

BUITENGEWONE
OFFISIELLE KOERANT
 VAN SUIDWES-AFRIKA.
OFFICIAL GAZETTE



EXTRAORDINARY
 OF SOUTH WEST AFRICA.

PUBLISHED BY AUTHORITY.

UITGawe OP GESAG.

10c Dinsdag, 20 Junie 1967 WINDHOEK

Tuesday, 20 June 1967

No. 2804

INHOUD

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Goewermentskennisgewing.

Government Notice.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

The following Government Notice is published for general information.

J. J. KLOPPER,
Sekretaris van Suidwes-Afrika.

J. J. KLOPPER,
Secretary for South West Africa.

Kantoor van die Administrateur,
 Windhoek.

Administrator's Office,
 Windhoek.

No. 91.]

[20 Junie 1967. No. 91.]

[20 June 1967.

ORDONNANSIES, 1967: UITVAARDIGING VAN

ORDINANCES, 1967: PROMULGATION OF

Dit het die Administrateur behaag om sy goedkeuring in een heg, ooreenkomsdig artikel *two-en-dertig* van „De Suidwest-Afrika Konstitutie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansies wat hiermee vir algemene inligting gepubliseer word, ooreenkomsdig artikel *vier-en-dertig* van gemelde Wet:—

The Administrator has been pleased to assent, in terms of section *thirty-two* of the South West Africa Constitution Act, 1925 (Act 42 of 1925), to the following Ordinances which are hereby published for general information in terms of section *thirty-four* of the said Act:—

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No. 24 van 1967.]

ORDONNANSIE

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 inboorlingswerknehmers en vir verbandhoudende sake.

(Goedgekeur 14 Junie 1967)

(Engelse teks deur die Administrateur geteken)

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) 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:—

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

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

Beperking op die indiensneming 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 inboorlingdorp 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.”.

Invoeging van artikel 2A in Ordonnansie 33 van 1961.

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

Beperking op die indiensneming van inboorlinge.
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 inboorlinginkomsterekkening, 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

No. 24 of 1967.]

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.

(Assented to 14th June, 1967)

(English text signed by the Administrator)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the 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 ooreenkomsdig 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 ooreenkomsdig hierdie subartikel 'n gedeelte van 'n week as 'n week beskou word;
- (iii) enige bydrae betaalbaar ten opsigte van huurgeld vir behusing ooreenkomsdig 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 ooreenkomsdig 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 ooreenkomsdig 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 wat regsbevoegdheid 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 ooreenkomsdig enige wet betreffende die registrasie van dienskontrakte 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 gebly 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 inboorlinge.”

4. 'n Werkgewer of stedelike plaaslike bestuur mag nie die salaris, loon of toelaes van 'n volwasse manlike inboorling vermindert 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 bœindig 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 salaris, 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 inboorlingbehuisingsheffingsfonds.”

5. 'n Stedelike plaaslike bestuur moet, sodra betalings by wyse van heffing aan hom betaalbaar word ooreenkomsdig hierdie ordonnansie 'n subrekening in sy inboorling-inkomsterekkening, wat die inboorlingbehuisingsheffingsfonds 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”.

Wysiging van artikel 8 van Ordonnansie 33 van 1961.

7. Artikel 8 van die hoofordonnansie word hierby gewysig —

- (a) deur die invoeging in subartikel (2) (a) na die woord „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 woord „bydraes” van die woorde „of heffings” en na die woord „bydrae” van die woorde „of heffing”;
- (b) deur die invoeging in paragraaf (b) na die woord „bydraes” van die woorde „of heffings”;
- (c) deur die invoeging in paragraaf (c) na die woord „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 woord „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 — Maandelikse bedrag van vergoeding —

- | | |
|----------------------------------------------|------------|
| (a) nie meer as R3 is nie; | (a) R1-00; |
| (b) meer as R3 maar nie meer as R6 is nie; | (b) R1-50; |
| (c) meer as R6 maar nie meer as R10 is nie; | (c) R2-00; |
| (d) meer as R10 maar nie meer as R15 is nie; | (d) R2-50; |
| (e) meer as R15 is; | (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 woord „bydraes” deur die woorde „die betaling van bydraes of heffings”.

kort titel.

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

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

"Prohibition of deductions from wages."

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.".

Substitution of section 4 of Ordinance 33 of 1961.

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

"Establishment of Native housing levy fund account."

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.".

Substitution of section 5 of Ordinance 33 of 1961.

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 the 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.

SCHEDEULE.

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.

No. 25 van 1967.]

ORDONNANSIE

Ter wysiging van die Onderwysordonnansie 1962 om voor-siening te maak vir die erkenning van onderwys-ondervinding opgedoen in sekere private skole; om verder voorsiening te maak in verband met die op-voeding van afwykende kinders en vir die regstelling van sekere spelfoute.

(Goedgekeur 14 Junie 1967)

(Afrikaanse teks deur die Administrateur geteken)

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

Wysiging van artikel 2 van Ordonnansie 27 van 1962.

1. Artikel 2 van die Onderwysordonnansie 1962 (Ordonnansie 27 van 1962) — hierna heet dit die hoofordonnansie — word hierby gewysig deur in die woordomskrywing van „skool” die woorde „of deur die Departement erken” na die woorde „ondersteun” in te voeg.

Wysiging van artikel 10 van Ordonnansie 27 van 1962.

2. Artikel 10 (8) (c) van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „paragraph” deur die woorde „paragraph” te vervang.

Wysiging van artikel 15 van Ordonnansie 27 van 1962.

3. Artikel 15 (1) van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „intertested” deur die woorde „interested” te vervang.

Wysiging van artikel 17 van Ordonnansie 27 van 1962.

4. Artikel 17 (1) van die hoofordonnansie word hierby gewysig deur in die Afrikaanse teks die woorde „standard” deur die woorde „standerd” te vervang.

Wysiging van artikel 40 van Ordonnansie 27 van 1962.

5. Artikel 40 van die hoofordonnansie word hierby gewysig —

- (a) deur in die Afrikaanse teks van subartikel (1) (a) (iv) die woorde „the” deur die woorde „die” te vervang;
- (b) deur in die Engelse teks van subartikel (2) na die woorde „referred” die woorde „to” in te voeg.

Wysiging van artikel 44 van Ordonnansie 27 van 1962.

6. Artikel 44 van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „our” deur die woorde „out” te vervang.

Wysiging van artikel 45 van Ordonnansie 27 van 1962.

7. Artikel 45 (6) (b) van die hoofordonnansie word hierby gewysig deur in die Afrikaanse teks die woorde „Onderwysers” deur die woorde „Onderwyser” te vervang.

Wysiging van artikel 46 van Ordonnansie 27 van 1962.

8. Artikel 46 (viii) van die hoofordonnansie word hierby gewysig deur in die Afrikaanse teks die woorde „or” deur die woorde „of” te vervang.

Wysiging van artikel 53 van Ordonnansie 27 van 1962.

9. Artikel 53 (4) van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „renumeration” waar dit ook al voorkom deur die woorde „remuneration” te vervang.

Wysiging van artikel 54 van Ordonnansie 27 van 1962.

10. Artikel 54 (2) van die hoofordonnansie word hierby gewysig deur in die Engelse teks die uitdrukking „(2) to (5)” deur die uitdrukking „(ii) to (v)” te vervang.

Wysiging van artikel 59 van Ordonnansie 27 van 1962.

11. Artikel 59 (1) van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „suspect” deur die woorde „subject” te vervang.

Wysiging van artikel 63 van Ordonnansie 27 van 1962.

12. Artikel 63 (2) (e) van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „correspondence” deur die woorde „correspondence” te vervang.

Wysiging van artikel 81 van Ordonnansie 27 van 1962.

13. Artikel 81 van die hoofordonnansie word hierby gewysig —

- (a) deur in subartikel (3) die woorde „aan die Direkteur verslag doen” deur die woorde „aan die Departement verslag doen op tenuitgestelde tyd in geschrift”

No. 25 of 1967.]

ORDINANCE

To amend the Education Ordinance, 1962, to provide for the recognition of teaching experience gained in certain private schools; further to make provision in respect of the education of deviate children and for the correction of certain spelling mistakes.

(Assented to 14th June, 1967)
(Afrikaans text signed by the Administrator)

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

1. Section 2 of the Education Ordinance, 1962 (Ordinance 27 of 1962) — hereinafter called the principal ordinance — is hereby amended by the insertion in the definition of "school" after the word "Administrator" of the word "or recognized by the Department".

Amendment of section 2 of Ordinance 27 of 1962.

2. Section 10 (8) (c) of the principal ordinance is hereby amended by the substitution in the English text for the word "paragraph" of the word "paragraph".

Amendment of section 10 of Ordinance 27 of 1962.

3. Section 15 (1) of the principal ordinance is hereby amended by the substitution in the English text for the word "intertested" of the word "interested".

Amendment of section 15 of Ordinance 27 of 1962.

4. Section 17 (1) of the principal ordinance is hereby amended by the substitution in the Afrikaans text for the word "standard" of the word "standerd".

Amendment of section 17 of Ordinance 27 of 1962.

5. Section 40 of the principal ordinance is hereby amended —

Amendment of section 40 of Ordinance 27 of 1962.

(a) by the substitution in the Afrikaans text of sub-section (1) (a) (iv) for the word "the" of the word "die";

(b) by the insertion in the English text of sub-section (2) after the word "referred" of the word "to".

6. Section 44 of the principal ordinance is hereby amended by the substitution in the English text for the word "our" of the word "out".

Amendment of section 44 of Ordinance 27 of 1962.

7. Section 45 (6) (b) of the principal ordinance is hereby amended by the substitution in the Afrikaans text for the word "Onderwysers" of the word "Onderwyser".

Amendment of section 45 of Ordinance 27 of 1962.

8. Section 46 (viii) of the principal ordinance is hereby amended by the substitution in the Afrikaans text for the word "or" of the word "of".

Amendment of section 46 of Ordinance 27 of 1962.

9. Section 53 (4) of the principal ordinance is hereby amended by the substitution in the English text for the word "renumeration" wherever it occurs of the word "remuneration".

Amendment of section 53 of Ordinance 27 of 1962.

10. Section 54 (2) of the principal ordinance is hereby amended by the substitution in the English text for the expression "(2) to (5)" of the expression "(ii) to (v)".

Amendment of section 54 of Ordinance 27 of 1962.

11. Section 59 (1) of the principal ordinance is hereby amended by the substitution in the English text for the word "suspect" of the word "subject".

Amendment of section 59 of Ordinance 27 of 1962.

12. Section 63 (2) (e) of the principal ordinance is hereby amended by the substitution in the English text for the word "corespondence" of the word "correspondence".

Amendment of section 63 of Ordinance 27 of 1962.

13. Section 81 of the principal ordinance is hereby amended —

Amendment of section 81 of Ordinance 27 of 1962.

(a) by the substitution in sub-section (3) for the words "to the Director" of the words "to the Department and at the same time obtain a written undertaking

like onderneming van die betrokke ouer verkry waarin sodanige ouer onderneem om die kind buitengewone onderwys soos deur hierdie ordonnansie beoog in 'n klas of skool soos met die Departement ooreengekom te laat ontvang en sodanige onderneming is van krag totdat die kind aan die vereistes vir verpligte skoolbesoek soos bepaal in artikel 86 (1) voldoen het, tensy die Departement kragtens artikel 87 anders besluit" te vervang;

- (b) deur in subartikel (4) die woorde „Die Direkteur onderseuk dan die saak op sodanige wyse" deur die woorde „Indien die ouer nie bereid is om die onderneming in subartikel (3) genoem aan te gaan nie, of nadat hy dit aangegaan het, nie binne 'n voorgeskrewe tydperk uitvoering daaraan gee nie, lê die bevoegde beampte sy verslag aan die Direkteur voor, wat dan die saak op sodanige wyse ondersoek" te vervang.

Wysiging van artikel 82 van Ordonnansie 27 van 1962.

14. Artikel 82 van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „eight-one" deur die woorde „eighty-one" te vervang.

Wysiging van artikel 86 van Ordonnansie 27 van 1962.

15. Artikel 86 van die hoofordonnansie word hierby gewysig —

- (a) deur na subartikel (2) die volgende nuwe subartikel (3) in te voeg:

„(3) 'n Kind wat ingevolge artikel 81 (3) op die skriftelike onderneming van sy ouer 'n spesiale skool besoek, kan deur die Departement toegelaat word om nadat hy aan die vereistes vir verpligte skoolbesoek soos bepaal in subartikel (1) voldoen het, sodanige skool verder te besoek: Met dien verstande dat indien die Direkteur op grond van 'n sertifikaat deur 'n bevoegde beampte uitgereik, oortuig is dat dit in belang van so 'n kind is om verder 'n spesiale skool te besoek kan hy van die ouer verlang om verder te onderneem dat sy kind sodanige skool tot hoogstens sy negentiende verjaardag sal besoek: Voorts met dien verstande dat indien sodanige ouer sou weier om die gevraagde onderneming aan te gaan, of nadat hy dit aangegaan het nie binne 'n voorgeskrewe tydperk uitvoering daaraan gee nie, die Direkteur sodanige kind as 'n kind wat ingevolge subartikel (1) 'n afwykende kind is, kan beskou en in welke geval die bepalings van subartikel (2) ten opsigte van sodanige kind *mutatis mutandis* van toepassing sal wees;

- (b) deur die bestaande subartikel (3) na (4) te hernommer en die uitdrukking „subartikel (1) of (2)" wat daarin voorkom deur die uitdrukking „subartikel (1), (2) of (3)" te vervang;
- (c) deur die bestaande subartikel (4) na (5) te hernommer en die woorde „Direkteur" wat daarin voorkom deur die woorde „Departement" te vervang.

Wysiging van artikel 87 van Ordonnansie 27 van 1962.

16. Artikel 87 van die hoofordonnansie word hierby gewysig deur die woorde „Direkteur" deur die woorde „Departement" en die woorde „hy" deur die woorde „dit" te vervang.

Wysiging van artikel 91 van Ordonnansie 27 van 1962.

17. Artikel 91 van die hoofordonnansie word hierby gewysig —

- (a) deur in subartikel (1) (d) (iii) na die woorde „artikel ses-en-tig" die woorde „en" genoemde subartikel (2) soos by subartikel (3) van artikel *ses-en-tig* toegepas" in te voeg;
- (b) deur in subartikel (3) na die woorde „artikel ses-en-tig" die woorde „en" in genoemde subartikel (2) soos by subartikel (3) van artikel *ses-en-tig* toegepas" in te voeg.

Wysiging van artikel 106 van Ordonnansie 27 van 1962.

18. Artikel 106 (1) van die hoofordonnansie word hierby gewysig deur in die Engelse teks die woorde „school" deur die woorde „schools" te vervang.

from the parent concerned in which such parent undertakes to have the child receive special education as contemplated in this ordinance in a class or school as agreed with the Department, and such undertaking shall be binding until the child has complied with the requirements for compulsory school attendance as provided in section 86 (1), unless the Department decides otherwise under section 87";

- (b) by the substitution in sub-section (4) for the words "The Director shall thereupon investigate the matter" of the words "If the parent is not prepared to conclude the undertaking mentioned in sub-section (3), or, after he has concluded it, does not within a prescribed period implement such undertaking, the competent officer shall submit his report to the Director who shall then investigate the matter".

14. Section 82 of the principal ordinance is hereby amended by the substitution in the English text for the word "eight-one" of the word "eighty-one".

Amendment of
section 82 of
Ordinance 27 of
1962.

15. Section 86 of the principal ordinance is hereby amended —

Amendment of
section 86 of
Ordinance 27 of
1962.

- (a) by the insertion after sub-section (2) of the following new sub-section (3):—

"(3) A child which attends a special school under section 81 (3) on the written undertaking of its parent may be allowed by the Department to continue attending such school after it has complied with the requirements for compulsory school attendance as provided in sub-section (1): Provided that if the Director on the grounds of a certificate issued by a competent officer is satisfied that it is in the interest of such child to continue attending a special school he may require the parent further to undertake that his child attend such school up to but not after its nineteenth birthday: Provided further that if such parent refuse to conclude such undertaking or, after he has concluded such undertaking, does not within a prescribed period implement such undertaking, the Director may deem such child to be a deviate child in terms of sub-section (1), in which case the provisions of sub-section (2) shall *mutatis mutandis* apply in respect of such child;

- (b) by the renumbering of the existing sub-section (3) to read (4) and the substitution for the expression "sub-sections (1) or (2)" occurring therein of the expression "sub-section (1), (2) or (3)";

- (c) by the renumbering of the existing sub-section (4) to read (5) and the substitution for the word "Director" occurring therein of the word "Department".

16. Section 87 of the principal ordinance is hereby amended by the substitution for the word "Director" of the word "Department" and for the word "he" of the word "it".

Amendment of
section 87 of
Ordinance 27 of
1962.

17. Section 91 of the principal ordinance is hereby amended —

Amendment of
section 91 of
Ordinance 27 of
1962.

- (a) by the insertion in sub-section (1) (d) (iii) after the words "section *eighty-six*" of the words "and the said sub-section (2) as applied by sub-section (3) of section *eighty-six*";
- (b) by the insertion in sub-section (3) after the words "section *eighty-six*" of the words" and in the said sub-section (2) as applied by sub-section (3) of section *eighty-six*".

18. Section 106 (1) of the principal ordinance is hereby amended by the substitution in the English text for the word "school" of the word "schools".

Amendment of
section 106
of Ordinance 27 of
1962.

Wysiging van
artikel 113 van
Ordonnansie 27 van
1962.

19. Artikel 113 van die hoofordonnansie word hierby gewysig deur die woorde „wat die ouderdom van twee jaar bereik het maar nie die ouderdom van ses jaar bereik het nie” deur die woorde „wat by sodanige skool ingeskryf is: Met dien verstande dat die finansiële bystand nie verleen sal word ten opsigte van 'n leerling wat nog nie die ouderdom van twee jaar bereik het nie of na die einde van die jaar waarin hy die ouderdom van ses jaar bereik het nie” te vervang.

Kort titel.

20. Hierdie ordonnansie heet die Verdere Wysigings-ordonnansie op Onderwys 1967.

19. Section 113 of the principal ordinance is hereby amended by the substitution for the words "who have reached the age of two years but not the age of six years" of the words "who are enrolled in such school: Provided that such financial aid shall not be rendered in respect of a pupil who has not reached the age of two years or after the end of the year in which he has reached the age of six years".

Amendment of
section 113 of
Ordinance 27 of
1962.

20. This ordinance shall be called the Education Short title.
Further Amendment Ordinance, 1967.

No. 26 van 1967.]

ORDONNANSIE

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 ongelisen-sieerde fabrieke; om 'n heffing te plaas op voorrade ge-lewer of verskaf aan bote en vaartuie; om die magte van beampetes uit te brei en om strawwe vir sekere oortredings voor te skryf.

(Goedgekeur 14 Junie 1967)

(Engelse teks deur die Administrateur geteken)

Die Wetgewende Vergadering van die Gebied Suid-wes-Afrika, met die toestemming van die Staatspresident dermate, sodanige toestemming nodig is vooraf verkreeë en deur boodskap van die Administrateur aan die Wet-gewende Vergadering meegedeel ooreenkomsdig die be-palings 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 vaar-tuig 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 woord-bepaling van „geslote seisoen“ in te voeg:— „,beheerde vis“ sardyne (*Sardinops Ocellata*), Mars-bankers (*Trachurus trachurus*), makriel (*Scomber japonicas*), ansjovis (*Engraulis*) en kreef (*Jasus Lalandii*), en enige ander vissoort deur die Ad-ministrateur by kennisgewing in die *Offisiële Koe-rant* bepaal;“ en
- (c) deur in die woordbepaling van „die Gebied“ die woorde „drie“ deur die woorde „ses“ te vervang en deur aan die end van sodanige woordbepaling die woorde „en ook die visserysone soos omskryf in Artikel 3 van die Wet op Territoriale Waters 1963 (Wet 87 van 1963)“ by te voeg.

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 omskrewe 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 ver-bied;“.

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 be-heerde vis aan 'n ongelisen-sieerde fabriek.

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

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

No. 26 of 1967.]

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.

(Assented to 14th June, 1967)

(English text signed by the Administrator)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the 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" and by the addition at the end of such definition of the words "and also the fishing zone as defined in section 3 of the Territorial Waters Act, 1963 (Act 87 of 1963)".

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 vaartuie.

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 bedrywighede 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 levering 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 lewer of vis lewer aan 'n fabriek wat behoorlik in Suidwes-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 tweeduusend 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 tweeduusend 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.

6. Artikel 19 van die hoofordonnansie word hierby gewysig —

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

Wysiging van artikel 19 van Ordonnansie 12 van 1949.

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 delivering fish 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 sub-section (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) Neteenstaande 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 skuldig bevinding, enige vis of enige boot, net of ander werktyg 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 werktyg 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.
