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EXTRAORDINARY

OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

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DRAFT ORDINANCE

The following Draft Ordinance is published for general information.

J. F. GREEBE
Secretary for South West Africa

Administration of South West Africa
Windhoek

ONTWERPORDONNANSIE

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

J. F. GREEBE
Sekretaris van Suidwes-Afrika

Administrasie van Suidwes-Afrika
Windhoek

GENERAL EXPLANATORY NOTE:

______	Words underlined with solid line indicate insertions proposed.
[ ]	Words in square brackets indicate omissions proposed.

DRAFT ORDINANCE

To amend the Municipal Ordinance, 1963, so as to provide that the council of a municipality may delegate to its Management Committee certain functions, duties or powers imposed or conferred upon it by law, and that the Management Committee may delegate any function, duty or power imposed or conferred upon it under this Ordinance, as well as any delegated function, duty or power, a subcommittee, a councillor, the town clerk or an employee; that the Executive Committee may, at the request of a council, exercise any power in regard to the establishment of municipalities, defining of municipal boundaries or division of wards, without a petition having been presented; that the council may require from a candidate for a post in its service to state the notch on the scale of remuneration applicable to such post at which he will accept appointment in such post; that only the council may suspend a town clerk or a head of a department from duty; to extend the circumstances under which a town clerk may refuse to carry out a resolution taken or instruction issued by the council or by the Management Committee; to provide that the chairman of a meeting may only for certain specified reasons request a town clerk or his representative to withdraw from that meeting; that where the minutes are bound by means of two or more staples, the chairman and town clerk may sign them as though they were bound in book form; that applications for exemption from rates on immovable property are to reach a council before or on 31 May of a particular year; to further regulate the construction across property of water pipelines, storm water drain pipes, sewer pipes or overhead or underground electrical supply lines; to provide that a council may cremate instead of bury a destitute person who has died within its area of jurisdiction; that where a municipality has adopted model regulations, or where model regulations have been applied to it, the particular municipality may amend such regulations; and to provide for incidental matters.

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

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder dui aan invoegings voorgestel.	———
Woorde tussen vierkantige hake dui aan skrappings voorgestel.	[ ]

ONTWERPORDONNANSIE

Tot wysiging van die Munisipale Ordonnansie 1963, om daarvoor voorsiening te maak dat die raad van 'n munisipaliteit sekere funksies pligte of bevoegdhede wat by wet aan hom opgelê of verleen is, aan sy bestuurskomitee kan delegeer, en dat die bestuurskomitee enige funksie, plig of bevoegdheid wat ingevolge genoemde Ordonnansie aan hom opgelê of verleen is, asook enige gedelegeerde funksie, plig of bevoegdheid aan 'n subkomitee 'n raadslid, die stadsklerk of 'n werknemer kan delegeer; dat die Uitvoerende Komitee op versoek van 'n raad enige bevoegdheid ten opsigte van die instelling van munisipaliteite, bepaling van munisipale grense of verdeling van wyke kan uitoefen sonder dat 'n petisie voorgelê is; dat 'n raad van 'n kandidaat om 'n betrekking in sy diens kan vereis om die kerf te meld op die skaal van besoldiging van toepassing op sodanige betrekking, waarteen hy aanstelling in sodanige betrekking sal aanvaar; dat slegs die raad 'n stadsklerk of hoof van 'n departement in sy diens kan skors; om die omstandighede waaronder 'n stadsklerk kan weier om 'n besluit of opdrag van die raad of bestuurskomitee uit te voer, uit te brei; om daarvoor voorsiening te maak dat die voorsitter van 'n vergadering 'n stadsklerk of sy verteenwoordiger slegs om sekere gespesifiseerde redes kan versoek om hom van daardie vergadering te onttrek; dat waar 'n notule by wyse van twee of meer kramme gebind is, die voorsitter en stadsklerk dit kan onderteken asof dit in boekvorm gebind is; dat aansoeke om vrystelling van belastings op onroerende eiendom 'n raad voor of op 31 Mei van 'n bepaalde jaar moet bereik; om die aanleg van waterpyplyne, stormwaterafvoerpype, rioolpype of bogrondse of ondergrondse elektriese kragtoevoerlyne oor eiendomme verder te reël; om daarvoor voorsiening te maak dat 'n raad 'n behoeftige persoon wat binne sy regsgebied sterf kan veras in plaas van begrawe; dat waar 'n munisipaliteit modelregulasies aanvaar het, of waar modelregulasies op hom toegepas is, die betrokke munisipaliteit sodanige regulasies kan wysig; en om voorsiening te maak vir verbandhoudende aangeleenthede.

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

Amendment of section 6 of Ordinance 13 of 1963, as amended by section 1 of Ordinance 17 of 1970.

1. Section 6 of the Municipal Ordinance, 1963 — hereinafter referred to as the principal Ordinance — is hereby amended by the deletion of subsections (1A), (1B) and (3).

Insertion of section 6A in Ordinance 13 of 1963.

2. The following section is hereby inserted in the principal Ordinance after section 6:

"Delegations by council and by Management Committee.

6A. (1) A council may, subject to the provisions of subsection (2), either in general or in particular, delegate to its Management Committee, subject to the conditions and restrictions it may deem expedient, any function, duty or power of whatever nature which is imposed or conferred upon it by law.

(2) The power of a council to —

(a) make regulations;

(b) levy rates on property or exempt a person from the payment of such rates;

(c) levy charges or fees, or to increase or reduce such charges or fees;

(d) obtain loans or borrow money;

(e) perform or exercise any function, duty or power imposed or conferred upon it under section 148,

shall not be delegated under subsection (1): Provided that no power referred to in this subsection shall be exercised by a council unless the particular matter has first been submitted to its Management Committee for consideration and report, and such Management Committee has reported thereon.

(3) A Management Committee may with the approval of its council, and subject to the conditions and restrictions such council amy deem expedient, delegate to a subcommittee appointed by such Management Committee, to a councillor, to the town clerk or to any employee of such council, any function, duty or power imposed or conferred upon management committees under this Ordinance, or delegated to such Management Committee under subsection (1).

(4) Any function, duty or power delegated under subsection (3) to the town clerk or an employee of a council may be performed or exercised either by such town clerk or

1. Artikel 6 van die Munisipale Ordonnansie 1963 — hieronder die Hoofordonnansie genoem — word hierby gewysig deur subartikels (1A), (1B) en (3) te skrap.

Wysiging van artikel 6 van Ordonnansie 13 van 1963, soos gewysig deur artikel 1 van Ordonnansie 17 van 1970.

2. Die volgende artikel word hierby in die Hoofordonnansie na artikel 6 ingevoeg:

Invoeging van artikel 6A in Ordonnansie 13 van 1963.

"Delegasies deur raad en deur bestuurskomitee.

6A. (1) 'n Raad kan, behoudens die bepalings van subartikel (2), hetsy in die algemeen of in die besonder, enige funksie, plig of bevoegdheid, van welke aard ook al, wat by wet aan hom opgelê of verleen word, onderworpe aan die voorwaardes en beperkinge wat hy dienstig ag, aan sy bestuurskomitee delegeer.

(2) Die bevoegdheid van 'n raad om —

(a) regulasies te maak;

(b) belasting op eiendom op te lê of iemand van die betaling van sodanige belasting vry te stel;

(c) heffings of gelde op te lê of sodanige heffings of gelde te vermeerder of te verminder;

(d) lenings te verkry of aan te gaan;

(e) enige funksie, plig of bevoegdheid wat ingevolge artikel 148 aan hom opgelê of verleen is, te verrig of uit te oefen,

word nie ingevolge subartikel (1) gedelegeer nie: Met dien verstande dat geen bevoegdheid in hierdie subartikel genoem deur 'n raad uitgeoefen word nie tensy die betrokke aangeleentheid eers aan sy bestuurskomitee vir oorweging en verslag voorgelê is en daardie bestuurskomitee daaroor verslag gedoen het.

(3) 'n Bestuurskomitee kan, met die goedkeuring van sy raad en onderworpe aan die voorwaardes en beperkinge wat daardie raad dienstig ag, enige funksie, plig of bevoegdheid wat aan bestuurskomitees ingevolge hierdie Ordonnansie opgelê of verleen is of aan daardie bestuurskomitee ingevolge subartikel (1) gedelegeer is, aan 'n subkomitee aangestel deur sodanige bestuurskomitee, aan 'n raadslid, aan die stadsklerk of aan enige ander werknemer van sodanige raad delegeer.

(4) Enige funksie, plig of bevoegdheid wat ingevolge subartikel (3) aan die stadsklerk of 'n werknemer van 'n raad gedelegeer is, kan òf deur sodanige stadsklerk of werknemer per-

employee personally or through the agency ot another employee acting under the direction and control of such town clerk or employee.

(5) The town clerk shall forthwith notify the Executive Committee in writing of any delegation by either the council under subsection (1) or the Management Committee under subsection (3), and such delegation shall be effective from the date of dispatch of the said notice: Provided that the Executive Committee may in its discretion reject such delegation and notify the said town clerk in writing of such rejection, in which event the said delegation shall, as from a date one day after the date of the receipt of such notice by such town clerk be deemed to be revoked.

(6) Where a council has neglected to exercise the powers conferred upon it by subsection (1), or has in the opinion of the Executive Committee not exercised them adequately, the Executive Committee may direct such council in writing to exercise such powers in the manner and within the period it may deem expedient, and if such council neglects or refuses to comply with such direction, exercise such powers on behalf of such council as from a date determined by it.

(7) (a) A council may at any time, after referring the matter to its Management Committee for consideration and report, revoke any delegation under subsection (1) or (3).

(b) When a council has, under paragraph (a), revoked a delegation, it shall forthwith notify the Executive Committee in writing of such revocation.".

Amendment of section 12 of Ordinance 13 of 1963, as substituted by section 4 of Ordinance 12 of 1978.

3. Section 12 of the principal Ordinance is hereby amended —

(a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

"The Executive Committee may from time to time of its own accord or at the request of a council exercise any of the powers conferred by section *seven* without the presentation of any petition, provided that before the exercise of any such power, notice shall be given —"; and

soonlik, òf deur bemiddeling van 'n ander werknemer handelende in opdrag en onder die beheer van sodanige stadsklerk of werknemer, verrig of uitgeoefen word.

(5) Die stadsklerk stel die Uitvoerende Komitee onverwyld skriftelik in kennis van enige delegasie deur òf die raad ingevolge subartikel (1) òf die bestuurskomitee ingevolge subartikel (3), en sodanige delegasie is van krag vanaf die datum van die afsending van bedoelde kennisgewing: Met dien verstande dat die Uitvoerende Komitee na goeddunke enige sodanige delegasies kan afkeur en die bedoelde stadsklerk skriftelik van sodanige afkeuring kan in kennis stel, in welke geval die bedoelde delegasie vanaf 'n datum een dag na die datum van ontvangs van sodanige kennisgewing deur daardie stadsklerk, geag word ingetrek te wees.

(6) Waar 'n raad nagelaat het om die bevoegdhede wat by subartikel (1) verleen word, uit te oefen, of na die mening van die Uitvoerende Komitee nie toereikend uitgeoefen het nie, kan die Uitvoerende Komitee sodanige raad skriftelik gelas om daardie bevoegdheid op die wyse en binne die tydperk wat hy dienstig ag, uit te oefen en, indien sodanige raad nalaat of weier om aan sodanige lasgewing te voldoen, sodanige bevoegdheid namens daardie raad uitoefen vanaf 'n datum deur hom bepaal.

(7) (a) 'n Raad kan te eniger tyd nadat hy die aangeleentheid na sy bestuurskomitee verwys het vir oorweging en verslag enige delegasie ingevolge subartikel (1) of (3) gedoen, intrek.

(b) Wanneer 'n raad 'n delegasie ingevolge paragraaf (a) intrek, gee die betrokke stadsklerk die Uitvoerende Komitee onverwyld kennis van sodanige intrekking.".

3. Artikel 12 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 12 van Ordonnansie 13 van 1963, soos vervang deur artikel 4 van Ordonnansie 12 van 1978.

(a) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Die Uitvoerende Komitee kan van tyd tot tyd enige van die bevoegdhede verleen by artikel *sewe* uit eie beweging of op versoek van 'n raad uitoefen sonder dat 'n petisie voorgelê word, mits voor die uitoefening van enige sodanige bevoegdheid daar —"; en

(b) by the insertion after subsection (2) of the following subsection:

"(3) A request referred to in subsection (1) shall be made in the manner determined by the Executive Committee.".

Amendment of section 148 of Ordinance 13 of 1963, as amended by section 3 of Ordinance 5 of 1964, section 3 of Ordinance 17 of 1970, section 1 of Ordinance 7 of 1971, sections 1 and 5 of Ordinance 15 of 1972, section 1 of Ordinance 8 of 1976, section 1 of Ordinance 11 of 1977 and section 1 of Ordinance 9 of 1979.

4. Section 148 of the principal Ordinance is hereby amended —

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

"Provided that the council may require from or request any candidate for a post in its service to state the notch on the scale of remuneration applicable to such post at which he will accept appointment in such post or will carry out the duties connected therewith."; and

(b) by the substitution in paragraph (a) of subsection (9) for the words "mayor or any member of the Management Committee" of the word "council".

Amendment of section 149 of Ordinance 13 of 1963, as amended by section 1 of Ordinance 15 of 1972.

5. Section 149 of the principal Ordinance is hereby amended —

(a) by the deletion of paragraph (b) of subsection (1);

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

"Provided that where the town clerk comes to the conclusion after such meeting that any resolution taken or instruction issued by the council or the Management Committee at such meeting was illegal or irregular, he may refuse to implement such resolution or carry out such instruction until the next meeting of such council or Management Committee, and he shall report the said illegality or irregularity in writing at the said next meeting, whereupon the matter shall be dealt with as though the resolution or instruction were taken or issued at that particular meeting.";

(c) by the substitution for subsection (3) of the following subsection:

"(3) Every meeting of the council and every meeting of a committee of the council shall be attended by the town clerk or in his absence by some employee representing him, unless he or his representative is unable to attend [or he or his representative has been requested by the chairman of the meeting to withdraw therefrom.]: Provided that the chairman of such meeting may, subject to the provisions of any standing rules and orders

(b) deur die volgende subartikel na subartikel (2) in te voeg:

" (3) 'n Versoek in subartikel (1) bedoel geskied op die wyse wat die Uitvoerende Komitee bepaal.".

4. Artikel 148 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 148 van Ordonnansie 13 van 1963, soos gewysig deur artikel 3 van Ordonnansie 5 van 1964, artikel 3 van Ordonnansie 17 van 1970, artikel 1 van Ordonnansie 7 van 1971, artikels 1 en 5 van Ordonnansie 15 van 1972, artikel 1 van Ordonnansie 8 van 1976, artikel 1 van Ordonnansie 11 van 1977 en artikel 1 van Ordonnansie 9 van 1979.

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

"Met dien verstande dat die raad van enige kandidaat om 'n betrekking in sy diens kan vereis of hom kan versoek om die kerf te meld op die skaal van besoldiging van toepassing op sodanige betrekking, waarteen hy aanstelling in sodanige betrekking sal aanvaar of die pligte daaraan verbonde sal vervul."; en

(b) deur in paragraaf (a) van subartikel (9) die woorde "burgemeester of enige lid van die bestuurskomitee" deur die woord "raad" te vervang.

5. Artikel 149 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 149 van Ordonnansie 13 van 1963, soos gewysig deur artikel 1 van Ordonnansie 15 van 1972.

(a) deur paragraaf (b) van subartikel (1) te skrap;

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

"Met dien verstande dat waar die stadsklerk na afloop van 'n sodanige vergadering tot die oortuiging kom dat enige besluit of opdrag wat die raad of die bestuurskomitee by sodanige vergadering geneem of uitgereik het, onwettig of onreëlmatig was, hy kan weier om sodanige besluit of opdrag voor die eersvolgende vergadering van sodanige raad of bestuurskomitee uit te voer, en hy moet bedoelde onwettigheid of onreëlmatigheid op sodanige eersvolgende vergadering skriftelike rapporteer, waarop met die saak gehandel moet word asof die besluit of opdrag tydens daardie besondere vergadering geneem of uitgereik is.";

(c) deur subartikel (3) deur die volgende subartikel te vervang:

" (3) Die stadsklerk, of in sy afwesigheid, 'n werknemer wat hom verteenwoordig, moet elke vergadering van die raad en elke vergadering van 'n komitee van die raad bywoon, tensy hy of sy verteenwoordiger die vergadering nie kan bywoon nie [of tensy hy of sy verteenwoordiger deur die voorsitter van die vergadering versoek word om hom daaraan te onttrek.]: Met dien verstande dat die voorsitter van sodanige vergadering, behoudens die

made under section 155 and applicable to such meeting, request the town clerk or his representative to withdraw from the meeting if he or his representative has a financial interest in the matter under discussion, or if disciplinary measures against the town clerk or his representative are to be discussed by the meeting."; and

(d) by the addition of the following proviso to paragraph (a) of subsection (4):

"Provided that where the minutes are kept on loose leaves and firmly bound by means or two or more staples, the chairman of such meeting and the town clerk or his representative may sign such minutes as though they were already bound in book form.".

Amendment of section 159 of Ordinance 13 of 1963, as amended by section 1 of Ordinance 15 of 1972.

6. Section 159 of the principal Ordinance is hereby amended by the substitution in paragraph (b) of subsection (3) for the word "council" where it appears the first time of the words "Management Committee".

Amendment of section 165 of Ordinance 13 of 1963, as amended by section 4 of Ordinance 5 of 1964, section 6 of Ordinance 29 of 1965, section 2 of Ordinance 8 of 1976 and section 6 of Ordinance 12 of 1978.

7. Section 165 of the principal Ordinance is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

"(c) No exemption shall be granted under this subsection unless the person claiming exemption shall have made application to the council and given the particulars required in the form prescribed in the Seventh Schedule and such application shall be made annually, shall reach the council before or on 31 May of any particular year and [shall be submitted to the council during the month of June in every financial year and] be in respect of the financial year then next ensuing, and no application which does not [so submitted] thus reach the council shall be considered nor shall any exemption be granted retrospectively, except for good cause shewn.".

Amendment of section 174 of Ordinance 13 of 1963, as amended by section 4 of Ordinance 17 of 1970, section 3 of Ordinance 7 of 1971, section 1 of Ordinance 15 of 1972 and section 4 of Ordinance 9 of 1973.

8. Section 174 of the principal Ordinance is hereby amended —

(a) by the deletion in paragraph (c) of subsection (1) of the words "(with power to delegate this power to its Management Committee)"; and

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

"(b) the owner and any lessee of that property shall be obliged to allow —

bepalings van enige reglement van orde wat ingevolge artikel 155 gemaak en op die vergadering van toepassing is, die stadsklerk of sy verteenwoordiger kan versoek om hom van die vergadering te onttrek indien hy of sy verteenwoordiger 'n geldelike belang by die aangeleentheid onder bespreking het, of indien tugmaatreëls teen die stadsklerk of sy verteenwoordiger deur die vergadering bespreek gaan word."; en

(d) deur die volgende voorbehoudsbepaling by paragraaf (a) van subartikel (4) te voeg:

"Met dien verstande dat waar die notule op los blaaie aangeteken is en by wyse van twee of meer kramme stewig gebind is, die voorsitter van sodanige vergadering en die stadsklerk of sy verteenwoordiger sodanige notule kan onderteken asof die notule reeds in boekvorm gebind is.".

6. Artikel 159 van die Hoofordonnansie word hierby gewysig deur in paragraaf (b) van subartikel (3) die woord "raad" waar dit die eerste keer voorkom deur die woord "bestuurskomitee" te vervang.

Wysiging van artikel 159 van Ordonnansie 13 van 1963, soos gewysig deur artikel 1 van Ordonnansie 15 van 1972.

7. Artikel 165 van die Hoofordonnansie word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 165 van Ordonnansie 13 van 1963, soos gewysig deur artikel 4 van Ordonnansie 5 van 1964, artikel 6 van Ordonnansie 29 van 1965, artikel 2 van Ordonnansie 8 van 1976 en artikel 6 van Ordonnansie 12 van 1978.

"(c) Geen vrystelling word ingevolge hierdie subartikel verleen nie tensy die persoon wat vrystelling eis by die raad aansoek gedoen het en die vereiste besonderhede in die vorm voorgeskryf in die sewende bylae verskaf het, en sodanige aansoek moet jaarliks geskied, moet die raad voor of op 31 Mei van enige bepaalde jaar bereik en [in die maand Junie in elke boekjaar aan die raad voorgelê word en] moet betrekking hê op die eersvolgende boekjaar, en geen aansoek wat die raad nie aldus [voorgelê word] bereik nie, mag in aanmerking geneem word nie, nóg mag enige vrystelling met terugwerkende krag verleen word nie tensy goeie redes daarvoor aangevoer word.".

8. Artikel 174 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 174 van Ordonnansie 13 van 1963, soos gewysig deur artikel 4 van Ordonnansie 17 van 1970, artikel 3 van Ordonnansie 7 van 1971, artikel 1 van Ordonnansie 15 van 1972 en artikel 4 van Ordonnansie 9 van 1973.

(a) deur in paragraaf (c) van subartikel (1) die woorde "(met die bevoegdheid om hierdie bevoegdheid aan sy bestuurskomitee oor te dra)" te skrap; en

(b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

"(b) is die eienaar en enige huurder van daardie eiendom verplig om toe te laat —

(i) such water pipelines, storm water drain pipes, sewer-pipes [and] or overhead [and] or underground electrical supply lines as may from time to time be considered necessary by the council, to be constructed across the property in such a manner and in such a position as may from time to time be [agreed on] determined by the council [and] after consultation with the owner of that property;

(ii) any materials that may be excavated during the construction, maintenance [and] or removal of any such water pipeline, storm water drain pipe, sewer-pipe [and] or overhead [and] or underground electrical supply line, to be placed on that property temporarily;

(iii) any person who may be required to enter that property in order to perform his duties pertaining to such construction, maintenance [and] or removal of any such water pipeline, storm water drain-pipe, sewer-pipe [and] or overhead [and] or underground electrical supply line [and] or any other work pertaining thereto, to enter that property at all reasonable times,

without any compensation being recoverable from the council: Provided that any damage caused at the construction, maintenance [and] or removal of any such water pipeline, storm water drain pipe, sewer-pipe [and] or overhead [and] or underground electrical supply line [and] or any other work pertaining thereto [and] or any damage caused at the placing on or removal from that property of any materials excavated, [will] shall be compensated by the council;".

Amendment of section 236 of Ordinance 13 of 1963.

9. Section 236 of the principal Ordinance is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) For the purpose of this section —

"burial" includes cremation; and
"destitute person" means a person who, in the opinion of the magistrate, is without resources.".

Amendment of section 244 of Ordinance 13 of 1963, as amended by section 1 of Ordinance 15 of 1972.

10. (1) Section 244 of the principal Ordinance is hereby amended by the insertion after subsection (4) of the following subsection:

(i) dat sodanige waterpyplyne, stormwaterafvoerpype, rioolpype [en] of bogrondse [en] of ondergrondse elektriese kragtoevoerlyne soos [wat] die raad van tyd tot tyd nodig ag, op so 'n wyse en in so 'n liggings soos [wat daar] van tyd tot tyd [deur die raad en] na oorlegpleging met die eienaar van daardie eiendom [ooreengekom word,] deur die raad bepaal word, oor die eiendom aangelê word;

(ii) dat enige materiaal wat uitgegrawe word gedurende die konstruksie, instandhouding [en] of verwydering van enige sodanige waterpyplyn, stormwaterafvoerpyp, rioolpyp [en] of bogrondse [en] of ondergrondse elektriese kragtoevoerlyn, tydelik op daardie eiendom geplaas mag word;

(iii) dat iedereen van wie dit vereis word om daardie eiendom te betree ten einde sy pligte in verband met sodanige konstruksie, instandhouding [en] of verwydering van enige sodanige waterpyplyn, stormwaterafvoerpyp, rioolpyp [en] of bogrondse [en] of ondergrondse elektriese kragtoevoerlyn [en] of enige ander werk wat daarmee in verband staan, te verrig, daardie eiendom te eniger tyd mag betree,

sonder dat enige vergoeding op die raad verhaalbaar sal wees: Met dien verstande dat enige skade veroorsaak by die konstruksie, instandhouding [en] of verwydering van enige sodanige waterpyplyn, stormwaterafvoerpyp, rioolpyp [en] of bogrondse [en] of ondergrondse elektriese kragtoevoerlyn [en] of enige ander werk wat daarmee in verband staan, [en] of enige skade veroorsaak by die plasing op of verwydering van daardie eiendom van enige materiaal wat uitgegrawe word, deur die raad vergoed [sal] moet word;".

9. Artikels 236 van die Hoofordonnansie word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: Wysiging van artikel 236 van Ordonnansie 13 van 1963.

" (4) By die toepassing van hierdie artikel —

sluit "begrawing" verassing in; en beteken [—] beteken [—] "behoeftige persoon" iemand wat, na die landdros meen, geen middele het nie.".

10. (1) Artikel 244 van die Hoofordonnansie word hierby gewysig deur die volgende subartikel na subartikel (4) in te voeg: Wysiging van artikel 244 van Ordonnansie 13 van 1963, soos gewysig deur artikel 1 van Ordonnansie 15 van 1972.

" (5) Where a municipality has adopted such model regulations, or where such model regulations have been applied to a municipality, either in whole or in part or with variations, the said municipality may, subject to the provisions of section 243, amend such regulations, and such amendment shall after publication thereof in the *Official Gazette* have force of law only within the area of jurisdiction of such municipality.".

(2) Subsection (1) shall be deemed to have come into operation on 1 July 1963.

Short title

11. This Ordinance shall be called the Second Municipal Amendment Ordinance, 1979.

" (5) Waar 'n munisipaliteit sodanige modelregulasies aanvaar het of waar sodanige modelregulasies op ' n munisipaliteit toegepas is, hetsy in die geheel of gedeeltelik of met wysigings, kan die bedoelde munisipaliteit behoudens die bepalings van artikel 243 sodanige regulasies wysig, en sodanige wysiging het na afkondiging daarvan in die *Offisiële Koerant* regskrag slegs binne die regsgebied van sodanige munisipaliteit.".

(2) Subartikel (1) word geag op 1 Julie 1963 in werking te getree het.

11. Hierdie Ordonnansie heet die Tweede Munisipale Wysigingsordonnansie, 1979. Kort titel.