

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA.
OFFICIAL GAZETTE



UITGawe OP GESAG.

EXTRAORDINARY
OF SOUTH WEST AFRICA.

PUBLISHED BY AUTHORITY.

10c

Woensdag, 24 Mei 1967

W I N D H O E K

Wednesday, 24 May 1967

No. 2794

I N H O U D

C O N T E N T S

Bladsy/Page

ONTWERPORDONNANSIES

Verdere Wysigingsontwerpordonnansie op Myne, Werke en Minerale 1967	808
Ontwerpordonnansie op Huisvestingsinrigtings en Toerisme 1967	810
Wysigingsontwerpordonnansie op Robbevangs en Visserye 1967	824
Wysigingsontwerpordonnansie op Heffings vir Inboorlingbehuisung 1967	830
Wysigingsontwerpordonnansie op Huurgelde 1967	836

DRAFT ORDINANCES

Mines, Works and Minerals Further Amendment Draft Ordinance, 1967	809
Accommodation Establishments and Tourism Draft Ordinance, 1967	811
Sealing and Fisheries Amendment Draft Ordinance, 1967	825
Native Housing Levy Amendment Draft Ordinance, 1967	831
Rents Amendment Draft Ordinance, 1967	837

ONTWERPORDONNANSIE

Ter wysiging van die Ordonnansie op Myne, Werke en Minerale 1954 om voorsiening te maak vir oplegging van voorwaardes in alle gevalle waar ontginning van minerale op kleims of myngebiede gemagtig word.

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

Invoeging van artikel 39A in Ordonnansie 26 van 1954.

1. Die onderstaande artikel word hierby ingevoeg na artikel 39 van die Ordonnansie op Myne, Werke en Minerale 1954 (Ordonnansie 26 van 1954):—

„Voorwaardes kan gestel word in alle gevalle waar ontginning van minerale gemagtig word.”

39A. Ondanks andersluidende bepalings van hierdie ordonnansie kan die Administrator in alle gevalle waar ontginning van minerale op kleims of myngebiede ingevolge die bepalings van hierdie ordonnansie gemagtig word, sodanige voorwaardes stel soos hy goeddink.”

Kort titel.

2. Hierdie ordonnansie heet die Verdere Wysigings-ordonnansie op Myne, Werke en Minerale 1967.

DRAFT ORDINANCE

To amend the Mines, Works and Minerals Ordinance, 1954, to provide for the imposition of conditions in all cases where the mining of minerals on a claim or mining area is authorised.

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

1. The following section is hereby inserted after section 39 of the Mines, Works and Minerals Ordinance, 1954 (Ordinance 26 of 1954):—

Insertion of
section 39A in
Ordinance 26 of
1954.

"Conditions may
be imposed in
all cases where
mining is
authorised.

39A. Notwithstanding anything in this ordinance contained, the Administrator may impose such conditions as he may deem fit in all cases where the mining of minerals on a claim or mining area is authorised in pursuance of the provisions of this ordinance."

2. This ordinance shall be called the Mines, Works and Minerals Further Amendment Ordinance, 1967. short title.

ONTWERPORDONNANSIE

Om voorsiening te maak vir die ontwikkeling, verbetering en beheer van huisvestingsinrigtings, vir die registrasie van sodanige inrigtings, vir die gradering van sodanige inrigtings of kategorieë van sodanige inrigtings, vir die stigting van 'n adviesraad op huisvestingsinrigtings en toerisme, vir die wysiging van die Ordonnansie op die Gebiedsontwikkelings- en -reservefonds, 1944 (Ordonnansie 13 van 1944) en om vir ander bykomstige aangeleenthede voorsiening te maak.

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

Woordbepaling.

1. In hierdie ordonnansie, tensy uit die samehang anders blyk, beteken —
 - (i) „hierdie ordonnansie” ook 'n regulasie;
 - (ii) „huisvesting” fasiliteite om te oornag en die dienste wat gewoonlik daarmee geassosieer word;
 - (iii) „huisvestingsinrigting” enige perseel waarin of waarop die besigheid om huisvesting en etes teen vergoeding te verskaf, gedryf word of na voorneme gedryf gaan word en ook 'n ruskamp, gasteplaas, karavaanpark, vakansieplaas en safari-onderneming waar huisvesting met of sonder ander dienste teen vergoeding verskaf word;
 - (iv) „inspekteur” iemand wat kragtens artikel 10 as 'n inspekteur aangestel is;
 - (v) „regulasie” 'n regulasie wat kragtens hierdie ordonnansie uitgevaardig en van krag is;
 - (vi) „safari-onderneming” enige onderneming wat teen vergoeding persone op toer deur of na enige plek in die Gebied neem en in die loop van so 'n toer huisvesting verskaf;
 - (vii) „raad” die kragtens artikel 2 gestigte Adviesraad op Huisvestingsinrigtings en Toerisme.

**Stigting van
Adviesraad op
Huisvestingsinrig-
tings en Toerisme.**

**Samestelling van
raad, onbevoegd-
hede van raadslede
en beëindiging van
lidmaatskap.**

2. Op 'n datum deur die Administrateur by kennisgewing in die *Offisiële Koerant* bepaal, word daar 'n ligaam met die naam die Adviesraad op Huisvestingsinrigtings en Toerisme gestig.

3. (1) Die raad bestaan uit minstens vyf lede wat deur die Administrateur aangestel word van wie minstens twee lede uit die bedryf moet kom.

(2) Een van die lede van die raad word deur die Administrateur as voorsitter en een as ondervoorsitter aangewys.

(3) Wanneer die voorsitter van enige vergadering van die raad afwesig is of nie in staat is om sy werksamehede as voorsitter te verrig nie, tree die ondervoorsitter gedurende bedoelde afwesigheid of onvermoë as voorsitter op en het hy al die bevoegdhede en verrig hy al die pligte van die voorsitter.

(4) Behoudens die bepalings van die Staatsdienswet 1957 (Wet 54 van 1957) of die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957) stel die Sekretaris van Suidwes-Afrika iemand aan om as sekretaris van die raad op te tree.

DRAFT ORDINANCE

To provide for the development, improvement and control of accommodation establishments, for the registration of such establishments, for the grading of such establishments or categories of such establishments, for the institution of an accommodation establishments and tourism advisory board, for the amendment of the Territorial Development and Reserve Fund Ordinance, 1944 (Ordinance 13 of 1944) and to provide for other matters incidental thereto.

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

1. In this ordinance, unless the context indicates otherwise — *Definitions.*

- (i) "this ordinance" includes any regulation;
- (ii) "accommodation" means facilities for passing the night and such services as are commonly associated therewith;
- (iii) "accommodation establishment" means any premises in or on which the business of providing accommodation and meals for reward is or is intended to be conducted, and includes a rest camp, guest farm, caravan park, holiday farm and safari undertaking where accommodation with or without other services for reward is provided;
- (iv) "inspector" means a person appointed under section 10 as an inspector;
- (v) "regulation" means a regulation made and in force under this ordinance;
- (vi) "safari undertaking" means any undertaking which for reward takes persons on tour through or to any place in the Territory and provides accommodation in the course of such tour;
- (vii) "board" means the Accommodation Establishments and Tourism Advisory Board instituted under section 2.

2. As from a date to be fixed by the Administrator by notice in the *Official Gazette* there shall be instituted a body to be known as the Accommodation Establishment and Tourism Board.

*Institution of
Accommodation
Establishment and
Tourism Board.*

3. (1) The board shall consist of at least five members appointed by the Administrator (of whom at least two members shall be from the industry).

*Constitution of
board, disqualifica-
tions of board
members and
termination of
membership.*

(2) One of the members of the board shall be designated by the Administrator as chairman and one as vice-chairman.

(3) Whenever the chairman is absent from any meeting of the board or is unable to perform his functions as chairman, the vice-chairman shall act as chairman during such absence or inability and he shall have all the powers and perform all the functions of the chairman.

(4) Subject to the provisions of the Public Service Act, 1957 (Act 54 of 1957) or the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957) the Secretary for South West Africa shall appoint a person to act as secretary of the board.

(5) Niemand word as 'n lid van die raad aangestel of dien as sodanig nie —

- (a) as hy 'n ongerehabiliteerde insolvente persoon is, of
- (b) as hy aan 'n misdryf skuldig bevind is en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete.

(6) Die Administrateur kan enige lid van die raad van sy amp onthef —

- (a) wat versuim het om aan 'n voorwaarde van sy aanstelling te voldoen;
- (b) wat, na die mening van die Administrateur, hom skuldig gemaak het aan onbehoorlike gedrag of wat gereeld sy pligte as lid van die raad verwaarloos het; of
- (c) wat, sonder die skriftelike toestemming van die voorsitter van die raad, van drie agtereenvolgende vergaderings van die raad waarvan hy kennis gedra het, afwesig was.

Ampstermyn en vergoeding van lede van raad.

4. (1) Elke lid van die raad word vir 'n tydperk van drie jaar aangestel en iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word.

(2) Indien 'n lid van die raad ophou om sy amp te beklee stel die Administrateur iemand aan om die vakature te vul en so iemand se ampstermyn verstryk op die datum waarop die persoon wat opgehou het om sy amp te beklee se ampstermyn sou verstryk het.

(3) 'n Lid van die raad beklee sy amp op die voorwaardes (met inbegrip van die betaling van toelaes en vergoeding vir reis- en verblyfkoste) wat die Administrateur bepaal.

Kworum, meerderheidsbesluit en voorsitter se beslissende stem.

5. (1) Waar vyf lede in die raad aangestel word, maak drie lede, en waar meer as vyf lede aldus aangestel word, maak twee-derdes van die totale aantal lede van die raad 'n kworum vir 'n raadsvergadering uit.

(2) Die beslissing van 'n meerderheid van die lede van die raad wat op 'n raadsvergadering aanwesig is, maak 'n besluit van die raad uit en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem, ook 'n beslissende stem.

Vergaderings van die raad.

6. (1) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Administrateur bepaal en alle daaropvolgende vergaderings word gehou op die tye en plekke wat die raad bepaal: Met dien verstande dat die raad minstens een keer per jaar te Windhoek 'n vergadering hou.

(2) Die voorsitter van die raad moet, wanneer hy deur die Administrateur gelas word om dit te doen, 'n buitengewone vergadering van die raad belé wat gehou moet word op 'n tyd en plek wat die Administrateur bepaal.

Werkzaamhede en bevoegdhede van die raad.

7. Die raad moet die Administrateur adviseer met betrekking tot —

- (a) die ontwikkeling en verbetering van huisvestingsinrigtings ten einde die hoogste moontlike standaarde in die gehalte van huisvesting, etes en ander dienste wat deur sodanige inrigtings voorsien word, te bereik en te handhaaf;
- (b) die maatreëls wat nodig is om die ontwikkeling op 'n gesonde grondslag aan te moedig van huisvestingsinrigtings wat voldoen aan die vereistes van die bevolking van die Gebied en buitelandse toeriste;
- (c) enige aangeleentheid rakende die bevordering van toerisme in die Gebied;
- (d) enige ander aangeleentheid wat die Administrateur na die raad vir sy advies verwys;

en moet die werkzaamhede en pligte verrig en kan die bevoegdhede uitoefen wat by regulasie ingevolge artikel 12 uitgevaardig, aan hom opgedra of verleen word.

(5) No person shall be appointed or hold office as a member of the board —

- (a) if he is an unrehabilitated insolvent, or
- (b) if he has been convicted of an offence and sentenced to imprisonment without the option of a fine.

(6) The Administrator may remove from office any member of the board —

- (a) who has failed to comply with any condition of his appointment;
- (b) who, in the opinion of the Administrator, has been guilty of improper conduct, or has habitually neglected his duties as a member of the board; or
- (c) who has, without the written permission of the chairman of the board, been absent from three consecutive meetings of the board of which he had notice.

4. (1) Every member of the board shall be appointed for a period of three years and any person whose term of office as member of the board has expired, shall be eligible for reappointment.

Term of office
and remuneration
of members of the
board.

(2) If any member of the board ceases to hold office the Administrator shall appoint a person to fill the vacancy and such person's term of office shall expire on the date on which the term of office of the person who has ceased to hold office would have expired.

(3) A member of the board shall hold office on such conditions (including payment of allowances and compensation for travel and subsistence costs) as the Administrator may determine.

5. (1) Where five members are appointed on the board, three members, and where more than five members are so appointed, two-thirds of the total number of members, shall form a quorum for any meeting of the board.

Quorum, majority
decision and
chairman's casting
vote.

(2) The decision of a majority of the members of the board present at any meeting thereof shall constitute a decision of the board, and in the event of an equality of votes on any matter the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

6. (1) The first meeting of the board shall be held at a time and place to be determined by the Administrator and all subsequent meetings shall be held at such times and places as may be determined by the board: Provided that the board shall meet at least once a year in Windhoek.

Meetings of the
board.

(2) The chairman of the board shall, when directed by the Administrator to do so, call a special meeting of the board to be held at a time and place determined by the Administrator.

7. The board shall advise the Administrator on —

- (a) the development and improvement of accommodation establishments in order to attain and maintain the highest possible standards in the quality of accommodation, meals and other services provided by such establishments;
- (b) any measures which may be necessary to encourage the development on a sound basis of accommodation establishments commensurate with the requirements of the population of the Territory and foreign tourists;
- (c) any matter affecting the promotion of tourism in the Territory;
- (d) any other matter which the Administrator may refer to the board for its advice,

Functions and
powers of the
board.

and shall perform the functions and duties, and exercise the powers assigned or granted to it by regulation made under section 12.

**Ondersoek deur
die raad.**

8. (1) Die raad kan, ooreenkomsdig die bepalings van hierdie artikel, 'n ondersoek instel betreffende enige aangeleentheid wat binne die bestek van sy werksaamhede val, met inbegrip van enige aangeleentheid wat die registrasie of gradering van 'n huisvestingsinrigting raak, en vir dié doel kan die raad by aangetekende brief deur sy voorsitter of ondervorsitter, na gelang, onderteken, enigemand dagvaar om by die ondersoek getuenis af te lê of 'n boek, stuk of saak voor te lê wat na die raad se mening op die onderwerp van die ondersoek betrekking het.

(2) Die raad kan 'n by die ondersoek aanwesige persoon oproep en ondervra, hetsy hy kragtens subartikel (1) gedagvaar is om aanwesig te wees, al dan nie, en kan enige boek, stuk of saak waarvan die voorlegging kragtens subartikel (1) gelas is, inspekteer en vir 'n redelike tydperk hou: Met dien verstande dat in verband met die ondervraging van so iemand of die voorlegging van so 'n boek, stuk of saak, die regreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n gereghof getuenis af te lê of 'n boek, stuk of saak voor te lê, van toepassing is.

(3) (a) Wanneer die raad dit nodig ag, kan hy enigemand gelas om by sodanige ondersoek sy getuenis onder eed of na die maak van 'n bevestiging, af te lê.

(b) Die lid van die raad wat by sodanige ondersoek voorsit kan die betrokke persoon 'n eed laat aflê of van hom 'n bevestiging afneem.

(4) Iemand wat gedagvaar is om by so 'n ondersoek getuenis af te lê, is geregtig om uit fondse vir die doel by besluit van die Wetgewende Vergadering bewillig, as getuiegeld 'n bedrag te ontvang wat gelyk is aan die bedrag wat hy as getuiegeld sou ontvang het as hy gedagvaar was om 'n strafgeding in 'n hoërhof gehou op die plek vermeld in die dagvaarding wat aan hom gestuur is, by te woon.

(5) Iemand wat —

(a) nadat hy gedagvaar is om by 'n ondersoek kragtens subartikel (1) getuenis af te lê, sonder voldoende rede (waarvan die bewyslas op hom rus) versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn of versuim om aanwesig te bly totdat die ondersoek voltooi is of totdat die lid van die raad wat by die ondersoek voorsit hom verlof gegee het om weg te bly, of versuim om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer, en tot voorlegging waarvan hy gedagvaar is, oor te lê; of

(b) nadat hy kragtens subartikel (2) opgeroep is, sonder voldoende rede (waarvan die bewyslas op hom rus) weier om as getuie die eed af te lê of 'n bevestiging te maak nadat hy deur die raad gelas is om dit te doen, of weier om getuenis af te lê, of weier of versuim om na sy beste wete en oortuiging enige wettig aan hom gestelde vraag ten volle en op bevredigende wyse te beantwoord,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(6) Iemand wat, nadat hy die eed afgelê het of 'n bevestiging gemaak het omtrent enige onderwerp, valse getuenis voor die raad by 'n ondersoek aflê met die wete dat daardie getuenis vals is, of terwyl hy nie glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(7) Indien hy deur 'n getuie versoek word om dit te doen, moet die raad die getuie se getuenis *in camera* aanhoor.

8. (1) The board may, in terms of the provisions of this section, conduct an enquiry into any matter falling within the scope of its functions, including any matter affecting the registration or grading of an accommodation establishment, and for that purpose the board may, by registered letter, signed by its chairman or vice-chairman, as the case may be, summon any person to give evidence at the enquiry or produce any book, document or thing which may, in the opinion of the board be relevant to the subject matter of the enquiry.

Enquiries by the board.

(2) The board may call and examine any person present at the enquiry, whether or not he has been summoned to attend under sub-section (1) and may inspect and retain for a reasonable period any book, document or thing, the production of which was required under sub-section (1): Provided that, in connection with the examination of any such person or the production of any such book, document or thing the law relating to privilege as applicable to a person subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(3) (a) Whenever the board deems it necessary to do so it may direct any person to give his evidence at any such enquiry under oath or affirmation.

(b) The member of the board presiding at such enquiry may administer the oath to or take an affirmation from the person concerned.

(4) Any person who has been summoned to give evidence at any such enquiry shall be entitled to receive as witness fees, from funds voted by the Legislative Assembly for the purpose, an amount equal to the amount he would have received as witness fees if he had been summoned to attend at a criminal trial in a superior court held at the place specified in the summons sent to him.

(5) Any person who —

(a) having been summoned to give evidence at an enquiry under sub-section (1), without sufficient cause (the onus of proof whereof shall rest upon him) fails to attend at the time and place specified in the summons, or fails to remain in attendance until the conclusion of the enquiry, or until excused by the member of the board presiding at the enquiry from further attendance, or fails to produce any book, document or thing in his possession or custody or under his control, which he has been summoned to produce; or

(b) having been called under sub-section (2), without sufficient cause (the onus of proof whereof shall rest upon him) refuses to be sworn or to make affirmation as a witness after he has been directed by the board to do so, or refuses to testify, or refuses or fails to answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(6) Any person who, after having been sworn or having made affirmation, gives false evidence before the board at an enquiry or any matter, knowing such evidence to be false or not believing it to be true, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(7) If requested to do so by any witness the board
~~shall hear his evidence in camera~~

Geheimhouding.

9. (1) Geen lid van die raad en geen persoon wat toegelaat is om teenwoordig te wees by 'n vergadering van die raad of by 'n ondervraging van enige persoon deur 'n inspekteur, mag aan enigiemand inligting aangaande die finansiële of besigheidsake van enige persoon, inrigting of besigheid, wat hy by die uitvoering van sy pligte of werksaamhede ingevalle hierdie ordonnansie, of terwyl hy by sodanige vergadering of ondervraging teenwoordig was, na gelang, verkry het, bekend maak nie behalwe met die doel om sy pligte of werksaamhede ingevalle hierdie ordonnansie uit te voer of wanneer dit deur 'n hof of ingevolge 'n wetsbepaling van hom vereis word: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie ten opsigte van inligting wat verkry is by 'n ondersoek wat ingevalle artikel 8 ingestel is en terwyl sodanige ondersoek in die openbaar gehou is.

(2) Enigiemand wat die bepalings van subartikel (1) oortree is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

Aanstelling van inspekteurs.

10. (1) Die Administrateur kan behoudens die bepalings van die Staatsdienswet 1957 (Wet 54 van 1957) of die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957) die persone wat hy nodig ag, aanstel as inspekteurs vir die behoorlike uitvoering van die bepalings van hierdie ordonnansie.

(2) Elke inspekteur word voorsien van 'n sertifikaat geteken deur 'n daartoe deur die Administrateur gemagtigde beampete in die Afdeling Natuurbewaring en Toerisme van die Administrasie van die Gebied, waarin verklaar word dat hy kragtens hierdie ordonnansie as 'n inspekteur aangestel is.

(3) 'n Inspekteur moet op versoek van enigiemand wat deur die uitoefening of die verrigting deur hom van enige bevoegdheid of werksaamheid kragtens hierdie ordonnansie geraak word, die in subartikel (2) bedoelde sertifikaat vertoon.

Bevoegdhede van inspekteurs.

11. (1) 'n Inspekteur kan vir die doeleindes van hierdie ordonnansie —

(a) sonder voorafgaande kennisgewing, te enige redelike tyd enige perseel van 'n huisvestingsinrigting betree en, nadat hy die persoon wat asdan toesig of beheer oor sodanige inrigting het vir die doel van sy besoek verwittig het, die ondersoek instel en die navrae doen wat hy nodig ag;

(b) terwyl hy op of in die perseel is, of op enige ander redelike tydstip, enige persoon wat bedoelde huisvestingsinrigting dryf of wat asdan toesig of beheer oor sodanige inrigting het, of enige werkneemer van so 'n persoon in die teenwoordigheid of afgesonder van andere ondervra, en van enige so 'n persoon of werkneemer vereis om daar en dan, of op 'n tyd en plek wat die inspekteur bepaal, enige boek, kennisgewing, aantekening, lys of ander stuk oor te lê wat op of in die perseel of in besit of in bewaring of onder beheer van so 'n persoon of werkneemer is of was, indien die ondersoeking van daardie boek kennisgewing, aantekening, lys of stuk redelikerwys nodig is vir die doel van 'n ondersoek wat hy besig

(c) te eniger redelike tyd van enige persoon wat enige boek, kennisgewing, aantekening, lys of ander stuk betreffende sodanige perseel of die besigheid wat daarop gedryf word, in sy besit of bewaring of onder sy beheer het, die voorlegging van daardie boek, kennisgewing, aantekening, lys of stuk daar en dan of op 'n tyd en plek deur die inspekteur bepaal, eis indien die ondersoeking van daardie boek, kennisgewing, aantekening, lys of stuk redelickerwys nodig is vir die doel van 'n ondersoek wat hy besig

9. (1) No member of the board and no person allowed to be present at any meeting of the board or at any interrogation of any person by an inspector, shall disclose to any person, except for the purpose of the performance of his duties or functions under this ordinance or when required to do so by any court or under any law, any information in relation to the financial or business affairs of any person, establishment or business, acquired in the performance of his duties or functions under this ordinance or while attending any such meeting or interrogation, as the case may be: Provided that the provisions of this sub-section shall not apply in respect of any information acquired at an enquiry conducted in terms of section 8 and while such enquiry was conducted in public.

Secrecy to be observed.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

10. (1) The Administrator may, subject to the provisions of the Public Service Act, 1957 (Act 54 of 1957) or the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957) appoint such persons as he may deem necessary as inspectors for the proper enforcement of the provisions of this ordinance.

Appointment of inspectors.

(2) Every inspector shall be furnished with a certificate signed by an officer in the Nature Conservation and Tourism Branch of the Administration of the Territory, authorized thereto by the Administrator and stating that he has been appointed as inspector under the provisions of this ordinance.

(3) An inspector shall, on demand by any person affected by the exercise or the performance by him of any power or function under this ordinance, produce the certificate referred to in sub-section (2).

11. (1) An inspector may, for the purposes of this ordinance —

Powers of inspectors.

- (a) without previous notice, at all reasonable times enter any premises of an accommodation establishment and, after having informed the person who is for the time being in charge or control of such establishment of the purpose of his visit make such examination and enquiry as he may deem necessary;
- (b) while he is on or in the premises or at any other reasonable time, question any person who conducts or for the time being supervises or controls such establishment, or any employee of such person in the presence of or apart from others and require from any such person or employee the production there and then, or at a time and place fixed by the inspector, of any book, notice, record, list or other document, which is or has been on or in the premises or in the possession or custody or under the control of such person or employee, if examination of that book, notice, record, list or document is reasonably necessary for the purpose of any investigation which he is carrying out;
- (c) at any reasonable time require from any person who has the possession or custody or control of any book, notice, record, list or other document relating to such premises or to the business conducted thereon, the production there and then, or at a time and place fixed by the inspector, of that book, notice, record, list or document, if examination of that book, notice, record, list or document is reasonably necessary for the purpose of any investigation which he is carrying out;

(d) enige sodanige boek, kennisgewing, aantekening, lys of stuk ondersoek en uittreksels daaruit en afskrifte daarvan maak, en 'n uitleg vorder van enige inskrywings in sodanige boek, kennisgewing, aantekening, lys of stuk en beslag lê op sodanige boek, kennisgewing, aantekening, lys of stuk wat redelekerwys bewys kan lewer van 'n oortreding of onduiking van 'n bepaling van hierdie ordonnansie.

(2) Enigiemand wat 'n huisvestingsinrigting wat kragtens subartikel (1) deur 'n inspekteur betree is, dryf en enige werknemer van sodanige persoon moet te alle tye die redelike fasilitete verskaf wat deur die inspekteur vereis word om sy bevoegdhede kragtens bedoelde subartikel uit te oefen.

(3) Enigiemand wat —

(a) 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte hinder of belemmer; of

(b) opsetlik aan 'n inspekteur inligting verstrek wat vals of misleidend is,
is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(4) By die toepassing van hierdie artikel met betrekking tot 'n safari-onderneeming word die woord „perseel“ geag in te sluit enige plek waar 'n groep persone wat deur die onderneming op 'n toer in of na enige plek in die Gebied geneem word, stilgehou het met watter doel ook al en ook enige kantoor waar die administratiewe werksamehede van die onderneming verrig word.

Regulasies.

12. (1) Die Administrateur kan regulasies uitvaardig met betrekking tot —

(a) die prosedure wat by vergaderings van die raad gevolg moet word;

(b) die instel van die ondersoeke wat die raad nodig ag of waaromtrent die Administrateur sy advies verlang;

(c) die insameling van statistiek en ander inligting (met inbegrip van finansiële inligting) ten opsigte van huisvestingsinrigtings in die algemeen, wat die raad vir die verrigting van sy werksamehede en pligte nodig ag;

(d) die voorwaardes van aanstelling van inspekteurs;

(e) die insameling van statistiek en ander inligting deur inspekteurs en die wyse waarop en die omstandighede waaronder sodanige statistiek en inligting verkry kan word;

(f) die verskaffing van advies, leiding en hulp deur inspekteurs aan enigiemand ten opsigte van die daarstelling, uitbreiding of bestuur van enige huisvestingsinrigting in verband waarmee daar om registrasie kragtens hierdie ordonnansie aansoek gedoen is of na voorname gedoen gaan word;

(g) die vereistes waaraan 'n huisvestingsinrigting of enige kategorie van huisvestingsinrigting vir registrasie ingevolge hierdie ordonnansie moet voldoen;

(h) die vrystelling van enige huisvestingsinrigting van al of enige van die vereistes vir registrasie ingevolge hierdie ordonnansie van huisvestingsinrigtings of enige kategorie van huisvestingsinrigtings;

(i) die aanlê en hou van 'n register vir die registrasie ingevolge hierdie ordonnansie van huisvestingsinrigtings of enige kategorie van huisvestingsinrigtings;

(j) die wyse waarop enige aansoek om registrasie van 'n huisvestingsinrigting ingedien moet word, die uitreiking van registrasiesertifikate, die gelde betaalbaar ten opsigte daarvan en die vertoning van sodanige sertifikate:

- (d) examine and make extracts from and copies of any such book, notice, record, list or document and require an explanation of any entries in such book, notice, record, list or document and seize any such book, notice, record, list or document as may reasonably afford evidence of a contravention or evasion of any provision of this ordinance.
- (2) Any person conducting an accommodation establishment entered by an inspector under sub-section (1), and any employee of such person shall at all times furnish such reasonable facilities as are required by the inspector for the purpose of exercising his powers under the said sub-section.
- (3) Any person who —
- (a) hinders or obstructs an inspector in the exercise of his powers or the performance of his duties; or
- (b) wilfully furnishes to an inspector any information which is false or misleading,
- shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- (4) For the purposes of this section in relation to a safari undertaking the word "premises" shall be deemed to include any place where a group of persons taken by such undertaking on a tour in or to any place in the Territory, has stopped for any purpose whatever and also any office where the administrative functions of such undertaking are performed.

12. (1) The Administrator may make regulations relating to — Regulations.

- (a) the procedure to be followed at meetings of the board;
- (b) the institution of enquiries which the board may deem necessary or about which the Administrator requires its advice;
- (c) the collecting of statistics and other information (including financial information) in respect of accommodation establishments in general, which the board may deem necessary for the performance of its functions and duties;
- (d) the conditions of appointment of inspectors;
- (e) the collecting of statistics and other information by inspectors and the manner in which and the circumstances under which such statistics and information may be obtained;
- (f) the giving of advice, guidance and assistance by inspectors to any person in respect of the institution, extension or management of any accommodation establishment in connection with which application for registration under this ordinance has been made or is intended to be made;
- (g) the requirements to be satisfied by an accommodation establishment or any category of accommodation establishment for registration under this ordinance;
- (h) the exemption of any accommodation establishment from all or any of the requirements for registration under this ordinance of accommodation establishments or any category of accommodation establishments;
- (i) the opening and keeping of a register for the registration under this ordinance of accommodation establishments or any category of accommodation establishments;
- (j) the manner in which any application for registration of an accommodation establishment shall be submitted, the issuing of registration certificates, the fees payable in respect thereof and the display of such certificates;

- (k) die weiering van enige aansoek om registrasie as 'n huisvestingsinrigting, die intrekking van die registrasie en die herregistrasie van enige sodanige inrigting en die gelde betaalbaar ten opsigte van sodanige herregistrasie;
- (l) die uitreiking van registrasiesertifikate in die naam van enige persoon;
- (m) die standaard van die geriewe en dienste wat deur enige kategorie van huisvestingsinrigtings verskaf en gehandhaaf moet word en die gelde wat ten opsigte van sodanige geriewe en dienste geëis kan word;
- (n) die gradering van enige kategorie van huisvestingsinrigting, die vereistes vir, en die uitreiking gebruik en vertoning van, kentekens of sertifikate ten opsigte van elke sodanige gradering; die verandering van die gradering van enige huisvestingsinrigting;
- (o) die reg van appèl teen enige sodanige gradering of verandering van gradering;
- (p) die gelde betaalbaar ten opsigte van elke huisvestingsinrigting wat aldus gegradeer word of waarvan die gradering verander word;
- (q) die verspreiding van valse inligting in verband met die gradering of registrasie van enige huisvestingsinrigting of die geriewe of dienste wat by enige sodanige inrigting verskaf of die gelde wat daarvoor gevorder word;
- (r) die toestaan van lenings en voorskotte vir die oprigting, herbouing, uitbreiding of opknapping van huisvestingsinrigtings;
- (s) die maatreëls wat nodig of wenslik is vir die bereiking en handhawing van 'n bevredigende standaard van geriewe en dienste wat deur verskillende kategorieë van huisvestingsinrigtings verskaf moet word;
- (t) die maatreëls wat hy nodig of wenslik ag vir die bevordering van toerisme in die Gebied;
- (u) alle aangeleenthede wat hy nodig of raadsaam ag om te reël ten einde die oogmerke van hierdie ordonnansie te bereik, terwyl die algemeenheid van hierdie bepaling nie deur die bepalings van die voorafgaande paragrawe beperk word nie.

(2) Verskillende regulasies kan ten opsigte van verskillende kategorieë van huisvestingsinrigtings uitgevaardig word.

(3) Regulasies kragtens hierdie artikel uitgevaardig kan vir 'n oortreding daarvan of 'n versuum om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande, te bowe gaan nie.

**Verbod op dryf van
huisvestingsinrigtings sonder
registrasie.**

13. (1) Van 'n datum een jaar na die datum van inwerkingtreding van hierdie ordonnansie mag niemand 'n huisvestingsinrigting dryf tensy dit behoorlik ooreenkomsdig die bepalings van hierdie ordonnansie geregistreer is nie of ingevolge regulasie uitgevaardig kragtens artikel 12 (1) (1) van registrasie vrygestel is nie.

(2) Enigiemand wat subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(3) Indien daar by enige vervolging weens 'n oortreding van subartikel (1) bewys gelewer is dat die betrokke huisvestingsinrigting gedryf is, word dit vermoed, tensy die teendeel bewys word, dat die persoon wat as bestuurder van daardie inrigting opgetree het, die inrigting aldus gedryf het.

**Geen appèl teen
beslissings om
registrasie en her-
registrasie.**

14. 'n Beslissing gegee ooreenkomsdig enige regulasie uitgevaardig kragtens artikel 12 met betrekking tot 'n aansoek om registrasie of herregistrasie van enige huisvestingsinrigting is afdoende en daar bestaan geen reg op hoër beroep nie.

- (k) the refusal of any application for registration as an accommodation establishment, the cancellation of the registration and the re-registration of any such establishment and the fees payable in respect of such registration;
- (l) the issue of registration certificates in the name of any person;
- (m) the standard of the facilities and services to be provided and maintained by any category of accommodation establishments and the fees which may be charged in respect of such facilities and services;
- (n) the grading of any category of accommodation establishment, the requirements for, and the issue, use and display of insignia or certificates in respect of each such grading; the change of the grading of any accommodation establishment;
- (o) the right of appeal against any such grading or change of grading;
- (p) the fees payable in respect of every accommodation establishment which has been so graded or re-graded;
- (q) the circulation of false information in connection with the grading or registration of any accommodation establishment or the facilities or services provided at any such establishment, or the fees charged therefor;
- (r) the granting of loans and advances for the erection, rebuilding, extension or renovation of accommodation establishments;
- (s) the measures necessary or desirable for the attainment and maintenance of a satisfactory standard of facilities and services to be provided by the different categories of accommodation establishments;
- (t) the measures which he may deem necessary or desirable for the promotion of tourism in the Territory;
- (u) all matters which he may consider it necessary or expedient to prescribe in order that the objects of this ordinance may be achieved, the generality of this provision not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in respect of different categories of accommodation establishments.

(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of two hundred rand or imprisonment for a period of six months.

13. (1) From a date one year after the date of commencement of this ordinance no person shall conduct an accommodation establishment unless it has been duly registered in accordance with the provisions of this ordinance or has been exempted from registration by regulation made under section 12 (1) (h).

Prohibition on the conducting of accommodation establishments without registration.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) If in any prosecution for a contravention of sub-section (1) it is proved that the accommodation establishment concerned was conducted, it shall be presumed, unless the contrary is proved, that the person who acted as manager of that establishment, so conducted such establishment.

14. Any decision given in accordance with any regulation made under section 12 in respect of an application for registration or re-registration of any accommodation establishment shall be final, and there shall be no right

No appeal against decisions on registration and re-registration.

Reklame.

15. Die Administrateur kan van tyd tot tyd op enige wyse wat hy nodig of raadsaam ag, uit gelde wat vir die doel deur die Wetgewende Vergadering bewillig word, reklame ter bevordering van toerisme in die Gebied, binne of buite die Gebied maak of laat maak.

**Wysiging van
Ordonnansie 13 van
1944.**

16. Die Ordonnansie op die Gebiedsontwikkelings- en -reservefonds 1944 word hierby gewysig —

(a) deur in artikel 2 (1) die volgende paragraaf by te voeg:

„(n) Rekening vir die bou en verbetering van huisvestingsinrigtings in Suidwes-Afrika”.

(b) deur in artikel 6 (1) die volgende paragraaf by te voeg:

„(n) *Rekening vir die bou en verbetering van huisvestingsinrigtings in Suidwes-Afrika.*

Vir die leen of voorskiet op die voorwaardes en op die wyse wat die Administrateur bepaal, van gelde wat deur die Administrateur toegesê is by regulasie uitgevaardig kragtens artikel 12 van die Ordonnansie op Huisvestingsinrigtings en Toerisme 1967 vir die bou en verbetering van huisvestingsinrigtings (soos in genoemde ordonnansie bepaal) in Suidwes-Afrika”.

**Kort titel en
Inwerkingtreding.**

17. Hierdie ordonnansie heet die Ordonnansie op Huisvestingsinrigtings en Toerisme 1967 en tree in werking op 'n datum wat die Administrateur by kennisgwing in die *Offisiële Koerant* bepaal.

15. The Administrator may from time to time in any manner which he may deem necessary or expedient, from moneys voted for the purpose by the Legislative Assembly, conduct or cause to be conducted within or outside the Territory advertising for the promotion of tourism in the Territory.

Publicity.

16. The Territorial Development and Reserve Fund Ordinance, 1944, is hereby amended —

Amendment of
Ordinance 13 of
1944.

(a) by the addition of the following paragraph in section 2 (1):

“(n) Account for the erection and improvement of accommodation establishments in South West Africa”;

(b) by the addition in section 6 (1) of the following paragraph:—

“(n) *Account for the erection and improvement of accommodation establishments in South West Africa.*

For the lending or advancing on conditions and in a manner to be determined by the Administrator, of moneys, granted by the Administrator by regulation made under section 12 of the Accommodation Establishments and Tourism Ordinance, 1967, for the erection and improvement of accommodation establishments (as defined in the said ordinance) in South West Africa.”

17. This ordinance shall be called the Accommodation Establishments and Tourism Ordinance, 1967, and shall come into operation on a date to be fixed by the Administrator by notice in the *Official Gazette*.

Short title and
commencement.

ONTWERPORDONNANSIE

Tot wysiging van die Ordonnansie op Robbevangs en Visserye 1949; om beheerde vis te omskryf; om 'n verbod te plaas op die lewering van beheerde vis aan ongelisensieerde fabrieke; om 'n heffing te plaas op voorrade gelewer of verskaf aan bote en vaartuie; om die magte van beampetes uit te brei en om strawwe vir sekere oortredings voor te skryf.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Staatspresident dermate, sodanige toestemming nodig is vooraf verkreeë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel 26 van die Zuidwest-Afrika Konstitutie Wet 1925 (Wet 42 van 1925) soos gewysig, van die Parlement van die Republiek van Suid-Afrika, VERORDEN:—

Wysiging van artikel 1 van Ordonnansie 12 van 1949.

1. Artikel 1 van die Ordonnansie op Robbevangs en Visserye 1949 (Ordonnansie 12 van 1949) — hierna die hoofordonnansie genoem — word hierby gewysig —

- (a) deur die woorde „maar sluit uit 'n perseel of vaartuig wat net vir die verkoeling van vis of produkte van vis gebruik word“ in die woordbepaling van „fabriek“ te skrap;
- (b) deur die volgende woordbepaling na die woordbepaling van „geslote seisoen“ in te voeg:— „beheerde vis“ sardyne (*Sardinops Ocellata*), Marsbankers (*Trachurus trachurus*), makriel (*Scomber japonicas*), ansjovis (*Engraulis*) en kreef (*Jasus Lalandii*), en enige ander vissoort deur die Administrateur by kennisgiving in die *Offisiële Koerant* bepaal;“ en
- (c) deur in die woordbepaling van „die Gebied“ die woorde „drie“ deur die woorde „ses“ te vervang.

Wysiging van artikel 2 van Ordonnansie 12 van 1949.

2. Artikel 2 (1) van die hoofordonnansie word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:—

- „(a) die vangs of steuring van vis, of enige omskreve vissoort vir 'n onbepaalde of aangegewe tydperk in enige jaar en oor die algemeen of in 'n bepaalde streek deur enige persoon of klas van persone op 'n boot of vaartuig, verbied;“.

Invoeging van nuwe artikels 2A en 2B in Ordonnansie 12 van 1949.

3. Die hoofordonnansie word hierby gewysig deur na artikel 2 die volgende artikels in te voeg:—

Verbod op die lewering van beheerde vis aan 'n ongelisensieerde fabriek.

„2A (1) Niemand op 'n boot of vaartuig wat ingevolge hierdie Ordonnansie gelisensieer is of regtens vereis gelisensieer te wees, mag beheerde vis lever aan 'n fabriek wat nie aldus in die Gebied gelisensieer is nie of regtens vereis gelisensieer te wees nie.“

(2) Die bepalings van subartikel (1) is ook buite die Territoriale waters van die Gebied van toepassing.

DRAFT ORDINANCE

To amend the Sealing and Fisheries Ordinance, 1949, to define controlled fish; to prohibit the supply of controlled fish to unlicensed factories; to impose a levy on supplies delivered or supplied to boats and vessels; to increase the powers of officers and to prescribe penalties for certain offences.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President 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 26 of the South West Africa Constitution Act, 1925 (Act 42 of 1925), as amended, of the Parliament of the Republic of South Africa as follows:—

1. Section 1 of the Sealing and Fisheries Ordinance, 1949 (Ordinance 12 of 1949) — hereinafter referred to as the principal ordinance — is hereby amended —

Amendment of
section 1 of
Ordinance 12 of
1949.

- (a) by the deletion of the words "but does not include any premises or vessel used solely for the chilling or freezing of fish or of the products of fish" in the definition of "factory";
- (b) by the insertion after the definition of "close season" of the following definition:—
"controlled fish" means pilchards (*Sardinops ocellata*), masbankers (*Trachurus trachurus*), mackerel (*Scomber japonicas*), anchovy (*Engraulis*) and crawfish (*Jasus lalandii*), and any other species of fish as defined by the Administrator by notice in the *Official Gazette*; and
- (c) by the substitution in the definition of "the Territory" for the word "three" of the word "six".

2. Section 2 (1) of the principal ordinance is hereby amended by the substitution for sub-section (a) of the following sub-section:—

Amendment of
section 2 of Ordin-
ance 12 of 1949.

- „(a) prohibit any person or class of persons for an indefinite period or for any specified period in any year and either generally or in any defined area, from catching or disturbing fish or any defined species of fish;".

3. The principal ordinance is hereby amended by the insertion after section 2 of the following sections:—

Insertion of new
sections 2A and 2B
in Ordinance 12 of
1949.

Prohibition on
supply of con-
trolled fish to
unlicensed
factory.

"2A (1) No person on a boat or vessel licensed, or by law required to be licensed, under this ordinance, may deliver controlled fish to a factory not so licensed or by law required to be licensed in the Territory.

- (2) The provisions of sub-section (1) shall also apply beyond the territorial waters of the Territory.

Heffing op voorrade gelewer of verskaf aan bote of vaartuile.

2B (1) Elke persoon wat sonder die goedkeuring van die Administrateur voorrade van watter aard ookal maar met uitsluiting van mediese voorrade, aan enige boot of vaartuig lewer of verskaf waarvan die bedrywigheid hoofsaaklik is om beheerde vis te vang of te laat vang en/of te verwerk of te laat verwerk of wat sodanige voorrade lewer of verskaf aan enige persoon vir lewering of verskaffing aan sodanige boot of vaartuig, moet 'n heffing van 50% op die normale verkoopsprys van sodanige voorrade by sy naaste Inkomstekantoor betaal en sodanige heffing moet binne dertig dae na die einde van elke maand betaal word en moet vergesel gaan van 'n staat wat aantoon die hoeveelheid voorrade gedurende die betrokke maand gelewer of verskaf en die normale verkoopsprys daarvan; met dien verstande dat die bepalings van hierdie artikel nie van toepassing is op 'n vaartuig of boot wat vis vang en/of lewer aan 'n fabriek wat behoorlik in Suid-wes-Afrika gelisensieer is nie.

(2) Waar 'n beampte 'n redelike vermoede het dat enige persoon die bepalings van subartikel (1) van hierdie artikel of artikel 2A (1) oortree of oortree het, word sodanige persoon geag daardie bepalings te oortree het totdat die teendeel bewys word.

(3) Iemand wat die bepalings van artikel 2A (1) en subartikel (1) van hierdie artikel oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar, in die geval van 'n oortreding van artikel 2A (1) met 'n boete van minstens tweeduiseend rand en hoogstens tienduisend rand of met gevangenisstraf vir 'n tydperk van minstens twee jaar en hoogstens tien jaar, of met beide daardie boete en daardie gevangenisstraf en die lisensie van sodanige boot of vaartuig wat in verband met die misdryf gebruik is of wat die onderwerp vorm van die vervolging en wat ingevolge die bepalings van hierdie Ordonnansie gelisensieer is, moet ingetrek word, en in die geval van 'n oortreding van subartikel (1) van hierdie artikel met 'n boete van minstens tweehonderd rand en hoogstens eenduisend rand, of met gevangenisstraf vir 'n tydperk van minstens ses maande en hoogstens twee jaar, of met beide sodanige boete en sodanige gevangenisstraf.”.

Wysiging van artikel 12 van Ordonnansie 12 van 1949.

4. Artikel 12 (1) van die hoofordonnansie word hierby gewysig deur na die woord „halt” in paragraaf (f) die woorde „of gelas om na 'n hawe in die Gebied soos deur die beampte aangedui, te vaar” in te voeg.

Wysiging van artikel 18 van Ordonnansie 12 van 1949.

5. Artikel 18 van die hoofordonnansie word hierby gewysig:—

- (a) deur na die woord „strafbaar” in subartikel (1) die woorde „in die geval van 'n misdryf bedoel in paragrawe (a) en (o) met 'n boete van minstens tweeduiseend rand en hoogstens tienduisend rand of met gevangenisstraf vir 'n tydperk van minstens twee jaar en hoogstens tien jaar, of met beide daardie boete en daardie gevangenisstraf; en” in te voeg; en
- (b) deur in subartikel (2) na die woord „paragrawe” die letter „(a)” in te voeg.

Wysiging van artikel 19 van Ordonnansie 12 van 1949.

6. Artikel 19 van die hoofordonnansie word hierby gewysig —

- (a) deur na subartikel (1) die volgende subartikel in te voeg:—

Levy on provisions delivered or supplied to boats or vessels.

2B (1) Every person who without the approval of the Administrator, supplies or delivers provisions of whatever description, but excluding medical supplies, to a boat or vessel of which the activities are mainly to catch or cause to be caught and/or treat or cause to be treated controlled fish or who delivers or supplies such provisions to any person for supply or delivery to such boat or vessel, shall pay a levy of 50% on the normal selling price of such provisions at his nearest revenue office and such levy shall be paid within thirty days from the end of each month and must be accompanied by a statement indicating the quantity of supplies delivered or supplied during the month concerned and the normal selling price thereof: Provided that the provisions of this section shall not apply to a vessel or boat catching and/or delivering fish to a factory duly licensed in South West Africa.

(2) Where an officer has reason to suspect that any person contravenes or has contravened the provisions of subsection (1) of this section or section 2A (1) such person shall be deemed to have contravened those provisions until the contrary is proved.

(3) Any person who contravenes the provisions of section 2A (1) and sub-section (1) of this section, shall be guilty of an offence and shall be liable on conviction in the case of a contravention of section 2A (1) to a fine not less than two thousand rand and not exceeding ten thousand rand or to imprisonment for a period not less than two years and not exceeding ten years, or to both such fine and such imprisonment and the licence of such boat or vessel so used or forming the subject of the prosecution and licensed in terms of this ordinance, shall be cancelled, and in the case of a contravention of sub-section (1) of this section, to a fine not less than two hundred rand and not exceeding one thousand rand or to imprisonment for a period not less than six months and not exceeding two years or to both such fine and such imprisonment."

4. Section 12 (1) of the principal ordinance is hereby amended by the insertion after the word "halt" in paragraph (f) of the words "or instruct the skipper to sail to a harbour in the Territory as indicated by the officer."

Amendment of
section 12 of
Ordinance 12 of
1949.

5. Section 18 of the principal ordinance is hereby amended —

Amendment of
section 18 of
Ordinance 12 of
1949.

(a) by the insertion after the word "conviction" in sub-section (1) of the words "in the case of an offence referred to in paragraphs (a) and (o) to a fine of not less than two thousand rand and not exceeding ten thousand rand or to imprisonment for a period not less than two years and not exceeding ten years, or to both such fine and such imprisonment; and" and

(b) by the insertion after the word "paragraphs" in subsection (2) of the letter "(a)".

6. Section 19 of the principal ordinance is hereby amended —

Amendment of
section 19 of
Ordinance 12 of
1949.

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

„(1A). Nieteenstaande die bepalings van subartikel (1) moet die hof wat iemand aan 'n misdryf ingevolge Artikels 2A (1) en 3 skuldig bevind, benewens enige ander straf wat hy mag ople, by 'n tweede of daaropvolgende skuldigbevinding, enige vis of enige boot, net of ander werktuig wat in verband met die misdryf gebruik is, of wat die onderwerp vorm van die vervolging, of enige eiendomsreg wat die skuldige of iemand anders op die boot, net of werktuig het, aan die Staat verbeurd verklaar;”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:—

„(2) die bepalings van subartikels (4) en (5) van artikel 347 van die Strafprosesordonnansie 1963 is *mutatis mutandis* ten opsigte van die regte in die voorbehoudsbepaling van subartikel (1) genoem, van toepassing.”

kort titel.

7. Hierdie ordonnansie heet die Wysigingsordonnansie op Robbevangs en Visserye 1967.

"(1A) Notwithstanding the provisions of sub-section (1) the court convicting any person of an offence under sections 2A (1) and 3 shall in addition to any other penalty that may be imposed in the case of a second or subsequent conviction, declare any fish, or any boat, net or other implement used in connection with the offence or forming the subject of the prosecution, or any proprietary right which the convicted person or anybody else may have to such boat, net or implement to be forfeited to the State."; and

(b) by the substitution for sub-section (2) of the following sub-section:—

"(2) the provisions of sub-sections (4) and (5) of section 347 of the Criminal Procedure Ordinance 1963 shall *mutatis mutandis* apply in respect of the rights referred to in the proviso in sub-section (1)."

7. This ordinance shall be called the Sealing and short title.
Fisheries Amendment Ordinance, 1967.

ONTWERPORDONNANSIE

Ter wysiging van die Ordonnansie insake Heffings vir Inboorlingbehuisung 1961, om voorsiening te maak vir die betaling van bydraes of heffings deur werkgewers tot die koste van behuisung van hul inboorling-werknemers en vir verbandhoudende sake.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Staatspresident dermate sodanige toestemming nodig is vooraf verkreeë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegehou ooreenkomstig die bepalings van artikel 26 van die Zuidwest Afrika Konstitutie Wet 1925 (Wet 42 van 1925) van die Parlement van die Republiek van Suid-Afrika, VERORDEN:—

Wysiging van artikel 1 van Ordonnansie 33 van 1961.

1. Artikel 1 van die Ordonnansie insake Heffings vir Inboorlingbehuisung 1961 (Ordonnansie 33 van 1961) — hierna heet dit die hoofordonnansie — word hierby gewysig deur die invoeging in subartikel (1) na die woordbepaling van die woorde „die Proklamasie” van die volgende woordbepaling:—

„,(vA) heffing” beteken die heffing genoem in artikel 3.”.

Invoeging van artikel 2A in Ordonnansie 33 van 1961.

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

Beperking op die indiens-neming van inboorlinge.

2A. Niemand mag enige volwasse manlike inboorling in 'n verklaarde behuisingsgebied in diens neem nie tensy sodanige inboorling woon in 'n lokasie of 'n inboorling-dorp geleë binne sodanige gebied of ooreenkomsdig subartikel (2) van artikel 9 van die proklamasie vrygestel is van die werking van enige kennisgewing uitgereik ingevolge subartikel (1) van daardie artikel.”.

Vervanging van artikel 3 van Ordonnansie 33 van 1961 soos gewysig by artikel 1 van Ordonnansie 10 van 1966.

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

Betaling van bydraes of heffings.

3. (1) Elke werkgewer binne 'n verklaarde behuisingsgebied moet, onderhewig aan die bepalings van subartikels (2) en (3), aan die betrokke stedelike plaaslike bestuur ten bate van sodanige bestuur se inboorling-inkomsterekkening, en sodanige plaaslike bestuur self moet in sodanige rekening die onderstaande betaal:—

(a) 'n heffing bepaal ooreenkomsdig die getal weke waartydens elke volwasse manlike inboorling by sodanige werkgewer of by sodanige plaaslike bestuur, na gelang, werk, wat bereken word teen 'n skaal van hoogstens een rand per week vir elke sodanige volwasse manlike inboorling, soos ten opsigte van enige verklaarde behuisingsgebied deur die Administrateur by kennisgewing in die *Offisiële Koerant* vasgestel word; of

(b) 'n maandelikse bydrae, soos die Administrateur by kennisgewing in die *Offisiële Koerant* kan gelas, gelyk aan die volle bedrag van die huurgeld vir behuisung betaalbaar deur elke sodanige volwasse manlike inboorling wat by sodanige werkgewer of sodanige

DRAFT ORDINANCE

To amend the Native Housing Levy Ordinance, 1961, to provide for the payment of contributions or levies by employers towards the cost of housing of their native employees and to provide for matters incidental thereto.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President, 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 26 of the South West Africa Constitution Act, 1925 (Act 42 of 1925), of the Parliament of the Republic of South Africa, as follows:—

1. Section 1 of the Native Housing Levy Ordinance, 1961 (Ordinance 33 of 1961), hereinafter referred to as the principal ordinance, is hereby amended by the insertion in sub-section (1) after the definition of the word "inspector" of the following definition:—

Amendment of
section 1 of
Ordinance 33 of
1961

“‘(vA) levy’ means the levy referred to in section 3.”.

2. The following section is hereby inserted after section 2 of the principal ordinance:—

Insertion of section
2A in Ordinance 33
of 1961.

*“Restriction on
the employment
of natives.”*

2A. No person shall employ any adult male native in a declared housing area unless such native resides in a location or a native village situate within such area or is exempt in terms of sub-section (2) of section 9 of the Proclamation, from the operation of any notice issued under sub-section (1) of that section.”.

3. The following section is hereby substituted for section 3 of the principal ordinance:

*“Payment of
contributions or
levies.”*

3. (1) Subject to the provisions of sub-sections (2) and (3), every employer within a declared housing area shall pay to the urban local authority concerned for the benefit of its native revenue account and such urban local authority shall itself pay into such account —

Substitution of
section 3 of
Ordinance 33 of
1961 as amended
by section 1 of
Ordinance 10 of
1966.

(a) a levy determined according to the number of weeks during which every adult male native is employed by such employer or by such urban local authority, as the case may be, and calculated at a rate not exceeding one rand per week for each such adult male native employee as may in respect of any declared housing area be fixed by the Administrator by notice in the *Official Gazette*, or

(b) as the Administrator, by notice in the *Official Gazette*, may direct, a monthly contribution equal to the full amount of rent for housing payable by each such adult male native employed by such employer or by such

plaaslike bestuur, na gelang, werk, en sodanige huurgeld moet deur die betrokke stedelike plaaslike bestuur as aldus betaalbaar gesertifiseer word:

Met dien verstande dat —

- (i) die Administrateur by die bepaling van 'n heffing ooreenkomstig hierdie subartikel verskillende skale kan vasstel ten opsigte van verskillende verklaarde behuisingsgebiede asook ten opsigte van verskillende tipes inboorlingbehusing in enige verklaarde behuisingsgebied;
- (ii) by die bepaling van die bedrag van die heffing betaalbaar ooreenkomstig hierdie subartikel 'n gedeelte van 'n week as 'n week beskou word;
- (iii) enige bydrae betaalbaar ten opsigte van huurgeld vir behusing ooreenkomstig hierdie subartikel, ten opsigte van enige tydperk korter as 'n kalendermaand bereken moet word in strenge verhouding met die getal dae in daardie bepaalde kalendermaand.

(2) As enige volwasse manlike inboorling in diens van 'n werkgewer of 'n stedelike plaaslike bestuur in 'n verklaarde behuisingsgebied woon in 'n lokasie of inboorlingdorp geleë binne sodanige gebied en ten opsigte van wie se inwoning in sodanige lokasie of inboorlingdorp slegs 'n terreinhuurgeld deur hom betaalbaar is, kan die Administrateur by kennisgewing in die *Offisiële Koerant* die bedrag aan bydrae betaalbaar ooreenkomstig subartikel (1) ten opsigte van die huurgeld betaalbaar deur sodanige inboorling vasstel, en by die vasstelling van sodanige bedrag aan bydrae neem die Administrateur huurgeld vir behusing betaalbaar in enige ander lokasie of inboorlingdorp geleë binne sodanige verklaarde behuisingsgebied of binne enige ander sodanige gebied in ag.

(3) Geen bydrae of heffing is betaalbaar nie ten opsigte van —

- (a) 'n huisbediende deur 'n private huisbewoner in diens geneem waar sodanige werkgewer huisvesting wat goedgekeur is deur die stedelike plaaslike bestuur ooreenkomstig paragraaf (a) van subartikel (2) van artikel 9 van die proklamasie aan sodanige bediende verskaf;
- (b) 'n volwasse manlike inboorling vir wie sy werkgewer huisvesting verskaf wat goedgekeur is deur sodanige stedelike plaaslike bestuur watregsbevoegdheid besit in die gebied waarin daardie huisvesting geleë is, indien geen bedrag deur sodanige werkgewer vir sodanige huisvesting bereken word nie, afgesien van enige bedrag wat ingevolge 'n vasstelling of 'n ooreenkoms ingevolge die Ordonnansie op Lone en Nywerheidsversoening 1952 (Ordonnansie 35 van 1952) toegelaat word.

(4) Wanneer daar by 'n geding ingevolge hierdie ordonnansie bewys word dat enige dienskontrak, aangegaan tussen 'n werkgewer en 'n inboorling ooreenkomstig enige wet betreffende die registrasie van dienskonakte aangegaan deur inboorlinge, deur sodanige werkgewer geregistreer is, word daar, totdat die teendeel bewys word, aanvaar dat sodanige inboorling werk verrig het in die diens van sodanige werkgewer op elke dag dwarsdeur die tydperk waartydens sodanige dienskontrak aldus geregistreer gebleef het.

urban local authority, as the case may be, and such rent shall be certified as so payable by the urban local authority concerned:

Provided that —

- (i) the Administrator in determining a levy in terms of this sub-section may fix different rates in respect of different declared housing areas and also in respect of different classes of native housing in any declared housing area;
- (ii) for the purpose of determining the amount of levy payable in terms of this sub-section a portion of a week shall be deemed to be a week;
- (iii) any contribution payable in respect of rent for housing in terms of this sub-section shall in respect of any period less than a calendar month be calculated in strict proportion to the number of days in that particular calendar month.

(2) If any adult male native employed by an employer or an urban local authority in a declared housing area is resident in a location or native village situate within such area and in respect of whose residence in such location or native village only a site rental is payable by him, the Administrator may, by notice in the *Official Gazette*, fix the amount of contribution payable in terms of sub-section (1) in respect of the rent payable by such native and in so fixing such amount of contribution, the Administrator shall have regard to rent for housing payable in any other location or native village situate within such declared housing area or within any other such area.

(3) No contribution or levy shall be payable in respect of —

- (a) any domestic servant employed by a private householder where such employer provides such servant with accommodation approved by the urban local authority in terms of paragraph (a) of sub-section (2) of section nine of the Proclamation;
- (b) any adult male native for whom his employer provides accommodation approved by such urban local authority having jurisdiction in the area in which that accommodation is situated, if no charge is made by such employer for such accommodation apart from any amount permitted by a determination or an agreement under the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance 35 of 1952).

(4) If in any proceedings under this ordinance it is proved that any contract of service entered into between an employer and a native was in terms of any law relating to the registration of contracts of service entered into by natives, registered by such employer, it shall be presumed, until the contrary is proved, that such native performed work in the service of such employer on every day throughout the period during which such contract of service remained so registered.

Vervanging van artikel 4 van Ordonnansie 33 van 1961.

4. Artikel 4 van die hoofordonnansie word hierby vervang deur die onderstaande artikel:—

„Verbod op aftrekking van lone.”

4. 'n Werkgewer of stedelike plaaslike bestuur mag nie die salaris, loon of toelaes van 'n volwasse manlike inboorling verminder of 'n bedrag daarvan aftrek nie, as daar ten opsigte van sodanige inboorling 'n heffing ingevolge artikel 3 betaal word, of so 'n inboorling se diens beëindig op grond van die feit dat sodanige werkgewer of stedelike plaaslike bestuur 'n heffing of bydrae ooreenkomsdig daardie artikel moet betaal nie: Met dien verstande dat sodanige werkgewer of stedelike plaaslike bestuur wat sodanige bydrae moet betaal, homself kan vergoed by wyse van 'n aftrekking van die salaries, loon of toelaes van enige volwasse manlike inboorling ten opsigte van wie sodanige bydrae betaal word, in ooreenstemming met die skaal en tariewe uiteengesit in die bylae by hierdie ordonnansie: Met dien verstande voorts dat sodanige vergoeding die bedrag van die bydrae wat ten opsigte van sodanige inboorling betaal word, nie mag oorskry nie.”.

Vervanging van artikel 5 van Ordonnansie 33 van 1961.

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

„Instelling van inboorlingbehuisingsfettingsfonds.”

5. 'n Stedelike plaaslike bestuur moet, sodra betalings by wyse van heffing aan hom betaalbaar word coreenkomsdig hierdie ordonnansie 'n subrekening in sy inboorlinginkomsterekkening, wat die inboorlingbehuisingsfettingsfonds heet, open en hou.”.

Wysiging van artikel 7 van Ordonnansie 33 van 1961.

6. Artikel 7 van die hoofordonnansie word hierby gewysig deur die invoeging na die woord „bydraes” van die woorde „of heffings”.

7. Artikel 8 van die hoofordonnansie word hierby gewysig —

- (a) deur die invoeging in subartikel (2) (a) na die woorde „bydrae” van die woorde „of heffing”;
- (b) deur die vervanging in subartikel (4) van die woorde „artikel vyf” deur die woorde „artikel 3”.

Wysiging van artikel 9 van Ordonnansie 33 van 1961.

8. Artikel 9 van die hoofordonnansie word hierby gewysig —

- (a) deur die invoeging in paragraaf (a) na die woorde „bydraes” van die woorde „of heffings” en na die woorde „bydrae” van die woorde „of heffing”;
- (b) deur die invoeging in paragraaf (b) na die woorde „bydraes” van die woorde „of heffings”;
- (c) deur die invoeging in paragraaf (c) na die woorde „bydrae” van die woorde „of heffing”.

Wysiging van artikel 10 van Ordonnansie 33 van 1961.

9. Artikel 10 van die hoofordonnansie word hierby gewysig deur die invoeging na die woorde „Heffings” van die woorde „en Behuisingshuurbydraes”.

Byvoeging van bylae by Ordonnansie 33 van 1961.

10. Die onderstaande bylae word hierby na artikel 10 van die hoofordonnansie bygevoeg:

,BYLAE.

As skaal van weeklikse salaris, loon of toelaes —

- (a) nie meer as R3 is nie;
- (b) meer as R3 maar nie meer as R6 is nie;
- (c) meer as R6 maar nie meer as R10 is nie;
- (d) meer as R10 maar nie meer as R15 is nie;
- (e) meer as R15 is;

Maandelikse bedrag van vergoeding —

- (a) R1-00;
- (b) R1-50;
- (c) R2-00;
- (d) R2-50;
- (e) R3-00.

Vir die doeleindes van hierdie bylae word maandelikse skale van salaris, loon of toelaes bepaal deur die weeklikse skale van salaris, loon of toelaes aangedui te vermenigvuldig met $4\frac{1}{3}$.

Wysiging van lang titel van Ordonnansie 33 van 1961.

11. Die lang titel van die hoofordonnansie word hierby gewysig deur die vervanging van die woorde „bydraes” deur die woorde „die betaling van bydraes of heffings”.

Kort titel.

12. Hierdie ordonnansie heet die Wysigingsordinansie op Heffings vir Inboorlingbehuisiging 1967.

4. The following section is hereby substituted for section 4 of the principal ordinance:—

"Prohibition of deductions from wages."

Substitution of section 4 of Ordinance 33 of 1961.

4. An employer or urban local authority shall not reduce or deduct any amount from the salary, wages or allowances of any adult male native in respect of whom a levy is paid in terms of section 3 or terminate the employment of any such native by reason of the fact that such employer or urban local authority is required to pay any levy or contribution in terms of that section: Provided that such employer or urban local authority required to pay such contribution may reimburse himself or itself by way of deduction from the salary, wages or allowances of any adult male native in respect of whom such contribution is paid, in accordance with the scale and rates set out in the Schedule to this ordinance: Provided further that such reimbursement shall not exceed the amount of contribution paid in respect of such native.".

5. The following section is hereby substituted for section 5 of the principal ordinance:—

"Establishment of Native housing levy fund account."

Substitution of section 5 of Ordinance 33 of 1961.

5. An urban local authority shall, as soon as any payments by way of levy become payable to it under this ordinance, open and keep a sub-account in its native revenue account called the native housing levy fund account".

6. Section 7 of the principal ordinance is hereby amended by the insertion after the word "contributions" of the words "or levies".

Amendment of section 7 of Ordinance 33 of 1961.

7. Section 8 of the principal ordinance is hereby amended —

- (a) by the insertion in sub-section (2) (a) after the word "contribution" of the words "or levy";
- (b) by the substitution in sub-section (4) for words "section five" of the words "section 3".

Amendment of section 8 of Ordinance 33 of 1961.

8. Section 9 of the principal ordinance is hereby amended —

- (a) by the insertion in paragraph (a) after the word "contributions" of the words "or levies" and after the word "contribution" of the words "or levy";
- (b) by the insertion in paragraph (b) after the word "contributions" of the words "or levies";
- (c) by the insertion in paragraph (c) after the word "contribution" of the words "or levy".

Amendment of section 9 of Ordinance 33 of 1961.

9. Section 10 of the principal ordinance is hereby amended by the insertion after the word "Levy" of the words "and Housing Rent Contributions".

Amendment of section 10 of Ordinance 33 of 1961.

10. The following Schedule is hereby added after section 10 of the principal ordinance:—

Addition of Schedule to Ordinance 33 of 1961.

SCHEDULE.

If scale of weekly salary, wages or allowances — *Monthly amount of reimbursement —*

- | | |
|--|------------|
| (a) does not exceed R3; | (a) R1-00; |
| (b) exceeds R3 but does not exceed R6; | (b) R1-50; |
| (c) exceeds R6 but does not exceed R10; | (c) R2-00; |
| (d) exceeds R10 but does not exceed R15; | (d) R2-50; |
| (e) exceeds R15. | (e) R3-00. |

For the purpose of this Schedule monthly rates of salary, wages or allowances shall be determined by multiplying the weekly rates of salary, wages or allowances indicated by 4½.".

11. The long title of the principal ordinance is hereby amended by the substitution for the word "contributions" of the words "the payment of contributions or levies".

Amendment of long title of Ordinance 33 of 1961.

12. This ordinance shall be called the Native Housing Levy Amendment Ordinance, 1967.

short title.

ONTWERPORDONNANSIE

Om die Proklamasie op Huurgelde 1944 te wysig om 'n redelike huur te omskryf; om voorsiening te maak vir die hou deur huurraade van registers van verhuurde eiendomme; om voorsiening te maak vir instelling van hersieningsrade en om voorsiening te maak vir aanverwante sake.

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:

Wysiging van artikel 1 van Proklamasie 4 van 1944.

1. Artikel 1 van die Proklamasie op Huurgelde 1944 (Proklamasie 4 van 1944), hierna genoem die hoof proklamasie word hierby gewysig —

- (a) deur in die woordomskrywing van „woning”, na die woord „plek”, die woorde „of konstruksie” in te voeg;
- (b) deur die vervanging van die woordomskrywing „redelike huur” deur die volgende —
„redelike huur”, met betrekking tot 'n woning, 'n huur wat 'n huurraad in al die omstandighede van die besondere geval as redelik vasstel: Met dien verstaande dat —
 - a) geen huur as redelik beskou word nie wat, na aftrekking van —
 - (i) die werklike belastings en standplaaslynsies (indien daar is) ten opsigte van die woning betaal, en van die grond waarop dit geleë is en wat in verband daarmee bewoon word;
 - (ii) 'n bedrag wat die Raad as 'n redelike aftrekking beskou ten opsigte van meubels of bediening deur die verhuurder verskaf;
 - (iii) premies deur die verhuurder betaalbaar ten opsigte van die versekering van die woning en meubels daarin, teen brand; en
 - (iv) sodanige bedrae (indien daar is) as wat dit raad dit redelik ag om af te trek ten opsigte van invorderingskoste,
 - die verhuurder 'n jaarlikse opbrengs gee van meer as 9½ persent op die gesamentlike waarde van die grond en die verbeterings;
- b) dat 7½ persent beskou word as die basiese rentekoers wat normaalweg deur bougenootskappe gehef word op verbandlenings en indien die rentekoers wat bougenootskappe hef op verbandlenings hoër is as 7½ persent, die bedrag waarmee dit hoër is bygevoeg mag word by genoemde rentekoers van 9½ persent en indien die rentekoers wat bougenootskappe hef laer is as 7½ persent, die bedrag waarmee dit verminder is afgetrek word van 9½ persent;
- c) dat die volgende formule gebruik word by die bepaling van die huurgeld vir 'n kamer:—

$$\frac{B}{A} \times \frac{Y}{1} \times \frac{R}{100} \times \frac{1}{12},$$

DRAFT ORDINANCE

To amend the Rents Proclamation, 1944 to define a reasonable rent; to provide for the keeping of registers of leased properties by rent boards; to provide for the constitution of revision boards and to provide for matters incidental thereto.

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

1. Section 1 of the Rents Proclamation, 1944 (Proclamation 4 of 1944), hereinafter referred to as the principal proclamation is hereby amended —

Amendment of
section 1 of
Proclamation 4 of
1944.

(a) by the insertion in the definition of "dwelling" after the word "place" of the words "or construction";

(b) by the substitution for the definition of "reasonable rent" of the following definition:—

"'reasonable rent' means in relation to a dwelling, a rent which a rent board determines in all the circumstances of the particular case to be reasonable: Provided —

a) that no rent shall be regarded as reasonable which, after deduction of —

(i) the actual amount of all rates and taxes and stand licences, if any, paid in respect of the dwelling, and of the land on which it is situate and which is occupied in connection with it;

(ii) an amount which the board considers to be a reasonable allowance for any furniture or services supplied by the lessor;

(iii) the premiums payable by the lessor in respect of the insurance of the dwelling and any furniture therein against fire; and

(iv) such amounts (if any) as the board may consider it reasonable to deduct in respect of collection charges,

gives the lessor an annual return of more than 9½ per cent of the combined value of the land and improvements;

b) that 7½ per cent shall be deemed to be the basic rate of interest normally imposed by building societies on mortgage loans and should the rate of interest so imposed by building societies be higher than 7½ per cent, such increased interest shall be added to the said rate of interest of 9½ per cent and should the rate of interest so imposed by building societies be lower than 7½ per cent, such decreased interest shall be deducted from the said rate of interest of 9½ per cent;

c) that the following formula shall be used to determine the rent for a room:—

$$\frac{B}{A} \times \frac{Y}{1} \times \frac{R}{100} \times \frac{1}{12}$$

die waarde van die simbole synde:

Y = die totale waarde van die eiendom;
 A = die oppervlakte van die bewoonbare deel;
 B = die oppervlakte van die kamer wat verhuur word;
 R = rentekoers;";;

- (c) deur die invoeging, na die woordomskrywing van „huurraad” van die volgende woordomskrywings — „vervangingskoste” — die bedrag wat dit sal kos om 'n soortgelyke woning as dié waarvoor 'n rede-like huur bepaal moet word op te rig teen heersende boukoste”;
- „hersieningsraad” — die hersieningsraad ingestel kragtens artikel 10A;”;
- (d) deur die vervanging van die woordomskrywing van „waarde” deur die volgende woordomskrywing:
„waarde” — met betrekking tot 'n woning, die vangingskoste van die woning minus die waardevermindering van een tot vyf persent per jaar van die ouderdom van daardie woning, afhangende van die standaard van instandhouding en herstelling; en met betrekking tot die grond — enige munisipale waardasie of enige beëdigde waardasie van daardie grond.”.

Wysiging van artikel 2 van Proklamasie 4 van 1944.

2. Artikel 2 van die hoof proklamasie word hierby gewysig —

- (a) deur die vervanging van subartikel (6) deur die volgende subartikel:—

„(6) (a) Die lede van 'n huurraad word aangestel vir 'n tydperk van drie jaar en indien 'n lid ophou om 'n lid te wees voor verstryking van sy termyn van aanstelling, mag die Administrateur 'n persoon in sy plek aanstel vir die onverstreke gedeelte van sy ampstermyne.”

(b) Die lede van 'n huurraad wat nie beampies of werknemers van die Staat is nie mag sodanige vergoeding en sodanige reis en verblyfkoste betaal word as wat van tyd tot tyd deur die Administrateur bepaal mag word.”;
- (b) deur die skrapping van subartikel (8).

Invoeging van artikel 2A van Proklamasie 4 van 1944.

3. Die volgende artikel word hierby ingevoeg na artikel 2 van die hoof proklamasie:—

„Verhuurder moet huurraad verwittig van enige woning deur hom verhuur.”

2A (1) Binne een maand vanaf datum van inwerkingtreding van die Wysigings Ordonnansie op Huurgelde, 1967 en daarna voor of op die 31ste dag van Maart van elke jaar, moet 'n verhuurder van enige woning wat binne die jurisdiksie van 'n huurraad val, in 'n vorm soos van tyd tot tyd deur die Administrateur voorgeskryf mag word, aan sodanige huurraad kennis gee van enige sodanige woning deur hom verhuur.

(2) Enige sodanige verhuurder moet, in 'n vorm van tyd tot tyd deur die Administrateur voorgeskryf, aan sodanige huurraad kennis gee —

- (a) onmiddellik wanneer iemand hom as verhuurder van daardie woning opvolg, en
- (b) onmiddellik wanneer enige sodanige woning aan 'n ander huurder as 'n huurder waarvan reeds aan sodanige huurraad kennis gegee is, verhuur word.

(3) Enige verhuurder wat versuim om 'n kennisgewing wat kragtens hierdie artikel vereis word, te verstrek is aan 'n misdryf skuldig en is by skuldigbevinding, strafbaar met 'n boete van hoogstens tweehonderd rand

the value of the symbols being:

Y = total value of the property;
A = area of the habitable portion;
B = area of the room which is leased;
R = rate of interest;"

- (c) by the insertion after the definition of "rent board" of the following definitions:

"replacement cost" means the erection cost, at ruling building costs, of a dwelling similar to the one for which a reasonable rent is to be determined; "revision board" means a revision board constituted in terms of section 10A;"

- (d) by the substitution for the definition of "value" of the following definition:

"value" in relation to any dwelling, means the replacement cost of the dwelling minus depreciation of 1 to 5 per cent *per annum* of the age of such dwelling, depending on the standard of maintenance and repair; and in relation to any land, means any municipal value or sworn appraisal of such land.".

2. Section 2 of the principal proclamation is hereby amended —

*Amendment of
section 2 of
Proclamation 4 of
1944.*

- (a) by the substitution for sub-section (6) of the following sub-section:—

"(6) (a) The members of a rent board shall be appointed for a period of three years and should a member cease to be a member before the expiration of the period of his appointment, the Administrator may appoint a person in his stead for the unexpired portion of the period of his appointment.

(b) The members of a rent board who are not officers or employees of the State may be paid such remuneration and such travelling and subsistence allowances as the Administrator may from time to time determine.";

- (b) by the deletion of sub-section (8).

3. The following section is hereby inserted after section 2 of the principal proclamation:—

*Insertion of
section 2A in
Proclamation 4 of
1944.*

*"Lessor to notify
rent board of
any dwelling
leased by him.*

2A. (1) Within one month from the date of commencement of the Rents Amendment Ordinance, 1967 and thereafter on or before the 31st day of March in each year, the lessor of any dwelling situate within the area of jurisdiction of a rent board shall, on a form from time to time prescribed by the Administrator, give notice to such rent board of any such dwelling leased by him.

(2) Any such lessor shall, on a form prescribed from time to time by the Administrator, give notice to such rent board —

- (a) immediately he is succeeded as lessor of any such dwelling, and
(b) immediately any such dwelling is leased by him to any lessee other than a lessee of whom such rent board has already been notified.

(3) Any lessor who fails to give any notice in terms of this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(4) Die Administrateur kan van tyd tot tyd, deur proklamasie in die *Offisiële Koerant*, en vanaf 'n datum in sodanige proklamasie neergelê, wonings geleë binne 'n area wat in sodanige proklamasie omskryf is en waarvoor 'n huurraad ingestel is, uitsluit van die werking van die bepalings van hierdie artikel.

Wysiging van artikel 3 van Proklamasie 4 van 1944 soos gewysig deur artikel 1 van Ordonnantie 16 van 1957.

4. Artikel 3 van die hoof proklamasie word hiermee gewysig deur die invoeging, na subartikel (1), van die volgende subartikel:—

„(1) A. 'n Huurraad hou 'n register van verhuurde eiendomme geleë in die gebied waarvoor sodanige huurraad aangestel is.”

Wysiging van artikel 6 van Proklamasie 4 van 1944.

5. Artikel 6 van die hoof proklamasie word hierby gewysig —

- (a) deur die weglatting in paragraaf (a) van die woorde „of ingevolge subartikel (2) van artikel veertien ingedien; of”;
- (b) deur die weglatting van paragraaf (b).

Invoeging van artikel 9A in Proklamasie 4 van 1944.

6. Die volgende artikel word hierby ingevoeg na artikel 9 van die hoof proklamasie:—

,Betaling van huur hoër as bedrag aan huurraad kennis gegee.

9A. Indien, nadat kennis van verhuring van 'n woning gegee is ingevolge die bepalings van artikel 2A (1), 'n verhuurder wetens van 'n huurder verlang of hom toegelaat het om vir sodanige woning 'n huur te betaal wat hoër is as die bedrag wat in sodanige kennisgewing omskryf is, is sodanige verhuurder, ditsy hy aldan nie die verhuurder van daardie woning was op die datum toe bedoelde kennisgewing gegee is, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand en die hof wat hom skuldig bevind kan, behalwe enige straf wat hy mag ople, die verhuurder gelas om onverwyld aan die huurder enige som terug te betaal wat deur die huurder aan hom meer betaal is as die aldus genoemde bedrag. So 'n bevel het die uitwerking van 'n siviele vonnis ten gunste van die huurder en kan ten uitvoer gelê word asof dit so 'n vonnis was.”

Invoeging van artikel 10A in Proklamasie 4 van 1944.

7. Die volgende artikel word hierby ingevoeg na artikel 10 van die hoof proklamasie:—

,Instelling van hersieningsrade.

10A. (1) 'n Verhuurder of huurder wat hom veronreg voel deur 'n beslissing van 'n huurraad met betrekking tot die vasstelling van 'n redelike huur, kan daardie beslissing op hersiening neem na 'n hersieningsraad wat vir die doeleindes van sodanige hersiening deur die Administrateur ingestel mag word.

(2) Elke sodanige hersieningsraad bestaan uit:—

- (a) 'n landdros met ten minste tien jaar ondervinding as landdros of 'n advokaat of prokureur van die Suidwes-Afrika Afdeling van die Hooggereghof van Suid-Afrika met minstens tien jaar praktiese ondervinding as advokaat of prokureur, soos die geval mag wees en enige sodanige persoon sal die voorsitter van die hersieningsraad wees.

- (b) twee persone met ondervinding of kennis van die waarde van eiendomme en wat nie lede van die huurraad of beampies of werknommers van die Staat is nie.

(4) The Administrator may from time to time by proclamation in the *Official Gazette* and from a date specified in any such proclamation exclude dwellings situate in an area, specified in any such proclamation, for which a rent board has been constituted, from the operation of the provisions of this section.”.

4. Section 3 of the principal proclamation is hereby amended by the insertion after sub-section (1) of the following sub-section:—

“(1)A. A rent board shall keep a register of leased properties situate within the area of jurisdiction of such rent board.”.

Amendment of
section 3 of
Proclamation 4 of
1944 as amended by
section 1 of Ordin-
ance 16 of 1957.

5. Section 6 of the principal proclamation is hereby amended —

(a) by the deletion in paragraph (a) of the words “or under sub-section (2) of section *fourteen*, or”;

Amendment of
section 6 of
Proclamation 4 of
1944.

(b) by the deletion of paragraph (b).

6. The following section is hereby inserted after section 9 of the principal proclamation:—

“Payment of rent
in excess of
amount notified
to rent board.

9A. If, after a notice of the lease of a dwelling has been given, in terms of section 2A (1), the lessor of such dwelling has knowingly required or permitted the lessee of such dwelling to pay for that dwelling a rent exceeding the amount specified in such notice, such lessor shall, whether or not he was the lessor of that dwelling at the date of the giving of the said notice, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand and the court convicting him may, in addition to any penalty which it may impose, order him forthwith to refund to the lessee any sum paid to him by the lessee in excess of the said amount and such order shall have the effect of, and may be executed as if it were a civil judgment in favour of the lessee.”.

Insertion of
section 9A in
Proclamation 4 of
1944.

7. The following section is hereby inserted after section 10 of the principal proclamation:—

“Constitution of
revision boards.

10A. (1) Any lessor or lessee who is aggrieved by any decision of a rent board in respect of the determination of a reasonable rent, may take such matter on review to a revision board which may, for the purposes of such review be constituted by the Administrator.

Insertion of
section 10A in
Proclamation 4 of
1944.

(2) Any revision board so constituted shall consist of —

(a) a magistrate with at least ten years experience as magistrate or an advocate or attorney of the South West Africa Division of the Supreme Court of South Africa who has at least ten years practical experience as advocate or attorney, as the case may be, and any such person shall be the chairman of the revision board.

(b) two persons who have experience or knowledge of the value of properties and who are not members of any rent board or officers or employees of the State

(3) 'n Verhuurder of huurder het die reg om, indien hy die verlang, by monde van 'n advokaat of prokureur of ander verteenwoordiger voor sodanige hersieningsraad te verskyn of om skriftelike verklarings of argumente ter stawing van die aansoek om hersiening aan sodanige hersieningsraad voor te lê.

(4) 'n Hersieningsraad kan die beslissing van die betrokke huurraad bekragtig of kan, met inagneming van die bepalings van hierdie proklamasie, sodanige ander beslissing gee as wat na sy mening, die betrokke huurraad behoort te gegee het, en sodanige hersieningsraad kan die betrokke huurraad gelas om alles te doen wat nodig is om aan die beslissing van die hersieningsraad gevolg te gee.

(5) 'n Lid van die hersieningsraad wat nie 'n beampie of werknemer van die Staat is nie, kan sodanige vergoeding en sulke reisen verblyftoeleae betaal word as wat die Administrateur van tyd tot tyd mag bepaal.

Skrapping van
artikel 14 van
Proklamasie 4 van
1944.

Kort titel.

8. Artikel 14 van die hoof proklamasie word hierby geskrap.

9. Hierdie ordonnansie sal bekend staan as die Wysingsordonnansie op Huurgeld 1967.

(3) Any such lessor or lessee shall be entitled, should he so desire, to be represented at the proceedings of any such revision board by an advocate or attorney or any other representative or to present to such revision board written statements or arguments in support of his application for review.

(4) A revision board may confirm the decision of the rent board concerned, or may, subject to the provisions of this Proclamation, give such other decision as, in its opinion, the rent board concerned should have given and such revision board may order that all steps be taken to give effect to the decision of the said revision board.

(5) Any member of a revision board who is not an officer or employee of the State may be paid such remuneration and such travelling and subsistence allowances as the Administrator may from time to time determine.

8. Section 14 of the principal proclamation is hereby deleted.

*Deletion of
section 14 of
Proclamation 4 of
1944.*

9. This ordinance shall be called the Rents Amendment Ordinance, 1967.

Short title.