

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY



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WINDHOEK

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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

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

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

No. 116.]

[4th July, 1963.

No. 116.]

[4 Julie 1963.

ORDINANCES, 1963: PROMULGATION OF

The Administrator has been pleased to assent, in terms of section *thirty-two* of the South West Africa Constitution Act, 1925 (Act 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.	Title
No. 22	Diamond Taxation Amendment Ordinance, 1963
No. 23	Fencing Proclamation Amendment Ordinance, 1963
No. 24	Importation of Cement Ordinance, 1963
No. 25	Liquor Licensing Further Amendment Ordinance, 1963
No. 26	Local Loans Amendment Ordinance, 1963
No. 27	Teachers' Pensions Amendment Ordinance, 1963
No. 28	Land Settlement Amendment Ordinance, 1963

No. 22 of 1963.]

ORDINANCE

To amend the law relating to the duties and taxes to be levied on and in respect of rough and uncut diamonds produced or found within South West Africa.

(Assented to 27th June, 1963.)
(English text signed by the Administrator.)

ORDONNANSIES, 1963: UITVAARDIGING VAN

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twee-en-dertig* van „De Zuidwest-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:—

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No. 22 van 1963.]

ORDONNANSIE

Ter wysiging van die wet op die regte en belastinge wat gehef moet word op en ten opsigte van ruwe en ongeslypte diamante binne Suidwes-Afrika geproduseer of gevind.

(Goedgekeur 27 Junie 1963.)
(Engelse teks deur die Administrateur geteken.)

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

1. Section *four* of the Diamond Taxation Proclamation, 1941 (Proclamation 16 of 1941), is hereby amended by—

- (a) the substitution for the expression "the Income Tax Ordinance, 1942 (Ordinance 15 of 1942)" of the expression "the Income Tax Ordinance, 1961 (Ordinance 10 of 1961)"; and
- (b) the deletion of paragraph (c) of the proviso.

2. This Ordinance shall be called the Diamond Taxation Amendment Ordinance, 1963, and shall be deemed to have first taken effect in respect of the tax payable for the year ended the thirty-first day of December, 1961.

No. 23 of 1963.]

ORDINANCE

To amend the Fencing Proclamation, 1921.

(Assented to 27th June, 1963.)

(English text signed by the Administrator.)

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

1. Section *two* of the Fencing Proclamation, 1921 (Proclamation 57 of 1921) is hereby amended by the insertion of the following proviso at the end of the definition of "jackalproof fence":—

"Provided that where the fence is erected in any area known as sandveld the wire netting shall be dug between twelve and eighteen inches into the ground wherever the sand allows it, and shall extend at least two and a half feet above the ground and shall have above it four steel or barbed wire strands not more than four inches apart so that the total height of the fence will be at least four feet."

2. This Ordinance shall be called the Fencing Proclamation Amendment Ordinance, 1963.

No. 24 van 1963.]

ORDINANCE

To provide for the regulation of the importation of cement, cementitious material and slag into the Territory.

(Assented to 27th June, 1963.)

(Afrikaans text signed by the Administrator.)

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

1. (1) The Administrator may by notice in the *Official Gazette* prohibit the importation of any cement, cementitious material or slag into the Territory by any person other than a person approved by him and specified in such notice.

(2) For the purposes of this Ordinance, "slag" means granulated blast-furnace slag, milled or unmilled, intended for use as an admixture with Portland cement for use in building operations or as a building agent in concrete.

2. Any person who contravenes any prohibition imposed in terms of section *one* shall be guilty of an offence

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

1. Artikel *vier* van die Diamantbelasting-Proklamasie 1941 (Proklamasie 16 van 1941) word hierby gewysig deur—

- (a) die vervanging van die uitdrukking „die Inkomste-belasting-Ordonnansie 1942 (Ordonnansie 15 van 1942)” deur die uitdrukking „die Inkomstebelastingordonnansie 1961 (Ordonnansie 10 van 1961)”; en
- (b) die skraping van paragraaf (c) van die voorbeeld.

2. Hierdie ordonnansie heet die Wysigingsordonnansie op Diamantbelasting 1963 en word beskou as vir die eerste keer in werking ten opsigte van die belasting betaalbaar vir die jaar wat geëindig het op die een-en-dertigste dag van Desember 1961.

No. 23 van 1963.]

ORDONNANSIE

Om die Omheinings Proklamatie 1921 te wysig.

(Goedgekeur 27 Junie 1963.)

(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *twee* van die Omheinings Proklamatie, 1921 (Proklamasie 57 van 1921) word hierby gewysig deur die volgende voorbehoudsbepaling aan die einde van die woordbepaling van „jakkalsproefomheining” in te voeg:—

„Met dien verstande dat waar die omheining in enige streek wat bekend is as sandveld opgerig word, die ogiesdraad, orals waar die sand dit moontlik maak, tussen twaalf en agtien duim in die grond ingegrawe moet wees en bo die grond minstens twee en 'n half voet hoog moet wees en daarbo nog vier staal- of doringgrade hoogstens vier duim van mekaar gespan moet hê sodat die totale hoogte van die omheining minstens vier voet is.”

2. Hierdie ordonnansie heet die Omheinings Proklamatiewysigingsordonnansie 1963.

No. 24 of 1963.]

ORDONNANSIE

Om voorsiening te maak vir die reëling van die invoer van sement, sementsoortige materiaal en slak in die Gebied.

(Goedgekeur 27 Junie 1963.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. (1) Die Administrateur kan by kennisgewing in die *Offisiële Koerant* die invoer van enige sement, sementsoortige materiaal of slak in die Gebied deur enigiemand anders as iemand deur hom goedgekeur en in sodanige kennisgewing genoem, verbied.

(2) By die toepassing van hierdie ordonnansie beteken „slak” hoogoondkorrelslak, gemaal of ongemaal, bestem vir gebruik as bymengsel by Portlandsement vir gebruik by boubedrywighe of as bindmiddel by beton.

2. Elkeen wat 'n verbod opgelê ingevolge artikel *een* oortree, is skuldig aan 'n misdryf en is by skuldigbevinding

and liable on conviction to a fine not exceeding two hundred rand or in default of payment to imprisonment for a period not exceeding six months.

3. This Ordinance shall be called the Importation of Cement Ordinance, 1963.

No. 25 of 1963.]

ORDINANCE

To amend the law relating to the sale and control of intoxicating liquor.

(Assented to 27th June, 1963.)
(English 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 Liquor Licensing Proclamation, 1920 (Proclamation 6 of 1920), hereinafter called the principal Proclamation, is hereby amended by the insertion in the definition of "intoxicating liquor" or "liquor" after the words "2 per cent" of the words "by volume" and by the addition at the end of the said definition of the words "but shall not include any such liquor, not exceeding in content eleven per cent by volume of alcohol, contained in any manufactured chocolates".

2. Section *seven* of the principal Proclamation is hereby amended by the insertion of the following sub-section after sub-section (3) *bis*:—

"(3) *ter.* (a) Nothing in this Proclamation or any other law contained shall be deemed to prevent the grant of a bottle licence to a Burgher of Rehoboth in that portion of the district of Rehoboth known as the "*Bastard Gebiet*", for the supply of liquor to Burghers of Rehoboth and coloured persons lawfully in the *Gebiet*.

(b) It shall be a condition of every licence granted under the provisions of this sub-section that no liquor shall be supplied thereunder to a European.

(c) Subject to the provisions of this sub-section, all the provisions of this Proclamation relating to the sale of liquor under a bottle licence shall *mutatis mutandis* apply."

3. This Ordinance shall be called the Liquor Licensing Further Amendment Ordinance, 1963.

No. 26 of 1963.]

ORDINANCE

To amend the law relating to the making of loans to local authorities for public purposes.

(Assented to 27th June, 1963.)
(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 substituted for section *two* of the Local Loans Ordinance, 1927 (Ordinance 7 of 1927), hereinafter referred to as the principal Ordinance:—

"Purposes for which loans may be granted to local authorities.

2. The Administrator may, subject to the provisions of this Ordinance, out of such moneys as may from time to time be appropriated by law for the purpose, grant any

ding strafbaar met 'n boete van hoogstens tweehonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

3. Hierdie ordonnansie heet die Ordonnansie op die Invoer van Sement 1963.

No. 25 van 1963.]

ORDONNANSIE

Ter wysiging van die wet op die verkoop en beheer van bedwelvende drank.

(Goedgekeur 27 Junie 1963.)
(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *drie* van die Drank Licentie Proklamatie 1920 (Proklamasie 6 van 1920) — hierna heet dit die hoofproklamasie — word hierby gewysig deur die invoeging in die woordbepaling van „bedwelvende drank” of „drank” na die woord „alkohol” van die woorde „per volume”, en deur die byvoeging aan die einde van die genoemde woordbepaling van die woorde „maar sluit uit enige sodanige drank met 'n alkoholinhoud van hoogstens elf persent per volume bevat in vervaardigde sjokolades”.

2. Artikel *sewe* van die hoofproklamasie word hierby gewysig deur die invoeging van die onderstaande sub-artikel na subartikel (3) *bis*:—

„(3) *ter.* (a) Geen bepaling van hierdie proklamasie of enige ander wet word beskou as 'n verbod op die toekenning van 'n bottellisensie aan 'n Burger van Rehoboth in daardie deel van die distrik Rehoboth bekend as die „*Bastergebiet*” ter verskaffing van drank aan Burgers van Rehoboth en Kleurlinge wat wettig in die *Gebiet* verkeer nie.

(b) Dit is 'n voorwaarde van elke lisensie toegeken ingevolge die bepalings van hierdie subartikel dat geen drank daaringevolge aan 'n blanke verskaf mag word nie.

(c) Behoudens die bepalings van hierdie subartikel is al die bepalings van hierdie proklamasie *mutatis mutandis* op die verkoop van drank ingevolge 'n bottellisensie van toepassing.”

3. Hierdie ordonnansie heet die Verdere Wysigings-ordonnansie op Dranklisensies, 1963.

No. 26 van 1963.]

ORDONNANSIE

Om die wet insake die verlening van lenings aan plaaslike besture vir openbare doeleindes te wysig.

(Goedgekeur 27 Junie 1963.)
(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *twee* van die Plaaslike Lenings Ordonnansie 1927 (Ordonnansie 7 van 1927) — hierna heet dit die hoofordonnansie — word vervang deur die volgende artikel:—

„Doeleindes waarvoor lenings aan plaaslike besture toegestaan kan word.

2. Die Administrateur kan behoudens die bepalings van hierdie ordonnansie, uit sodanige gelde soos van tyd tot tyd wetlik vir die doel beskikbaar gestel word, enige lening

loan to any local authority for any object or purpose whatsoever which falls within the powers, functions or duties imposed or conferred upon any such local authority by law."

2. Section *seven* of the principal Ordinance is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "such work described in section *two*" of the word "work".

3. This Ordinance shall be called the Local Loans Amendment Ordinance, 1963, and shall be deemed to have come into operation on the first day of April, 1957.

No. 27 of 1963.]

ORDINANCE

To amend the law relating to teachers' pensions.

(Assented to 27th June, 1963.)

(English 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 Teachers' Pensions Proclamation, 1931 (Proclamation 39 of 1931) is hereby amended by the substitution for sub-section (6) of the following sub-section:—

"(6) Notwithstanding anything to the contrary in this Proclamation contained, teachers who upon appointment to the permanent staff —

- (a) elected not to contribute to the pension fund in respect of past experience; or
- (b) failed to exercise the choice of contributing to the pension fund in respect of past experience within the prescribed time stipulated in paragraph (a) of sub-section (4) of this section,

may under this proclamation contribute in respect of such previous experience: Provided that the choice of so contributing shall be exercised not later than the 31st December, 1963."

2. This Ordinance shall be called the Teachers' Pensions Amendment Ordinance, 1963, and shall be deemed to have come into operation on the 1st day of April, 1931.

No. 28 of 1963.]

ORDINANCE

To amend the law relating to land settlement.

(Assented to 27th June, 1963.)

(Afrikaans text signed by the Administrator.)

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

1. Section *forty-four* of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927) is hereby amended by the substitution in paragraphs (a) and (f) of the proviso to sub-section (1) for the words "fifteen hundred pounds" of the words "four thousand rand".

2. This Ordinance shall be called the Land Settlement Amendment Ordinance, 1963.

aan enige plaaslike bestuur toestaan vir enige oogmerk of doel hoegenaamd wat binne die bevoegdheids, funksies of pligte wetlik opgelê of verleen aan enige sodanige plaaslike bestuur val."

2. Artikel *sewe* van die hoofordonnansie word hierby gewysig deur die vervanging in paragraaf (a) van sub-artikel (1) van die woorde „sodanige in artikel *twee* omskrewe werk" deur die woord „werk".

3. Hierdie ordonnansie heet die Wysigingsordonnansie op Plaaslike Lenings 1963 en word gegag op die eerste dag van April 1957 in werking te getree het.

No. 27 van 1963.]

ORDONNANSIE

Om die wet betreffende pensioene van onderwysers te wysig.

(Goedgekeur 27 Junie 1963.)

(Engelse teks deur die Administrateur geteken.)

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

1. Artikel *drie* van die Proklamasie betreffende Pensioene van Onderwysers 1931 (Proklamasie 39 van 1931) word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:—

„(6) Ondanks enige andersluidende bepaling in hierdie proklamasie kan onderwysers wat by aanstelling in die vaste personeel —

- (a) gekies het om nie ten opsigte van vorige ondervinding tot die pensioenfonds by te dra nie; of
- (b) in gebreke gebly het om binne die voorgeskrewe tydperk soos bepaal by paragraaf (a) van subartikel (4) van hierdie artikel 'n keuse uit te oefen om ten opsigte van vorige ondervinding tot die pensioenfonds by te dra,

ingevolge hierdie proklamasie ten opsigte van sodanige vorige ondervinding bydra: Met dien verstande dat die keuse om aldus by te dra uiterlik op 31 Desember 1963 uitgeoefen moet word."

2. Hierdie ordonnansie heet die Wysigingsordonnansie op Pensioene van Onderwysers 1963 en word beskou as reeds in werking vanaf die eerste dag van April 1931.

No. 28 van 1963.]

ORDONNANSIE

Ter wysiging van die wet op landnedersetting.

(Goedgekeur 27 Junie 1963.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Artikel *vier-en-veertig* van die Landnedersetting Gekonsolideerde en Wysigings Proklamasie 1927 (Unieproklamasie 310 van 1927) word hierby gewysig deur die woorde „vyftienhonderd pond" in paragraaf (a) en (f) van die voorbehoudsbepaling tot subartikel (1) deur die woorde „vierduisend rand" te vervang.

2. Hierdie ordonnansie heet die Wysigingsordonnansie op Landnedersetting 1963.