

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



UITGAWE OP GESAG.

EXTRAORDINARY  
OF SOUTH WEST AFRICA.

PUBLISHED BY AUTHORITY.

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Goewermentskennisgewing.

Government Notice.

Die volgende Goewermentskennisgewing word vir  
algemene inligting gepubliseer.

J. J. KLOPPER,  
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,  
Windhoek.

The following Government Notice is published for  
general information.

J. J. KLOPPER,  
Secretary for South West Africa.

Administrator's Office,  
Windhoek.

No. 83.]      [6 Junie 1967    No. 83.]      [6 June 1967

ORDONNANSIE, 1967: UITVAARDIGING VAN

ORDINANCE, 1967: PROMULGATION OF

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 Ordonnansie wat hiermee vir al-  
gemene 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 42 of 1925), to the following  
Ordinance which is hereby published for general in-  
formation in terms of section *thirty-four* of the said  
Act:—

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No. 13 of 1967.]

## ORDINANCE

To provide for the control and taxation of the keeping of dogs within municipal areas and to amend the Dog Tax Ordinance, 1927 and the Municipal Ordinance, 1963.

(Assented to 1st June, 1967)

(Afrikaans text signed by the Administrator.)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President in so far as such consent is necessary previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section 26 of the South West Africa Constitution Act, 1925 as amended by section 16 of the South West Africa Affairs Amendment Act, 1949, of the Parliament of the Republic of South Africa as follows:—

1. In this Ordinance unless the context otherwise indicates — Definitions.

“approved township” means an approved township as defined in the Townships and Division of Land Ordinance 1963 (Ordinance 11 of 1963);

“authorised officer” means any person appointed as such by any council or any member of the South African Police;

“certificate of exemption” means a certificate of exemption referred to in section 6;

“council” means the council of any municipality;

“dog” means any dog over the age of six months;

“keep” includes having in possession, in charge, under control or in custody, or harbouring and “keeping” and “kept” have corresponding meanings;

“licence” means a licence referred to in section 5;

“metal badge” means a metal badge referred to in section 5;

“municipal area” means the area of a municipality in respect of which a council exercises jurisdiction;

“municipality” means a municipality as defined in the Municipal Ordinance, 1963 (Ordinance 13 of 1963);

“regulation” means any regulation made or in force under this Ordinance;

“tax” means a “tax” imposed in terms of section 2;

“this Ordinance” shall include the regulations made under this Ordinance;

“year” means the period from the 1st day of April to the 31st day of March next succeeding and

“annual” or “annually” shall have a corresponding meaning.

2. Every council shall in the manner prescribed by regulation, impose a tax as hereinafter provided upon the keeping of any dog within its municipal area. Imposition of tax.

3. The amount of the tax shall be — Amount of tax.

(a) one rand in respect of any dog other than an unspayed bitch; and

(b) five rand in respect of any unspayed bitch.

4. (1) The tax shall be paid annually by every person keeping a dog: Provided that — Liability of tax.

(a) any person commencing to keep a dog in respect of which the tax has been paid by some other person, shall during the currency of the licence and metal badge concerned and on payment of a fee of twenty cents, be entitled to have such licence and metal badge transferred to him by endorsement made on such licence by the council which issued such licence; and

- (b) a person ceasing to keep a dog in respect of which the tax has been paid, shall be entitled on payment of a fee of twenty cents to have the licence and metal badge in respect of such dog transferred by endorsement by the council which issued such licence to any other dog kept by such person and in respect of which it is shown to the satisfaction of such council that no liability for tax has arisen before the date on which such person ceased to keep the first-mentioned dog; and
- (c) any person who, on behalf of another person, temporarily keeps a dog in respect of which the tax has been paid, shall not during the currency of the licence and metal badge concerned be required again to pay the tax in respect of such dog.

(2) The tax shall be due and payable on or before the 1st day of April or within seven days after commencing to keep a dog, and shall expire on the 31st day of March next succeeding: Provided that if liability for the tax arises after the 30th day of September in any year the tax for that year shall be reduced by one-half: Provided further that if any such tax is not paid within two months after it has become due and payable a late fee of one rand shall be due and payable in addition to such tax.

(3) Any person keeping a dog in respect of which the tax has not been paid shall be guilty of an offence.

5. (1) The tax shall be collected by the council by means of a licence as prescribed by regulation. Collection of tax.

(2) Together with such licence the council shall issue free of charge a metal badge as prescribed by regulation.

6. (1) No tax shall be payable in respect of any dog — Exemptions.

- (a) used by a blind person as a guide;
- (b) owned by the South African Police and used exclusively for police purposes;
- (c) brought into the Territory for purposes of an exhibition: Provided that such dog does not remain within the Territory for a period exceeding thirty days.

(2) Whenever any dog is exempted from tax the council shall issue free of charge a certificate of exemption together with a metal badge as prescribed by regulation.

7. Any person who keeps a dog in respect of which the tax has been paid, shall not during the currency of the licence and metal badge concerned be required again to pay any tax in respect of such dog in terms of this Ordinance of any other law. When tax has been paid.

8. (1) Any owner or occupier of land within the municipal area of any council and any employee, agent, servant, wife, husband or child over the age of eighteen years of such owner or occupier, who finds a person with a dog on such land or on any road passing over such land may — Powers of owners or occupiers of land.

- (a) request such person to produce to an authorised officer for inspection within a period of three days the licence in respect of such dog;
- (b) demand the name and address of such person and of the person keeping such dog;
- (c) question any person who in his opinion may be able to furnish any information desired by him;
- (d) report the fact to the council concerned, and furnish any particulars he shall have obtained.

(2) Any person who refuses or fails to answer to the best of his ability any question put to him by, or to comply to the best of his ability with any requirement made by, or wilfully makes any false statement to, an owner or occupier of such land, or any employee, agent, servant, wife, husband or child over the age of eighteen years of such owner or occupier, in the exercise of his powers under this section, shall be guilty of an offence.



9. (1) An authorised officer may for any purpose connected with the carrying out of the provisions of this ordinance —

Powers and duties of authorised officers.

- (a) request any person found with a dog to produce for inspection within a period of three days the licence in respect of such dog and the dog in respect of which such licence was issued;
- (b) demand the name and address of any person found with a dog;
- (c) request any owner or occupier of land or premises to furnish the number of dogs on such land or premises;
- (d) at all reasonable times without previous notice enter upon any land or premises;
- (e) question any person who in his opinion may be able to furnish any information desired by him.

(2) Any owner or occupier of premises or land and any employee, agent, servant, wife, husband or child over the age of eighteen years of such owner or occupier shall upon request furnish to an authorised officer such facilities as are required by him for entering such premises or on such land or for the exercise of his powers or the execution of his duties on such premises or land.

(3) Any authorised officer may at all times take with him an interpreter or assistant who shall, while acting under the direction of such officer, be deemed to be an authorised officer.

(4) If it appears to an authorised officer that the tax in respect of a dog is due and payable to some other council, he shall submit a report to that effect to the council in whose municipal area such dog was found and furnish such particulars as he may have obtained.

(5) Any person who —

- (a) refuses or fails to answer to the best of his ability any question put to him by, or wilfully makes any false statement to, an authorised officer in the exercise of his powers or the execution of his duties;
- (b) refuses or fails to comply to the best of his ability with any requirement made by an authorised officer in the exercise of his powers or the execution of his duties;
- (c) resists, hinders or obstructs an authorised officer in the exercise of his powers or the execution of his duties;
- (d) falsely holds himself out to be an authorised officer;
- (e) fails to comply with the provisions of sub-section (2);

shall be guilty of an offence.

10. Wherever it appears to a council from a report submitted to it under section 8 (1) of section 9 (4) or from other information, that the tax in respect of a dog is due and payable to some other council, it shall transmit such report or other information together with such particulars as may be available, to such other council.

Duty of councils to each other.

11. Any person keeping a dog in respect of which a metal badge has been issued and who fails to cause such badge to be worn by such dog at all times during the currency thereof except during the time that such dog is proceeding to, being exhibited at or returning from a dog show, shall be guilty of an offence.

Metal badge to be worn by dog.

12. Any dog may be destroyed —

Destruction of dogs.

- (a) by or on the order of the owner or occupier of premises or land situated outside the area of an approved township but within the municipal area of any council, if found causing damage thereon;
- (b) by an authorised officer —
  - (i) if found in any place (not being land or premises owned or occupied by the person keeping such dog), without a metal badge unless some person satisfies such officer within three days that the tax in respect of such dog has been paid or that it is exempt from tax;

- (ii) if he is satisfied that the tax in respect of such dog has not been paid, unless all current and arrear tax in respect of such dog shall be paid on demand, or it appears to such officer that the tax in respect of such dog is due and payable to some other council.

13. Any person who —

Offences.

- (a) fabricates or forges any document or piece of metal with intent that such document shall be used as a licence or certificate of exemption or such piece of metal shall be used as a metal badge;
  - (b) uses, utters or has in his possession any fabricated or forged document or piece of metal, well knowing the same to have been fabricated or forged;
  - (c) unlawfully causes or permits a metal badge to be worn by any other dog than the dog in respect of which it was issued;
  - (d) is found in unlawful possession of a licence, certificate of exemption or metal badge;
- shall be guilty of an offence.

14. Any person convicted of an offence under the provisions of this Ordinance shall be liable, in the case of a contravention of —

Penalties.

- (a) section 4 (3) or section 11 to a fine not exceeding twenty rand or to imprisonment for a period not exceeding one month;
- (b) section 8 (2), section 9 (5) (a), (b) or (e) or section 13 (d) to a fine not exceeding forty rand or to imprisonment for a period not exceeding two months;
- (c) section 9 (5) (c) or (d), or section 13 (a), (b) or (c), to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months.

15. (1) The Administrator may make regulations not inconsistent with the provisions of this Ordinance —

Regulations.

- (a) regulating, controlling and restricting the keeping of dogs;
- (b) regulating, controlling, restricting, and prohibiting the keeping with power to provide for the seizure and destruction, of vicious or dangerous dogs;
- (c) providing for the seizure, sale or destruction of dogs which are diseased, unclaimed or in respect of which the tax has not been paid;
- (d) prescribing the manner in which the tax is to be imposed and to be collected and the licence and the metal badge is to be issued including any forms required for such purposes and the forms of licences, certificates of exemption and metal badges;
- (e) prescribing the manner in which a certificate of exemption and a metal badge is to be issued including the proof and particulars required for such issue;
- (f) prescribing the manner in which a licence may be transferred to any other person;
- (g) providing for the issue of duplicates of licences, certificates of exemption and metal badges lost or destroyed, and the fee, (which shall not exceed twenty cents for each duplicate) to be charged, including the proof and particulars required for such issue;
- (h) generally providing for all matters necessary for the due administration, and for giving full effect to the provisions of this Ordinance;
- (i) prescribing a penalty not exceeding a fine of twenty rand or imprisonment for a period not exceeding one month for any contravention of such regulations.

16. The Administrator may by proclamation in the *Official Gazette* apply the provisions of sections 1 to 15, inclusive, to any Village Management Board area referred to in section 3 of the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963) as from a date to be specified in such proclamation in which event those provisions shall *mutatis mutandis* apply to such area and the Village Management Board constituted for that area in terms of the said section 3.

Application of Ordinance to Village Management Board areas

17. The Dog Tax Ordinance, 1927 (Ordinance 14 of 1927) is hereby amended —

Amendment of Ordinance 14 of 1927 as amended by Ordinance 2 of 1958 and Ordinance 15 of 1964.

- (a) by the substitution in section 3 (1) for the words "a municipality or a village management board area" wherever they occur of the words "a village management board area in respect of which the provisions of the Municipal Dog Tax Ordinance, 1967 do not apply";
- (b) by the deletion in section 5 (2) of the words "municipality or";
- (c) by the addition at the end of section 6 (2) of the words "unless such dog is wearing a metal badge issued in terms of the Municipal Dog Tax Ordinance, 1967";
- (d) by the substitution for section 6 (3) of the following sub-section: —

"(3) If any dog is seized within a municipal area or a village management board area in respect of which the provisions of the Municipal Dog Tax Ordinance, 1967 apply, the person seizing such dog shall deal therewith in terms of the applicable provisions of that Ordinance";

- (e) by the substitution for section 11 of the following section:—

"Disposal of proceeds of tax.

11. Until the provisions of the Municipal Dog Tax Ordinance 1967 have been applied to any village management board area, in terms of section *sixteen* of that Ordinance the proceeds of the tax paid by any person residing within such area, less ten *per centum*, shall be paid to the village management board concerned —";

- (f) by the insertion after section 12 of the following section:—

"Application of Ordinance.

12bis. Save where otherwise provided, the provisions of this Ordinance shall not apply to any municipal area or any village management board area in respect of which the provisions of the Municipal Dog Tax Ordinance 1967 apply: Provided that any person who keeps a dog in respect of which the tax has been paid in terms of this Ordinance, shall not during the currency of a metal badge issued in terms thereof be required again to pay any tax in respect of such dog in terms of this Ordinance or any other law."

18. The Municipal Ordinance, 1963 (Ordinance 13 of 1963) is hereby amended —

Amendment of Ordinance 13 of 1963 as amended by Ordinance 5 of 1964.

- (a) by the deletion of section 166 (5) (b);
- (b) by the insertion in section 242 (5) (c) before the word "prohibiting" of the words "subject to the provisions of the Municipal Dog Tax Ordinance, 1967 and any regulations made thereunder".

19. This ordinance shall be called the Municipal Dog Tax Ordinance, 1967 and shall come into operation on the 1st day of April, 1968.

Short title and date of commencement.