

# OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

BUITENGEWONE

# OFFISIELLE KOERANT

VAN SUIDWES-AFRIKA



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CONTENTS

INHOUD

Bladsy

GOVERNMENT NOTICE:

GOEWERMENTSKENNISGEWING:

No. 183 Ordinance 1975: Promulgation of ..... 1205

No. 183 Ordonnansie 1975: Uitvaardiging van ..... 1205

Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. S. P. W. VAN NIEUWENHUIZEN,  
*Secretary for South West Africa.*

H. S. P. W. VAN NIEUWENHUIZEN,  
*Sekretaris van Suidwes-Afrika.*

Administrator's Office,  
Windhoek.

Kantoor van die Administrateur,  
Windhoek.

No. 183]

[30 July 1975]

No. 183]

[30 Julie 1975]

ORDINANCE, 1975: PROMULGATION OF

ORDONNANSIE, 1975: UITVAARDIGING VAN

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968) to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act.

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968) aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van gemelde Wet.

No.	Title	Page	No.	Titel	Bladsy
No. 12	Accommodation Establishments and Tourism Amendment Ordinance, 1975	1206	No. 12	Wysigingsordonnansie op Huisvestingsinrigtings en Toerisme, 1975	1207

**ACCOMMODATION ESTABLISHMENTS AND  
TOURISM AMENDMENT ORDINANCE, 1975.***(Assented to 28 July 1975).**(Afrikaans text signed by the Administrator.)**(Date of commencement 30 July 1975.)***ORDINANCE**

To amend the Accommodation Establishments and Tourism Ordinance, 1973, so as to provide that the Executive Committee may require certain undertakings before granting approval for the conditional registration of an establishment; to provide that the registration of an establishment may be withdrawn on application of the owner thereof; to provide that the owner, lessee or manager of an establishment shall be the responsible person in relation to such establishment; to provide that the Executive Committee may accept a guarantee given by a financial institution as surety of a loan; and to provide for incidental matters.

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

1. Section 21 of the Accommodation Establishments and Tourism Ordinance, 1973 (Ordinance 20 of 1973) — hereinafter referred to as the principal Ordinance — is hereby amended -

(a) by the addition to subsection (2) of the following proviso:

"Provided that the Executive Committee may, before granting any such approval, require the owner, lessee or manager of an establishment to undertake in writing -

(a) that he will comply with the requirements prescribed for the registration of such establishment within a period determined by the Executive Committee; and

(b) that he will, if he fails to comply with the requirements prescribed for the registration of such establishment within the period referred to in paragraph (a), pay to the Administration an amount, not exceeding one hundred rand, which is determined by the Executive Committee in respect of every day he so fails to comply with such requirements."; and

**Amendment of section 21  
of Ordinance 20 of 1973.**

No. 12 van 1975.]

**WYSIGINGSORDONNANSIE OP HUIS-  
VESTINGSINRIGTINGS EN TOERISME, 1975.**

(Goedgekeur 28 Julie 1975.)  
(Afrikaanse teks deur die Administrateur geteken.)  
(Datum van inwerkingtreding 30 Julie 1975).

**ORDONNANSIE**

Tot wysiging van die Ordonnansie op Huisvestings-inrigtings en Toerisme 1973, om voorsiening te maak dat die Uitvoerende Komitee sekere ondernemings kan vereis alvorens hy goedkeuring verleen vir die voorwaardelike registrasie van 'n inrigting; om voorsiening te maak dat die registrasie van 'n inrigting op aansoek van die eienaar daarvan ingetrek mag word; om te bepaal dat die eienaar, huurder of bestuurder van 'n inrigting die verantwoordelike persoon is met betrekking tot sodanige inrigting; om voorsiening te maak dat die Uitvoerende Komitee 'n waarborg verskaf deur 'n finansiële instelling kan aanvaar as sekerheid vir 'n leningskuld; en om voorsiening te maak vir bykomstige aangeleenthede.

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

1. Artikel 21 van die Ordonnansie op Huisvestings-inrigtings en Toerisme 1973 (Ordonnansie 20 van 1973) — hieronder die Hoofordonnansie genoem — word hereby gewysig —

Wysiging van artikel 21  
van Ordonnansie 20 van  
1973.

(a) deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:

“Met dien verstande dat die Uitvoerende Komitee, alvorens hy enige sodanige goedkeuring verleen, van die eienaar, huurder of bestuurder van 'n inrigting kan vereis om skriftelik te onderneem —

(a) dat hy aan die vereistes wat vir die registrasie van sodanige inrigting voorgeskryf is, sal voldoen binne 'n tydperk deur die Uitvoerende Komitee bepaal; en

(b) dat hy, indien hy in gebreke bly om aan die vereistes wat vir die registrasie van sodanige inrigting voorgeskryf is, te voldoen binne die tydperk bedoel in paragraaf (a), aan die Administrasie 'n bedrag van hoogstens honderd rand, wat deur die Uitvoerende Komitee bepaal word sal betaal ten opsigte van elke dag wat hy aldus in gebreke bly om aan sodanige vereistes te voldoen.”; en

ACCOMMODATION ESTABLISHMENTS AND  
TOURISM AMENDMENT ORDINANCE, 1975  
(No. 12 of 1975).

(b) by the substitution for subsection (4) of the following subsection:

"(4) An amount payable to the Administration in terms of any undertaking referred to in the proviso to subsection (2) shall be deemed to be a debt due to the Administration and may be recovered from the owner, lessee or manager of the establishment concerned in any competent court.”.

Amendment of section 23  
of Ordinance 20 of 1973.

2. Section 23 of the principal Ordinance is hereby amended by the addition of the following paragraph:

"(c) if the owner of the establishment concerned applies therefor in writing.”.

Substitution of section 30  
of Ordinance 20 of 1973.

"Responsible person in relation to establishment.

3. The following section is hereby substituted for section 30 of the principal Ordinance:

30. The owner, lessee or manager of an establishment shall, subject to the provisions of the Liquor Ordinance, 1969 (Ordinance 2 of 1969), be responsible for compliance with all the provisions and requirements applicable to such establishment in terms of this Ordinance.”.

Substitution of section 36  
of Ordinance 20 of 1973.

4. The following section is hereby substituted for section 36 of the principal Ordinance:

"Surety of loans. 36. (1) A loan shall only be granted-

(a) against the registration of a first mortgage bond in favour of the Administration: Provided that the Executive Committee may also grant a loan against the registration of a second or further bond in favour of the Administration if the Administration is the holder of all existing bonds registered against the title deeds of the property concerned; or

(b) if a guarantee to the satisfaction of the Executive Committee for

**WYSIGINGSORDONNANSIE OP HUIS-  
VESTINGSINRIGTINGS EN TOERISME, 1975.**

(No. 12 van 1975).

- (b) deur subartikel (4) deur die volgende subar-  
tikel te vervang:

“(4) ’n Bedrag betaalbaar aan die Administrasie ingevolge enige onderneming bedoel in die voorbehoudsbepaling by subar-  
tikel (2) word geag ’n skuld verskuldig aan die Administrasie te wees en kan in enige regsvvoegde hof op die eienaar, huurder of bestuurder van die betrokke inrigting verhaal word.”.

2. Artikel 23 van die Hoofordonnansie word hierby gewysig deur die volgende paragraaf by te voeg:

Wysiging van artikel 23  
van Ordonnansie 20 van  
1973.

- “(c) indien die eienaar van die betrokke inrigting skriftelik daarom aansoek doen.”

3. Artikel 30 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

Verantwoordelike persoon  
met betrekking tot inrig-  
ting.

30. Die eienaar, huurder of be-  
stuurder van ’n inrigting is, behou-  
dens die bepalings van die Drankor-  
donnansie 1969 (Ordonnansie 2 van  
1969), verantwoordelik vir die  
nakoming van alle bepalings en  
vereistes wat ingevolge hierdie Or-  
donnansie van toepassing is op  
sodanige inrigting.”.

Vervanging van artikel 30  
van Ordonnansie 20 van  
1973.

4. Artikel 36 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

Sekerheid vir leningskulde.

36. (1) ’n Lening word slegs toege-  
staan -

Vervanging van artikel 36  
van Ordonnansie 20 van  
1973.

- (a) teen registrasie van ’n eerste ver-  
band ten gunste van die Administrasie: Met dien verstande  
dat die Uitvoerende Komitee, in-  
diendie Administrasie die houer  
is van alle bestaande verbande  
geregistreer teen die titelbewys  
van die betrokke eiendom, ook ’n  
lening teen registrasie van ’n  
tweede of verdere verband ten  
gunste van die Administrasie kan  
toestaan; of

- (b) indien ’n waarborg tot tevreden-  
heid van die Uitvoerende

**ACCOMMODATION ESTABLISHMENTS AND  
TOURISM AMENDMENT ORDINANCE, 1975**  
(No. 12 of 1975).

the repayment of the loan is given by a financial institution approved by the Executive Committee.

(2) Whenever a bond or bonds in favour of any person other than the Administration have been registered against the title deeds of the property concerned, the Executive Committee may -

(a) against registration of a first mortgage bond in favour of the Administration if a bond or bonds in favour of the Administration have not already been registered against the title deeds of the property concerned;

(b) against registration of a second or further bond in favour of the Administration if a bond or bonds in favour of the Administration have already been registered against the title deeds of the property concerned,

grant a loan to redeem the said bond or bonds registered in favour of such other person.

(3) In the application of subsection (1) "financial institution" shall mean -

(a) a building society registered under the Building Societies Act, 1965 (Act 24 of 1965); or

(b) a banking institution registered under the Banks Act, 1965 (Act 23 of 1965); or

(c) an insurer registered under the Insurance Act, 1943 (Act 27 of 1943); or

(d) a unit trust scheme as defined in the Unit Trusts Control Act, 1947 (Act 18 of 1947); or

(e) a pension fund organisation registered under the Pension Funds Act, 1956 (Act 24 of 1956); or

**WYSIGINGSORDONNANSIE OP HUIS-  
VESTINGSINRIGTINGS EN TOERISME, 1975.**

(No. 12 van 1975).

Komitee vir die terugbetaling van die lening verskaf word deur 'n finansiële instelling wat deur die Uitvoerende Komitee goedgekeur is.

(2) Wanneer 'n verband of verbande ten gunste van iemand anders as die Administrasie teen die titelbewys van die betrokke eiendom geregistreer is, kan die Uitvoerende Komitee -

- (a) teen registrasie van 'n eerste verband ten gunste van die Administrasie indien 'n verband of verbande ten gunste van die Administrasie nie reeds teen die titelbewys van die betrokke eiendom geregistreer is nie;
- (b) teen registrasie van 'n tweede of verdere verband ten gunste van die Administrasie indien 'n verband of verbande ten gunste van die Administrasie reeds teen die titelbewys van die betrokke eiendom geregistreer is,

'n lening toestaan vir die aflossing van die bedoelde verband of verbande wat ten gunste van sodanige ander persoon geregistreer is.

(3) By die toepassing van subartikel (1) beteken "finansiële instelling" -

- (a) 'n bouvereniging wat kragtens die Bouverenigingswet, 1965 (Wet 24 van 1965), geregistreer is; of
- (b) 'n bankinstelling wat kragtens die Bankwet, 1965 (Wet 23 van 1965), geregistreer is; of
- (c) 'n versekeraar wat kragtens die Versekeringswet, 1943 (Wet 27 van 1943), geregistreer is; of
- (d) 'n effekte-trustskema soos in die Wet op Beheer van Effekte-trustskemas, 1947 (Wet 18 van 1947), omskryf; of
- (e) 'n pensioenfondsorganisasie wat kragtens die Wet op Pensioenfondse, 1956 (Wet 24 van 1956), geregistreer is; of

**ACCOMMODATION ESTABLISHMENTS AND  
TOURISM AMENDMENT ORDINANCE, 1975**

(No. 12 of 1975).

(f) a friendly society registered under the Friendly Societies Act, 1956 (Act 25 of 1956); or

(g) a board of executors or a trust company or any other company which invests, keeps in safe custody, controls or administers any trust property.”.

**Short title.**

5. This Ordinance shall be called the Accommodation Establishments and Tourism Amendment Ordinance, 1975.

WYSIGINGSORDONNANSIE OP HUIS-  
VESTINGSINRIGTINGS EN TOERISME, 1975.

1975

(No. 12 van 1975.)

- (f) 'n onderlinge hulpvereniging wat kragtens die Wet op Onderlinge Hulpverenigings, 1956 (Wet 25 van 1956), geregistreer is; of
- (g) 'n eksekuteurskamer of 'n trustmaatskappy of enige ander maatskappy wat enige trustgoed belê, in veilige bewaring hou, beheer of administreer.".

5. Hierdie Ordonnansie heet die Wysigingsordon- Kort titel.  
nansie op Huisvestingsinrigtings en Toerisme, 1975.