam met rente bereken tot op die voormelde datum;

(b) enige huurgeld wat ingevolge die huurkontrak opeisbaar is;

(c) enige voorskot wat ingevolge artikel *twee* van die Wysigingsordonnansie op Landnedersetting (weidingslisensiehouers) 1951 (Ordonnansie 14 van 1951) aan die huurder gemaak is, of enige restant daarvan, saam met rente bereken tot op die voormelde datum;

(d) enige bedrag aan rente op die koopprys wat voor die voormelde datum opeisbaar is;

(e) enige voorskot wat ingevolge die Proklamasie op Hulpverlening aan Oudvrywilligers 1945 (Proklamasie 2 van 1945) aan die huurder gemaak is, of enige restant daarvan, saam met rente bereken tot op die voormelde datum;

(f) enige uitstaande bedrae ten opsigte van voorskotte wat aan die huurder gemaak is uit gelde afgesonder vir hulpverlening aan die Angolatrekkers en hul afstammelinge.

(2) As 'n huurder sy opsie om die hoewe te koop nie uitgeoefen het nie, word die huurgeld wat hy ingevolge artikel *vier-en-twintig* van die hoofproklamasie moet betaal, vir die onverstreke deel van sy huurtermyn bereken op die grondslag van die nuwe koopprys wat ingevolge subartikel (1) bepaal is, en is dit halfjaarliks vooruit betaalbaar maar steeds behoudens die bepalings van artikel *drie*:

Met dien verstande dat sodanige huurgeld bereken moet word teen vier persent per jaar ten opsigte van enige bedrag aan voorskotte gemaak ingevolge artikel *vier-en-veertig* van die hoofproklamasie, artikel *twee* van

DRAFT ORDINANCE

To provide for the grant of relief to lessees and to amend the law relating to Land Settlement.

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

1. In this Ordinance:

(i) “Principal Proclamation” means the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927);

(ii) Any expression to which in the principal Proclamation a meaning has been assigned, bears, when used in this Ordinance, the same meaning.

2. (1) Notwithstanding anything contained in the principal Proclamation, or in any lease or agreement issued under the provisions of the aforesaid Proclamation, the Administrator shall, on the application of the lessee concerned, whether or not such lessee has been permitted to exercise his option to purchase the holding, add to and include in the purchase price of the holding, any amounts which remain unpaid on the 31st March, 1959, in respect of the following:

(a) any advance made to the lessee in terms of section *forty-four* of the principal Proclamation, or any balance thereof, together with interest calculated up to the aforesaid date;

(b) any rent due and payable under the lease;

(c) any advance made to the lessee in terms of section *two* of the Land Settlement (Grazing Licences) Amendment Ordinance, 1951 (Ordinance 14 of 1951) or any balance thereof, together with interest calculated up to the aforesaid date;

(d) any amount representing interest on the purchase price due and payable prior to the aforesaid date;

(e) any advance made to the lessee in terms of the Ex-Volunteers Assistance Proclamation, 1945, (Proclamation 2 of 1945) or any balance thereof, together with interest calculated up to the aforesaid date;

(f) any amounts outstanding in respect of advances made to the lessee from moneys set aside for assistance to Angola Trekkers and their descendants.

(2) If a lessee has not exercised his option to purchase the holding, the rent payable by him as provided in section *twenty-four* of the principal Proclamation shall for the remainder of the period of his lease, but subject to the provisions of section *three*, be calculated and be payable half-yearly in advance on the basis of the new purchase price determined under sub-section (1):

Provided that such rent shall be calculated at the rate of four percent per annum in respect of any amount representing advances made in terms of section *forty-four* of the principal Proclamation, section *two* of the

die Wysigingsordonnansie op Landnedersetting (weidingslisensiehouers) 1951 (Ordonnansie 14 van 1951), die Proklamasie op Hulpverlening aan Oudvrywilligers 1945 (Proklamasie 2 van 1945), of ten opsigte van voorskotte aan die huurder uit gelde afgesonderd vir hulpverlening aan Angolatrekkers en hul afstammelinge, en rente op sodanige voorskotte wat ingevolge hierdie Ordonnansie by die koopprys van die hoewe gevoeg is.

(3) Die koopprys soos bepaal ingevolge subartikel (1) moet uiterlik betaal word aan die einde van vyf-en-dertig jaar met ingang van die datum waarop die opsie om te koop uitgeoefen is.

(4) Nadat 'n voorskot ingevolge subartikel (1) by die koopprys gevoeg is, berus die eiendomsreg op die vee en hul aandeel (as daar is) of die werktuie of enigets anders wat deur of namens die huurder aangekoop of verkry is uit voorskotgelde en wat voorheen as sekerheidstelling vir sodanige voorskotte gedien het, by die huurder.

(5) Die bepalings van hierdie Ordonnansie raak geensins die voordele waarvoor die voorbehoud by subartikel (2) van artikel vier-en-twintig van die hoofproklamasie voorsiening maak nie.

3. Nieteenstaande enige bepaling van die hoofproklamasie en vir 'n tydperk van twee jaar met ingang van die eerste dag van April 1959 —

- (a) is geen huurgeld betaalbaar op enige huurkontrak wat voor die eerste dag van April 1959 ingevolge die bepalings van die hoofproklamasie aangegaan is nie;
- (b) is geen rente betaalbaar op die koopprys van enige hoewe wat voor die eerste dag van April 1959 ingevolge die bepalings van die hoofproklamasie aangekoop is nie;
- (c) word die betaling van die koopprys van 'n hoewe opgeskort, ongeag of dit ingevolge artikel twee verhoog is of nie.

4. Die bepalings van artikels twee en drie van hierdie Ordonnansie is *mutatis mutandis* van toepassing op elkeen wat 'n huurkontrak hou ten opsigte van 'n hoewe wat aan hom toegewys is ingevolge die „Crownland Disposal Ordinance, 1903” van die Transvaal (Ordonnansie 57 van 1903) soos toegepas op die Gebied, en op enige voorskot wat ingevolge die regulasies uit kragte van die laasgenoemde Ordonnansie gemaak is.

5. Hierdie Ordonnansie heet die Noodlenigingsordonnansie op Landnedersetting 1959.

ONTWERPORDONNANSIE

Ter wysiging van die wet op die belasting van honde.

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 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. Artikel een van die Hondebelasting- (toepassing op Naturelle) -Proklamasie 1928 (Proklamasie 5 van 1928) word hierby gewysig deur die byvoeging van die woorde „buiten Naturelle wat in die Okavango-Naturelle gebied of in die reservate Ovamboland en die Kaokoveld woon.” aan die slot daarvan.

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Hondebelasting 1959 en word beskou as reeds in werking met ingang van die eerste dag van April 1928.

Land Settlement (Grazing Licences) Amendment Ordinance, 1951 (Ordinance 14 of 1951), the Ex-Volunteers Assistance Proclamation, 1945 (Proclamation 2 of 1945) or advances made to the lessee from moneys set aside for assistance to Angola Trekkers and their descendants and interest on such advances which has been added under this Ordinance to the purchase price of the holding.

(3) The purchase price as determined under sub-section (1) shall be paid not later than at the end of thirty-five years reckoned from the date on which the option to purchase was exercised.

(4) Upon any advance having been added to the purchase price in terms of sub-section (1) the dominium in the stock and its progeny, if any, or the implements or other things purchased or acquired by or on behalf of the lessee from moneys advanced and which previously served as security for such advance shall vest in the lessee.

(5) The benefits provided for in the proviso to sub-section (2) of section *twenty-four* of the principal Proclamation shall not be affected by the provisions of this Ordinance.

3. Notwithstanding anything contained in the principal Proclamation and for a period of two years from the 1st day of April, 1959:

- (a) no rent shall be payable under any lease entered into under the provisions of the principal Proclamation prior to the 1st day of April, 1959;
- (b) no interest shall be payable on any purchase price of any holding purchased under the provisions of the principal Proclamation prior to the 1st day of April, 1959;
- (c) payment of the purchase price of any holding, whether or not increased in terms of section *two*, shall be suspended.

4. The provisions of sections *two* and *three* of this Ordinance shall *mutatis mutandis* apply to any person who holds a lease over a holding allotted to him under the Crown Land Disposal Ordinance 1903 (Transvaal) (Ordinance 57 of 1903) as applied to the Territory and any advance made in terms of the Regulations framed under the latter Ordinance.

5. This Ordinance shall be called the Land Settlement Relief Ordinance, 1959.

DRAFT ORDINANCE

To amend the law relating to the taxation of dogs.

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. Section *one* of the Dog Tax (Application to Natives) Proclamation, 1928, (Proclamation 5 of 1928), is hereby amended by the addition of the following words at the end thereof “except natives residing in the Okavango Native Territory or the Ovamboland- and Kaokoveld Reserves.”

2. This Ordinance shall be called the Dog Tax Amendment Ordinance, 1959, and shall be deemed to have come into operation on the first day of April, 1928.

ONTWERPORDONNANSIE

Om voorsiening te maak vir lenings aan bepaalde boere ter voldoening van dringende skulde, vir die leniging van nood veroorsaak deur droogte, en verbandhoudende sake.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal dermate sodanige toestemming nodig is vooraf verkree en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel *ses-en-twintig* van die „Zuidwest Afrika Konstitutie Wet 1925” (Wet 42 van 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. (1) So gou doenlik na die inwerkingtreding van hierdie Ordonnansie benoem die Administrateur die lede van die Landbankraad, ingestel en benoem ingevolge die bepalings van artikel *drie* van die Landbank Proklamasie 1935 (Proklamasie 22 van 1935) soos gewysig, om, saam met die bestuurder van die Land- en Landboubank van Suidwes-Afrika (hierna heet hy die bestuurder) 'n raad te vorm (hierna heet dit die raad) ten einde gevolg te gee aan die bepalings van hierdie Ordonnansie.

(2) Alle uitgawes noodsaaklik aangegaan in verband met die uitvoering van hierdie Ordonnansie word bestry uit die gelde vermeld in artikel *twee*.

2. (1) Behoudens die bepalings van hierdie Ordonnansie kan die raad uit gelde wat die Wetgewende Vergadering spesiaal daartoe bewillig het, ter voldoening van dringende skulde 'n lening toestaan aan enigiemand wat op of voor die een-en-dertigste dag van Julie 1960 daarom aansoek gedoen het, en wat, na die raad meen —

- (a) gedurende 'n tydperk van minstens twaalf maande onmiddellik voor die eerste dag van April 1959 boerdery in die Gebied beoefen het as sy enigste of vernaamste lewensonderhoud;
- (b) van goeie karakter is;
- (c) aanspreeklik is vir 'n skuld wat hy voor die eerste dag van April 1959 aangegaan het en wat hy kan regverdig;
- (d) weens die feit dat sy middele deur die heersende droogtetoestande nadelig getref is, geen redelike vermoëns het om daardie skuld te betaal nie;
- (e) waarskynlik ernstige en onherstelbare verlies sal ly, tensy daardie skuld geheel of gedeeltelik betaal word;
- (f) 'n redelike vooruitsig het om al sy geldelike moeilikhede te bowe te kom as daardie skuld geheel of gedeeltelik betaal word;
- (g) 'n redelike vooruitsig het om sy boerdery voort te sit as geldelike hulp aan hom toegestaan word;
- (h) voldoende sekerheid ingevolge artikel *vyf* vir die lening kan stel.

(2) Die raad kan desgelyks aan enigiemand vir wie die bepalings van paragraaf (a) en (b) van subartikel (1) geld, en wat, omdat sy middele nadelig getref is deur die heersende droogtetoestande, geen redelike middele het om krag- of ander voer vir die behoud van sy vee aan te koop nie, 'n lening van hoogstens tweehonderd pond toestaan om sodanige voer aan te koop.

(3) 'n Aansoek om 'n lening ingevolge hierdie artikel moet geskied op die vorm en wyse en langs die weë wat die raad voorskryf, en die aansoeker moet daarby die inligting verstrek waarom die raad vra.

3. (1) By die toepassing van subartikel (1) van artikel *twee* mag die raad nie aan enige geregistreerde eienaar van onroerende goedere 'n bedrag leen wat, as dit op die titelbewys van sodanige goedere geregistreer word, die verbande op sodanige goedere verhoog tot meer as sewentig persent van die raad se taksasie daarvan nie, of ten opsigte van roerende goedere 'n bedrag leen van

DRAFT ORDINANCE

To provide for loans to certain farmers for the purpose of meeting pressing liabilities, for the relief of distress caused by drought and matters incidental thereto.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act 42 of 1925), as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949 (Act 23 of 1949), of the Parliament of the Union of South Africa, as follows:—

1. (1) As soon as may be after the commencement of this Ordinance, the Administrator shall appoint the members of the Land Bank Board, constituted and appointed under the provisions of section *three* of the Land Bank Proclamation, 1935 (Proclamation 22 of 1935), as amended, who shall, together with the manager of the Land and Agricultural Bank of South West Africa, (hereinafter referred to as the manager) constitute a board (hereinafter referred to as the board) for the purpose of giving effect to the provisions of this Ordinance.

(2) All expenses necessarily incurred in connection with the administration of this Ordinance shall be defrayed from the moneys referred to in section *two*.

2. (1) Subject to the provisions of this Ordinance, the board may out of moneys specially voted by the Legislative Assembly grant a loan for the purpose of meeting pressing liabilities to any person who has applied therefor on or before the thirty-first day of July, 1960, and who, in the opinion of the board —

- (a) during a period of not less than twelve months immediately preceding the first day of April 1959, has been carrying on farming operations in the Territory as his sole or principal means of livelihood;
- (b) is of good character;
- (c) owes any debt incurred before the first day of April, 1959, which he was justified in incurring;
- (d) has by reason of his means having been adversely affected by the prevailing conditions of drought no reasonable means of paying that debt;
- (e) is likely to suffer serious and irreparable loss unless such debt is paid wholly or in part;
- (f) has a reasonable prospect of overcoming all his financial difficulties if such debt is paid wholly or in part;
- (g) has a reasonable prospect of carrying on such farming operations if financial assistance is granted;
- (h) can give sufficient security for the loan in terms of section *five*.

(2) The board may in a like manner grant to any person to whom the provisions of paragraphs (a) and (b) of sub-section (1) apply and who, by reason of his means having been adversely affected by the prevailing conditions of drought, has no reasonable means of purchasing power — or other fodder for the sustenance of his stock, a loan not exceeding two hundred pounds for the purpose of purchasing such fodder.

(3) An application for a loan under this section shall be made in such form and manner and through such channels and the applicant shall furnish therewith such information as the board may require.

3. (1) The board shall not, for the purposes of sub-section (1) of section *two*, lend to any registered owner of immovable property an amount which, if registered against the title deed of such property, will raise the mortgage bonds against such property to more than seventy per cent. of the board's valuation thereof or, in

meer as vyfhonderd pond nie, maar onderhewig daaraan dat die totale lening hoogstens tweeduisend pond mag bedra.

(2) 'n Lening ingevolge hierdie Ordonnansie word vir 'n tydperk van vyf jaar toegestaan en dra rente teen vier persent per jaar en is terugbetaalbaar in die paaiemente en op die tye wat die raad bepaal wanneer hy die lening toestaan, maar onderhewig aan die bepalings van sub-artikel (4).

(3) Elke sodanige lening en die rente wat daarop verskuldig is, is terugbetaalbaar aan die bestuurder en deur hom namens die Administrasie verhaalbaar.

(4) Die raad kan op versoek van iemand aan wie 'n lening ingevolge hierdie Ordonnansie toegestaan is, die tydstippe waarop rente en paaiemente betaal moet word soos by subartikel (2) bepaal, verander, selfs al oorskry die algehele tydperk van die lening daardeur die tydperk van vyf jaar.

(5) Die raad kan die verlenging van die tydperk van terugbetaling van 'n lening of die verandering van die paaiemente waarin die terugbetaling moet geskied onderhewig maak aan die verskaffing van bykomende sekerheidstelling in die vorm van 'n verband op onroerende goed of 'n hipoteek op roerende goed en die bepalings van hierdie Ordonnansie is van toepassing op sodanige bykomende sekerheidstelling.

4. (1) Elke lening wat ingevolge hierdie Ordonnansie toegestaan word, word nie aan die lener self uitbetaal nie, maar word gebruik om met sy toestemming en namens hom dié van sy skulde of 'n deel daarvan af te betaal wat die raad bepaal op lewering van die bewys van sy aanspreeklikheid daarvoor wat die raad vereis.

(2) Die raad kan, wanneer hy 'n lening toestaan ter gedeeltelike afbetaling van 'n reeds aangegane skuld, dit as 'n voorwaarde van betaling aan die skuldeiser stel dat die skuldeiser die lener die uitstel moet gee wat die raad goed vind ten opsigte van enige restant op geld wat die lener aan hom skuld.

(3) So 'n lening word beskou as aan die lener toegestaan met ingang van die datum waarop die eerste betaling aan 'n skuldeiser van die lener ooreenkomstig sub-artikel (1) geskied, maar rente op elke betaling word bereken eers met ingang van die datum waarop die betaling geskied. Die raad kan lenings wat ingevolge die bepalings van hierdie Ordonnansie toegestaan is, saamvoeg.

5. (1) Die raad kan 'n lening ingevolge hierdie Ordonnansie net toestaan teen die sekerheidstelling van 'n verband op onroerende goedere waarvan die lener die geregistreerde eienaar is, in die vorm van 'n skuldbrief wat in hoofsaak met die eerste bylae van hierdie Ordonnansie ooreenkom of teen die sekerheidstelling van 'n hipoteek op roerende goedere waarvan die lener die eienaar is en waarvan hy die gebruiks- en beskikkingsreg het, in die vorm van 'n skuldbrief wat in hoofsaak met die tweede bylae van hierdie Ordonnansie ooreenkom of teen 'n sessie as sekerheidstelling van een of ander reg waarvoor hy kan beskik.

(2) So 'n skuldbrief of sessie moet deur die lener geteken word voor die landdros van die distrik waarin hy woon of boer of voor enigiemand anders wat die bestuurder aanwys.

6. (1) As 'n lening ingevolge hierdie Ordonnansie toegestaan is, moet die lener enige skuldbrief wat bestem is om onroerende goedere ten opsigte van die lening te verbind, in tweevoud aan die bestuurder besorg saam met die eienaar se titelbewys ten opsigte van die onroerende goedere. By ontvangs daarvan moet die bestuurder albei oorspronklike eksemplare van die skuldbrief aan die Registrateur van Aktes besorg saam met die eienaar se titelbewys ten opsigte van die onroerende goedere, en daarop moet die Registrateur onmiddellik 'n aantekening maak op sodanige titelbewys en op die duplikaat wat in die Aktekantoor bewaar word, ten effekte dat die genoemde onroerende goedere ingevolge hierdie Ordonnansie met 'n verband belas is, en moet hy die datum van die aantekening daarop inskryf (selfs al is daar op die datum van sodanige aantekening een of ander bedrag aan grond- of ander belasting verskuldig ten opsigte van

respect of any movable property, an amount exceeding five hundred pounds, subject to the total loan not exceeding two thousand pounds.

(2) A loan granted under this Ordinance shall be for a period of five years and bear interest at the rate of four per cent. per annum and be repayable in such instalments and at such times as the board may determine when granting the loan, but subject to the provisions of sub-section (4).

(3) Any such loan and the interest due thereon shall be repayable to and recoverable by the manager on behalf of the Administration.

(4) The board may, at the request of a person to whom a loan has been granted under this Ordinance vary the times of payment of interest and instalments determined under sub-section (2) even though thereby the total period of the loan may exceed the period of five years.

(5) The board may make the granting of an extension of the period of repayment of any loan, or the variation of the instalments in which such repayment shall be made conditional upon the furnishing of additional security by way of a mortgage of immovable property or of a hypothec of movable property and the provisions of this Ordinance shall apply to such additional security.

4. (1) Any loan granted under this Ordinance shall not be paid out to the borrower himself, but shall be utilized to pay with his consent and on his behalf such of his debts or part thereof as the board may determine, on production of such proof of his liability therefor as the board may require.

(2) The board may in granting a loan for the payment in part of a debt already incurred make it a condition of payment to the creditor that he will grant to the borrower such extension of time in respect of any balance of moneys due by the borrower to him, as the board deems fit.

(3) Any such loan shall be deemed to have been granted to the borrower as from the date upon which the first payment to any creditor of the borrower is made in terms of sub-section (1) but interest on each payment shall be calculated only from the date of such payment. The board may consolidate loans granted under the provisions of this Ordinance.

5. (1) The board shall not grant a loan under this Ordinance except upon the security of a mortgage of immovable property whereof the borrower is the registered owner, in the form of a bond corresponding substantially with the First Schedule to this Ordinance, or upon the security of a hypothec of movable property of which the borrower is the owner, and in respect whereof he has the right of use and disposal, in the form of a bond corresponding substantially with the Second Schedule to this Ordinance, or upon a cession, by way of security, of any right of which he is entitled to dispose.

(2) Any such bond or cession shall be signed by the borrower before the magistrate of the district wherein he resides or carries on his farming operations, or before any other person prescribed by the manager.

6. (1) Upon a loan being granted in terms of this Ordinance, any bond intended to mortgage immovable property in connection with such loan shall be submitted in duplicate by the borrower to the manager, together with the owner's title deed of such property. The manager shall upon receipt thereof transmit both originals of such bond, together with the owner's title deed of such property, to the Registrar of Deeds and such Registrar shall thereupon forthwith endorse such title deed and the duplicate thereof filed in the deeds registry with a statement to the effect that the said property has been mortgaged under this Ordinance, and with the date of such endorsement (notwithstanding that there may be at the date when such endorsement is made, any amount due in

sodanige onroerende goedere.) Ook moet die Registrateur van Aktes op albei eksemplare van die genoemde skuldbrief sertifiseer dat daar op die titelbewyse van die betrokke onroerende goedere 'n aantekening soos voormeld gemaak is en moet hy elke ander aantekening of inskrywing op elke ander dokument of register in daardie registrasiekantoor maak wat hy nodig ag om die bestaan van daardie verband bekend te maak.

(2) Die Registrateur stuur daarop een van die eksemplare van die skuldbrief terug aan die bestuurder en bewaar die ander eksemplaar in sy registrasiekantoor waar dit vir elke belanghebbende beskikbaar gestel word op dieselfde wyse en voorwaardes asof dit 'n gewone verbandakte was op die betrokke onroerende goedere wat in daardie registrasiekantoor geregistreer is.

(3) Wanneer die aantekenings vermeld in subartikel (1) gemaak is, word die onroerende goedere waarop die bedoelde skuldbrief betrekking het, beskou as ewe geldig met 'n verband belas asof daardie skuldbrief geteken, geattesteer en geregistreer was in die bedoelde registrasiekantoor ooreenkomstig die regsbepalings op die ondertekening, attestasie en registrasie van verbande op onroerende goedere, en die bedoelde skuldbrief volg as verband in rang onmiddellik op die laasvoorgaande verband wat op daardie goedere rus.

(4) Wanneer 'n lening waarvoor daar ingevolge die voorafgaande bepalings van hierdie artikel 'n verband gevestig is, ten volle terugbetaal is, stel die bestuurder die Registrateur van Aktes skriftelik in kennis van die terugbetaling en besorg hy aan hom die eksemplaar van die skuldbrief wat ingevolge subartikel (2) aan die bestuurder teruggestuur is. Daarop roeier die Registrateur beide eksemplare van die skuldbrief en enige aantekening of inskrywing wat hy in verband daarmee gemaak het.

(5) Die bestuurder kan, op voorwaardes wat hy na goeddunke stel, by wyse van 'n geskrif wat hy onderteken, enige deel van die onroerende goedere vrystel van 'n verband wat ingevolge hierdie artikel daarop gevestig is, of ander onroerende goedere aanneem in die plek van die onroerende goedere wat aldus met 'n verband beswaar is en laasgenoemde goedere van die verband vrystel, of as die onroerende goedere wat aldus met 'n verband beswaar is aan verskeie eienaars in onverdeelde aandeel behoort, sy toestemming verleen tot 'n verdeling van daardie goedere onder die eienaars en tot 'n transport van aparte dele van sodanige goedere ten einde aan daardie verdeling gevolg te gee, onderhewig aan die registrasie, teen een of meer van die onderskeie dele op die wyse hierbo bepaal, van die restant van die skuld ten opsigte van enige verband wat teen sodanige goedere geregistreer is, in die verhouding wat die bestuurder as billik beskou om die Administrasie se belange nie te benadeel nie, of sy toestemming verleen tot enige ander transaksie in verband met goedere wat aldus beswaar is.

7. (1) Na ondertekening van 'n skuldbrief wat bestem is om roerende goedere ingevolge artikel vyf te verhipotekeer, word die betrokke goedere en alle aantal of opbrengs van die verhipotekeerde vee beskou as verpand aan die Administrasie as sekerheidstelling vir die betrokke lening op dieselfde wyse asof dit in pand aan die Administrasie uitgelewer was. In hierdie subartikel sluit die woord „opbrengs” met betrekking tot skape of bokke ook hul wol of haar in, en met betrekking tot enige lewende hawe wat verhipotekeer is en wat doodgegaan het, ook hul velle en huide in.

(2) Die bestuurder kan te eniger tyd op voorwaardes wat hy wenslik ag, die eenaar van goedere wat ingevolge subartikel (1) verhipotekeer is, toelaat om dit van die hand te sit of om dit deur ander goedere te vervang, en alle aldus vervangende goedere word beskou as geldig verhipotekeer volgens die bedoeling van hierdie artikel.

8. (1) Geen bedrag word uitbetaal op 'n lening ingevolge hierdie Ordonnansie wat deur 'n verband op onroerende goedere verseker is voordat die aantekening vermeld in subartikel (1) van artikel ses op die betrokke titelbewyse en skuldbrief gemaak is nie.

(2) Geen bedrag mag uitbetaal word op 'n lening ingevolge hierdie Ordonnansie wat deur 'n hipoteek op roerende goedere verseker is, voordat die bestuurder hom

respect of such property by way of rates or taxes). He shall also endorse on both originals of the said bond a certificate to the effect that the title deeds of the property in question have been endorsed as aforesaid and make such other endorsement upon or entry in any other document or register filed in such registry as he may deem necessary to disclose the existence of such mortgage.

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

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

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

(5) The manager may, on such conditions as he thinks fit to impose, by writing under his hand, release any portion of any property from a mortgage bond imposed thereon in terms of this section or accept any other immovable property in substitution of any property so mortgaged and release the last mentioned property from the mortgage bond, or if any property so mortgaged belongs to several owners in undivided shares, consent to a division of such property among its owners and to a transfer of individual portions of such property for the purpose of giving effect to such division subject to the registration against one or more of the respective portions in the manner hereinbefore provided of the balance of the indebtedness in respect of any mortgage bond registered against such property in such proportions as the manager deems equitable so as not to prejudice the interest of the Administration, or consent to any other transaction relating to any property so mortgaged.

7. (1) Upon the execution of a bond intended to hypothecate movable property in terms of section five, the said property and any progeny or produce of hypothecated stock, shall be deemed to have been pledged to the Administration as security for the loan in question in the same manner as if it had been delivered to the Administration as a pledge. In this sub-section the word "produce" in relation to any sheep or goats includes their wool or mohair, and in relation to any livestock subject to the hypothec which may have died, includes their skins or hides.

(2) The manager may at any time upon such conditions as he may think fit to impose, permit the owner of any property hypothecated in terms of sub-section (1) to dispose thereof, or to substitute any other property therefor, and any property so substituted shall be deemed to have been validly hypothecated within the meaning of this section.

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

(2) No amount shall be paid out in respect of a loan under this Ordinance which is secured by a hypothec of movable property, until the manager is satisfied that such

oortuig het dat daardie goedere behoorlik volgens sy voorskrif gemerk is nie.

(3) Die eienaar van aldus verhipotekeerde en gemerkte vee moet die aanteel daarvan laat merk met dieselfde merk as daardie vee wanneer die aanteel die ouderdom bereik het wat die bestuurder voorgeskryf het.

(4) Die eienaar van roerende goedere wat ingevolge hierdie Ordonnansie verhipotekeer is, en wat ingevolge subartikel (2) van artikel *sewe* toegelaat is om hulle deur ander goedere te vervang, moet onmiddellik na die vervanging die vervangende goedere laat merk met dieselfde merk as die oorspronklike goedere.

(5) As enige goedere wat ingevolge die voorafgaande bepalings van hierdie artikel gemerk behoort te geword het, nie aldus gemerk is nie, staan daardie goedere desnietemin onder hipoteek op dieselfde wyse asof dit aldus gemerk was.

9. (1) Wanneer enige dier wat ingevolge hierdie Ordonnansie onder hipoteek staan, doodgaan of wegraak of gesteel word, of wanneer enige ander roerende goedere wat onder sodanige hipoteek staan, vernietig of gesteel word, of wegraak, moet die eienaar daarvan die saak onverwyld aangee op die wyse wat die bestuurder voorskryf, en as die eienaar of enigiemand anders so 'n gesteelde of weggeraakte dier of ander roerende goedere wat aldus aangegee is, terugkry, moet die eienaar daarvan die terugkryging daarvan onverwyld aangee op die wyse wat die bestuurder voorskryf.

(2) Die bestuurder kan beveel dat die eienaar van sodanige gestorwe, weggeraakte of gesteelde diere, of van sodanige ander vernietigde, weggeraakte of gesteelde roerende goedere ander diere of roerende goedere wat die bestuurder goedkeur, in die plek stel van sodanige diere of ander goedere; en die bepalings van hierdie Ordonnansie is op die vervangende diere of ander roerende goedere van toepassing asof hulle oorspronklik ingevolge hierdie Ordonnansie verhipotekeer was.

(3) Die eienaar van enige roerende goedere wat ingevolge hierdie Ordonnansie verhipotekeer is, mag nie sonder die skriftelike toestemming van die bestuurder of van iemand wat hy aangewys het om sodanige toestemming te gee, daardie goedere verwyder van die grond wat daardie eienaar in sy aansoek om 'n lening aangegee het as die grond waarop hy boer of voornemens is om te boer, of van grond waarheen hy daardie goedere met sodanige toestemming vervoer het nie.

(4) Die eienaar van die aldus verhipotekeerde goedere moet, op las van iemand wat die bestuurder skriftelik gemagtig het om sodanige goedere te besigtig, daardie goedere op enige redelike tyd aan hom ter besigtiging vertoon en wel op die plek wat so iemand aanwys op die grond waar sodanige goedere regmatig kan verkeer.

10. (1) Wanneer ook al die raad ingevolge hierdie Ordonnansie 'n lening aan iemand toegestaan het, gee die bestuurder aan die landdros van die distrik waarin so iemand woon, kennis dat die lening toegestaan is.

Die kennisgewing moet die volgende besonderhede bevat:—

- (a) die volledige naam en adres van die lener;
- (b) die bedrag van die lening;
- (c) besonderhede van die bates wat met hipoteek of verband belas is as sekerheidstelling vir die lening;
- (d) die tydperk en voorwaardes van terugbetaling van die lening.

(2) Die landdros moet enigeen kosteloos toelaat om die kennisgewing te lees en af te skryf.

11. Die bestuurder kan te eniger tyd op die voorwaardes wat hy wenslik ag, deur 'n geskrif wat hy onderteken het, roerende goedere wat ingevolge artikel *sewe* verhipotekeer word, aanneem in die plek van onroerende goedere wat ingevolge artikel *ses* met verband beswaar is, en omgekeerd.

12. Onroerende goedere wat ingevolge hierdie Ordonnansie met verband beswaar is of roerende goedere wat ingevolge hierdie Ordonnansie verhipotekeer is, kan met die skriftelike toestemming van die bestuurder aan iemand anders oorgedra word onderhewig aan die verband of hipoteek waarmee dit belas is, en wanneer so 'n

property has been duly marked in manner prescribed by him.

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

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

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

9. (1) Whenever any animal which is subject to a hypothec under this Ordinance dies or is lost or stolen or whenever any other movable property which is subject to such hypothec is destroyed, lost or stolen, the owner thereof shall forthwith report the matter in manner prescribed by the manager and in the event of the recovery by the owner or any other person of such stolen or lost animal or other movable property so reported upon, the owner thereof shall forthwith report the recovery thereof in manner prescribed by the manager.

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

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

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

10. (1) Whenever the board has granted a loan under this Ordinance to any person, the manager shall notify the magistrate of the district wherein such person resides, that such loan has been granted.

Such notice shall contain —

- (a) the full name and address of the borrower;
- (b) the amount of the loan;
- (c) particulars of the assets hypothecated or mortgaged as security for the loan;
- (d) the period and conditions of repayment of the loan.

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

11. The manager may at any time, on such conditions as he thinks fit to impose by writing under his hand, accept in substitution for any immovable property mortgaged in terms of section *six* any movable property to be hypothecated in terms of section *seven*, and *vice versa*.

12. Any immovable property mortgaged or movable property hypothecated in terms of this Ordinance may, with the written consent of the manager, be transferred to any other person subject to the mortgage or hypothec with which it is burdened; and upon such transfer being

oordrag geskied het, is die bepalings van hierdie Ordonnansie op die oorgedrae goedere en op die persoon aan wie dit oorgedra is, van toepassing, en is hy verplig om die verskuldigde restant van die lening met rente terug te betaal op dieselfde wyse en voorwaardes asof die lening oorspronklik aan hom toegestaan was.

13. As die raad meen dat die lener die voorwaardes waarop hy die geld geleen het, verontagsaam het, of dat die belange van die Administrasie 'n onmiddellike terugvordering van 'n lening wat ingevolge hierdie Ordonnansie toegestaan is, vereis, kan hy, al het die tydperk waarvoor die lening toegestaan is, nog nie verstryk nie, en afgesien van enige voorwaardes van terugbetaling wat by die toestaan van die lening gestel is, die skuldenaar per aangetekende brief gerig aan hom by die adres wat hy in sy aansoek om 'n lening of 'n ander adres wat hy moontlik daarna aan die raad gegee het, of by sy bekende woonplek, of middels 'n kennisgewing aan hom persoonlik oorhandig, aansê om die hele lening of enige deel daarvan wat nog nie terugbetaal is nie, met al die daarop verskuldigde rente onverwyld terug te betaal, en die lening en rente verval dan op die dag waarop daardie brief die adres waarheen dit oor die pos gerig is, bereik, of in die gewone loop van sake moes bereik het, of waarop daardie kennisgewing aan die skuldenaar oorhandig is, asof die tydperk waarvoor die lening toegestaan is, op daardie dag verstryk het.

14. (1) Wanneer 'n lening of 'n deel of paalement van 'n lening, wat ingevolge hierdie Ordonnansie toegestaan is, verval en onbetaald bly gedurende 'n tydperk van veertien dae na die vervaldag, kan die bestuurder sonder vorm van proses enige roerende goedere wat ingevolge hierdie Ordonnansie as sekerheidstelling vir daardie lening verhipotekeer is, in beslag laat neem, waar hulle ook al is, en hulle laat verkoop op die plek en wyse wat die bestuurder bepaal: Met dien verstande dat as daardie lening of deel of paalement van 'n lening op 'n ander wyse verval het as ingevolge artikel *dertien*, daardie inbeslagneming nie mag geskied nie buiten na redelike kennisgewing aan die skuldenaar dat die inbeslagneming uitvoer sal word, tensy die verskuldigde bedrag betaal word.

(2) Die opbrengs van die verkoping, na betaling van die koste gemaak in verband met die inbeslagneming en verkoping, word aangewend tot vermindering of aflossing van wat nog op die lening met rente daarop betaalbaar is, en as daar nog 'n oorskot oorbly, word dit aan die skuldenaar of sy wetlike verteenwoordiger uitbetaal.

(3) As iemand aan wie 'n lening ingevolge hierdie Ordonnansie toegestaan is teen sekerheidstelling van 'n hipoteek op roerende goedere, sterf, of op las van 'n bevoegde hof as geestelik gekrenk of gebrekkig aangehou word, of deur 'n bevoegde hof onbevoeg verklaar word om sy eie sake te bestuur, moet die eksekuteur van sy boedel of sy wetlike verteenwoordiger (met inbegrip van iemand wat regtens gemagtig is om sy boedel te bestuur of om opdrag vir die bestuur daarvan te gee) na gelang, daardie goedere in bewaring neem en ter beskikking hou van die bestuurder wat daarmee ingevolge hierdie Ordonnansie kan handel asof die hipoteekskuldenaar nog in lewe was, of nie aldus aangehou was nie, of nie aldus onbevoeg verklaar was om sy eie sake te bestuur nie: Met dien verstande dat as die bestuurder daardie goedere laat verkoop en die verkreeë verkoopprijs meer beloop as die bedrag wat op die lening met rente daarop verskuldig is en die koste aangegaan in verband met die beslagneming en verkoping, die oorskot uitbetaal moet word aan die eksekuteur of die wetlike verteenwoordiger, na gelang.

(4) As die boedel van iemand aan wie 'n lening ingevolge hierdie Ordonnansie toegestaan is teen sekerheidstelling van 'n hipoteek op roerende goedere ingevolge die bepalings van die Insolvensiewet 1936, of enige wysiging daarvan, soos op die Gebied toegepas by Wet 16 van 1943 gesekwestreer word, is die bepalings van subartikels (5), (6), (7) en (8) van toepassing.

(5) Die bestuurder kan te eniger tyd, maar uiterlik dertig dae nadat die Meester van die Hoë Hof of die kurator hom skriftelik aangesê het om die keuse uit te oefen wat hom by hierdie subartikel verleen word, die Meester

effected, the provisions of this Ordinance shall apply to the property transferred and to the person to whom it is transferred, and he shall be liable to repay the unpaid balance of the loan with interest in the same way, and subject to the same conditions, as if it had originally been granted to him.

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

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

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

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

(4) If the estate of a person to whom a loan has been granted under this Ordinance on the security of a hypothec of movable property is sequestrated under the provisions of the Insolvency Act, 1936, or any amendment thereof, as applied to the Territory by Act 16 of 1943, the provisions of sub-sections (5), (6), (7) and (8) shall apply.

(5) The manager may at any time, but not later than thirty days after he has been required in writing by the Master of the High Court or the trustee to exercise the option given him by this sub-section, notify the Master

of kurator skriftelik meedeel dat hy verkies om ingevolge hierdie Ordonnansie met die goedere te handel.

(6) Behoudens die bepalings van subartikel (7) gaan die verhipotekeerde roerende goedere nie op die Meester van die Hoë Hof of die kurator oor nie.

(7) As die bestuurder nie binne die tydperk wat subartikel (5) noem, die mededeling doen waaroor daardie subartikel gaan nie, of as hy voor die verstryking van daardie tydperk die Meester of die kurator skriftelik meedeel dat hy verkies om nie met daardie goedere ingevolge hierdie Ordonnansie te handel nie, gaan daardie goedere by verstryking van daardie tydperk, of op die datum waarop daardie mededeling gedoen word, na gelang, oor op die Meester of die kurator wat daarmee moet handel asof hierdie artikel nie ingevoer was nie.

(8) As die bestuurder binne die tydperk wat subartikel (5) noem die mededeling doen waaroor daardie subartikel gaan, geld die onderstaande bepalings:—

- (a) Die bestuurder kan met die verhipotekeerde roerende goedere handel asof die skuldenaar se boedel nie gesekwestreer was nie.
- (b) Die bestuurder moet in die mededeling waaroor subartikel (5) gaan, ook verklaar hoe groot die bedrag van die lening is wat hy wil hê beskou moet word as verseker deur die hipoteek op die roerende goedere, en daarop word daardie bedrag beskou as aldus verseker, en —
 - (i) as die lening verseker is deur sowel 'n verband op onroerende goedere as 'n hipoteek op roerende goedere, word die restant van die lening (as daar 'n restant is) beskou as bloot deur die verband op onroerende goedere verseker;
 - (ii) as die lening nie deur 'n verband op onroerende goedere verseker is nie, word die restant van die lening beskou as onverseker.
- (c) Die bestuurder kan 'n vordering teen die boedel bewys ten opsigte van daardie deel van die lening wat ingevolge paragraaf (b) beskou word as bloot verseker deur die verband op onroerende goedere, of, na gelang, beskou word as onverseker, en die bepalings van die Insolvensiewet 1936, soos van tyd tot tyd gewysig en soos voormeld op die Gebied toegepas, is op elke sodanige vordering van toepassing.
- (d) As die bestuurder die verhipotekeerde roerende goedere laat verkoop en die verkreeë verkoopprys meer beloop as die bedrag wat ingevolge paragraaf (b) beskou word as verseker deur die hipoteek op roerende goedere met rente daarop en die koste aangegaan in verband met die inbeslagneming en verkoping, moet die oorskot uitbetaal word aan, en gaan dit oor op, die Meester of die kurator.
- (e) Nieteenstaande die sekwestrasie van die boedel van die hipoteekskuldenaar en sy rehabilitasie, bly hy aan die leningskontrak verbonde vir die bedrag wat ingevolge paragraaf (b) beskou word as verseker deur die hipoteek op roerende goedere.

15. (1) Die bestuurder kan met die Administrateur se goedkeuring en namens die Administrasie enige onroerende of roerende goedere aankoop wat ingevolge hierdie Ordonnansie onder verband of hipoteek staan.

(2) Die bestuurder moet met die Administrateur se goedkeuring en sodra 'n redelike prys op redelike voorwaardes daarvoor verkrygbaar is, alle onroerende of roerende goedere wat hy ingevolge subartikel (1) gekoop het namens die Administrasie verkoop teen die prys en op die voorwaardes wat hy wenslik ag.

16. Die stilswyende hipoteek van 'n verhuurder is nie van toepassing op roerende goedere wat ingevolge hierdie Ordonnansie verhipotekeer is nie, buiten dermate die bestuurder skriftelik daartoe toegestem het.

17. (1) Elke aansoeker om 'n lening ingevolge hierdie Ordonnansie wat in verband met sy aansoek valse inligting verstrek of wat versuim om al sy bates en skulde, hetsy werklik of voorwaardelik, aan te gee, is aan 'n oortreding skuldig en is by skuldigbevinding strafbaar met 'n

or the trustee in writing that he elects to deal with such property in terms of this Ordinance.

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

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

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

- (a) The manager may deal with the hypothecated movable property as if the debtor's estate had not been sequestrated.
- (b) The manager shall include in the notification referred to in sub-section (5) a statement of the amount of the loan that he desires shall be deemed to be secured by the hypothec of movable property, and thereupon that amount shall be deemed to be so secured and —
 - (i) if the loan is secured by both a mortgage of immovable property and a hypothec of movable property, the balance (if any) of the loan shall be deemed to be secured only by the mortgage of immovable property;
 - (ii) if the loan is not secured by a mortgage of immovable property, such balance shall be deemed to be unsecured.
- (c) The manager shall be entitled to prove a claim against the estate in respect of so much of the loan as in terms of paragraph (b) is deemed to be secured only by the mortgage of immovable property or, as the case may be, is deemed to be unsecured, and the provisions of the Insolvency Act, 1936, as amended from time to time and applied to the Territory as aforesaid, shall apply to every such claim.
- (d) If the manager causes the hypothecated movable property to be sold, and the sale price realized exceeds the amount which in terms of paragraph (b) is deemed to be secured by the hypothec of movable property and interest thereon and the costs incurred in connection with the seizure and sale, the balance shall be paid over to and vest in the Master or the trustee.
- (e) The hypothec debtor shall, notwithstanding the sequestration of his estate and his rehabilitation, remain bound under the contract of loan for the amount which in terms of paragraph (b) is deemed to be secured by the hypothec of movable property.

15. (1) The manager may, with the approval of the Administrator and on behalf of the Administration, buy in any immovable or movable property mortgaged or hypothecated under this Ordinance.

(2) The manager shall, with the approval of the Administrator, as soon as a reasonable price is obtainable therefor on reasonable terms, sell, on behalf of the Administration, any immovable or movable property bought by him in terms of sub-section (1) at such a price and on such conditions as he may deem expedient.

16. The tacit hypothec of a landlord shall not be operative in respect of any movable property hypothecated under this Ordinance except in so far as the manager may have agreed thereto in writing.

17. (1) Any applicant for a loan under this Ordinance who, in connection with his application furnishes any information which is false or fails to disclose all his assets and liabilities, whether actually existing or contingent, shall be guilty of an offence and liable on

boete van hoogstens eenhonderd pond of met gevangenis van hoogstens een jaar of met beide die boete en die gevangenis.

(2) Die eienaar van roerende goedere wat ingevolge hierdie Ordonnansie verhipoteker is, wat sodanige goedere vervreem, vernietig of verbruik of sodanige vervreemding, vernietiging of verbruik sonder die bestuurder se skriftelike toestemming toelaat, is aan 'n oortreding skuldig en is by skuldigbevinding strafbaar met die strawwe wat subartikel (1) noem.

(3) As enige sodanige goedere verdwyn het of nie vertoon word nie wanneer die vertoning daarvan ingevolge subartikel (4) van artikel *nege* gelas word, word daar vermoed dat die eienaar van daardie goedere dit strydig met subartikel (2) vervreem, vernietig of verbruik het, tensy hy bewys dat hy geensins verantwoordelik is vir sodanige verdwyning of versuim om die goedere te vertoon nie en dat hy dit nie kon verhinder het nie.

(4) Die eienaar van enige sodanige goedere wat —

(a) hulle versteek of beskadig; of

(b) enige merk wat ingevolge hierdie Ordonnansie daarop aangebring is, verander, onleesbaar maak of verwyder; of

(c) versuim om subartikel (3) of (4) van artikel *agt* of subartikel (3) of (4) van artikel *nege* na te kom,

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

(5) As enige sodanige goedere versteek of beskadig is, of enige merk wat soos voormeld daarop aangebring is, verander, onleesbaar gemaak of verwyder is, word daar vermoed dat die eienaar van sodanige goedere sodanige versteking, skade, verandering, onleesbaarmaking of verwydering veroorsaak het, tensy hy bewys dat hy geensins daarvoor verantwoordelik was nie en dit nie kon verhinder het nie.

(6) Elkeen wat die inbeslagneming van goedere ingevolge subartikel (1) van artikel *veertien* belemmer of hinder of probeer veryd, is aan 'n oortreding skuldig en by skuldigbevinding strafbaar met die strawwe wat subartikel (4) noem.

18. Geen ampsgelde en geen seëlregte hoegenaamd is verskuldig weens enige handeling of op enige dokument wat by die toepassing van hierdie Ordonnansie verrig of vereis word nie.

19. (1) Die bepalinge van hierdie Ordonnansie geld *mutatis mutandis* vir enige huurder soos bepaal by die Noodlenigingsordonnansie op Landnederstelling 1959 (Ordonnansie van 1959) behoudens die onderstaande veranderings:—

Tensy die sinsverband 'n ander bedoeling aandui, geld die onderstaande veranderings, aan die Ordonnansie:—

(a) Elke verwysing na „Landbankraad” en „raad” moet vertolk word as 'n verwysing na die Landraad ingestel ingevolge artikel *drie* van die Landnederstelling Gekonsolideerde en Wysigings Proklamasie 1927 (Unieproklamasie 310 van 1927).

(b) Elke verwysing na „Bestuurder van die Land- en Landboubank van Suidwes-Afrika” en „bestuurder” moet vertolk word as 'n verwysing na die Direkteur van Lande van die Administrasie van Suidwes-Afrika (hierna heet hy die direkteur).

(c) Die tweede bylae van hierdie Ordonnansie moet vertolk word asof —

(i) die woorde „en/of huurakte” na die woorde „roerende goedere” waar hulle vir die laaste keer voorkom, en

(ii) die woorde „Ek sertifiseer dat ek vandag 'n aantekening op die huurakte van die bogenoemde goedere ingevolge artikels *vyf* en

conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

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

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

(4) The owner of any such property who —

(a) conceals or damages it; or

(b) alters, defaces or removes any mark placed thereon in terms of this Ordinance; or

(c) fails to comply with sub-section (3) or (4) of section *eight* or with sub-section (3) or (4) of section *nine*

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

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

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

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

19. (1) The provisions of this Ordinance shall, subject to the modifications set forth hereunder, apply *mutatis mutandis* to any lessee as defined in the Land Settlement Relief Ordinance, 1959 (Ordinance of 1959).

Modifications to the Ordinance, unless the context otherwise indicates, are:—

(a) Any reference to “Land Bank Board” and “board” shall be construed as a reference to the Land Board constituted under the provisions of section *three* of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927).

(b) Any reference to “Manager of the Land and Agricultural Bank of South West Africa” and “manager” shall be construed as a reference to the Director of Lands of the South West Africa Administration (hereinafter referred to as the director).

(c) The Second Schedule to this Ordinance shall be construed as if —

(i) the words “and/or deed of lease” had been inserted after the words “movable property” where they occur for the last time, and

(ii) the words “I certify that I have this day endorsed the deed of lease of the abovementioned property in terms of sections *five* and

sewe van die Ordonnansie op Spesiale Onderstand aan Boere 1959 gemaak het.

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

Registrateur van Aktes"

na die woorde „(of iemand anders wat die raad voorskryf)” ingevoeg was.

(2) Waar die aansoeker om 'n voorskot ingevolge die woordbepaling in die Landnedersetting Gekonsolideerde en Wysigings Proklamasie 1927 (Unieproklamasie 310 van 1927) 'n huurder is —

- (i) kan die voorskot verseker word by wyse van 'n hipoteek op die huurakte self ongeag of die opsie om die huurgoedere te koop uitgeoefen is of nie;
(ii) gee sodanige hipoteek die huurder dieselfde voorregte ingevolge hierdie Ordonnansie asof hy die eienaar is van die huurgoedere en 'n verband daarop geregistreer is;
(iii) moet die Registrateur van Aktes sodanige hipoteek registreer op aanvraag van die direkteur op die wyse voorgeskryf by artikel sewentien van die Ordonnansie op die Bevordering van Boerderybelange 1952 (Ordonnansie 29 van 1952).

20. Hierdie Ordonnansie heet die Ordonnansie op Spesiale Onderstand aan Boere 1959.

EERSTE BYLAE.

VERBAND OP ONROERENDE GOEDERE.

Ingevolge die bepalings van die Ordonnansie op Spesiale Onderstand aan Boere 1959.

Ek van erken hierby dat ek regmatig die bedrag van £..... (..... pond) aan die Administrasie van Suidwes-Afrika verskuldig is, wat as 'n lening aan my toegestaan is om ingevolge die bepalings van die Ordonnansie op Spesiale Onderstand aan Boere 1959 namens my aan sekere van my skuldeisers uitbetaal te word; en ek onderneem om voormelde bedrag met rente daarop teen vier persent per jaar aan die Bestuurder van die Land- en Landboubank van Suidwes-Afrika, as verteenwoordiger van die voormelde Administrasie, by sy kantoor in Windhoek of by 'n ander plek in die Gebied wat hy aanwys, terug te betaal binne die tydperk van jaar van die dag waarop die eerste betaling uit die genoemde lening aan enigeen van my voormelde skuldeisers gedoen word, en wel op die volgende wyse:—

Op die
.....
.....

tensy ek ingevolge artikel dertien van die genoemde Ordonnansie aangesê word om my skuld eerder terug te betaal.

Ter versekering van die terugbetaling van die genoemde bedrag, met rente daarop, verbind ek hierby onder 'n verband ingevolge artikels vyf en ses van die voormelde Ordonnansie die volgende onroerende goedere:—

Verbandskuldenaar.

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

Landdros van die distrik (of iemand anders deur die raad aangewys)

seven of the Farmers' Special Relief Ordinance, 1959.

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

Registrar of Deeds"

had been inserted after the words "(or other person prescribed by the Board)".

(2) Where the applicant for an advance is a lessee as defined in the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927) —

- (i) such advance may be secured by a hypothec of the deed of lease itself whether the option to purchase the property leased has been exercised or not;
(ii) such hypothec shall entitle the lessee to the same benefits under this Ordinance as if he owned the property leased and a mortgage bond had been registered against it;
(iii) the registration of such hypothec shall be effected by the Registrar of Deeds at the instance of the director in the manner provided for in section seventeen of the Promotion of Farming Interests Ordinance, 1952 (Ordinance 29 of 1952).

20. This Ordinance shall be called the Farmers' Special Relief Ordinance, 1959.

FIRST SCHEDULE.

MORTGAGE OF IMMOVABLE PROPERTY.

Under the Provisions of the Farmers' Special Relief Ordinance, 1959.

I, of do hereby acknowledge that I am lawfully indebted to the Administration of South West Africa in respect of an amount of £..... (..... pounds) granted to me as a loan to be paid on my behalf to certain of my creditors under the provisions of the Farmers' Special Relief Ordinance, 1959; and I undertake to repay the amount aforesaid with interest thereon at the rate of four per cent, per annum to the Manager of the Land and Agricultural Bank of South West Africa, as the representative of the said Administration, at his office at Windhoek or at such other place in the Territory as he may direct within a period of years from the date on which the first payment out of the said loan is made to any of my aforesaid creditors in the following manner:—

On the
.....
.....

unless previously called upon to do so in terms of section thirteen of the said Ordinance.

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

Mortgagor.

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

Magistrate of the District of (or other person prescribed by the Board)

Ek sertifiseer dat ek vandag op die titelbewys van bovermelde goedere ingevolge artikel ses van die Ordonnansie op Spesiale Onderstand aan Boere 1959 'n aantekening gemaak het.

Onderteken op hierdie dag van
19..... op

Registrateur van Aktes.

TWEEDE BYLAE.

HIPOTEEK OP ROERENDE GOEDERE.

Ingevolge die bepalings van die Ordonnansie op Spesiale Onderstand aan Boere 1959.

Ek,
van
erken hierby dat ek regmatig die bedrag van £
(..... pond) aan die Administrasie van Suidwes-Afrika verskuldig is, wat as 'n lening aan my toegestaan is om ingevolge die bepalings van die Ordonnansie op Spesiale Onderstand aan Boere 1959 namens my aan sekere van my skuldeisers uitbetaal te word, en ek onderneem om voormelde bedrag met rente daarop teen vier persent per jaar aan die Bestuurder van die Land- en Landboubank van Suidwes-Afrika, as verteenwoordiger van die voormelde Administrasie, by sy kantoor in Windhoek of by 'n ander plek in die Gebied wat hy aanwys, terug te betaal binne die tydperk van jaar van die dag waarop die eerste betaling uit die genoemde lening aan enigeen van my voormelde skuldeisers gedoen word, en wel op die volgende wyse:—

tensy ek ingevolge artikel *dertien* van die voormelde Ordonnansie aangesê word om die lening eerder terug te betaal.

Ter versekering van die terugbetaling van genoemde bedrag met rente daarop, verbind ek hierby onder 'n hipoteek ingevolge artikels *vyf* en *sewe* van die voormelde Ordonnansie die volgende roerende goedere:—

Hipoteekskuldenaar

Onderteken op hierdie dag van
19..... op

in my teenwoordigheid.

Landdros van die distrik
(of iemand anders deur die raad aangewys).

ONTWERPORDONNANSIE

Ter wysiging van die wet op omheining.

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

1. Subartikel (3) van artikel *een* van die Wysigingsordonnansie op die Omheiningsproklamasie 1957 (Ordonnansie 6 van 1957) word hiermee verder gewysig deur die byvoeging van die woorde „van die Proklamasie en die hele Ordonnansie 4 van 1928” na die woord „veertig”.

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Omheiningsproklamasie 1959 en word beskou as in werking van die elfde dag van April 1957.

I certify that I have this day endorsed the title deeds of the above-mentioned property in terms of section *six* of the Farmers' Special Relief Ordinance, 1959.

Signed at this
day of 19.....

Registrar of Deeds.

SECOND SCHEDULE.

HYPOTHECATION OF MOVABLE PROPERTY.

Under the Provisions of the Farmers' Special Relief Ordinance, 1959.

I,
of
do hereby acknowledge that I am lawfully indebted to the Administration of South West Africa in respect of an amount of £..... (..... pounds) granted to me as a loan to be paid on my behalf to certain of my creditors under the provisions of the Farmers' Special Relief Ordinance, 1959; and I undertake to repay the amount aforesaid with interest thereon at the rate of four per cent. per annum to the Manager of the Land and Agricultural Bank of South West Africa, as the representative of the said Administration, at his office at Windhoek or at such other place in the Territory as he may direct within a period of years from the date on which the first payment out of the said loan is made to any of my aforesaid creditors in the following manner:—

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

And for the purpose of securing the payment of the said amount with interest thereon, I hereby bind under a hypothec in terms of sections *five* and *seven* of the said Ordinance, the following movable property:—

Hypothec Debtor.

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

Magistrate of the District of
(or other person prescribed by the Board)

DRAFT ORDINANCE

To amend the law relating to fencing.

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

1. Sub-section (3) of section *one* of the Fencing Proclamation Amendment Ordinance 1957, (Ordinance 6 of 1957), is hereby further amended by the addition of the words “of the Proclamation and the whole of Ordinance 4 of 1928” after the word “*forty*”.

2. This Ordinance shall be called the Fencing Proclamation Amendment Ordinance, 1959, and shall be deemed to have come into operation on the eleventh day of April, 1957.

ONTWERPORDONNANSIE

Om voorsiening te maak vir die kwalifisering van bourekenaars, die stigting van die Instituut van Suidwes-Afrikaanse Bourekenaars, en vir die regte, bevoegdhede, voorregte en pligte van die Instituut en sy lede.

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

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

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

„werk van 'n bourekenaar” die berekening en opstelling, namens 'n bou-eienaar of sy gemagtigde agent, van hoeveelheidslyste vir gebruik by die aanvraging van tenders van kontrakteurs, hetsy teen besoldiging of nie;

„hoeveelheidslys” 'n lys van alle materiaal en arbeid wat nodig is vir werk in verband met geboue en/of bykomende werke in so 'n vorm dat kontrakteurs die koste van die werke sal kan vasstel;

„plaaslike bestuur” 'n stedelike plaaslike owerheid of outoriteit soos bepaal by subartikel (3) van artikel *sewe* van die Volksgezondheidswet 1919 (Wet 36 van 1919) van die Unieparlement soos op die Gebied toegepas by die Publieke Gezondheids Proklamatie 1920 (Proklamasie 36 van 1920);

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

„Stigtingsraad” die raad wat die Administrateur by artikel *ses* instel;

„Uitvoerende Komitee” die uitvoerende komitee van die Instituut wat by regulasie ingevolge artikel *sewe* ingestel word en hierna die Komitee heet;

„register” die lys van bourekenaars wat as lede van die Instituut geregistreer word.

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

(a) hom as bourekenaar beskryf of voordoen, hetsy elders geregistreer of nie;

(b) die werk van 'n bourekenaar verrig nie tensy hy in diens van 'n geregistreerde bourekenaar is of onder sy toesig werk;

(c) deur middel van 'n advertensie, beskrywing, dokument of andersins —

(i) enige sodanige naam, titel, toevoeging, beskrywing of letters gebruik, as sou hy 'n bourekenaar wees, hetsy elders geregistreer of nie; of

(ii) verklaar of te kenne gee dat hy bereid of gewillig is om die werk van 'n bourekenaar te onderneem nie,

tensy hy ingevolge hierdie Ordonnansie geregistreer is.

3. Elkeen wat 'n bepaling van artikel *twee* verontagsaam, is skuldig aan 'n oortreding en is by skuldigbevinding strafbaar met 'n boete van hoogstens eenhonderd pond vir elke oortreding.

4. (1) 'n Instituut wat heet „Die Instituut van Suidwes-Afrikaanse Bourekenaars” word hierby gestig.

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

5. Die Instituut bestaan uit al die lede wat ingevolge artikels *agt* en *nege* as sodanig geregistreer word.

DRAFT ORDINANCE

To provide for the qualification of quantity surveyors; for the establishment of the Institute of South West African Quantity Surveyors; and for the rights, powers, privileges and duties of the Institute and the members thereof.

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

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

“quantity surveyor” means a person registered as a member of the Institute of South West African Quantity Surveyors in terms of this Ordinance;

“work of a quantity surveyor” means the measurement for and preparation on behalf of a building owner or his authorised agent of bills of quantities for use in calling for tenders from contractors whether for remuneration or not;

“bill of quantities” means a list of all materials and labour required in building works and/or works accessory thereto in such a form as will enable contractors to value the cost of the works;

“local authority” means an urban local authority as defined by sub-section (3) of section *seven* of the Public Health Act, 1919 (Act 36 of 1919) of the Union Parliament, as extended to the Territory by the Public Health Proclamation, 1920 (Proclamation 36 of 1920);

“Institute” means the Institute of South West African Quantity Surveyors as by this Ordinance established;

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

“Executive Committee” means the Executive Committee of the Institute established by regulation in terms of section *seven* hereinafter referred to as the Committee;

“the register” means the list of quantity surveyors registered as members of the Institute.

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

(a) describe or hold himself out as a quantity surveyor, whether registered elsewhere or not;

(b) perform the work of a quantity surveyor unless employed by or under the supervision of a registered quantity surveyor;

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

(i) use any such name, title, addition, description or letters as to indicate that he is a quantity surveyor, whether registered elsewhere or not; or

(ii) hold out or state that he is willing or prepared to perform the work of a quantity surveyor.

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

4. (1) An Institution is hereby established entitled “The Institute of South West African Quantity Surveyors”.

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

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

6. (1) Die Administrateur kan 'n Stigtingsraad van hoogstens vyf lede aanstel van wie twee bourekenaars is wat as sodanig in die Gebied praktiseer, en hy kan 'n vakature aanvul.

(2) Die Stigtingsraad kan 'n lid van die Tak van Suid-Afrikaanse Kwantiteitsopnemers wat gestig is ingevolge die Argitekthe en Kwantiteitsopnemers (Private) Wet 1927 (Wet 18 van 1927) van die Unieparlement om hulp in 'n raadgewende hoedanigheid inroep.

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

- (a) die bestuur, bevoegdhede en pligte van die Instituut, die klas en beskrywing van sy lede, die omvang van hul regte en die perke van hul verpligtinge bepaal;
- (b) die instelling van 'n Uitvoerende Komitee van die Instituut en die aanstelling of verkiesing van sy lede en die aanstelling en pligte van sy ampsdraers reël;
- (c) die prosedure, bevoegdhede en pligte van die genoemde Komitee en die bestuur van sy verrigtinge voorskryf;
- (d) wangedrag ten opsigte van die bourekenaarsberoep bepaal;
- (e) die wyses waarop die wangedrag van bourekenaars ondersoek moet word en waarop daarteen opgetree moet word en die strawwe wat vir sodanige wangedrag opgelê moet word, bepaal;
- (f) bourekenaarsgelde bepaal;
- (g) die registrasiegelde en die inskrywingsgelde van lede van die Instituut bepaal;
- (h) beroepsopleiding en -eksamens voorskryf; en
- (i) die stand van Suidwes-Afrikaanse bourekenaars in die algemeen handhaaf en bevorder, en die sluiting van wederkerige ooreenkomste met ander volkere in verband met die registrasie van bourekenaars bewerkstellig.

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

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

8. (1) Die Stigtingsraad moet onverwyld 'n register instel waarin die naam van elkeen wat ingevolge subartikel (2) op registrasie aanspraak het, as bourekenaar geregistreer word.

(2) Elkeen, minstens een-en-twintig jaar oud, het, na behoorlike aansoek om lidmaatskap van die Instituut binne drie maande na die inwerkingtreding van hierdie Ordonnansie en na die storting van vyf pond vyf sjielings aan registrasiegeld by die Stigtingsraad, aanspraak op registrasie as bourekenaar, mits hy ten genoeg van die Stigtingsraad bewys dat hy —

- (a) voor die eerste dag van Januarie 1958 openbaar en *bona fide* die werk van 'n bourekenaar in die Gebied verrig het; of
- (b) voor die eerste dag van Januarie 1958 ses maande lank as assistent by 'n bourekenaar in die Gebied gewerk het en altesaam minstens vyf jaar ondervinding van die werk van 'n bourekenaar het.

9. (1) Elkeen wat ingevolge artikel *agt* as bourekenaar geregistreer word, is lid van die Instituut.

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

- (a) in 'n kwalifiserende eksamen, goedgekeur deur die Administrateur, geslaag het; en
- (b) minstens vyf jaar opleiding of kontraktuele vakleerlingskap in die werk van 'n bourekenaar deurgemaak het of net so lank en onafgebroke die werk

6. (1) The Administrator may appoint an Inaugural Board of not more than five members, two of whom shall be quantity surveyors practising as such in the Territory. In case of any vacancy the Administrator shall have power to fill the same.

(2) The Inaugural Board may call to its assistance in any advisory capacity a member of the Chapter of South African Quantity Surveyors established under the provisions of the Architects and Quantity Surveyors (Private) Act, 1927 (Act 18 of 1927) of the Union Parliament.

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

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

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

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

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

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

- (a) prior to the first day of January, 1958, he was publicly and *bona fide* performing the work of a quantity surveyor in the Territory; or
- (b) prior to the first day of January, 1958, he was engaged as an assistant to a quantity surveyor in the Territory for six months and has at least a total of five years experience in the work of a quantity surveyor.

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

(2) Any person over the age of twenty-one years who has —

- (a) passed a qualifying examination approved by the Administrator; and
- (b) had not less than five years training or articulated pupilage in the work of a quantity surveyor, or has been employed for a like period continuously doing

van bourekenaar onder 'n bourekenaar in die diens van die Unieregering of van die Administrasie van die Gebied, of van die Suid-Afrikaanse Spoorwegen Hawensadministrasie, of van 'n Provinsiale Administrasie in die Unie of van 'n plaaslike bestuur in die Unie of in die Gebied,

kan ook by die Komitee aansoek doen om registrasie as bourekenaar en om lidmaatskap van die Instituut.

(3) As die meerderheid van die voltalige Komitee se lede oortuig is dat so 'n aansoeker behoorlik ooreenkomstig subartikel (2) gekwalifiseer is, moet die Komitee hom as bourekenaar registreer in die register wat ingevolge subartikel (1) van artikel *agt* ingestel is en so iemand is dan lid van die Instituut.

(4) Die eksamen waarop subartikel (2) dui, word nie deur die Instituut afgeneem nie, maar kan wel afgeneem word deur 'n owerheid wat die Administrateur na oorleg met die Instituut van Suidwes-Afrikaanse Bourekenaars goedkeur.

10. Wanneer ook al die Stigtingsraad weier om iemand te registreer wat ingevolge artikel *agt* om registrasie aansoek doen, of die Komitee 'n aansoek om registrasie as bourekenaar en lidmaatskap van die Instituut ingevolge artikel *nege* weier, kan so iemand hom skriftelik op die Administrateur beroep teen die besluit van die Stigtingsraad of die Komitee, na gelang, en die Administrateur kan dan, na oorleg met die Stigtingsraad of die Komitee, na gelang, die besluit van die Raad of van die Komitee ter syde stel of bekragtig, en kan die Stigtingsraad gelas om so iemand as bourekenaar te registreer of die Komitee gelas om sy aansoek om registrasie en lidmaatskap van die Instituut te aanvaar.

11. (1) Waar die Komitee die beweerde wangedrag van 'n lid van die Instituut ondersoek het op die wyse wat die regulasies voorskryf, en die wangedrag bewese blyk en daar teen die lid opgetree is soos die regulasies magtig, kan die lid by die Administrateur in hoër beroep gaan teen die Komitee se bevinding en optrede. So 'n beroep moet skriftelik geskied en die Administrateur kan 'n feiteverslag van die Komitee aanvra. By die oorweging van so 'n beroep en moontlike feiteverslag van die Komitee kan die Administrateur die Komitee se bevinding en optrede bevestig of ingevolge paragraaf (i) van subartikel (2) handel.

(2) As die Komitee opgetree het deur 'n feiteverslag aan die Administrateur uit te bring en die wangedrag wat bewese is, na die Komitee meen, van 'n ernstige aard is, kan die Administrateur, ongeag of die lid by hom in hoër beroep gegaan het of nie —

(i) die bevinding en optrede van die Komitee ter syde stel as die feite syms insiens sodanige bevinding en optrede nie regverdig nie; of

(ii) die lid skors vir 'n tydperk wat hy bepaal; of

(iii) gelas dat die lid se naam uit die register geskrap moet word.

(3) Word 'n lid geskors, verbeur hy die voorregte van lidmaatskap vir solank die skorsing duur, en as sy naam uit die register geskrap word, is hy daardeur geen lid meer nie. Desnieteenstaande bly hy aanspreeklik vir al die gelde wat hy tot op die datum van sodanige skorsing of die skraping van sy naam uit die register skuld.

12. Sodra die Komitee ooreenkomstig die regulasies ingestel is, moet die Stigtingsraad daardie feit skriftelik by die Administrateur aanmeld en die Administrateur kan dan die ontbinding van die Stigtingsraad in die *Offisiële Koerant* bekend maak.

13. (1) Binné veertien dae nadat iemand se naam ingevolge hierdie Ordonnansie geregistreer is, moet die Stigtingsraad of die Komitee 'n afskrif van die inskrywing in die register aan die Administrateur besorg.

the work of a quantity surveyor under a quantity surveyor in the service of the Union Government, or of the Administration of the Territory, or of the South African Railways and Harbours Administration, or of a Provincial Administration of the Union or of a local authority whether in the Union or the Territory,

shall also be entitled to apply to the Committee for registration as a quantity surveyor and admission to the Institute.

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

(4) The examination referred to in sub-section (2) shall not be conducted by the Institute but may be conducted by an authority approved of by the Administrator after consultation with the Institute of South West African Quantity Surveyors.

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

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

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

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

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

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

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

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

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

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

14. Lede van die Stigtingsraad of van die Komitee is nie persoonlik vir hul optrede in daardie hoedanigheid aanspreeklik nie, en die persoonlike aanspreeklikheid van 'n *bona fide* lid van die Instituut word beperk tot die betaling van sy jaarlikse ledegeld.

15. Hierdie Ordonnansie heet die Ordonnansie op Bourekenaars 1959.

ONTWERPORDONNANSIE

Ter wysiging van die Wet op Verenigings van Werkgewers van Kontrak-Inboorlinge.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneurgeneraal dermate sodanige toestemming nodig is, vooraf verkreeë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepaling van artikel *ses-en-twintig* van die Zuidwest Afrika Konstitutie Wet 1925 (Wet 42 van 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 *drie* van die Ordonnansie op Verenigings van Werkgewers van Kontrak-Inboorlinge 1952 (Ordonnansie 48 van 1952) word hierby gewysig deur in subartikel (1) na die woord „woon” die woorde „of *bona fide* boere wat in die Unie van Suid-Afrika woon en wat boerdery in Suidwes-Afrika beoefen”, in te voeg.

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Verenigings van Werkgewers van Kontrak-Inboorlinge 1959.

ONTWERPORDONNANSIE

Ter wysiging van die wet op die beskerming van wild.

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

1. Artikel *ses* van die Ordonnansie op Wildbeskerming 1951 (Ordonnansie 11 van 1951) — hierna heet dit die hoofordonnansie — word hierby gewysig deur die invoeging van die woorde “of ratel” na die woord “erdvark” in subartikel (5).

2. Artikel *ses bis* van die hoofordonnansie word hierby gewysig —

- (a) deur die vervanging van die woord „grond” waar dit vir die eerste keer voorkom, deur die woorde „'n plaas”;
- (b) deur die vervanging van die woord „grond” waar dit vir die tweede en derde keer voorkom, deur die woord „plaas”;
- (c) deur die invoeging van die onderstaande voorbeeld na die eerste paragraaf:—
„Met dien verstande dat as sodanige plaas met jakkalsdraad omhein is, die eienaar of bewoner ook die eienaar is van alle steenbokke en duikers wat regmatig op sodanige plaas verkeer;” en
- (d) deur die invoeging van die woord „voorts”. na die woord „verstande” in die tweede paragraaf.

3. Artikel *agt* van die hoofordonnansie word hierby gewysig —

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

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

15. This Ordinance shall be called the Quantity Surveyors Ordinance, 1959.

DRAFT ORDINANCE

To amend the law relating to the Societies of Employers of Contracted Natives.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General in so far as such consent is necessary previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act 42 of 1925) as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949 (Act 23 of 1949) of the Parliament of the Union of South Africa, as follows:

1. Section *three* of the Societies of Employers of Contracted Natives Ordinance, 1952 (Ordinance 48 of 1952) is hereby amended by the insertion of the words “or *bona fide* farmers resident in the Union of South Africa and farming in South West Africa” after the words “South West Africa” in sub-section (1).

2. This Ordinance shall be called the Societies of Employers of Contracted Natives Amendment Ordinance, 1959.

DRAFT ORDINANCE

To amend the law relating to the preservation of game.

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

1. Section *six* of the Game Preservation Ordinance, 1951 (Ordinance 11 of 1951), hereinafter called the principal Ordinance, is hereby amended by the insertion in sub-section (5) after the word “antbear” of the words “or honeybadger”.

2. Section *six bis* of the principal Ordinance is hereby amended:

- (a) by the substitution for the word “land”, where it occurs for the first time, of the words “a farm”;
- (b) by the substitution for the word “land”, where it occurs for the second and third time, of the word “farm”;
- (c) by the insertion of the following proviso after the first paragraph:
“Provided that, should such farm be enclosed with a jackalproof fence, such owner or occupier shall also own all steenbok and duiker which are lawfully upon such farm;” ; and
- (d) by the insertion in the second paragraph after the word “Provided” of the word “further”.

3. Section *eight* of the principal Ordinance is hereby amended:

- (a) deur die vervanging van die woord „grond” waar dit vir die eerste keer in subartikel (1) voorkom deur die woorde „'n plaas”;
- (b) deur die vervanging van die woord „grond” waar dit vir die tweede, derde en vierde keer in die genoemde subartikel voorkom deur die woord „plaas”;
- (c) deur die vervanging van die woord „grond” waar dit vir die eerste keer in subartikel (2) voorkom deur die woorde „'n plaas”;
- (d) deur die vervanging van die woord „grond” waar dit vir die tweede keer in genoemde subartikel voorkom deur die woord „plaas”.

4. Artikel *tien* van die hoofordonnansie word hierby gewysig —

- (a) deur die vervanging van die woord „grond” waar dit vir die eerste keer in subartikel (1) voorkom deur die woorde „'n plaas”;
- (b) deur die vervanging van die woord „grond” waar dit vir die tweede, derde en vierde keer in die genoemde subartikel voorkom deur die woord „plaas”;
- (c) deur die vervanging van die woord „grond” waar dit vir die eerste keer in subartikel (2) voorkom deur die woorde „'n plaas”; en
- (d) deur die vervanging van die woord „grond” waar dit vir die tweede keer in die genoemde subartikel voorkom deur die woord „plaas”.

5. Hierdie Ordonnansie heet die Wysigingsordonnansie op Wildbeskerming 1959.

- (a) by the substitution in sub-section (1) for the word “land”, where it occurs for the first time, of the words “a farm”;
- (b) by the substitution in the said sub-section for the word “land”, where it occurs for the second, third and fourth time, of the word “farm”;
- (c) by the substitution in sub-section (2) for the word “land”, where it occurs for the first time, of the words “a farm”; and
- (d) by the substitution in the said sub-section for the word “land”, where it occurs for the second time, of the word “farm”.

4. Section *ten* of the principal Ordinance is hereby amended:

- (a) by the substitution in sub-section (1) for the word “land”, where it occurs for the first time, of the words “a farm”;
- (b) by the substitution in the said sub-section for the word “land”, where it occurs for the second, third and fourth time, of the word “farm”;
- (c) by the substitution in sub-section (2) for the word “land”, where it occurs for the first time of the words “a farm”; and
- (d) by the substitution in the said sub-section for the word “land”, where it occurs for the second time, of the word “farm”.

5. This Ordinance shall be called the Preservation of Game Amendment Ordinance, 1959.