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Goewermentskennisgewing

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Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

N. J. DAVIN
Sekretaris van die Nasionale Vergadering van Suidwes-Afrika

Windhoek

The following Government Notice is published for general information.

N. J. DAVIN
Secretary of the National Assembly of South West Africa

Windhoek

No. AG. 88

14 Julie 1980

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie:-

No. 12 van 1980 Wysigingswet op Inboorlinge in Stedelike Gebiede, 1980

No. AG. 88

14 July 1980

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:-

No. 12 of 1980 Natives (Urban Areas) Amendment Act, 1980

**Wet No. 12, 1980 WYSIGINGSWET OP INBOORLINGE IN STEDE-
LIKE GEBIEDE, 1980**

*(Afrikaanse teks deur die Administrateur-generaal
onderteken op 2 Julie 1980)*

WET

Tot wysiging van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951, ten einde voorsiening te maak vir die oplegging van belastings op onroerende eiendom in die gedeeltes van stedelike gebiede waarin erwe verkoop of andersins vervreem is soos in artikel 2(1)(f) van genoemde Proklamasie beoog, en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:-

Wysiging van artikel 17 van Proklamasie 55 van 1951, soos gewysig deur artikel 1 van Ordonnansie 2 van 1954, artikel 7 van Ordonnansie 25 van 1954 en artikel 6 van Proklamasie AG. 5 van 1977.

1. Artikel 17 van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (hieronder die Proklamasie genoem), word hierby gewysig —

- (a) deur die woord “en” aan die end van paragraaf (d) van subartikel (1) te skrap;
- (b) deur in paragraaf (e) van genoemde subartikel (1) na die woord “woon” die woord “en” in te voeg; en
- (c) deur die volgende paragraaf by genoemde subartikel (1) te voeg:

“ (f) alle gelde verkry ten opsigte van belastings deur die stedelike plaaslike bestuur opgelê op onroerende eiendom in ’n gedeelte van ’n stedelike gebied waarin erwe verkoop of andersins vervreem is soos in artikel 2(1)(f) beoog.”.

Invoeging van artikel 19bis, 19ter, 19quat, 19quin en 19sex in Proklamasie 55 van 1951.

2. (1) Die volgende artikels word hierby in die Proklamasie na artikel 19 ingevoeg:

“Belasbare eiendom in sekere gedeeltes van stedelike gebiede.

19bis. (1) Behoudens die bepalings van die Wet op Belasting op Spoorwegeiendom, 1959 (Wet 25 van 1959), en subartikel (2) van hierdie artikel, is alle onroerende eiendom in ’n gedeelte van ’n stedelike gebied waarin erwe verkoop of andersins vervreem is soos in artikel 2(1)(f) beoog, belasbaar.

(2) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van onroerende eiendom in artikel 165(1)(a), (b) (e) en (f) van die Munisipale Ordonnansie, 1963 (Ordonnansie 13 van 1963), bedoel.

**NATIVES (URBAN AREAS) AMENDMENT ACT, Act No. 12,1980
1980**

*(Afrikaans text signed by the Administrator-General on
2 July 1980)*

ACT

To amend the Natives (Urban Areas) Proclamation, 1951, so as to provide for the levying of rates on immovable property within such portions of urban areas in which erven are sold or otherwise alienated as contemplated in section 2(1)(f) of the said Proclamation, and for matters connected therewith.

BE IT ENACTED by the National Assembly of South West Africa, as follows:-

1. Section 17 of the Natives (Urban Areas) Proclamation, 1951 (hereinafter referred to as the Proclamation), is hereby amended —

Amendment of section 17 of Proclamation 55 of 1951, as amended by section 1 of Ordinance 2 of 1954, section 7 of Ordinance 25 of 1954 and section 6 of Proclamation AG. 5 of 1977.

- (a) by the deletion of the word “and” at the end of paragraph (d) of subsection (1);
- (b) by the insertion in paragraph (e) of the said subsection (1) of the word “and” after the word “therein”; and
- (c) by the addition of the following paragraph to the said subsection (1):

“ (f) all moneys derived in respect of rates levied by the urban local authority on immovable property within any portion of an urban area in which erven are sold or otherwise alienated as is contemplated in section 2(1)(f).”

2. (1) The following sections are hereby inserted in the Proclamation after section 19:

Insertion of sections 19bis, 19ter, 19quat, 19quin and 19sex in Proclamation 55 of 1951.

“Rateable property within certain portions of urban areas.

19bis. (1) Subject to the provisions of the Rating of Railway Property Act, 1959 (Act 25 of 1959), and subsection (2) of this section, all immovable property within any portion of an urban area in which erven are sold or otherwise alienated as is contemplated in section 2(1)(f) shall be rateable.

(2) The provisions of subsection (1) shall not apply in respect of immovable property referred to in section 165(1)(a), (b), (e) and (f) of the Municipal Ordinance, 1963 (Ordinance 13 of 1963).

Wet No. 12, 1980 **WYSIGINGSWET OP INBOORLINGE IN STEDE-
LIKE GEBIEDE, 1980**

Oplegging van be-
lastings.

19ter. (1) Behoudens die bepalings van subartikel (2), moet 'n stedelike plaaslike bestuur jaarliks ten opsigte van sy boekjaar maar nie later nie as 31 Mei in elke jaar, belastings oplê op alle onroerende eiendom in 'n gedeelte van 'n stedelike gebied in artikel 19bis bedoel, en sodanige belastings word —

- (a) bepaal op grond van die grootte van elke sodanige eiendom, soos aangegee in die titelakte van daardie eiendom of, indien 'n titelakte ten opsigte van sodanige eiendom nog nie bestaan nie, die algemene plan van bedoelde gedeelte; en
- (b) bereken per vierkante meter of 'n gedeelte van 'n vierkante meter en volgens die doel waarvoor elke sodanige eiendom benut of geokkupeer kan word.

(2) Die belastings in subartikel (1) bedoel, word nie deur 'n stedelike plaaslike bestuur vermeld in Deel II van die Vyfde Bylae by die Munisipale Ordonnansie, 1963 (Ordonnansie 13 van 1963), opgelê nie behalwe met die voorafgaande goedkeuring van die Administrateur-generaal.

(3) Die belastings wat ingevolge hierdie artikel opgelê word, moet aan die Registrateur van Aktes bekend gemaak word.

Betaling van be-
lastings.

19quat. (1) 'n Belasting ingevolge artikel 19ter opgelê, is deur die eienaar van die betrokke onroerende eiendom in gelyke maandelikse paaieimente by die kantoor van die stedelike plaaslike bestuur betaalbaar nie later nie as die vyftiende dag van elke maand.

(2) Indien die belasting in subartikel (1) bedoel, nie binne dertig dae vanaf die datum waarop sodanige belasting betaalbaar is, betaal word nie, kan die stedelike plaaslike bestuur na goeddunke —

- (a) rente daarop vorder teen 'n koers wat nie hoër is nie as vyftien persent per jaar, bereken vanaf die datum waarop die belasting betaalbaar is tot op die datum waarop dit betaal word; of
- (b) in plaas van bedoelde rente, 'n bedrag van twee rand vorder ten opsigte van elke maand of 'n gedeelte van 'n maand waarin elke paaieiment van bedoelde belasting nie betaal is nie.

**NATIVES (URBAN AREAS) AMENDMENT ACT, Act No. 12,1980
1980**

Levying of rates.

19ter. (1) Subject to the provisions of subsection (2), an urban local authority shall levy annually in respect of its financial year but not later than 31 May in every year, rates on all immovable property in any portion of an urban area referred to in section *19bis*, and such rates shall —

- (a) be determined on account of the extent of every such property, as indicated in the title deed of such property or, if a title deed does not yet exist in respect of such property, the general plan of the said portion; and
- (b) calculated per square metre or portion of a square metre and the purpose for which every such property may be used or occupied.

(2) The rates referred to in subsection (1) shall not be levied by any urban local authority mentioned in Part II of the Fifth Schedule to the Municipal Ordinance, 1963 (Ordinance 13 of 1963), except with the prior approval of the Administrator-General.

(3) The rates levied in terms of this section, shall be notified to the Registrar of Deeds.

Payment of rates.

19quat. (1) Any rate levied in terms of section *19ter* shall be payable by the owner of the immovable property in question in equal monthly payments at the office of the urban local authority not later than the fifteenth day of each month.

(2) If the rate referred to in subsection (1) is not paid within thirty days as from the date upon which such rates become payable, the urban local authority may in its discretion —

- (a) charge interest thereon at a rate not exceeding fifteen percent per annum, calculated as from the date on which the rate falls due to the date of payment; or
- (b) in lieu of such interest, charge an amount of two rand in respect of each month or part of a month in which each payment of such rate is not paid.

Wet No. 12, 1980 **WYSIGINGSWET OP INBOORLINGE IN STEDE-
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(3) By die toepassing van subartikel (1) beteken "eienaar" 'n eienaar soos in artikel 1 van die Munisipale Ordonnansie, 1963 (Ordonnansie 13 van 1963), omskryf.

Toepassing van artikels 167, 168, 171 en 268 van Ordonnansie 13 van 1963.

19quin. (1) Die bepalings van artikels 167(1)(b) en (e), (3), (4) en (5), 168(1)(a), 171 en 268 van die Munisipale Ordonnansie, 1963 (Ordonnansie 13 van 1963), is *mutatis mutandis* van toepassing ten opsigte van belastings wat ingevolge artikel 19ter opgelê is en by sodanige toepassing word 'n verwysing in daardie artikels —

- (a) na genoemde Munisipale Ordonnansie, 1963, uitgelê as 'n verwysing na artikel 19ter van hierdie Proklamasie;
- (b) na 'n munisipaliteit, uitgelê as 'n verwysing na 'n gedeelte van 'n stedelike gebied waarin erwe verkoop of andersins vervreem is soos in artikel 2(1)(f) van hierdie Proklamasie beoog;
- (c) na belastings opgelê ingevolge die bepalings van subartikel (1) van artikel 166 van genoemde Ordonnansie, uitgelê as 'n verwysing na belastings opgelê ingevolge artikel 19ter van hierdie Proklamasie.

(2) 'n Bedrag van vyf rand is betaalbaar ten opsigte van 'n spesiale vereffeningsbewys in artikel 168(1) van genoemde Munisipale Ordonnansie, 1963, bedoel.

Register.

19sex. (1) Die stadsmerk van 'n stedelike plaaslike bestuur hou 'n register van onroerende eiendom in 'n gedeelte van 'n stedelike gebied waarin erwe verkoop of andersins vervreem is soos in artikel 2(1)(f) beoog, die grootte daarvan, die doel waarvoor die eiendom benut of geokkupeer kan word en die belasting ingevolge artikel 19ter opgelê.

(2) Die stadsmerk kan te eniger tyd die register in subartikel (1) bedoel —

- (a) verbeter;
- (b) wysig ten opsigte van die doel waarvoor 'n onroerende eiendom benut of geokkupeer kan word;
- (c) aanvul deur die byvoeging van eiendomme wat belasbaar word.

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1980**

(3) In the application of subsection (1) "owner" means an owner as defined in section 1 of the Municipal Ordinance, 1963 (Ordinance 13 of 1963).

Application of sections 167, 168, 171 and 268 of Ordinance 13 of 1963.

19quin. (1) The provisions of sections 167(1)(b) and (e), (3), (4) and (5), 168(1)(a), 171 and 268 of the Municipal Ordinance, 1963 (Ordinance 13 of 1963), shall apply *mutatis mutandis* in respect of rates levied in terms of section 19ter and in such application any reference in those sections —

- (a) to the said Municipal Ordinance, 1963, shall be construed as a reference to section 19ter of this Proclamation;
- (b) to a municipality, shall be construed as a reference to any portion of an urban area in which erven are sold or otherwise alienated as is contemplated in section 2(1)(f) of this Proclamation;
- (c) to rates levied in terms of the provisions of subsection (1) of section 166 of the said Ordinance, shall be construed as a reference to rates levied in terms of section 19ter of this Proclamation.

(2) An amount of five rand shall be payable in respect of any special clearance certificate referred to in section 168(1) of the said Municipal Ordinance, 1963.

Register.

19sex. (1) The town clerk of any urban local authority shall keep a register of immovable property within any portion of an urban area in which erven are sold or otherwise alienated as is contemplated in section 2(1)(f), the extent thereof, the purpose for which the property may be used or occupied and the rates levied in terms of section 19ter.

(2) The town clerk may at any time —

- (a) rectify;
- (b) alter, in respect of the purpose for which any immovable property may be used or occupied;
- (c) supplement, by the addition of properties which become rateable,

the register referred to in subsection (1).

**Wet No. 12, 1980 WYSIGINGSWET OP INBOORLINGE IN STEDE-
LIKE GEBIEDE, 1980**

(3) Bedoelde register word in die kantoor van die stedelike plaaslike bestuur gehou en lê kosteloos gedurende kantoorure ter insae.

(4) Die stedelike plaaslike bestuur is nie gebind aan enige fout of weglating in die register nie.”.

(2) Ondanks die bepalings van artikel 19^{ter}(1) van die Proklamasie, soos ingevoeg deur subartikel (1) van hierdie artikel, kan 'n stedelike plaaslike bestuur ten opsigte van die boekjaar wat op 30 Junie 1981 eindig te eniger tyd voor 31 Desember 1980 die belastings in genoemde artikel 19^{ter} bedoel, ople.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Inboorlinge in Stedelike Gebiede, 1980.

**NATIVES (URBAN AREAS) AMENDMENT ACT, Act No. 12,1980
1980**

(3) Such register shall be kept in the office of the urban local authority and shall be open for inspection free of charge during office hours.

(4) The urban local authority shall not be bound by any mistake or omission in the register.”.

(2) Notwithstanding the provisions of section 19*ter*(1) of the Proclamation, as inserted by subsection (1) of this section, a urban local authority may in respect of the financial year ending 30 June 1981 at any time before 31 December 1980 levy the rates referred to in section 19*ter*.

3. This Act shall be called the Natives (Urban Areas) Amendment Act, 1980. Short title.