

B U I T E N G E W O N E

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA.

OFFICIAL GAZETTE



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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. 93.] [21 Junie 1967.

No. 93.] [21 June 1967.

ORDONNANSIE, 1967: UITVAARDIGING VAN

ORDINANCE, 1967: PROMULGATION OF

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twee-en-dertig* van „De Zuidwest-Afrika Konstitutie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansie wat hiermee vir algemene inligting gepubliseer word, ooreenkomstig 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 Ordinance which is hereby published for general information in terms of section *thirty-four* of the said Act:—

No.	Titel	Bladsy
No. 29	Ordonnansie op Huisvestingsinrigtings en Toerisme 1967	1058

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ORDONNANSIE

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 -reserwefonds, 1944 (Ordonnansie 13 van 1944) en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Goedgekeur 14 Junie 1967)

(Afrikaanse teks deur die Administrateur geteken)

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 Huisvestingsinrigtings en Toerisme.

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

Samestelling van raad, onbevoegdhede van raadslede en beëindiging van lidmaatskap.

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 werksaamhede 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.

No. 29 of 1967.]

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 establishment 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.

(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. 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 gevonnissen 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 verblyftekoste) 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 belê wat gehou moet word op 'n tyd en plek wat die Administrateur bepaal.

Werksaamhede en bevoegdhe 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 standaard 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 werksaamhede en pligte verrig en kan die bevoegdhe 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 —

Functions and powers of the board.

- (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,

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

Ondersoeke deur
die raad.

8. (1) Die raad kan, ooreenkomstig 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 ondervoorsitter, na gelang, onderteken, enigiemand dagvaar om by die ondersoek getuienis 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 regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuienis 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 enigiemand gelas om by sodanige ondersoek sy getuienis 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 getuienis 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) getuienis 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 getuienis 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 getuienis voor die raad by 'n ondersoek aflê met die wete dat daardie getuienis 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 getuienis *in camera* aan-

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 ingevolge 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 ingevolge 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 ingevolge 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 beampte 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 werknemer van so 'n persoon in die teenwoordigheid of afgesonder van andere ondervra, en van enige so 'n persoon of werknemer 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 werknemer 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 is om uit te voer;
- (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 redelikerwys nodig is vir die doel van 'n ondersoek wat hy besig is om uit te voer;

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 redelikerwys bewys kan lewer van 'n oortreding of ontduiking 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 fasiliteite verskaf wat deur die inspekteur vereis word om sy bevoegdheids kragtens bedoelde subartikel uit te oefen.

(3) Enigiemand wat —

- (a) 'n inspekteur by die uitoefening van sy bevoegdheids 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-onderneming 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 werksaamhede 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 werksaamhede 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 voorneme 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 versuim 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 ooreenkomstig die bepalings van hierdie ordonnansie geregistreer is nie of ingevolge regulasie uitgevaardig kragtens artikel 12 (1) (h) 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 herregistrasie.

14. 'n Beslissing gegee ooreenkomstig 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 of appeal.

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 -reserwefonds 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 kennisgewing 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.
