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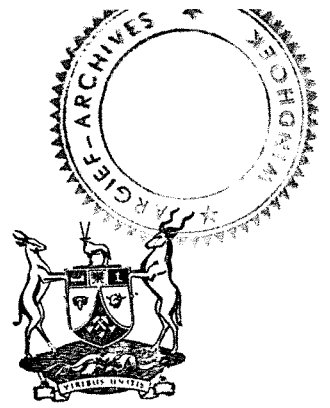
BUITENGEWONE

OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

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The following Draft Ordinance is published for general information.

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

Administrator's Office,
Windhoek.

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

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DRAFT ORDINANCE

To amend the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963) to provide for the laying out and maintenance of aerodromes and the provision of amenities and facilities incidental thereto; to extend the provisions on erf tax and for that purpose to amend section 17; to extend the provisions relating to the grant of housing loans for the purchase of dwellings and for that purpose to amend section 28; to provide for the making of regulations relating to housing loans and for matters incidental thereto.

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

Amendment of section 13 of Ordinance 14 of 1963.

1. Section 13 (1) of the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963) — hereinafter called the principal ordinance — is hereby amended by the substitution for paragraph (w) of the following paragraph:-

“(w) subject to the provisions of the Aviation Act, 1962 (Act 74 of 1962) and the Aerodrome Ordinance, 1963 (Ordinance 12 of 1963) and any regulations made thereunder and with the approval of the Administrator lay out and maintain aerodromes within or outside the board area, together with the necessary roads and accesses thereto, and any services, amenities and facilities in connection therewith and all other matters relevant to the management of an aerodrome, and levy fees in connection therewith;”

Amendment of section 17 of Ordinance 14 of 1963.

2. Section 17 of the principal ordinance is hereby amended:-

(a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:-

“(a) With effect from 1 July 1969 a board shall subject to the provisions of this section and in respect of every financial year levy a tax on every erf within the board area.

(b) Such tax shall be levied according to the extent of any erf and in accordance with such rate as the Administrator may approve: Provided that the Administrator —

(i) may approve different rates for residential erven and for business erven, as the case may be;

(ii) may determine the minimum or the maximum extent, or both, of any residential erf or business erf, as the case may be, on which such tax is levied.”;

(b) (i) by the deletion of paragraph (b) of subsection (2);

ONTWERPORDONNANSIE

Ter wysiging van die Ordonnansie op Dorpsbesture 1963 (Ordonnansie 14 van 1963) om voorsiening te maak vir die aanleg en instandhouding van vliegvelde, en die aanbring van geriewe en fasiliteite in verband daarmee; om die bepalings betreffende erfbelasting uit te brei en vir daardie doel artikel 17 te wysig; om die bepalings betreffende die toestaan van behuisingslenings vir die aankoop van wonings uit te brei en vir daardie doel artikel 28 te wysig; om voorsiening te maak vir die maak van regulasies in verband met behuisingslenings en vir aangeleenthede wat in verband staan daarmee.

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

1. Artikel 13 (1) van die Ordonnansie op Dorpsbesture 1963 (Ordonnansie 14 van 1963) hierna genoem die hoofordonnansie, word hierby gewysig deur paragraaf (w) te vervang deur die volgende paragraaf:-

Wysiging van artikel 13 van Ordonnansie 14 van 1963.

„(w) behoudens die bepalings van die Lugvaartwet 1962 (Wet 74 van 1962) en die Ordonnansie op Vliegvelde 1963 (Ordonnansie 12 van 1963) en enige regulasies daarkragtens gemaak en met die goedkeuring van die Administrateur, vliegvelde aanlê en in stand hou binne of buite die bestuursgebied, tesame met die nodige paaie en toegange daartoe, en enige dienste, geriewe en fasiliteite in verband daarmee en alle ander sake wat met die bestuur van 'n vliegveld gepaard gaan, en gelde in verband daarmee hef;”.

2. Artikel 17 van die hoofordonnansie word hierby gewysig:-

Wysiging van artikel 17 van Ordonnansie 14 van 1963.

(a) deur paragrawe (a) en (b) van subartikel (1) te vervang deur die volgende paragrawe:-

„(a) Met ingang van 1 Julie 1969, moet 'n bestuur behoudens die bepalings van hierdie artikel ten opsigte van elke boekjaar 'n belasting oplê op elke erf binne die bestuursgebied.

(b) Sodanige belasting word gehef ooreenkomstig die grootte van 'n erf en ooreenkomstig sodanige tarief as wat die Administrateur goedkeur: Met dien verstande dat die Administrateur —

(i) kan goedkeur verskillende tariewe vir woonerwe en vir besigheidserwe, na gelang;

(ii) kan bepaal die minimum of die maksimum grootte, of albei, van 'n woonerf of 'n besigheidserf, na gelang, waarop sodanige belasting gehef word.”;

(b) (i) deur paragraaf (b) van subartikel (2) te skrap;

(ii) by renumbering paragraphs (c) and (d) of subsection (2) respectively paragraphs (b) and (c);

(iii) by the addition after paragraph (c) of subsection (2) of the following paragraph:-

“(d) ‘hospital’ shall, in addition to its usual meaning, include any land and buildings used for the *bona fide* board and lodging of the necessary medical staff, nursing staff and maintenance staff of the hospital;

‘school’ or ‘hostel’ shall, in addition to its usual meaning, include any land and buildings which in their entirety are used for the *bona fide* board and lodging of pupils of the school and of the teachers, staff and servants living in such school or hostel and whose duty it is to care for, and maintain discipline amongst the pupils;

‘church’ or ‘mission’ shall, in addition to its usual meaning, include any land and buildings which in their entirety are used exclusively for the accommodation of the permanently appointed priest or priests, or parson or parsons of the religious denominations using the property.”;

(c) (i) by the addition after paragraph (a) of subsection (3) of the following proviso:-

“Provided that where on an erf vested in the Administration there is a building which is used for —

(i) residential purposes, the Administrator shall contribute to the funds of the village management board in the area of which such erf is situated, an amount equal to ninety per cent of the tax in respect of such erf, and

(ii) public purposes the Administrator may contribute to the funds of such village management board an amount equal to fifty per cent of such tax.

For the purpose of this proviso ‘erf’ shall mean the land on which a building actually stands, as well as any land actually occupied for the purposes of such building, but shall not include any adjoining land which is not actually so occupied:”

(ii) by the substitution for paragraph (b) of subsection (3) of the following paragraph:-

“(b) any erf which is used exclusively or set aside for the purpose of any church, mission, hospital, clinic, school, hostel, public library, museum, mental hospital, orphanage, amateur sports, or similar institutions approved by the Administrator: Provided that the provisions of this paragraph shall not apply if such —

(i) church, mission, hospital, clinic, hostel, public library, museum, mental hospital, orphanage or similar institution is conducted for the private monetary gain of any person, whether

- (ii) deur paragrawe (c) en (d) van subartikel (2) onderskeidelik te hernommer tot paragrawe (b) en (c);
- (iii) deur na paragraaf (c) van subartikel (2) die volgende paragraaf toe te voeg:-
- „(d) omvat —
- ‚hospitaal’ by sy gewone betekenis ook enige grond en geboue wat te goeder trou gebruik word vir die losies en inwoning van die nodige mediese personeel, verpleegstaf en instandhoudingspersoneel van die hospitaal;
- ‚skool’ of ‚koshuis’ by sy gewone betekenis ook enige grond en geboue wat geheel en te goeder trou gebruik word vir die losies en inwoning van leerlinge van die skool en van die onderwysers, personeel en bediendes wat in sodanige skool of koshuis inwoon en wie se plig dit is om die leerlinge te versorg en die tug onder hulle te handhaaf;
- ‚kerk’ of ‚sending’ by sy gewone betekenis ook enige grond en geboue wat geheel en uitsluitlik gebruik word vir die huisvesting van die vas aangestelde priester of priesters, of predikant of predikante van die godsdienstige denominasies wat die eien-
dom gebruik.”;
- (c) (i) deur na paragraaf (a) van subartikel (3) toe te voeg die volgende voorbehoudsbepaling:-
- „Met dien verstande dat waar daar op ’n erf wat by die Administrasie berus ’n gebou staan wat —
- (i) vir woondoeleindes gebruik word, die Administrateur moet bydra tot die fondse van die dorpsbestuur in die gebied waarvan sodanige erf geleë is, ’n bedrag gelyk aan negentig persent van die belasting ten opsigte van sodanige erf, en
- (ii) vir openbare doeleindes gebruik word, die Administrateur kan bydra tot die fondse van sodanige dorpsbestuur, ’n bedrag gelyk aan vyftig persent van sodanige belasting.

By die toepassing van hierdie voorbehoudsbepaling beteken ‚erf’ die grond waarop ’n gebou werklik staan, sowel as enige grond wat werklik vir die doeleindes van sodanige gebou geokkupeer word, maar sluit uit die aangrensende grond wat nie werklik aldus geokkupeer word nie;”;

- (ii) deur paragraaf (b) van subartikel (3) te vervang deur die volgende paragraaf:-
- „(b) enige erf wat uitsluitlik gebruik word of afgesonder is vir die doel van enige kerk, sending, hospitaal, kliniek, skool, koshuis, openbare biblioteek, museum, sielsieke hospitaal, weeshuis, amateursport, of soortgelyke inrigtings deur die Administrateur goedgekeur: Met dien verstande dat die bepalings van hierdie paragraaf nie geld nie as sodanige —
- (i) kerk, sending, hospitaal, kliniek, skool, koshuis, openbare biblioteek, museum, sielsieke hospitaal, weeshuis of soortgelyke inrigting gedryf word tot die private geldelike wins van

as shareholder of a company or otherwise;

(ii) erf is used for amateur sports and any licensed trade is exercised thereon:"

(iii) by the addition of the following proviso at the end of subsection (3) :-

"The provisions of this subsection shall not be deemed to apply to moneys and rates for sanitary services nor to any levies payable for water, gas or electricity consumed on such erf, and such moneys, rates and levies shall in any case be payable to the board."

Amendment of
section 28 of
Ordinance 14
of 1963.

3. Section 28 of the principal ordinance is hereby amended —

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:-

"(b) lend money on a first mortgage (to be passed in favour of such board) over the land on which a dwelling has been constructed or is to be constructed, to any person to enable him to purchase or construct that dwelling for the accommodation of himself and his dependants:"

(b) by the substitution for subsection (2) of the following subsection:-

"(2) No loan shall be granted under subsection (1) to any person who is the owner of a building which is fit for human occupation or whose spouse is the owner of such a building, unless the prior approval of the Administrator has been obtained thereto."

(c) by the insertion after subsection (2) of the following subsections:-

"(2 A) Subject to the provisions of subsections (2 B) and (2 C) the board may with the approval of the Administrator grant to any person to whom a loan was granted under paragraph (b) of subsection (1) (hereinafter called a housing loan) a further loan to enable him to rebuild, alter, enlarge, or repair the dwelling in respect of which such housing loan was granted.

(2 B) Where the amount actually owed by any person to whom a housing loan was granted (hereinafter called the borrower) under a mortgage bond securing a housing loan, is less than the amount of the mortgage bond, the amount of any further loan under subsection (2 A) shall not exceed the difference between the amount so owed and the amount of the mortgage bond, and such further loan shall then be deemed to be secured by such mortgage bond as if it were part of the original housing loan.

(2 C) Where a housing loan granted to a borrower is less than the loan which could have been granted to him, the amount of any further loan under subsection (2 A) shall not exceed the difference between the housing loan granted and the loan which could have been

iemand, hetsy as aandeelhouer van 'n maatskappy of andersins;

(ii) erf gebruik word vir amateursport en daarop enige gelisensieerde bedryf uitgeoefen word;"

(iii) deur aan die einde van subartikel (3) die volgende voorbehoudsbepaling toe te voeg:-

„Die bepalings van hierdie subartikel word nie beskou nie as van toepassing op gelde en belastinge vir sanitêre dienste, nóg op enige heffings betaalbaar vir water, gas of elektrisiteit wat op sodanige erf verbruik word, en sodanige gelde, belastinge en heffings is in elke geval aan die bestuur betaalbaar.”.

3. Artikel 28 van die hoofordonnansie word hierby gewysig:-

Wysiging van artikel 28 van Ordonnansie 14 van 1963.

(a) deur paragraaf (b) van subartikel (1) te vervang deur die volgende paragraaf:-

„(b) geld op eerste verband (wat ten gunste van sodanige bestuur gepasseer moet word) op grond waarop 'n woning opgerig is, of opgerig staan te word, aan iemand leen om hom in staat te stel om daardie woning vir die huisvesting van homself en sy afhanklikes te koop of op te rig;"

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

„(2) Geen lening mag ingevolge subartikel (1) toegestaan word nie aan iemand wat die eienaar is van 'n gebou wat geskik is om deur mense bewoon te word of wie se gade die eienaar is van so 'n gebou, tensy die goedkeuring van die Administrateur vooraf daartoe verkry is.”;

(c) deur die volgende subartikels in te voeg na subartikel (2):-

„(2 A) Behoudens die bepalings van subartikels (2 B) en (2 C) kan die bestuur met die goedkeuring van die Administrateur aan iemand aan wie 'n lening ingevolge paragraaf (b) van subartikel (1) (hierna 'n behuisingslening genoem) toegestaan is, 'n verdere lening toestaan om hom in staat te stel om die woning ten opsigte waarvan sodanige behuisingslening toegestaan is, te herbou, te verander, te vergroot, te verbou of te herstel.

(2 B) Waar die bedrag wat werklik deur iemand aan wie 'n behuisingslening toegestaan is (hierna die lener genoem) verskuldig is, uit hoofde van 'n verband wat 'n behuisingslening verseker, minder is as die bedrag van die verband, moet die bedrag van 'n verdere lening ingevolge subartikel (2 A) nie die verskil tussen die bedrag aldus verskuldig en die bedrag van die verband oorskry nie, en so 'n verdere lening word dan ook geag deur sodanige verband versekureer te wees asof dit 'n gedeelte van die oorspronklike behuisingslening was.

(2 C) Waar 'n behuisingslening wat aan 'n lener toegestaan is minder is as die lening wat aan hom toegestaan kon gewees het, moet die bedrag van enige verdere lening ingevolge subartikel (2 A) nie die verskil tussen die behuisingslening toegestaan en die lening

granted, and such further loan shall be secured by a further mortgage bond in favour of the board, on the land on which the dwelling concerned is built, and such further mortgage bond shall have the same priority as the first mortgage bond on such land.

(2 D) If any person complies with the requirements with which any particular borrower would have had to comply to obtain the housing loan concerned, the board may, with the approval of the Administrator grant permission for the taking over by such person of the interests and obligations of the borrower in respect of such loan, and in order to give effect thereto the board may agree to the substitution for the borrower of such person as mortgagor in respect of the existing mortgage bond and the provisions of this section in relation to housing loans shall apply in respect of any person who has so taken over the interests and obligations of the borrower as if the loan had been granted to him originally.

(2 E) If the lessee of a dwelling let by the board under paragraph (2) of subsection (1) fails to pay the rent payable by him on the due date the board may take steps to recover the amount of the rent owing by way of an action in a competent court:"

(d) by the substitution for paragraphs (a), (b), (c) and (d) of subsection (3) of the following paragraphs:-

"(a) It shall be a condition of every loan granted in terms of subsection (1) to any person, that, notwithstanding the fact that the total amount of the loan, together with all interests thereon, has been repaid and that the mortgage bond which secured such loan has been cancelled by reason of such repayment, such person or his successors in title shall not sell or otherwise alienate any dwelling constructed or purchased by means of such loan within a period provided under paragraph (c) unless such dwelling has first been offered for sale to the board concerned at a price determined under the provisions of paragraph (d).

(b) Any such offer shall be made in writing and shall be accepted or rejected by the board within sixty days after receipt thereof.

(c) The period referred to in paragraph (a) shall begin on the date of registration of the mortgage bond concerned and shall be calculated on the basis of one quarter of the period in which the loan granted under subsection (1) shall be repaid: Provided that one quarter of a year shall be deemed to be three calendar months: Provided further that if the period in which the loan concerned is to be repaid under the conditions of a housing scheme is extended or shortened the period referred in paragraph (a) shall be extended or shortened on the said basis.

(d) The price referred to in paragraph (a) shall be determined at the time of registration of

wat toegestaan kon gewees het, oorskry nie, en moet sodanige verdere lening deur 'n verdere verband ten gunste van die bestuur op die grond waarop die betrokke woning gebou is, verseker word en sodanige verdere verband geniet dieselfde voorrang as die eerste verband oor bedoelde grond.

(2 D) Indien iemand voldoen aan die vereistes waaraan enige besondere lener moes voldoen het om die betrokke behuisingslening te verkry, kan die bestuur met die goedkeuring van die Administrateur toestemming verleen vir die oornome deur so iemand van die belange en verpligtings van die lener ten opsigte van bedoelde lening en ten einde daaraan gevolg te gee, kan die bestuur toestem dat so iemand in die plek van die lener as verbandgewer ten opsigte van die bestaande verband gestel word, en die bepalinge van hierdie artikel met betrekking tot behuisingslenings is van toepassing ten opsigte van iemand wat aldus die belange en verpligtings van die lener oorgeneem het asof die lening oorspronklik aan hom toegestaan was.

(2 E) Indien die huurder van 'n woning wat deur die bestuur ingevolge paragraaf (2) van subartikel (1) verhuur word, versuim om die huurgeld wat deur hom betaalbaar is, op die vervaldag te betaal, kan die bestuur stappe doen om die bedrag van die verskuldigde huurgeld te verhaal deur aksie in 'n bevoegde hof.”;

(d) deur paragrawe (a), (b), (c) en (d) van subartikel (3) te vervang deur die volgende paragrawe:-

„(a) Dit is 'n voorwaarde van elke lening wat ingevolge subartikel (1) aan iemand toegestaan word, dat, al is die totale bedrag van die lening tesame met al die rente daarop terugbetaal en die verband wat bedoelde lening verseker het weens die terugbetaling gekanselleer, so iemand of sy regsopvolgers geen woning wat deur middel van sodanige lening opgerig of aangekoop is binne 'n tydperk bepaal ingevolge paragraaf (c) mag verkoop of andersins mag vervreem nie, tensy die woning eers aan die betrokke bestuur te koop aangebied is teen 'n prys bepaal ooreenkomstig die bepalinge van paragraaf (d).

(b) So 'n aanbod moet skriftelik geskied en die bestuur moet dit binne sestig dae na ontvangs aanneem of verwerp.

(c) Die tydperk bedoel in paragraaf (a) begin op die datum van die registrasie van die betrokke verband en word bereken op die basis van een kwart van die tydperk waarin die lening toegestaan ingevolge subartikel (1) terugbetaal moet word: Met dien verstande dat 'n kwart van 'n jaar beskou word as drie kalendermaande: Met dien verstande voorts dat as die tydperk waarin die betrokke lening terugbetaal moet word ingevolge die voorwaardes van 'n behuisingskema verleng of verkort word, die tydperk bedoel in paragraaf (a) ingevolge genoemde basis verleng of verkort moet word.

(d) Die prys bedoel in paragraaf (a) word bepaal ten tyde van die registrasie van die betrokke

the mortgage bond concerned and shall be the actual cost of the land securing such mortgage bond and the actual cost of the permanent improvements on such land: Provided that if any permanent improvements are brought about after the registration of such mortgage bond, the value of such improvements as determined by a valuator appointed by the board less such depreciation of value, but not more than five per cent, as the said valuator may determine, shall be added to the price determined at the time of the registration of such mortgage bond and such new price shall be the price referred to in paragraph (a)."

- (e) (i) by the deletion of paragraph (e) of subsection (3);
- (ii) by renumbering paragraphs (f), (g), (h) and (i) of subsection (3) respectively paragraphs (e), (f), (g) and (h);
- (f) (i) by the insertion in paragraph (c) (ii) of subsection (4) after the word "construction" of the words "or purchase";
- (ii) by the deletion in paragraph (c) (iii) of subsection (4) of the words "paragraph (c) of".

Insertion of section 28A in Ordinance 14 of 1963.

4. The principal ordinance is hereby amended by the insertion after section 28 of the following section:-

"Regulations for the purposes of section 28.

28 A. (1) The Administrator may make any regulations he may deem necessary or expedient to attain the objects of section 28.

(2) Any regulation made under subsection (1) may for any contravention thereof or failure to comply therewith prescribe penalties which shall not exceed a fine of two hundred rand or imprisonment of six months."

Short title.

5. This ordinance shall be called the Village Management Boards Amendment Ordinance, 1969.

verband en moet die werklike koste van die grond wat sodanige verband verseker en die werklike koste van die permanente verbeterings op sodanige grond wees: Met dien verstande dat as daar enige permanente verbeterings aangebring word na die registrasie van die bedoelde verband, die waarde van sodanige verbeterings soos bepaal deur 'n waardeerder aangestel deur die bestuur, min sodanige waardevermindering, maar hoogstens vyf persent, soos die bedoelde waardeerder bepaal, bygevoeg moet word by die prys wat ten tyde van die registrasie van bedoelde verband bepaal is en sodanige nuwe prys is die prys bedoel in paragraaf (a).";

- (e) (i) deur paragraaf (e) van subartikel (3) te skrap;
- (ii) deur paragrawe (f), (g), (h) en (i) van subartikel (3) onderskeidelik te hernoem tot paragrawe (e), (f), (g) en (h);
- (f) (i) deur in paragraaf (c) (ii) van subartikel (4) na die woord „oprigting” die woorde „of aankoop” in te voeg;
- (ii) deur in paragraaf (c) (iii) van subartikel (4) die woorde „paragraaf (c) van” te skrap.

4. Die hoofordonnansie word hierby gewysig deur na artikel 28 die volgende artikel in te voeg:-

Invoeging van artikel 28A in Ordonnansie 14 van 1963.

„Regulasies vir die doeleindes van artikel 28.

28 A. (1) Die Administrateur kan enige regulasies wat hy nodig of dienstig ag, maak ter bereiking van die doelstelling van artikel 28.

(2) Enige regulasie gemaak ingevolge subartikel (1) kan vir enige oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf wat nie 'n boete van twee honderd rand of gevangenisstraf van ses maande oorskry nie.”.

5. Hierdie ordonnansie heet die Wysigingsordonnansie op Dorpsbesture 1969.

Kort titel.

