

BUITENGEWONE  
**OFFISIËLE KOERANT**  
 VAN SUIDWES - AFRIKA.  
**OFFICIAL GAZETTE**



UITGAWE OP GESAG.

EXTRAORDINARY  
 OF SOUTH WEST AFRICA.

PUBLISHED BY AUTHORITY.

10c Vrydag, 30 Junie 1961

WINDHOEK

Friday, 30th June, 1961

No. 2320

I N H O U D.

C O N T E N T S.

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GOEWERMENSKENNISGEWING—

GOVERNMENT NOTICE—

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**Goewermentskennisgewings.**

**Government Notices.**

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

The following Government Notice is published for general information.

C. F. MARAIS,  
*Sekretaris van Suidwes-Afrika.*

C. F. MARAIS,  
*Secretary for South West Africa*

Kantoor van die Administrateur,  
 Windhoek.

Administrator's Office,  
 Windhoek.

No. 158.]

[30 Junie 1961.

No. 158.]

[30th June, 1961.

ORDONNANSIES, 1961: UITVAARDIGING VAN.

ORDINANCES, 1961: PROMULGATION OF.

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twee-en-dertig* van „De-Suidwest-Afrika Konstitutie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansies 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 No. 42 of 1925), to the following Ordinances which are hereby published for general information in terms of section *thirty-four* of the said Act:—

No.	Titel
No. 11.	Bekragtigungsordonnansie op Grondbewaring 1961 . . . . .
No. 12.	Wysigingsordonnansie op die Beskerming van die Diamantnywerheid 1961 . . . . .
No. 13.	Ongemagtigde Uitgawes (1959—60) Ordonnansie 1961 . . . . .
No. 14.	Wysigingsordonnansie op Spesiale Onderstand aan Boere, 1961 . . . . .
No. 15.	Wysigingsordonnansie op die Noodleniging van Boere buiten Huurders ten opsigte van Rente en Delging 1961 . . . . .
No. 16.	Wysigingsordonnansie op Myne, Werke en Minerale 1961 . . . . .
No. 17.	Wysigingsordonnansie op Wildbeskerming 1961 . . . . .
No. 18.	Wysigingsordonnansie op die Bevordering van Boerderybelange 1961 . . . . .
No. 19.	Wysigingsordonnansie 1961 . . . . .

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No. 11 van 1961.]

## ORDONNANSIE

Om voorsiening te maak vir die inwerkingtreding van die Ordonnansie op Grondbewaring 1952 en vir die bekragtiging van optrede daaringevolge.

*(Goedgekeur 21 Junie 1961.)*

*(Afrikaanse teks deur die Administrateur geteken.)*

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

1. Die Ordonnansie op Grondbewaring 1952 (Ordonnansie 28 van 1952) — hierna heet dit die hoofordonnansie — word beskou as in werking met ingang van die eerste dag van Januarie 1953.

2. Enige handeling uitgevoer of ding gedoen ingevolge die bepalings van die hoofordonnansie of van 'n ordonnansie wat sodanige ordonnansie wysig, wat regsgeldig ingevolge die hoofordonnansie of 'n ordonnansie wat sodanige hoofordonnansie wysig, uitgevoer of gedoen sou gewees het as die hoofordonnansie op die eerste dag van Januarie 1953 in werking getree het, soos bepaal by artikel *een*, word beskou as regsgeldig daaringevolge uitgevoer of gedoen te word of te gewees het.

3. Hierdie Ordonnansie heet die Bekragtigungsordonnansie op Grondbewaring 1961.

No. 11 of 1961.]

## ORDINANCE

To provide for the coming into operation of the Soil Conservation Ordinance, 1952, and to validate acts done thereunder.

*(Assented to 21st June, 1961.)*

*(Afrikaans text signed by the Administrator)*

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

1. The Soil Conservation Ordinance, 1952 (Ordinance 28 of 1952) — hereinafter called the principal Ordinance — shall be deemed to have come into operation on the first day of January, 1953.

2. Any act or thing done under the provisions of the principal Ordinance or any Ordinance amending the same which would have been validly done under the principal Ordinance or any Ordinance amending the same if the principal Ordinance had come into operation on the first day of January, 1953, as provided by section *one* shall be deemed to be and to have been validly done thereunder.

3. This Ordinance shall be called the Soil Conservation Ordinance Validation Ordinance, 1961.

**ORDONNANSIE**

Ter wysiging van die wet op die reëling, beheer, ontwikkeling en beskerming van die diamantnywerheid in Suidwes-Afrika.

(Goedgekeur 21 Junie 1961.)

(Engelse teks deur die Administrateur geteken.)

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

1. Die volgende artikel word hierby ingevoeg na artikel *seventien* van die Proklamasie op die Beskerming van die Diamantnywerheid 1939 (Proklamasie 17 van 1939) — hierna heet dit die hoofproklamasie:-

„Register moet gehou word.

17bis. (1) Elke produsent en elke houër van 'n permit uitgereik ingevolge artikel *elf* moet 'n egte en juiste register aanhou in die vorm uiteengesit in die derde bylae hiervan waarin hy besonderhede oor die onderstaande sake moet inskryf of laat inskryf:—

- (a) elke winning of ontvangs van diamante en die datum en wyse van sodanige winning of ontvangs;
- (b) enige diamante wat van die hand gesit is en die wyse en datum waarop hulle van die hand gesit is,

en elke sodanige inskrywing moet binne vier-en-twintig uur na elke sodanige winning, ontvangs of van die hand setting, of binne die langer tydperk wat die voorsitter van die Raad moontlik skriftelik magtig, geskied.

(2) Elkeen wat 'n register in subartikel (1) genoem, moet aanhou, moet binne veertien dae na afloop van elke maand aan die Bevelvoerende Offisier, Kommandement Suidwes-Afrika, Suid-Afrikaanse Polisie, Windhoek, 'n ware afskrif van sodanige register wat ten opsigte van die voorafgaande maand gehou is, tesame met 'n plegtige verklaring oor die waarheid en juistheid daarvan, stuur, en elk so iemand moet ook sodanige register voor die dag haal en toon wanneer ook al 'n lid van die Suid-Afrikaanse Polisie van of bo die rang van sersant hom in die uitvoering van sy ampspligte daartoe gelas.

(3) Elkeen wat enige van die bepalings van subartikel (1) of (2) by daad of versuim verontagsaam of wat versuim of weier om bedoelde register voor die dag te haal of te toon wanneer hy ingevolge subartikel (2) daartoe gelas word, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf."

2. Artikel *twee-en-twintig* van die hoofproklamasie word hierby gewysig deur die woorde „Sekretaris vir die Gebied" in subartikel (2) te vervang deur die woord „Administrateur".

3. Die onderstaande bylae word hierby by die hoofproklamasie bygevoeg:-

**ORDINANCE**

To amend the law relating to the regulation, control, development and protection of the Diamond Industry in South West Africa.

(Assented to 21st June, 1961.)

(English text signed by the Administrator.)

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

1. The following section is hereby inserted after section *seventeen* of the Diamond Industry Protection Proclamation, 1939, (Proclamation 17 of 1939), hereinafter referred to as the principal Proclamation:-

„Register to be kept.

17bis. (1) Every producer and every person who is the holder of a permit issued in terms of section *eleven*, shall keep a true and correct register in the form set forth in the Third Schedule hereto in which they shall enter or cause to be entered particulars of —

- (a) every recovery or receipt of diamonds and the date and manner of such recovery or receipt;
- (b) any diamonds disposed of, the manner of their disposal and the date of such disposal,

and every such entry shall be made within twenty-four hours of every such recovery, receipt or disposal or within such longer period as may be authorised in writing by the Chairman of the Board.

(2) Every person required to keep the register referred to in sub-section (1) shall, within fourteen days after the expiration of each month, forward to the Commanding Officer, South West Africa Command, South African Police, Windhoek, a true copy of such register kept in respect of the previous month together with a solemn declaration of the truth and correctness thereof and every such person shall also produce and exhibit such register whenever required to do so by a member of the South African Police of or above the rank of sergeant in the exercise of his official duties.

(3) Any person who contravenes or fails to comply with any of the provisions of subsection (1) or (2) or who fails or refuses to produce or exhibit the said register when required to do so in terms of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for any period not exceeding six months or to both such fine and such imprisonment."

2. Section *twenty-two* of the principal Proclamation is hereby amended by the substitution in sub-section (2) for the words "Secretary for the Territory" of the word "Administrator".

3. The following Schedule is hereby added to the principal Proclamation:-



**ORDONNANSIE**

Tot aanwending van 'n verdere geldbedrag vir die diens van die Gebied Suidwes-Afrika vir die jaar wat op die een-en-dertigste dag van Maart 1960 geëindig het, tot bestryding en dekking van sekere ongemagtigde uitgawes.

(Goedgekeur 21 Junie 1961.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Die Administrasierekening van die Gebied Suidwes-Afrika word hierby belas met die bedrag van sestigduisend agthonderd twee-en-dertig pond, vyftien sjelings en agt pennies tot dekking van sekere uitgawes bo en behalwe die bedrag beskikbaar gestel vir die diens van die Gebied Suidwes-Afrika vir die jaar wat op die een-en-dertigste dag van Maart 1960 geëindig het. Hierdie uitgawes word uiteengesit in die Bylae tot hierdie Ordonnansie en word nader omskryf in paragraaf ses bladsy twee-en-twintig van die Verslag (aan die Wetgewende Vergadering voorgelê) van die Kontroleur en Ouditeur-Generaal oor die rekenings vir vermelde boekjaar en in die Eerste Verslag van die Gekose Komitee oor Openbare Rekenings 1961.

2. Hierdie Ordonnansie heet die Ongemagtigde Uitgawes (1959-60) Ordonnansie 1961.

**BYLAE.**

Begrotingspos of Inkomste-hoof	Titel van Begrotingspos of Inkomste-hoof	Bedrag		
		£	s.	d.
7	Werke	45,235	10	3
12	Pensioene en Gratifikasies	10,096	4	11
11	Waterwese	5,501	0	6
<b>TOTAAL</b>		<b>£60,832</b>	<b>15</b>	<b>8</b>

No. 14 van 1961.]

**ORDONNANSIE**

Ter wysiging van die Ordonnansie op Spesiale Onderstand aan Boere 1959.

(Goedgekeur 21 Junie 1961.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. (1) Artikel twee van die Ordonnansie op Spesiale Onderstand aan Boere 1959 (Ordonnansie 16 van 1959) — hierna heet dit die hoofordonnansie — word hierby gewysig —

(a) deur in subartikel (1) die woorde „dertigste dag van September 1960” deur die woorde „dertigste dag van September 1961” te vervang;

**ORDINANCE**

To apply a further sum of money towards the service of the Territory of South West Africa for the year ended on the thirty-first day of March, 1960, for the purpose of meeting and covering certain unauthorised expenditure.

(Assented to 21st June, 1961.)

(Afrikaans text signed by the Administrator)

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

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of sixty thousand, eight hundred and thirty-two pounds, fifteen shillings and eight pence to meet certain expenditure over and above the amount appropriated for the service of the Territory of South West Africa for the year which ended on the thirty-first day of March, 1960. Such expenditure is set forth in the Schedule of this Ordinance and is referred to in paragraph six page twenty-three of the Report (which has been presented to the Legislative Assembly) of the Controller and Auditor-General on the Accounts of the said year and in the First Report of the Select Committee on Public Accounts, 1961.

2. This Ordinance shall be called the Unauthorised Expenditure (1959-60) Ordinance, 1961.

**SCHEDULE.**

No. of Vote or Revenue Head	Title of Vote or Revenue Head	Amount		
		£	s.	d.
7	Works	45,235	10	3
12	Pensions and Gratuities	10,096	4	11
11	Water Affairs	5,501	0	6
<b>TOTAL</b>		<b>£60,832</b>	<b>15</b>	<b>8</b>

No. 14 of 1961.]

**ORDINANCE**

To amend the Farmers' Special Relief Ordinance, 1959.

(Assented to 21st June, 1961.)

(Afrikaans text signed by the Administrator)

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

1. (1) Section two of the Farmers' Special Relief Ordinance, 1959, (Ordinance 16 of 1959) — hereinafter called the principal Ordinance — is hereby amended —

(a) by the substitution in sub-section (1) for the words “thirtieth day of September, 1960” of the words “thirtieth day of September, 1961”;



- woorde „eerste dag van April 1961” te vervang.
- (c) deur in paragraaf (c) van subartikel (1) die woorde „eerste dag van April 1960” deur die woorde „eerste dag van April 1961” te vervang;
- (d) deur subartikel (2) deur die volgende subartikel te vervang:—

„(2) Die raad kan behoudens die bepalings van hierdie Ordonnansie en uit gelde wat die Wetgewende Vergadering spesiaal daartoe bewillig het aan enigiemand vir wie die bepalings van paragrafe (a) en (b) van subartikel (1) geld, en wat op of voor die een-en-dertigste dag van Maart 1962 daarom aansoek gedoen het, en wat, omdat sy middele nadelig getref is deur die heersende droogtetoestande, geen redelike middele het om vir die behoud van sy vee krag- of ander voer aan te koop of weiding te huur nie, 'n lening van hoogstens ses honderd rand toestaan om sodanige krag- of ander voer aan te koop of sodanige weiding te huur: Met dien verstande dat in die geval van 'n geregistreerde eienaar van onroerende goedere die maksimum vier duisend rand moet wees, en in die geval van 'n huurder bedoel in artikel *twintig* die maksimum drie duisend rand moet wees.

- (2) Die bepalings van paragraaf (d) van subartikel (1) word geag op die eerste dag van Oktober 1960 in werking te getree het.

2. Artikel *drie* van die hoofordonnansie word hierby gewysig —

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

„Met dien verstande dat die Administrateur bevoeg is om van tyd tot tyd die tye deur die raad aldus bepaal, te verander selfs al oorskry die algehele tydperk van die lening daardeur die tydperk van vyf jaar”;

- (b) deur aan die end daarvan die volgende subartikel by te voeg:—

„(6) Die raad kan op versoek van iemand aan wie 'n lening ingevolge hierdie ordonnansie toegestaan is die bestuurder magtig om afstand te doen van die voorkeur waarop die raad geregtig is uit hoofde van 'n verband geregistreer ooreenkomstig artikel *ses*”.

3. Artikel *vier* van die hoofordonnansie word hierby gewysig —

- (a) deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat indien die lening toegestaan is vir die aankoop van voer of vir die betaling van weiding dit uitbetaal sal word aan die leweransier van die voer of verskaffer van weiding teen 'n rekening wat deur die lener as korrek gesertifiseer is, of, indien die lener reeds vir die voer of weiding betaal het, regstreeks aan die lener teen voorlegging van behoorlike kwitansies van sodanige uitbetalings deur hom gemaak.”;

- (b) deur in subartikel (3) na die woord „lener” waar dit die tweede maal voorkom die woorde „of leweransier van voer of verskaffer van weiding of aan die lener persoonlik” in te voeg.

4. Artikel *dertien* van die hoofordonnansie word hierby gewysig deur die woorde „subartikel (2) van artikel *sewe*” te skrap.

5. Artikel *sestien* van die hoofordonnansie word hierby gewysig deur aan die end van subartikel (1) die woorde „Vir hierdie doel stel die Administrasie die nodige gelde beskikbaar” by te voeg.

6. Hierdie Ordonnansie heet die Wysigingsordonnansie op Spesiale Onderstand aan Boere, 1961.

tion (1) for the words “first day of April, 1959” of the words “first day of April, 1961”;

- (c) by the substitution in paragraph (c) of sub-section (1) for the words “first day of April, 1960” of the words “first day of April, 1961”;

- (d) by the substitution for sub-section (2) of the following sub-section:—

“(2) The board may subject to the provisions of this Ordinance, and from moneys specially voted by the Legislative Assembly, grant to any person to whom the provisions of paragraphs (a) and (b) of sub-section (1) apply, and who has applied therefor on or before the thirty-first day of March, 1962, and who, by reason of his means having been adversely affected by the prevailing conditions of drought, has no reasonable means of buying concentrates or other fodder or hiring grazing for the sustenance of his stock, a loan not exceeding six hundred rand for the purpose of purchasing such concentrates or other fodder or hiring such grazing: Provided that in the case of a registered owner of immovable property, the maximum shall be four thousand rand, and in the case of a lessee referred to in section *twenty* the maximum shall be three thousand rand.”

- (2) The provisions of paragraph (d) of sub-section (1) shall be deemed to have come into operation on the first day of October, 1960.

2. Section *three* of the principal Ordinance is hereby amended —

- (a) by the addition of the following proviso to sub-section (2):—

“Provided that the Administrator shall have the power from time to time to vary the times so determined by the board even though thereby the total period of the loan may exceed the period of five years.”;

- (b) by the addition of the following sub-section at the end thereof:—

“(6) The board may at the request of any person to whom a loan has been granted under this Ordinance, authorize the manager to waive the preference to which the board is entitled on account of a bond registered in accordance with section *six*.”

3. Section *four* of the principal ordinance is hereby amended —

- (a) by the addition of the following proviso to sub-section (1):—

“Provided that if the loan is granted for the purchase of fodder or for payment in respect of grazing, it shall be paid out to the supplier of the fodder or provider of grazing against an account certified as correct by the borrower, or, if the borrower has already paid for the fodder or grazing, direct to the borrower on production of proper receipts of such payments made by him.”;

- (b) by the insertion in sub-section (3) after the word „borrower” where it appears for the second time of the words “or supplier of fodder, or provider of grazing, or to the borrower personally”.

4. Section *thirteen* of the principal ordinance is hereby amended by the deletion of the words “sub-section (2) of section *seven*”.

5. Section *sixteen* of the principal ordinance is hereby amended by the addition at the end of sub-section (1) of the words “For this purpose the Administration shall provide the necessary funds.”

6. This Ordinance shall be called the Farmers' Special Relief Amendment Ordinance, 1961.

**ORDONNANSIE**

Ter wysiging van die Ordonnansie op die Noodleniging van Boere buiten Huurders ten opsigte van Rente en Delging 1959.

(Goedgekeur 21 Junie 1961.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Artikel *een* van die Ordonnansie op die Noodleniging van Boere buiten Huurders ten opsigte van Rente en Delging 1959 (Ordonnansie 17 van 1959) — hierna heet dit die hoofordonnansie — word hierby gewysig —

(a) deur in subartikel (2) die woorde „twee jaar” deur die woorde „drie jaar” te vervang;

(b) deur die volgende subartikel by te voeg:—

„(3) Die bepalinge van subartikel (2) is ook van toepassing op diegene aan wie lenings ingevolge die bepalinge van die Ordonnansie op die Bevordering van Boerderybelange 1952 (Ordonnansie 29 van 1952) gedurende die tydperk 1 April 1959 tot 31 Maart 1961 toegewys is: Met die verstande dat die tydperk waarin rente op enige sodanige lening betaalbaar is nie en waarin die terugbetaling van die kapitale bedrag wat ten opsigte van sodanige lening nog uitstaande is opgeskort is, een jaar met ingang van 1 April 1961 sal wees.”

2. Artikel *twee* van die hoofordonnansie word hierby gewysig deur in paragraaf (a) die woorde „eerste dag van April 1959” deur die woorde „eerste dag van April 1961” te vervang.

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Noodleniging van Boere buiten Huurders ten opsigte van Rente en Delging 1961.

No. 16 van 1961.]

**ORDONNANSIE**

Ter wysiging van die Ordonnansie op Myne, Werke en Minerale 1954.

(Goedgekeur 21 Junie 1961.)

(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *een-en-twintig* van die Ordonnansie op Myne, Werke en Minerale 1954 (Ordonnansie 26 van 1954) — hierna heet dit die hoofordonnansie — word hierby gewysig deur in subartikel (2) na die woord „Gebiedswet” die woorde „of enige wet van die Unie van Suid-Afrika” in te voeg en deur in daardie subartikel na die woorde „onedele minerale” die woorde „of die Proklamasie op die Beskerming van die Diamantnywerheid 1939 (Proklamasie 17 van 1939), soos gewysig, of enige wet van die Unie van Suid-Afrika met betrekking tot die beheer en beskerming van die diamantnywerheid” in te voeg.

2. Artikel *vyf-en-twintig bis* van die hoofordonnansie word hierby gewysig deur die woorde „wat al klaar afgesteek is nie” te vervang deur die woorde „waarop al klaar ’n klein afgesteek is nie of waarop penne met bakenplate, hetsy wettig of onwettig, staan”.

**ORDINANCE**

To amend the Ordinance for Relief in respect of Interest and Redemption to Farmers other than Lessees 1959.

(Assented to 21st June, 1961.)

(Afrikaans text signed by the Administrator)

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

1. Section *one* of the Ordinance for Relief in respect of Interest and Redemption to Farmers other than Lessees, 1959, (Ordinance 17 of 1959) — hereinafter called the principal Ordinance — is hereby amended —

(a) by the substitution in sub-section (2) for the words “two years” of the words “three years”;

(b) by the addition of the following sub-section:

“(3) The provisions of sub-section (2) shall also apply to persons to whom loans have been granted under the provisions of the Provision of Farming Interests Ordinance, 1952 (Ordinance 29 of 1952), during the period 1st April, 1959, to 31st March, 1961: Provided that the period during which no interest is payable on any such loan and during the repayment of the capital amount still outstanding in respect of such loan has been suspended, shall be one year as from the 1st April, 1961.”

2. Section *two* of the principal Ordinance is hereby amended by the substitution in paragraph (a) for the words “first day of April, 1959” of the words “first day of April, 1961.”

3. This Ordinance shall be called the Amendment Ordinance for Relief in respect of Interest and Redemption to Farmers other than Lessees, 1961.

No. 16 of 1961.]

**ORDINANCE**

To amend the Mines, Works and Minerals Ordinance, 1954.

(Assented to 21st June, 1961.)

(English text signed by the Administrator.)

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

1. Section *twenty-one* of the Mines, Works and Minerals Ordinance, 1954 (Ordinance 26 of 1954) — hereinafter called the principal ordinance — is hereby amended by the insertion in sub-section (2) after the word “Territory” of the words “or any law of the Union of South Africa”, and by the insertion in the said sub-section after the words “base minerals” of the words “or the Diamond Industry Protection Proclamation, 1939 (Proclamation 17 of 1939), as amended, or any law of the Union of South Africa relating to the control and protection of the diamond industry”.

2. Section *twenty-five* of the principal ordinance is hereby amended by the substitution for the words “which has already been pegged” of the words “on which a claim has already been pegged or on which pegs with beacons, whether legal or illegal, are standing”.

„(1) (a) Die Administrateur kan aan enigiemand die alleenreg toeken, op voorwaardes wat hy na goeddunke stel, om in 'n bepaalde gebied te prospekteeer of te myn of in die algemeen of ten opsigte van enige besondere minerale, en hy kan, gedurende die termyn ingevolge paragraaf (b) bepaal of verleng, by so 'n alleenreg om te prospekteeer of te myn in sodanige bepaalde gebied, enige besondere mineraal of minerale na sy goeddunke byvoeg.

(b) So 'n alleenreg om te prospekteeer of te myn geld vir 'n termyn wat die Administrateur bepaal, en hy kan die termyn van tyd tot tyd verleng onderhewig aan sodanige bykomstige en/of gewysigde voorwaardes soos hy goed mag dink.

(c) By ontvangs van kennisgewing van die Administrateur dat 'n alleenreg om te prospekteeer of te myn, of dat 'n verlenging van 'n bestaande reg om te prospekteeer of te myn, toegestaan is, of dat enige besondere mineraal of minerale ingevolge paragraaf (a) bygevoeg of ingevolge subartikel (5) van so 'n bestaande toekenning of sessie daarvan uitgesluit is, publiseer die Inspekteur so gou doenlik 'n kennisgewing te dien effekte in die *Offisiële Koerant*.

(d) Die alleenreg om te prospekteeer of te myn moet opgeneem word in 'n akte van toekenning onderteken deur die Administrateur en wat heet 'n prospekteeer- en/of myntoekenning en die akte word in die Aktekantoor geregistreer in 'n register gehou deur die Registrateur van Aktes en wat 'n Prospekteeer- en Myntoekningsregister heet.

(e) Enige byvoeging van 'n besondere mineraal of minerale ingevolge paragraaf (a), of enige uitsluiting van minerale ingevolge subartikel (5), en enige verlenging ingevolge paragraaf (b) en/of voorwaardes waaraan sodanige verlenging onderhewig gemaak is ingevolge laasgenoemde paragraaf, moet op die titelbewys van die prospekteeer- en/of mynregte geëndosseer word. Die Registrateur van Aktes moet al die nodige endossemente op die titelbewys en in sy registers aanbring by ontvangs van die titelbewys en die skriftelike toestemming van die Administrateur.

(f) Enige oordrag van die prospekteeer- en/of mynregte waartoe ingevolge subartikel (5) toegestem is, moet oorgedra word by wyse van 'n notariële sessie van prospekteeer- en/of mynregte en enige verhuur van sodanige regte waartoe ingevolge daardie subartikel toegestem is moet desgelyks opgeneem word in 'n notariële huurkontrak. Die Registrateur van Aktes moet sodanige notariële aktes registreer.”;

(b) subartikel (5) deur die volgende subartikel te vervang:-

„(5) 'n Begiftigde van prospekteeer- en/of mynregte en sy opvolgers in titel tot sodanige regte, mag nie sy regte sedeer of verhuur nie sonder die toestemming van die Administrateur wat sodanige toestemming onderhewig kan maak aan sulke gewysigde en/of bykomstige voorwaardes en aan die uitsluiting van 'n besondere mineraal of minerale van die prospekteeer- en/of mynregte, soos hy goed mag dink.”.

4. Artikel *sewe-en-sestig* van die hoofordonnansie word hierby gewysig deur —

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

„(2) *bis*. Die voorsitter en 'n ander lid van so 'n beslegtingsraad maak 'n kworum uit by

sub-section (1):-

“(1) (a) The Administrator may grant to any person the exclusive right to prospect or mine in a defined area, either generally or in respect of any particular mineral subject to such conditions as he may deem fit, and during the period determined or extended under paragraph (b), add to any such grant the right to prospect or to mine such defined area of any particular mineral or minerals as he may deem fit.

(b) Such exclusive right to prospect or mine shall be for a period determined by the Administrator, and he may extend such period from time to time subject to such amendments and/or amended conditions as he may deem fit.

(c) On receipt of a notification from the Administrator that an exclusive right to prospect or mine or that an extension of an existing right to prospect or to mine has been granted by any particular mineral or minerals, or that any particular mineral or minerals have been added under paragraph (a) or (b) to any such existing grant or extension, the Inspector shall as soon as practicable publish a notice to that effect in the *Official Gazette*.

(d) The exclusive right to prospect or mine shall be embodied in a deed of grant or extension by the Administrator and styled a prospecting and/or mining grant and such deed shall be registered in the Deeds Registry in a register kept by the Registrar of Deeds and the Registrar of Deeds and Mining Grants Register.

(e) Any addition of a particular mineral or minerals in terms of paragraph (a), or any exclusion of any minerals in terms of paragraph (5), and any extension in terms of paragraph (b) and/or conditions to which such extension has been made subject in terms of the last-mentioned paragraph, shall be endorsed on the title deeds of the prospecting and/or mining rights. The Registrar of Deeds shall make all the necessary endorsements on the title deeds and in his registers on receipt of the title deeds and written permission of the Administrator.

(f) Any transfer of prospecting and/or mining rights approved in terms of sub-section (1) shall be transferred by means of a deed of cession of prospecting and/or mining rights and any lease of such rights approved in terms of the said sub-section shall likewise be embodied in a notarial contract of lease. The Registrar of Deeds shall register such notarial deeds.”;

(b) by the substitution for sub-section (5) of the following sub-section:-

“(5) A grantee under any prospecting and/or mining rights and his successors in title in respect of such rights, shall not cede or lease such rights without the approval of the Administrator who may make any such approval subject to such amended and/or additional conditions, and to the exclusion of any particular mineral or minerals from such prospecting and/or mining rights, as he may deem fit.”

4. Section *sixty-seven* of the principal ordinance hereby amended —

(a) by the insertion after sub-section (2) of the following sub-sections:—

“(2) *bis*. The chairman and one or more members of such a board of adjudication



'n verhoor deur daardie raad: Met dien verstande dat waar daar net 'n kworum is moet die beslissing van die raad eenparig wees maar indien sodanige beslissing nie eenparig is nie moet die raad verdaag tot tyd en wyl al die lede daarvan teenwoordig is in welke geval die verhoor dan *de novo* voor al die lede van die raad begin moet word.

(2)ter. Onderworpe aan die bepalings van subartikel (2)*bis* maak die beslissing van die meerderheid van die lede van so 'n raad wat die voorsitter moet insluit, die beslissing van daardie raad uit by 'n verhoor deur sodanige raad en in die geval waar die voorsitter van die ander lede van die raad verskil wat die beslissing van die raad betref moet die raad hersaamgestel word kragtens die bepalings van subartikel (2) en moet die verhoor *de novo* voor al die lede van die aldus hersaamgestelde raad begin word.”;

(b) aan die einde van subartikel (5) die volgende sin by te voeg:-

„Die voorsitter kan te eniger tyd, indien dit nodig mag blyk, so 'n verhoor in die loop daarvan verdaag.”.

5. Artikel *eenhonderd-en-vyf* van die hoofordonnansie word hierby gewysig deur na paragraaf (s) die volgende paragraaf in te voeg:-

„(s)*bis*. Met betrekking tot 'n bepaalde mineraal of 'n bepaalde kategorie van 'n mineraal —

- (i) die verbod op of die beperking of reëling van sy uitvoer uit die Gebied; of
- (ii) die verbod op sy van die hand sit of gebruik vir enige omskrewe doel of op enige omskrewe wyse of sy van die hand sit of gebruik vir enige ander doel of op enige ander wyse as 'n omskrewe doel of wyse; of
- (iii) in die algemeen die beperking of reëling van sy van die hand sit of gebruik;”.

6. Hierdie Ordonnansie heet die Wysigingsordonnansie op Myne, Werke en Minerale 1961.

No. 17 van 1961.]

## ORDONNANSIE

ter wysiging van die wet op Wildbeskerming.

(Goedgekeur 21 Junie 1961.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Artikel *veertien* van die Ordonnansie op Wildbeskerming 1951 (Ordonnansie 11 van 1951) — hierna heet dit die hoofordonnansie — word hierby deur die volgende artikel vervang:

„Doodmaak van wild sonder om te skiet en vang van wild.

14 (1) Behoudens die bepalings van hierdie ordonnansie mag niemand sonder 'n permit uitgereik op gesag van die Administrateur en onderworpe aan sodanige voorwaardes wat hy goedgevind, opsetlik —

- (a) wild of enige ander wilde dier op enige wyse, buiten deur te skiet, doodmaak nie; of
- (b) wild of enige ander wilde dier deur middel van 'n strik, vanggat, val, slagyster, net, voëllym of enige ander toestel of

form a quorum at an enquiry by that board: Provided that where only a quorum is present the decision of the board shall be unanimous, but if such decision is not unanimous the board shall adjourn until such time as all the members thereof are present, in which case the enquiry shall be begun *de novo* before all the members of the board.

(2)ter. Subject to the provisions of sub-section (2)*bis* the decision of the majority of the members of any such board, which shall include the chairman, shall be the decision of the board at any enquiry by such board, and in case the chairman should differ from the other members of the board on the decision of the board, the board shall be reconstituted in terms of the provisions of sub-section (2) and the enquiry begun *de novo* before all the members of the so reconstituted board.”;

(b) by the addition of the following sentence at the end of sub-section (5):-

“The chairman may at any time if it may be found necessary adjourn any such enquiry in the course of its proceedings.”.

5. Section *one hundred and five* of the principal ordinance is hereby amended by the insertion after paragraph (s) of the following paragraph:-

“(s)*bis*. in relation to any specific mineral or any specific category of a mineral —

- (i) the prohibiting or regulating or restricting of its export from the Territory; or
- (ii) the prohibiting of its disposal or use for any defined purpose or in any defined manner, or its disposal or use for any other purpose or in any other manner than may be defined; or
- (iii) in general the restricting or regulating of its disposal or use;”.

6. This Ordinance shall be called the Mines, Works and Minerals Amendment Ordinance, 1961.

No. 17 of 1961.]

## ORDINANCE

to amend the law relating to the preservation of game.

(Assented to 21st June, 1961.)

(Afrikaans text signed by the Administrator)

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

1. The following section is hereby substituted for section *fourteen* of the Game Preservation Ordinance, 1951 (Ordinance 11 of 1951) — hereinafter called the principal ordinance:

“Killing of game otherwise than by shooting and the capture of game.

14 (1) Subject to the provisions of this ordinance no person shall without a permit issued under the authority of the Administrator and subject to such conditions as he may deem fit, intentionally —

- (a) kill game or any other wild animal by any other means than by shooting; or
- (b) capture game or any other wild animal by means of any snare, pitfall, trap, springtrap, net, birdlime or any other

hoegenaamde vang nie;

Met dien verstande dat hierdie subartikel geensins 'n verbod op die gebruik van opjaers of honde by die opspoor van wild is nie.

(2) Die Administrateur kan te eniger tyd 'n permit uitgereik ingevolge die bepalings van subartikel (1) intrek sonder opgaaf van redes, en die Administrasie is nie aanspreeklik vir enige eis tot vergoeding vir enige skade wat enigeen mag gely het of mag ly as gevolg van sodanige intrekking nie.

(3) Wanneer iemand daarvan skuldig bevind word dat hy —

- (a) die bepalings van subartikel (1) oortree het; of
- (b) ingevolge die bepalings van hierdie ordonnansie onwettig gejaag het,

kan die hof wat sodanige persoon skuldig bevind het beveel dat, indien die hof bevind dat sodanige persoon wild of enige ander wilde dier ten opsigte waarvan die oortreding gepleeg is met 'n hond doodgemaak of gevang of gejaag het, sodanige hond vernietig word.

(4) Niemand mag op enige soort wilde bok wat onder die beskrywing groot- of kleinwild ressorteer met 'n vuurwapen van 'n kleiner kaliber as 6.5 millimeter skiet nie: Met dien verstande dat 'n vuurwapen met kaliber kleiner as 6.5 millimeter alleen gebruik mag word vir die jag van kleinwild, uitgesonderd springbokke.

(5) Niemand mag op enige voertuig op enige pad in die Gebied 'n vuurwapen (behalwe in 'n goed-vasgemaakte kis of sak) vervoer nie, tensy sodanige persoon die eienaar of bewoner is van die grond waarop die pad geleë is, of 'n lid van die gesin van sodanige eienaar of bewoner is en by hom inwoon, of die reg het om wild of enige ander dier op sodanige grond te jag.

(6) Niemand mag op enige grond waarop enige wild of ander wilde dier vermoedelik aangetref sal word —

(a) enige strik, val, slagyster, net, voëllym of enige ander toestel of middel hoegenaamd, bedoel of geskik vir die vang van enige wild of ander wilde dier, bring of laat bring of in besit daarvan wees nie; of

(b) enige vanggat maak nie, tensy sodanige persoon die eienaar of bewoner van sodanige grond is, of tensy sodanige eienaar of bewoner die betrokke persoon vooraf skriftelik toegelaat het om die betrokke artikel op sodanige grond te bring of om 'n vanggat daarop te maak, en sodanige eienaar of bewoner kan enige sodanige artikel soos voormeld, wat sonder sy toestemming op genoemde grond gebring is, vernietig of van kant maak: Met dien verstande dat die bepalings van paragraaf (a) nie op die voorrade van 'n gelisensieerde handelaar van toepassing is nie.

(7) Elkeen wat enige van die bepalings van subartikel (1), (4), (5) of (6) oortree het of wat enige voorwaarde van 'n permit uitgereik ingevolge subartikel (1) verontagsaam of versuim om dit na te kom, is skuldig aan 'n misdryf en die hof wat iemand skuldig bevind het van 'n oortreding van subartikel (1) of (6) kan enige artikel daarin genoem deur middel waarvan sodanige oortreding begaan is of wat gebruik is toe sodanige oortreding begaan is laat vernietig.

whatsoever:

Provided that this sub-section shall not be deemed to prohibit the use of beaters or dogs for the purpose of finding game.

(2) The Administrator may at any time and without stating any reasons cancel any permit issued under the provisions of sub-section (1), and the Administration shall not be liable under any claim for compensation for any damage which may have been or may be suffered by any person as a result of such cancellation.

(3) Whenever any person has been convicted of —

- (a) contravening the provisions of sub-section (1); or
- (b) hunting illegally in terms of the provisions of this ordinance,

the court convicting such person may, if it finds that such person has killed, captured or hunted game or any other wild animal, in respect of which the offence was committed, by means of a dog, order such dog to be destroyed.

(4) No person shall shoot at any species of antelope coming under the description of big or small game with any firearm of a smaller calibre than 6.5 millimetres: Provided that a firearm of a smaller calibre than 6.5 millimetres may only be used for the hunting of small game, excepting springbuck.

(5) No person shall convey in any vehicle any firearm (other than in a securely fastened case or cover) along any road in the Territory unless such person is the owner or occupier of the land upon which such road is situated or is a member of the family of such owner or occupier residing with him, or has the right to hunt game or any other animal on such land.

(6) No person shall —

(a) bring or cause to be brought, or have in his possession, any snare, trap, springtrap, net, birdlime or any other device or means whatsoever, intended or suitable for the capture of any game or other wild animal, or

(b) make any pitfall, onto, or on, any land on which any game or other wild animal may presumably be found, unless such person is the owner or occupier of such land or unless the owner or occupier of such land has previously given such person permission in writing to bring any such thing onto such land or to make such pitfall on such land, and such owner or occupier may destroy any such thing, as aforementioned, which may have been brought onto such land without his permission: Provided that the provisions of paragraph (a) shall not apply to any stock held by a licensed dealer.

(7) Any person who contravenes any of the provisions of sub-section (1), (4), (5) or (6), or who contravenes or fails to observe any condition of any permit issued under sub-section (1) shall be guilty of an offence, and the court convicting any person of a contravention of sub-section (1) or (6) may have any thing mentioned therein by means of which such offence was committed or which was used when such offence was committed, destroyed.

(8) In enige vervolging kragtens die bepalings van subartikel (1) of kragtens die bepalings van subartikel (6) word iedereen wat op heterdaad betrap word terwyl hy enige wild of ander wilde dier uit enige strik, vanggat, val, slagyster, net, voëlym of ander toestel verwyder of terwyl hy sodanige wild of ander wilde dier met enige middel vang, tensy die teendeel bewys word, geag sodanige artikel toestel of middel te gebring of te gemaak het op die grond waarop hy op heterdaad betrap is terwyl hy sodanige wild of ander wilde dier verwyder het en sodanige wild of ander wilde dier deur middel van sodanige artikel, toestel of middel te gevang het.

(9) Vir die doeleindes van hierdie artikel sluit die woorde „wilde dier” nie ’n dier in wat as ongedierte geklassifiseer word kragtens die Ordonnansie betreffende die Uitroeijing van Ongediertes 1935 (Ordonnansie 6 van 1935) en die Ordonnansie op die Uitroeijing van Ongediertes 1957 (Ordonnansie 15 van 1957) nie.”

2. Artikel *sestien bis* van die hoofordonnansie word hierby gewysig deur in subartikel (2) al die woorde na die woord „en” waar dit die tweede maal voorkom, te vervang met die woorde „dat geen sodanige geskenk van wild aan ’n alleenlopende persoon wat nie die houër is van ’n geldige lisensie om wild te jag ingevolge hierdie Ordonnansie nie, of aan ’n gesin, ongeag die grootte daarvan, meer as een stuk aan grootwild en twee stuks aan kleinwild in enige kalendermaand mag wees nie”.

3. Artikel *drie-en-twintig* van die hoofordonnansie word hierby gewysig —

- (a) deur die woorde „of die velle of huide van wild wat blykbaar onder die ouderdom van een jaar is” na die woord „wildsbiltong” oral waar dit in subartikel (1) voorkom, in te voeg;
- (b) deur die woorde „of die velle of huide van wild wat blykbaar onder die ouderdom van een jaar is” na die woord „wildsbiltong” in subartikel (2) in te voeg;
- (c) deur die woorde „of van velle of huide van wild wat blykbaar onder die ouderdom van een jaar is” na die woord „wildsbiltong” in subartikel (3) in te voeg.

4. Artikel *vyf-en-twintig* van die hoofordonnansie word hierby deur die volgende artikel vervang:

„Uitvoer van biltong

25 (1) Behoudens die bepalings van subartikel (2) mag niemand biltong uit die Gebied uitvoer nie.

(2) Die hoof van ’n gesin of ’n alleenlopende persoon bo die ouderdom van agtien jaar kan biltong uit die Gebied uitvoer op magtiging van ’n permit wat ’n Landdros of enigemand anders wat die Sekretaris behoortlik daartoe gemagtig het, uitgereik het en die uitreiking van so ’n permit geskied na goeddunke van so ’n landdros of ander behoortlik gemagtigde persoon.

(3) So ’n permit moet die gewig in pond van die biltong waarvan die uitvoer gemagtig word, aangee en is onderhewig aan die voorwaardes wat die Administrateur na eie goeddunke stel.

(4) ’n Bedrag van vyf sent vir elke pond gewig aan biltong bo twintig pond per jaar wat uitgevoer word, moet aan die Ontvanger van Inkomste betaal word: Met dien verstande dat die Administrateur hierdie bedrag na goeddunke en by kennisgewing in die *Offisiële Koerant* kan verander of wysig.

(5) Iemand wat ’n bepaling van hierdie artikel verontagsaam of wat enige voorwaarde van ’n permit kragtens hierdie artikel uitgereik, verontagsaam of versuim om dit na te kom, is skuldig aan ’n oortreding.”

5. Hierdie ordonnansie heet die Wysigingsordonnansie op Wildbeskerming, 1961.

(8) In any prosecution under the provisions of sub-section (1) or under the provisions of sub-section (6) any person caught in the act of removing any game or other wild animal from any snare, pitfall, trap, springtrap, net, birdlime or other device, or in the act of capturing any such game or other wild animal by any means shall, unless the contrary is proved, be deemed to have brought such thing, device or means onto, or to have made it on, such land on which he was caught in the act of removing such game or other wild animal and to have captured such game or other wild animal by means of such thing, device or means.

(9) For the purposes of this section the words “wild animal” shall not include any animal classified as vermin under the Extermination of Vermin Ordinance, 1935 (Ordinance 6 of 1935), and the Vermin Extermination Ordinance, 1957 (Ordinance 15 of 1957).”

2. Section *sixteen bis* of the principal ordinance is hereby amended by the substitution in sub-section (2) for all the words after the word “and” where it occurs for the second time, of the words “and that no such gift of game to a single person who is not the holder of a current licence to hunt game under this ordinance, or to a family, irrespective of its size, shall exceed one head of big game and two head of small game in any calendar month.”

3. Section *twenty-three* of the principal ordinance is hereby amended —

- (a) by the insertion of the words “or the skins or hides of game apparently under the age of one year” after the words “game biltong” wherever they occur in sub-section (1);
- (b) by the insertion of the words “or the skins or hides of game apparently under the age of one year” after the words “game biltong” occurring in sub-section (2);
- (c) by the insertion of the words “or the skins or hides of game apparently under the age of one year” after the words “game biltong” occurring in sub-section (3).

4. The following section is hereby substituted for section *twenty-five* of the principal ordinance:

“Export of biltong

25 (1) Subject to the provisions of sub-section (2) no person shall export biltong from the Territory.

(2) The head of a family or any single person over the age of eighteen years may export biltong from the Territory under the authority of a permit issued by a magistrate or any other person duly authorised thereto by the Secretary, and the issue of any such permit shall be in the discretion of such magistrate or other duly authorized person.

(3) Such permit shall state the weight in pounds of the biltong, the export of which is authorized, and shall be subject to such conditions as the Administrator may in his discretion impose.

(4) A fee of five cents for every pound weight of biltong in excess of twenty pounds per annum exported shall be paid to the Receiver of Revenue: Provided that the Administrator may by notice in the *Official Gazette* alter or vary the amount of such fee as he may deem fit.

(5) Any person contravening any provision of this section or contravening or failing to comply with any condition under any permit issued in terms of this section shall be guilty of an offence.”

5. This ordinance shall be called the Game Preservation Amendment Ordinance, 1961.

**ORDONNANSIE**

Ter wysiging van die Ordonnansie op die Bevordering van Boerderybelange 1952.

(Goedgekeur 21 Junie 1961.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Artikel *een* van die Ordonnansie op die Bevordering van Boerderybelange 1952 (Ordonnansie 29 van 1952) — hierna heet dit die hoofordonnansie — word hierby gewysig deur die vervanging van die woord „aangestel” in die woordbepaling van „voorsitter” deur die woord „aangewys”.

2. Artikel *vier* van die hoofordonnansie word hierby gewysig:—

(a) deur die skraping van die volgende woorde aan die einde van paragraaf (i) van subartikel (1):— „of enige ander lid van sodanige Raad”;

(b) deur die vervanging van subartikel (2) deur die volgende subartikel:—

„(2) Die Administrateur wys die voorsitter van die Raad van die Land- en Landboubank van Suidwes-Afrika tot voorsitter van die raad aan, en as die voorsitter om enige rede in sub-artikel (4) uiteengesit, nie as voorsitter kan optree nie, moet die waarnemende voorsitter van die Raad van die Land- en Landboubank van Suidwes-Afrika as voorsitter optree.”;

(c) deur die volgende woorde in te voeg na die woord „raad” in subartikel (4):— „met uitsondering van die voorsitter”.

3. Artikel *nege* van die hoofordonnansie word hierby gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:—

„(1) Die raad kan geldvoorskotte toestaan vir elkeen of enige van die onderstaande doeleindes:—

(a) Die bou van damme en kontoerwalle;

(b) die maak van putte en boorgate;

(c) die aankoop van masjinerie, materiaal en toerusting vir die ontginning en instandhouding van watervoorrade;

(d) die uitvoering van planne wat die bevordering van veld-, grond- en waterbewaring en grondherwinning ten doel het en die aankoop van toerusting daarvoor;

(e) omheining met inbegrip van die omheining van kampe;

(f) die produksie van landbouprodukte of die vervaardiging van handelsware uit landbouprodukte en die bemarking van sodanige produkte en handelsware;

(g) bystand aan enige besondere tak van die landbou in die belang van die boerderygemeenskap as geheel.”

4. Artikel *vyftien* van die hoofordonnansie word hierby gewysig deur die vervanging van subartikel (4) deur die volgende subartikel:—

„(4) Elke sodanige skuldbrief genoem in paragraaf (i) van subartikel (1) en in subartikel (3), en elke skuldbrief genoem in paragraaf (ii) en elke sessie genoem in paragraaf (iii) van subartikel (1) moet deur die geldopnemer voor ’n landdros in oorspronklike tweevoud onderteken word”.

5. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Bevordering van Boerderybelange 1961.

**ORDINANCE**

To amend the Promotion of Farming Interests Ordinance, 1952.

(Assented to 21st June, 1961.)

(Afrikaans text signed by the Administrator)

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

1. Section *one* of the Promotion of Farming Ordinance, 1952 (Ordinance 29 of 1952) — hereinafter called the principal ordinance — is hereby amended by the substitution in the definition of “chairman” of the word “designated” for the word “appointed”.

2. Section *four* of the principal ordinance is amended —

(a) by the deletion of the following words at the end of paragraph (i) of sub-section (1):— “or any other member of such Board”;

(b) by the substitution of the following sub-section for sub-section (2):—

“(2) The Administrator shall designate the chairman of the Board of the Land and Agricultural Bank of South West Africa as chairman of the board, and if, for any cause set forth in section (4), the chairman is unable to preside, the acting chairman of the Board of the Land and Agricultural Bank of South West Africa shall preside.”;

(c) by the insertion of the following words at the end of paragraph (i) of sub-section (4):— “except the chairman.”.

3. Section *nine* of the principal ordinance is amended by the substitution of the following sub-section for sub-section (1):—

“(1) The board may make advances of money or any of the following purposes:—

(a) the building of dams and contour banks;

(b) the making of wells and boreholes;

(c) the purchase of machinery, material and equipment for developing and maintaining water supplies;

(d) the carrying out of schemes whose object is the reclamation of veld, soil and water conservation, soil reclamation and the purchase of equipment therefor;

(e) fencing, including the fencing of camps;

(f) the production of agricultural products or the manufacture of commodities from agricultural products and the marketing of such products and commodities;

(g) assistance, in the interests of the farming community as a whole, to any particular branch of agriculture.”

4. Section *fifteen* of the principal ordinance is amended by the substitution of the following sub-section for sub-section (4):—

“(4) Any such bond referred to in paragraph (i) of sub-section (1) and in sub-section (3) and any such bond referred to in paragraph (ii) and every such bond referred to in paragraph (iii) of sub-section (1) shall be signed in duplicate original by the borrower before a magistrate.”

5. This Ordinance shall be called the Promotion of Farming Interests Amendment Ordinance, 1961.

**ORDONNANSIE**

Ter wysiging van „De Wetsuitlegging Proklamatie 1920”:

(Goedgekeur 21 Junie 1961.)

(Engelse teks deur die Administrateur geteken.)

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

1. Die onderstaande artikel word hierby ingevoeg na artikel *agt* van „De Wetsuitlegging Proklamatie 1920” (Proklamasie 37 van 1920):—

„Strafregtelike verrigtings kan in die naam van die Staat ingestel word.

*8bis.* Enige strafregtelike verrigtings wat in die naam van die Staat ingestel heet te wees word vir alle doeleindes geag in die naam van die Republiek van Suid-Afrika ingestel te wees.”

2. Hierdie Ordonnansie heet die Wysigingsordonnansie 1961, op „De Wetsuitlegging Proklamatie 1920”.

No. 20 van 1961.]

**ORDONNANSIE**

Om voorsiening te maak vir sake met betrekking tot die doeltreffender administrasie van aangeleenthede in die Rehoboth-*gebiet* en vir verbandhoudende sake.

(Goedgekeur 21 Junie 1961.)

(Engelse teks deur die Administrateur geteken.)

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

1. In hierdie ordonnansie, tensy dit uit die samehang anders blyk, beteken —

(i) „Adviserende Raad” die raad ingestel by die Proklamasie van 1928 met betrekking tot Rehoboth-*Gebiet*-Aangeleenthede (Proklamasie 9 van 1928);

(ii) „Ooreenkoms” die ooreenkoms gesluit op 17 Augustus 1923 tussen die Administrateur van die Gebied Suidwes-Afrika en Cornelius van Wijk, Kaptein van die Rehoboth-gemeente, en die lede van die Raad van bedoelde Gemeente, en bevestig en bekragtigtig by Proklamasie 28 van 1923;

(iii) „Rehoboth-*gebiet*” of „*Gebiet*” daardie deel van die Gebied Suidwes-Afrika waarvan die grense bepaal word in die eerste bylae van die Ooreenkoms soos gewysig.

2. (1) Behoudens die bepalings van subartikel (2) word die wette uiteengesit in die bylae van hierdie ordonnansie herroep in die mate aangedui in die derde kolom daarvan.

(2) Enige regulasie afgekondig ingevolge enige wet wat by subartikel (1) herroep word, wat by die inwerking-treding van hierdie ordonnansie van krag is, bly van krag totdat dit herroep of gewysig word.

3. Met ingang van die datum van inwerking-treding van hierdie ordonnansie is die Ooreenkoms in volle krag en werking binne die Rehoboth-*gebiet* tesame met dié wette van die Gebied Suidwes-Afrika wat deur die Administrateur ingevolge paragraaf *vier* van die Ooreenkoms op die *Gebiet* toegepas is.

**ORDINANCE**

To amend the Interpretation of Laws Proclamation

(Assented to 21st June, 1961.)

(English text signed by the Administrator.)

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

1. The following section is hereby inserted in section *eight* of the Interpretation of Laws Proclamation 1920 (Proclamation 37 of 1920):—

“Criminal proceedings may be instituted in the name of the State.

*8bis.* Any criminal proceedings instituted in the name of the State shall for all purposes be deemed to have been instituted in the name of the Republic of Africa.”

2. This Ordinance shall be called the Interpretation of Laws Proclamation, 1920, Amendment Ordinance

No. 20 of 1961.]

**ORDINANCE**

To provide for matters relating to the better administration of affairs in the Rehoboth Gebiet and incidental thereto.

(Assented to 21st June, 1961.)

(English text signed by the Administrator.)

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

1. In this Ordinance unless the context otherwise indicates —

(i) “Advisory Board” means the Board constituted in the Rehoboth Gebiet Affairs Proclamation (Proclamation 9 of 1928);

(ii) “Agreement” means the agreement entered into on the 17th of August, 1923 between the Administrator of the Territory of South West Africa and Cornelius van Wijk, Kaptein of the Rehoboth Community and the members of the Raad of the Community, and ratified and confirmed by Proclamation 28 of 1923;

(iii) “Rehoboth Gebiet” or “Gebiet” means that part of the Territory of South West Africa the boundaries whereof are defined in the First Schedule to the Agreement as amended.

2. (1) Subject to the provisions of sub-section (2) the laws set forth in the Schedule to this Ordinance shall be repealed to the extent shown in the third column thereof.

(2) Any regulation made under any law repealed by sub-section (1) and in force at the commencement of this Ordinance shall remain in force until repealed or amended.

3. As from the date of taking effect of this Ordinance the Agreement shall be of full force and effect in the Rehoboth Gebiet together with those laws of the Territory of South West Africa which have been applied to the Gebiet by the Administrator in terms of paragraph *four* of the Agreement.



wou hierby aangestel om die verkiesing van 'n Kaptein van die Rehoboth-gemeente en 'n Kapteinsraad binne die tydperk wat die Administrateur bepaal, te hou en te lei: Met dien verstande dat die Administrateur van tyd tot tyd hierdie tydperk kan verleng.

(2) Die verkiesing van die Kaptein en van die Kapteinsraad geskied streng ooreenkomstig die bepalings van artikel 1 van die Wette van die Rehoboth-gemeente gedateer 31 Januarie 1872 en artikel 5 van die Wette van die Rehoboth-gemeente van 1874, onderskeidelik.

(3) Sodra moontlik na die verkiesing van die Kaptein en die Kapteinsraad soos voormeld, moet 'n Volksraad verkies word ooreenkomstig die bepalings van artikels 7 en 13 van die Wette van die Rehoboth-gemeente gedateer 31 Januarie 1872.

5. (1) Die eerste Kaptein en lede van die eerste Kapteinsraad en Volksraad verkies ingevolge subartikels (2) en (3) van artikel vier beklee hul amp uitsluitlik met die doel om die wette van die Rehoboth-gemeente te bevestig en te bekragtig of in hul bestaande vorm of soos hulle ingevolge paragraaf drie van die Ooreenkoms moontlik gewysig word: Met dien verstande dat geen bepaling hiervan beskou mag word as sou dit sodanige Kaptein, Kapteinsraad en Volksraad verplig om bedoelde wette te wysig indien hulle dit wenslik ag om sodanige wette soos hulle bestaan op die datum van inwerking-treding van hierdie ordonnansie, te bevestig en te bekragtig nie.

(2) Sodra die wette van die Rehoboth-gemeente sonder wysiging bevestig en bekragtig is, ontruim die Kaptein en die lede van die Kapteinsraad en Volksraad in subartikel (1) bedoel onmiddellik hul amp, en waar die bedoelde wette ingevolge daardie subartikel gewysig is, ontruim die bedoelde Kaptein en lede van die Kapteinsraad en Volksraad hul amp onmiddellik nadat die Administrateur sodanige wysigings ingevolge paragraaf drie van die Ooreenkoms finaal goedgekeur het: Met dien verstande dat die Kaptein en lede van die Kapteinsraad en Volksraad geensins hul amp langer as drie maande van die datum van hul verkiesing ingevolge subartikels (2) en (3) van artikel vier mag behou nie, tensy die Administrateur na eie en uitsluitende goeëdunke sodanige tydperk van tyd tot tyd verleng.

(3) Sodra doenlik nadat die Kaptein en die lede van die Kapteinsraad en Volksraad hul amp ontruim het soos bepaal by subartikel (2), word 'n nuwe verkiesing of verkiesings gehou ingevolge die wette van die Rehoboth-gemeente soos hulle bevestig en bekragtig is, of gewysig is, na gelang, en sodanige verkiesing of verkiesings word gehou en gelei deur die Landdros van die distrik Rehoboth en die lede asdan van die behoorlik verkose Adviserende Raad.

6. Nieteenstaande strydige bepalings in hierdie ordonnansie sit die Landdros van die distrik Rehoboth en die Adviserende Raad hul pligte en werksaamhede voort asof die wette aangegee in die bylae van hierdie ordonnansie nie herroep is nie, maar net tot tyd en wyl die verkiesing of verkiesings genoem in subartikel (3) van artikel vyf gehou is.

7. Tot tyd en wyl die regters en landdroste van die Rehoboth-gemeente ingevolge artikel 16 van die Wette van die Rehoboth-gemeente van 1874 of ingevolge die Wette van die Rehoboth-gemeente soos en indien gewysig, aangestel is, gaan die Landdros van die distrik Rehoboth voort om die siviele en strafregtelike jurisdiksie wat hy tans besit, uit te oefen, asof die wette uiteengesit in die bylae van hierdie ordonnansie nie herroep is nie.

8. Alle rekeninge en registers van die Rehoboth-gemeente is onderworpe aan jaarlikse ondersoek en ouditering deur die Kontroleur en Ouditeur-generaal onderhewig aan die bepalings en voorwaardes wat die Administrateur by regulasie voorskryf en die koste van sodanige ondersoeke en ouditering word bestry uit die inkomste van die Rehoboth-gemeente.

Advisory Board are hereby appointed to conduct and preside over the election of a Kaptein of the Rehoboth Community and a Kapteinsraad within such period as the Administrator may determine: Provided that the Administrator may from time to time extend that period.

(2) The election of the Kaptein and the Kapteinsraad shall take place strictly in accordance with the provisions of Article 1 of the Laws of the Rehoboth Community dated the 31st of January, 1872 and Article 5 of the Law of the Rehoboth Community of 1874, respectively.

(3) As soon as may be possible after the election of the Kaptein and the Kapteinsraad as aforesaid, a Volksraad shall be elected in accordance with the provisions of Articles 7 and 13 of the Laws of the Rehoboth Community dated the 31st of January, 1872.

5. (1) The first Kaptein and members of the first Kapteinsraad and Volksraad elected in terms of sub-sections (2) and (3) of section four shall hold office for the sole purpose of confirming and ratifying the Laws of the Rehoboth Community either in their existing form or as they may be amended in terms of paragraph three of the Agreement: Provided that nothing herein contained shall be construed as making it obligatory upon such Kaptein, Kapteinsraad and Volksraad to amend the said Laws should they deem it desirable to confirm and ratify such Laws as they exist at the date of taking effect of this Ordinance.

(2) As soon as the Laws of the Rehoboth Community have been confirmed and ratified without amendment the Kaptein and members of the Kapteinsraad and Volksraad referred to in sub-section (1) shall forthwith cease to hold office or where the said Laws have been amended in terms of that sub-section the said Kaptein and members of the Kapteinsraad and Volksraad shall cease to hold office immediately after the Administrator has finally assented to such amendments in terms of the provision of paragraph three of the Agreement: Provided that the Kaptein and members of the Kapteinsraad and Volksraad shall in no case hold office for a period exceeding three months as from the date of their election in terms of sub-sections (2) and (3) of section four, unless the Administrator in his sole discretion extends such period from time to time.

(3) As soon as may conveniently be possible after the Kaptein and the members of the Kapteinsraad and Volksraad have ceased to hold office as provided in sub-section (2), a new election or elections shall be held in terms of the Laws of the Rehoboth Community as confirmed and ratified or as amended, as the case may be and such election or elections shall be conducted and presided over by the Magistrate of the District of Rehoboth and the members for the time being of the duly elected Advisory Board.

6. Notwithstanding anything contained in this Ordinance the Magistrate of the District of Rehoboth and the Advisory Board shall continue to perform their duties and functions as if the Laws set forth in the schedule to this Ordinance had not been repealed, but only until the election or elections referred to in sub-section (3) of section five has or have been held.

7. Until such time as the judges and magistrates of the Rehoboth Community shall have been appointed in terms of Article 16 of the Laws of the Rehoboth Community of 1874, or in terms of the Laws of the Rehoboth Community as and if amended, the Magistrate of the District of Rehoboth shall continue to exercise the civil and criminal jurisdiction presently possessed by him as if the laws set forth in the Schedule to this Ordinance had not been repealed.

8. All accounts and records of the Rehoboth Community shall be subject to annual examination and audit by the Controller and Auditor-General subject to such terms and conditions as the Administrator may by regulation prescribe and the costs of such examinations and audit shall be defrayed out of the revenue of the Rehoboth Community.

9. Hierdie ordonnansie heet die Ordonnansie op die Aangeleenthede van die Rehoboth-gebiet 1961 en tree in werking op 'n datum wat die Administrateur by proklamasie in die *Offisiële Koerant* bepaal.

9. This Ordinance shall be called the Rehoboth Gebiet Affairs Ordinance 1961 and shall take effect on a date to be fixed by the Administrator by Proclamation in the *Official Gazette*.

BYLAE.

SCHEDULE.

Nommer en jaar van Wet	Kort titel van wet	Mate van herroeping	Number and Year of Law	Short Title of Law	Extent Repealed
Proklamasie van 1924	Rehoboth-Aangelegenheden Proklamatie 1924	Die hele	Proclamation 31 of 1924	Rehoboth Affairs Proclamation, 1924	The whole
Proklamasie van 1928	Proklamasie van 1928 met betrekking tot Rehoboth-Gebiet-Aangeleenthede	Artikels 2, 3, 4 en 8	Proclamation 9 of 1928	Rehoboth Gebiet Affairs Proclamation, 1928	Sections 3, 4 and
Proklamasie van 1935	Rehoboth Gebiet Aangeleenthede Wysigingsproklamasie 1935	Die hele	Proclamation 5 of 1935	Rehoboth Gebiet Affairs Amendment Proclamation, 1935	The whole
Proklamasie van 1938	Rehoboth Gebiet Aangeleenthede Wysigingsproklamasie 1938	Die hele	Proclamation 16 of 1938	Rehoboth Gebiet Affairs Amendment Proclamation, 1938	The whole
Proklamasie van 1946	Rehoboth Gebiet Aangeleenthede Wysigingsproklamasie 1946	Die hele	Proclamation 18 of 1946	Rehoboth Gebiet Affairs Amendment Proclamation, 1946	The whole
Ordonnansie 27 van 1956	Wysigingsordonnansie op die „Rehoboth-Aangelegenheden Proklamatie” 1956	Die hele	Ordinance 27 of 1956	Rehoboth Affairs Proclamation Amendment Ordinance, 1956	The whole