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EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES - AFRIKA.

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

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

Administrator's Office,
Windhoek.

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

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

Kantoor van die Administrateur,
Windhoek.

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DRAFT ORDINANCE

To amend the law relating to land settlement.

ONTWERPORDONNANSIE

Ter wysiging van die wet op landnedersetting.

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

1. The following section is hereby substituted for section *thirty-seven* of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927):

*Security for debts due to the Government by lessees.

37. (1) The Government shall have a hypothec over every lessee's interest in his lease in security of all amounts owing to the Government by the lessee, and such hypothec shall rank prior to every mortgage bond, hypothec or charge upon the said interest.

(2) All stock and movable property belonging to any lessee shall be deemed to be in the possession of the Government and to be pledged in favour of the Government in security of all amounts owing to the Government by the lessee: Provided that —

(a) nothing in this sub-section contained shall in any way interfere with the lessee's right —

- (i) to use any such stock or movable property necessarily required for consumption by himself, his household or his servants employed upon the holding, or to use any produce necessarily required for the feeding of his stock upon the holding; or
- (ii) to dispose of any such stock or movable property for the purpose of obtaining funds necessarily required for the carrying on of farming operations upon the holding; or

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

1. Artikel *sewe-en-dertig* van die Landnedersetting Gekonsolideerde en Wysigings Proklamasie 1927 (Unieproklamasie 310 van 1927) word hierby vervang deur die volgende artikel:

„Sekuriteit vir skulde deur huurders aan Regering verskuldig.

37. (1) Die Regering het 'n hipoteek oor elke huurder se belang in sy huurkontrak as sekuriteit vir alle bedrae deur die huurder aan die Regering verskuldig, en bedoelde hipoteek geniet voorkeur bo enige verband, hipoteek of las op bedoelde belang.

(2) Alle vee en alle losgoed behorende aan 'n huurder word geag in die Regering se besit en ten gunste van hom verpand te wees as sekuriteit vir alle bedrae deur die huurder aan die Regering verskuldig: Met dien verstande dat —

(a) die bepalings van hierdie subartikel geen inbreuk maak nie op die huurder se reg —

- (i) om sodanige vee of losgoed te gebruik wat noodsaaklik is vir sy eie gebruik of die gebruik van sy gesin of dienaars wat op die hoewe werkzaam is, of om enige produkte te gebruik wat as voer vir sy vee op die hoewe vereis word; of
- (ii) om sodanige vee of losgoed van die hand te sit ten einde noodsaaklike fondse te verkry om sy boerdery op die hoewe voort te sit; of

- (iii) to dispose of any such stock or movable property in the ordinary course of farming operations;
- (b) the onus of proving that any stock or movable property used or disposed of was used or disposed of in accordance with the provisions of proviso (a) to this sub-section shall lie upon the lessee or other person alleging it;
- (c) the Administrator or any person thereto authorized by him may by letter direct the lessee not to dispose of any such stock or movable property specified in such letter, and thereupon the provisions of proviso (a) to this sub-section shall not apply to stock or movable property so specified.

(3) The Administrator may waive in respect of all the stock or movable property which in terms of sub-section (2) is deemed to be pledged in favour of the Government, or in respect only of certain specified stock or movable property, the pledge constituted by the said sub-section, subject to such conditions as he may deem expedient, but no such waiver shall be effective until a certificate has been issued by the Secretary for South West Africa or other officer designated by the Administrator, stating which stock or movable property has been released from the pledge.

(4) The provisions of this section shall not apply to any lessee to whom a deed of grant of his holding has been issued."

2. This Ordinance shall be called the Land Settlement Amendment Ordinance, 1962.

DRAFT ORDINANCE

To amend the law relating to public education.

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

1. Section *one* of the Education Proclamation, 1926 (Proclamation 16 of 1926) is hereby amended by the deletion in the definition of "Experience" of the words "in any part of the Union of South Africa, Southern Rhodesia or this Territory, and may include a period not exceeding five years of employment as a teacher in any recognized school or schools or as an inspector of schools outside of the areas mentioned".

2. This ordinance shall be called the Education Amendment Ordinance, 1962 and shall come into operation on the first day of April, 1962.

(iii) om sodanige vee of losgoed in die gewone loop van sy boerdery van die hand te sit;

(b) die las om te bewys dat enige vee of losgoed wat gebruik of van die hand gesit is, ooreenkomstig die bepalings van voorbehoudsbepaling (a) by hierdie subartikel gebruik of van die hand gesit is, rus op die huurder of ander persoon wat dit beweer;

(c) die Administrateur of 'n deur hom daar toe gemagtigde persoon die huurder per brief kan gelas om sodanige in die brief vermelde vee of losgoed nie van die hand te sit nie, en daarop is die bepalings van voorbehoudsbepaling (a) by hierdie subartikel nie op die aldus vermelde vee of losgoed van toepassing nie.

(3) Die Administrateur kan ten opsigte van al die vee of losgoed wat ingevolge subartikel (2) geag word ten gunste van die Regering verpand te wees, of slegs ten opsigte van sekere vermelde vee of losgoed, en wel onderworpe aan die voorwaardes wat hy goedvind, afstand doen van die verpanding wat by die genoemde subartikel geskep word, maar so 'n afstanddoening is nie van krag nie voordat daar deur die Sekretaris van Suidwes-Afrika of 'n ander deur die Administrateur aangewese beampte 'n sertifikaat uitgereik is waarin vermeld word watter vee of losgoed van die verpanding bevry is.

(4) Die bepalings van hierdie artikel is nie op 'n huurder van wie 'n grondbrief van sy hoewe uitgereik is, van toepassing nie."

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Landnedersetting, 1962.

ONTWERPORDONNANSIE

Ter wysiging van die wet op openbare onderwys.

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

1. Artikel *een* van die Onderwys Proklamasie 1926 (Proklamasie 16 van 1926) word hierby gewysig deur in die woordbepaling van „Ondervinding” die woorde „in enige deel van die Unie van Suid-Afrika, Suid-Rhodesië of hierdie Gebied en mag insluit 'n tydvak van hoogstens vyf jaar diens as onderwyser in enige erkende skool of skole of as 'n skoolinspekteur buite die genoemde streke” te skrap.

2. Hierdie ordonnansie heet die Wysigingsordonnansie op Onderwys 1962 en tree in werking op die eerste dag van April 1962.