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OF SOUTH WEST AFRICA.



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VAN SUIDWES-AFRIKA.

UITGEGEE OP GESAG.

1/- Wednesday, 26th April, 1944.

WINDHOEK

Woensdag, 26 April 1944.

No. 1115

The following Government Notice is published for general information.

P. R. BOTHA,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer

P. R. BOTHA,
Skretaris van Suidwes-Afrika.

Administrateurskantoor,
Windhoek.

No. 94.] [26th April, 1944.

ORDINANCES, 1944: PROMULGATION OF.

His Honour 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:—

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No. 4 of 1944.]

ORDINANCE

To amend the law relating to the licensing of motor vehicles, and the imposition of a wheel tax upon owners of vehicles.

(Assented to 25th April, 1944.)

(Afrikaans text signed by the Administrator.)

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

1. Section *one* of the Motor Vehicle and Wheel Tax Ordinance, 1937 (No. 17 of 1937), as amended from time to time, (hereinafter called the principal Ordinance), is hereby amended by the deletion of the definitions of "motor vehicle" and "vehicle" and the substitution therefor of the following new definitions:—

"'Motor vehicle' shall mean —

- any vehicle self-propelled by mechanical or electrical power and adapted or intended to be employed for the purpose of conveying persons or goods;
- any tractor, threshing machine or boring machine self-propelled by mechanical or electrical power; and
- any other vehicle declared by the Administrator by notice in the *Gazette* to be a motor vehicle,

No. 94.] [26 April 1944.

ORDONNANSIES 1944: UITVAARDIGING VAN.

Dit het Sy Edele die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twee-en-dertig* van "De Zuidwest-Afrika Konstitutie Wet 1925" (Wet No. 42 van 1925) aan die volgende Ordonnansies, wat hiermee vir algemene inligting gepubliseer word, ooreenkomstig artikel *vier-en-dertig* van gemelde Wet:—

No.	Titel.	Bladsy.
4.	Wysigingsordonnansie op Motorvoertuie en Wielbelasting, 1944	6251
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12.	Vreemdelinge-Oorlogsbelastingsordonnansie, 1944	6258

No. 4 van 1944.]

ORDONNANSIE

Om die wet met betrekking tot lisensieverlening aan motorvoertuie en die oplegging van 'n wielbelasting op eienaars van voertuie te wysig.

(Goedgekeur 25 April 1944.)

(Afrikaanse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:—

1. Artikel *een* van die Ordonnansie op Motorvoertuie en Wielbelasting 1937 (No. 17 van 1937), soos van tyd tot tyd gewysig, (hierna die Hoofordonnansie genoem), word hiermee gewysig deur die woordbepalings van „motorvoertuig” en „voertuig” te skrap en hulle te vervang deur die volgende nuwe woordbepalings:—

„beteken ‚motorvoertuig’ —

- enige voertuig vanself deur meganiese of elektriese krag voortgedryf en geskik of bedoel om gebruik te word vir die doel om persone of goedere te vervoer;
- enige trekker, dorsmasjiene of boormasjiene vanself deur meganiese of elektriese krag voortgedryf; en
- enige ander voertuig wat deur die Administrateur deur kennisgewing in die *Offisiële Koerant* verklaar is 'n motorvoertuig te wees,

No. 5 of 1944.]

ORDINANCE

To provide for the amendment of the law relating to the establishment, maintenance and management of hospitals and kindred charitable institutions.

(Assented to 25th April, 1944.)

(English text signed by the Administrator.)

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

1. In this Ordinance the expression "the principal Ordinance" means the Hospitals and Charitable Institutions Ordinance, 1930 (No. 16 of 1930), as amended by the Hospitals and Charitable Institutions Proclamation, 1933 (No. 1 of 1934), and the Hospitals and Charitable Institutions Amendment Ordinance, 1938 (No. 10 of 1938).

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

(a) by the insertion, after the definition of the expression "Medical Inspector", of the following definition:—

"Nurse" means any person, whether or not registered as a nurse under the provisions of the Medical, Dental and Pharmacy Act, No. 13 of 1928, of the Parliament of the Union of South Africa, as applied to the Territory by the Proclamation (No. 3 of 1929) of the Governor-General of the Union of South Africa dated the 17th day of December, 1928, who carries out nursing duties and who is not a sister";

(b) by the insertion, after the definition of the word "relief", of the following definition:—

"Sister" means a person who is registered as a nurse under the provisions of the Medical, Dental and Pharmacy Act, No. 13 of 1928 of the Parliament of the Union of South Africa, as applied to the Territory by the Proclamation (No. 3 of 1929) of the Governor-General of the Union of South Africa dated the 17th day of December, 1928, and who is appointed to take charge of a ward or wards or of a special department of an institution."

3. Section *twenty-four* of the principal Ordinance is hereby amended —

(a) by the insertion in sub-section (1), after the word "matrons", of the words "managers, sisters";

(b) by the insertion in sub-section (4), after the word "European", of the words "sister or"; and

(c) by the deletion of sub-section (5) and the substitution therefor of the following sub-section:—

"(5) The board shall pay out of its revenues —

(a) to medical officers, matrons, managers or sisters, salaries and other remuneration in accordance with the terms of their appointments;

(b) to nurses, salaries and other remuneration in accordance with scales to be recommended by the board and approved of by the Administrator, who shall have the power to alter or amend such scales at his discretion; and

(c) to all other employees, salaries, wages or other remuneration as the board thinks fit."

4. Section *twenty-five* of the principal Ordinance is hereby amended by the deletion of the words "manager or matron" wherever they appear in both sub-section (1) and sub-section (2), and the substitution therefor of the words "medical officer, matron, manager or sister".

5. Every board shall, within 30 days from the commencement of this Ordinance, submit to the Administrator a statement setting out the terms upon which any sister is then being employed by such board. The Administrator may thereupon confirm such terms, with or without alterations or amendments: Provided that no alteration or amendment shall be made by the Administrator if such amendment or alteration causes, or will cause, prejudice to the sister.

No. 5 van 1944.]

ORDONNANSIE

Om voorsiening te maak vir die wysiging van die wet betreffende die oprigting, instandhouding en bestuur van hospitale en dergelike liefdadigheidsinrigtings.

(Goedgekeur 25 April 1944.)

(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:—

1. In hierdie Ordonnansie beteken die uitdrukking „die Hoofordonnansie" die Ordonnansie op Hospitale en Liefdadigheidsinrigtings 1930 (No. 16 van 1930), soos gewysig deur die Proklamasie betreffende Hospitale en Liefdadigheidsinrigtings van 1933 (No. 1 van 1934) en die Wysigingsordonnansie op Hospitale en Liefdadigheidsinrigtings 1938 (No. 10 van 1938).

2. Artikel *een* van die Hoofordonnansie word hiermee gewysig —

(a) deur die volgende woordbepaling na die woordbepaling van die uitdrukking „Geneeskundige Inspekteur" in te voeg:—

„beteken ‚verpleegster' iemand, hetsy geregistreer, al dan nie, as 'n verpleegster ingevolge die bepalings van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (No. 13 van 1928), van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas deur die Proklamasie (No. 3 van 1929) van die Goewerneur-generaal van die Unie van Suid-Afrika gedateer die 17de dag van Desember 1928, wat verplegingswerk doen en wat nie 'n suster is nie";

(b) deur die volgende woordbepaling na die woordbepaling van die woord „onderstand" in te voeg:—

„beteken ‚suster' iemand wat as 'n verpleegster geregistreer is ingevolge die bepalings van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (No. 13 van 1928), van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas deur die Proklamasie (No. 3 van 1929) van die Goewerneur-generaal van die Unie van Suid-Afrika gedateer die 17de dag van Desember 1928, en wat aan die hoof van 'n saal of sale of van 'n spesiale afdeling van 'n inrigting aangestel is."

3. Artikel *vier-en-twintig* van die Hoofordonnansie word hiermee gewysig —

(a) deur die woorde „bestuurders, susters" na die woord „matrones" in subartikel (1) in te voeg;

(b) deur die woorde „susters of" na die woord „Europese" in subartikel (4) in te voeg; en

(c) deur subartikel (5) te skrap en dit te vervang deur die volgende subartikel:—

„(5) Die raad betaal uit sy inkomste —

(a) salarisse en ander beloning aan geneeskundige amptenare, matrones, bestuurders of susters ooreenkomstig hul aanstellingsvoorwaardes;

(b) salarisse en ander beloning aan verpleegsters ooreenkomstig skale wat die raad aanbeveel en die Administrateur, wat die mag het om sodanige skale na goedduke te verander of te wysig, goedgekeur het; en

(c) aan alle ander werknemers, salarisse, lone of ander beloning soos die raad dit nodig oordeel."

4. Artikel *vyf-en-twintig* van die Hoofordonnansie word hiermee gewysig deur die woorde „bestuurder of matrone" te skrap orals waar hulle in beide subartikel (1) en subartikel (2) voorkom en hulle te vervang deur die woorde „geneeskundige amptenaar, matrone, bestuurder of suster".

5. Binne 30 dae vanaf die inwerkingtreding van hierdie Ordonnansie moet elke raad 'n staat aan die Administrateur voorlê waarin die voorwaardes, waaronder 'n suster deur sodanige raad ten tye in diens geneem is, uiteengesit word. Die Administrateur mag dan sodanige voorwaardes, met of sonder veranderings of wysigings, bekragtig: Met dien verstande dat geen verandering of wysiging deur die Administrateur gemaak mag word nie indien sodanige wysiging of verandering die suster benadeel of sal benadeel.

6. Every board shall, within 30 days from the commencement of this Ordinance, submit to the Administrator a statement setting out the scales of salaries and other remuneration which such board recommends should be paid to nurses.

7. This Ordinance shall be called the Hospitals Amendment Ordinance, 1944.

No. 6 of 1944.]

ORDINANCE

To amend the law relating to the control of the dairy industry.

(Assented to 25th April, 1944.)

(Afrikaans text signed by the Administrator.)

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

1. Section three of the Dairy Industry Control Ordinance, 1931 (No. 16 of 1931), as amended by section two of the Dairy Industry Control Ordinance Amendment Ordinance, 1932 (No. 4 of 1932), is hereby amended by the addition at the end of sub-section (1) thereof of the following additional proviso:—

“(d) that the Administrator may appoint as the producers, manufacturers’ or farm dairy buttermakers’ representative, as the case may be, any person whom he considers will adequately represent such producers, manufacturers or farm dairy buttermakers.”

2. This Ordinance shall be called the Dairy Industry Control Amendment Ordinance, 1944.

No. 7 of 1944.]

ORDINANCE

To provide for certain special gratuities or other financial benefits to employees of the Administration, or upon the death of such employees, to their dependants.

(Assented to 25th April, 1944.)

(English text signed by the Administrator.)

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

1. Notwithstanding anything to the contrary in any law contained, every person indicated as a beneficiary in an item of the Schedule to this Ordinance shall be entitled to the benefit specified in the relevant item.

2. This Ordinance may be cited as the Special Gratuities or Retirement Benefits Ordinance, 1944.

SCHEDULE.

The award to Hilda Uirab, the widow of Native L. Uirab, of a gratuity of £16, based on the provisions of section 39 (2) (a) (i) of Act No. 32 of 1936, of the Parliament of the Union of South Africa.

The award to Native Lazarus Kazaai, of a gratuity of £9.7.6, based on the provisions of section 39 (1) (a) of Act No. 32 of 1936, of the Parliament of the Union of South Africa.

The award to Coloured person Robert Wolmarans, of a gratuity of £98.0.5, based on the provisions of section 39 (1) (c) (ii) of Act No. 32 of 1936, of the Parliament of the Union of South Africa.

The award to Coloured Interpreter C. H. Oswell, of a gratuity of £54, based on the provisions of section 39 (1) (a) of Act No. 32 of 1936, of the Parliament of the Union of South Africa.

The award to Elizabeth Gloeditzch, the widow of Native Warder Reinhard Gloeditzch, of a gratuity of £51.10.0, based on the provisions of section 39 (2) (a) (4) of Act No. 32 of 1936, of the Parliament of the Union of South Africa.

The award to Native Warder Izak Tjurutue, of a gratuity of £49, based on the provisions of section 39 (1) (a) of Act No. 32 of 1936, of the Parliament of the Union of South Africa.

6. Binne 30 dae vanaf die inwerkingtreding van hierdie Ordonnansie moet elke raad 'n staat aan die Administrateur voorlê waarin die salarisskale en ander beloning, wat sodanige raad aanbeveel om aan verpleegsters betaal te word, uiteengesit word.

7. Hierdie Ordonnansie heet die Wysigingsordonnansie betreffende Hospitale, 1944.

No. 6 van 1944.]

ORDONNANSIE

Om die wet met betrekking tot die beheer van die suiwelnywerheid te wysig.

(Goedgekeur 25 April 1944.)

(Afrikaanse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:—

1. Artikel drie van die Ordonnansie op die Beheer van die Suiwelnywerheid 1931 (No. 16 van 1931), soos gewysig deur artikel twee van die Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1932 (No. 4 van 1932), word hiermee gewysig deur die volgende bykomende voorbehoudsbepaling aan die end van subartikel (1) daarvan by te voeg:—

„(d) dat die Administrateur iemand, wat hy beskou die melkboere, fabrikante of plaasmelkery-bottermakers voldoende sal verteenwoordig, as die melkboerverteenwoordiger, fabrikantevertenwoordiger of vertenwoordiger van die plaasmelkery-bottermakers, soos die geval mag wees, mag aanstel.”

2. Hierdie Ordonnansie heet die Wysigingsordonnansie betreffende die Beheer van die Suiwelnywerheid, 1944.

No. 7 van 1944.]

ORDONNANSIE

Om voorsiening te maak vir sekere spesiale gratifikasies of ander geldelike voordele aan werknemers van die Administrasie of, by oorlyde van sodanige werknemers, aan hul afhanklikes.

(Goedgekeur 25 April 1944.)

(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:—

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae tot hierdie Ordonnansie aangedui word, op die in die betrokke item bepaalde voordeel geregtig.

2. Hierdie Ordonnansie kan aangehaal word as die Spesiale Gratifikasie- of Uitdienstredingsvoordele-Ordonnansie, 1944.

BYLAE.

Die toekenning aan Hilda Uirab, die weduwee van naturel L. Uirab, van 'n gratifikasie van £16, gebaseer op die bepaling van artikel 39 (2) (a) (i) van Wet No. 32 van 1936 van die Parlement van die Unie van Suid-Afrika.

Die toekenning aan naturel Lazarus Kazaai van 'n gratifikasie van £9.7.6, gebaseer op die bepaling van artikel 39 (1) (a) van Wet No. 32 van 1936 van die Parlement van die Unie van Suid-Afrika.

Die toekenning aan kleurling Robert Wolmarans van 'n gratifikasie van £98.0.5, gebaseer op die bepaling van artikel 39 (1) (c) (ii) van Wet No. 32 van 1936 van die Parlement van die Unie van Suid-Afrika.

Die toekenning aan kleurlingtolk C. H. Oswell van 'n gratifikasie van £54, gebaseer op die bepaling van artikel 39 (1) (a) van Wet No. 32 van 1936 van die Parlement van die Unie van Suid-Afrika.

Die toekenning aan Elizabeth Gloeditzch, die weduwee van naturelebewaarder Reinhard Gloeditzch, van 'n gratifikasie van £51.10.0, gebaseer op die bepaling van artikel 39 (2) (a) (i) van Wet No. 32 van 1936 van die Parlement van die Unie van Suid-Afrika.

Die toekenning aan naturelebewaarder Izak Tjurutue van 'n gratifikasie van £49, gebaseer op die bepaling van artikel 39 (1) (a) van Wet No. 32 van 1936 van die Parlement van die Unie van Suid-Afrika.

No. 8 of 1944.]

ORDINANCE

To amend the law relating to old age pensions.

*(Assented to 25th April, 1944.)**(Afrikaans text signed by the Administrator.)*

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

1. Paragraph (a) of sub-section (2) of section six of the Old Age Pensions Ordinance, 1942 (No. 13 of 1942), is hereby amended by the deletion of the words "or of the children".

2. This Ordinance shall be called the Old Age Pensions Amendment Ordinance, 1944.

No. 9 of 1944.]

ORDINANCE

To amend the law relating to the trespass of animals.

*(Assented to 25th April, 1944.)**(English text signed by the Administrator.)*

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

1. Section *twenty-one* of the Trespass of Animals Ordinance, 1939 (No. 16 of 1939) (hereinafter called the principal Ordinance), is hereby amended by the addition thereto of the following proviso:—

"Provided that, if the said pound is a municipal pound established in terms of section *one hundred and seventy-one* of the Municipal Ordinance, 1935 (No. 24 of 1935), as amended, such impoundment shall be dealt with as if the trespass had been committed within the limits of such municipality."

2. Section *fifty-seven* of the principal Ordinance is hereby repealed and the following section substituted therefor:—

"57. The provisions of this Ordinance shall not affect the provisions of section *one hundred and seventy-one* of the Municipal Ordinance, 1935 (No. 24 of 1935), as amended."

3. This Ordinance shall be called the Trespass of Animals Amendment Ordinance, 1944.

No. 10 of 1944.]

ORDINANCE

To provide for the amendment of the law relating to municipalities.

*(Assented to 25th April, 1944.)**(English text signed by the Administrator.)*

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

1. Paragraph (a) of sub-section (2) of section *one hundred and forty-seven* of the Municipal Ordinance, 1935 (No. 24 of 1935), (hereinafter called the principal Ordinance), is hereby amended by the insertion, under the heading "*Income of Municipality Allowance*", of the following words and figures:—

"Exceeding £100,000	£500.
Exceeding £ 70,000	£400.
Exceeding £ 40,000	£300."

2. Section *one hundred and seventy-six* of the principal Ordinance is hereby amended by the addition of the following words at the end thereof:—

"Or the Council may, in lieu of charging such interest, impose and recover a fixed penalty of not exceeding two shillings and six pence —

No. 8 van 1944.]

ORDONNANSIE

Om die wet betreffende ouderdomspensioene te wysig.

*(Goedgekeur 25 April 1944.)**(Afrikaanse teks deur die Administrateur geteken.)*

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:—

1. Paragraaf (a) van subartikel (2) van artikel *ses* van die Ouderdomspensioenordonnansie 1942 (No. 13 van 1942) word hiermee gewysig deur die woorde „of van die kinders” te skrap.

2. Hierdie Ordonnansie heet die Ouderdomspensioen-wysigingsordonnansie, 1944.

No. 9 van 1944.]

ORDONNANSIE

Om die wet betreffende die oortreding van diere te wysig.

*(Goedgekeur 25 April 1944.)**(Engelse teks deur die Administrateur geteken.)*

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:—

1. Artikel *een-en-twintig* van die Ordonnansie op die Oortreding van Diere, 1939 (No. 16 van 1939) (hierna die Hoofordonnansie genoem), word hiermee gewysig deur die volgende voorbehoudsbepaling daaraan by te voeg:—

„Met dien verstande dat, indien die genoemde skut 'n munisipale skut is, ingestel ooreenkomstig artikel *honderd een-en-sewentig* van die Munisipale Ordonnansie 1935 (No. 24 van 1935), soos gewysig, sodanige skutting behandel moet word asof die oortreding binne die grense van sodanige munisipaliteit begaan is.”

2. Artikel *sewe-en-veertig* van die Hoofordonnansie word hiermee herroep en deur die volgende artikel vervang:—

„57. Die bepalings van hierdie Ordonnansie tas nie die bepalings van artikel *honderd een-en-sewentig* van die Munisipale Ordonnansie 1935 (No. 24 van 1935), soos gewysig, aan nie.”

3. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Oortreding van Diere, 1944.

No. 10 van 1944.]

ORDONNANSIE

Om voorsiening te maak vir die wysiging van die wet betreffende munisipaliteite.

*(Goedgekeur 25 April 1944.)**(Engelse teks deur die Administrateur geteken.)*

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika, soos volg:—

1. Paragraaf (a) van subartikel (2) van artikel *honderd sewe-en-veertig* van die Munisipale Ordonnansie, 1935 (No. 24 van 1935), (hierna genoem die hoofordonnansie), word hiermee gewysig deur onder die hoof „*Inkomste van Munisipaliteit Toelae*” die volgende syfers in te voeg:

„meer as £100,000	£500.
meer as £ 70,000	£400.
meer as £ 40,000	£300.”

2. Artikel *honderd ses-en-sewentig* van die hoofordonnansie word hiermee gewysig deur die volgende woorde aan die end daarvan by te voeg:

„Of die raad kan, in plaas van sodanige rente te bereken, 'n vasgestelde boete van hoogstens twee sjielings en ses pennies ople en invorder —