

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.



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CONTENTS

INHOUD

Page/Bladsy

GOVERNMENT NOTICE:

No. 45 Ordinances 1967: Promulgation of

GOEWERMENSKENNISGEWING:

Ordonnansies 1967: Uitvaardiging van 397

Government Notice.

Goewermentskennisgewing.

The following Government Notice is published for general information.

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

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

No. 45.]

[30 March 1967. No. 45.]

[30 Maart 1967.

ORDINANCES, 1967: PROMULGATION OF

ORDONNANSIES, 1967: UITVAARDIGING VAN

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:—

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:—

No.	Title	Page
No. 2	Finance and Audit Amendment Ordinance, 1967	398
No. 3	Advertising on Roads and Ribbon Development Amendment Ordinance, 1967	398
No. 4	Roads Amendment Ordinance, 1967	400
No. 5	Education Amendment Ordinance, 1967	402
No. 6	Local Loans Amendment Ordinance, 1967	404
No. 7	Liquor Licensing Amendment Ordinance, 1967	404
No. 8	Promotion of Farming Interest Amendment Ordinance, 1967	406
No. 9	Matrimonial Affairs Amendment Ordinance, 1967	408

No.	Titel	Bladsy
	Wysigingsordonnansie op Finansies en Ouditering 1967	399
	Wysigingsordonnansie op Adverteer langs en Toebou van Paaie 1967	399
	Wysigingsordonnansie op Paaie 1967	401
	Wysigingsordonnansie op Onderwys 1967	403
	Wysigingsordonnansie op Plaaslike Lenings 1967	405
	Wysigingsordonnansie op Dranklisensies 1967	405
	Wysigingsordonnansie op die Bevordering van Boerderybelange 1967	407
	Wysigingsordonnansie op Huweliksaangeleenthede 1967	409

No. 2 of 1967.]

ORDINANCE

To amend the law on the receipt, custody and issue of public moneys.

(Assented to 23 March 1967)

(English text signed by the Administrator)

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

Definition.

1. In this ordinance the words "principal ordinance" mean the Finance and Audit Ordinance, 1926 (Ordinance 1 of 1926) as amended.

Amendment of Section 15 of Ordinance 1 of 1926.

2. Section 15 of the principal ordinance is hereby amended by the addition of the following words "unless the Administrator in consultation with the Government of the Republic of South Africa determines other conditions with respect to the interest on, or the repayment of, such advance," at the end thereof.

Short title.

3. This ordinance shall be called the Finance and Audit Amendment Ordinance, 1967.

No. 3 of 1967.]

ORDINANCE

To amend the Advertising on Roads and Ribbon Development Ordinance, 1960, to bring certain definitions and terms thereof into concord with the appropriate provisions of the Roads Ordinance, 1962.

(Assented to 23 March 1967)

(English text signed by the Administrator)

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

Amendment of section 1 of Ordinance 30 of 1960.

1. Section 1 of the Advertising on Roads and Ribbon Development Ordinance, 1960 (Ordinance 30 of 1960) — hereinafter called the principal ordinance — is hereby amended —

- (a) by the substitution for the words "the Roads Ordinance, 1953 (Ordinance 17 of 1953)" of the words "the Roads Ordinance, 1962 (Ordinance 28 of 1962)";
- (b) by the substitution for the definition of "local authority" of the following definition:—

'"local authority" means a municipality or village management board and in respect of any area not under the control of a municipality or village management board "local authority" means the magistrate of the district in which such area is situated'.

Amendment of section 2 of Ordinance 30 of 1960.

2. Section 2 (1) (c) of the principal ordinance is hereby amended by the deletion of the words "or farm".

Amendment of section 6 of Ordinance 30 of 1960.

3. Section 6 (d) of the principal ordinance is hereby amended by the substitution for the words "private or farm road" of the words "private road".

Amendment of section 13 of Ordinance 30 of 1960.

4. Section 13 of the principal ordinance is hereby amended —

- (a) by the substitution in paragraph (i) for the words "fifty pounds" and "one hundred pounds" of the words "one hundred rand" and "two hundred rand" respectively;
- (b) by the substitution in paragraph (ii) for the words "one hundred pounds" of the words "two hundred rand."

Substitution of "public road" and "stadsgebied" in Ordinance 30 of 1960.

5. The principal ordinance is hereby amended by the substitution for the words "public road" wherever they occur of the words "proclaimed road" and the substitution in the Afrikaans text for the word "stadsgebied" wherever it occurs of the words "stedelike gebied".

Amendment of long title of Ordinance 30 of 1960.

6. The long title of the principal ordinance is hereby amended by the substitution for the words "public roads" wherever they occur of the words "proclaimed roads".

Short title.

7. This ordinance shall be called the Advertising on Roads and Ribbon Development Amendment Ordinance, 1967.

No. 4 of 1967.]

ORDINANCE

To amend the Roads Ordinance, 1962, to provide for the determination of the costs incurred in connection with the improvement or repair of farm roads; to obviate the necessity for roads boards to consider objections to the proclamation of trunk and main roads; and to provide for the extension of the Administrator's powers in respect of the fencing in of trunk roads to include main roads.

(Assented to 23 March 1967)

(Afrikaans text signed by the Administrator)

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

Amendment of section 20 of Ordinance 28 of 1962 as amended by section 3 of Ordinance 6 of 1964.

1. Section 20 (1) of the Roads Ordinance, 1962 (Ordinance 28 of 1962) — hereinafter called the principal ordinance — is hereby amended —

- (a) by the insertion immediately before the word "consent" of the words "and on submission to him of documentary proof of expenditure";
- (b) by the substitution for the words "ultimate actual cost" of the words "ultimate cost calculated at a tariff as determined by the Administrator from time to time,"; and
- (c) by the substitution for the words "the actual cost" where they occur for the second time of the words "such cost".

Amendment of section 26 of Ordinance 28 of 1962 as amended by section 9 of Ordinance 37 of 1965.

2. Section 26 (5) of the principal ordinance is hereby amended by the insertion after the word "matter" of the words "(provided the road concerned is not a trunk or main road)".

Amendment of section 42 of Ordinance 28 of 1962 as amended by section 4 of Ordinance 16 of 1963, section 5 of Ordinance 6 of 1964 and section 2 of Ordinance 6 of 1966.

3. Section 42 (3) of the principal ordinance is hereby amended by the substitution for the words "trunk road" wherever they occur of the words "trunk or main road".

Short title.

4. This ordinance shall be called the Roads Amendment Ordinance, 1967.

No. 5 of 1967.]

Repealed by
Ord. 21/75

ORDINANCE

To amend the Education Ordinance to provide for the change in the designation of certain professional posts and amended conditions of service.

(Assented to 23 March 1967)

(Afrikaans text signed by the Administrator)

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

Amendment of
section 2 of
Ordinance 27
of 1962.

1. Section 2 of the Education Ordinance, 1962 (Ordinance 27 of 1962) — hereinafter called the principal ordinance — is hereby amended —

- (a) by the substitution in the definition of "competent officer" for the expression "inspector of schools" of the expression "inspector of education" and by the deletion of the word "school";
- (b) by the substitution in the definition of "teacher" for the word "organiser" of the words "inspector of education, subject inspector, adviser".

Amendment of
section 5 of
Ordinance 27
of 1962.

2. Section 5 of the principal ordinance is hereby amended —

- (a) by the substitution in sub-section (1) for the expression "inspectors of schools" of the expression "inspectors of education" and by the deletion of the expression "inspectors of hostels".
- (b) by the substitution in sub-section (2) for the word "organisers" of the words "inspectors of education, subject inspectors, advisers";
- (c) by the addition at the end of the above-mentioned sub-section (2) of the following further proviso:—
"Provided further that the appointment of an inspector of education shall not be made unless it has been confirmed by the Administrator."

Amendment of
section 35 of
Ordinance 27
of 1962.

3. Section 35 of the principal ordinance is hereby amended by the substitution in sub-section (1) for the expression "inspector of schools" of the expression "inspector of education".

Amendment of
section 37 of
Ordinance 27 of
1962, as amended
by section 1 of
Ordinance 30
of 1965.

4. Section 37 of the principal ordinance is hereby amended —

- (a) by the substitution in sub-section (2) for the words "calendar month" wherever they occur of the word "month";
- (b) by the deletion in sub-section (3) of the proviso.

Amendment of
section 67 of
Ordinance 27
of 1962.

5. Section 67 of the principal ordinance is hereby amended by the substitution in sub-section (1) for the expression "inspector of schools" of the expression "inspector of education".

Amendment of
section 78 of
Ordinance 27
of 1962.

6. Section 78 of the principal ordinance is hereby amended by the substitution in sub-section (6) for the expression "inspector of schools" of the expression "inspector of education".

Amendment of
section 114 of
Ordinance 27
of 1962.

7. Section 114 of the principal ordinance is hereby amended by the substitution in sub-section (3) for the expression "inspector of schools" of the expression "inspector of education".

Short title and
date of
commencement.

8. This ordinance shall be called the Education Amendment Ordinance, 1967, and shall be deemed to have come into operation on the first day of January, 1966, except section 4 (a) which shall be deemed to have come into operation on the first day of January, 1965.

Amendment of section 7 of Proclamation 6 of 1920, as amended by section 2 of Proclamation 27 of 1923, section 4 of Ordinance 3 of 1927, section 4 of Proclamation 32 of 1931, section 2 of Ordinance 15 of 1941, sections 2 and 3 of Ordinance 11 of 1942, section 2 of Proclamation 28 of 1943, section 4 of Ordinance 47 of 1952, section 2 of Ordinance 31 of 1955, section 1 of Ordinance 44 of 1957, section 2 of Ordinance 34 of 1958, section 2 of Ordinance 22 of 1959, section 1 of Ordinance 4 of 1961, section 2 of Ordinance 5 of 1963 and section 2 of Ordinance 25 of 1963.

1. Section 7 (3) *ter* of the Liquor Licencing Proclamation 1920 (Proclamation 6 of 1920) is hereby amended —

- (a) by the substitution in paragraph (a) of a comma for the word "and" and the addition of the words "and Europeans" at the end of that paragraph;
- (b) by the deletion of paragraph (b).

Short Title.

2. This ordinance shall be called the Liquor Licensing Amendment Ordinance, 1967.

No. 8 of 1967.]

ORDINANCE

To amend the promotion of Farming Interest Ordinance, 1952 to provide for the remuneration payable to the members of the Farming Interest Board, who are not in the public service, as determined by the Administrator.

(Assented to 23 March 1967)

(Afrikaans text signed by the Administrator)

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

1. Section 6 of the Promotion of Farming Interest Ordinance, 1952 (Ordinance 29 of 1952) is hereby amended by the substitution for sub-section (1) of the following sub-section:—

"(1) Every member of the Board, not being a member of the Public Service, shall receive remuneration determined by the Administrator from time to time, payable from the Fund."

Amendment of section 6 of Ordinance 29 of 1952.

Short title.

2. This ordinance shall be called the Promotion of Farming Interest Amendment Ordinance, 1967.

Repealed by
A. 66/70

No. 9 van 1967.]

ORDINANCE

To amend the Matrimonial Affairs Ordinance, 1955, to provide what property is deemed to have been brought by a wife at a marriage into the community; to provide that a married woman may be a depositor in any account in a banking institution; to extend to a father upon whom a children's court has, under section 58 (1) of the Children's Ordinance, 1961, conferred the exclusive right to exercise any parental powers in regard to a minor, the power to appoint by testamentary disposition any person to be the sole guardian or to be vested with the sole custody of the minor; and to provide for matters incidental thereto.

(Assented to 23 March 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 (Act 42 of 1925) of the Republic of South Africa, as follows:—

Amendment of section 1 of Ordinance 25 of 1955.

1. Section 1 of the Matrimonial Affairs Ordinance, 1955 (hereinafter called the principal ordinance) is hereby amended —

(a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:—

“(b) any immovable property held in community which the wife has at the marriage brought into the community and in respect of which an endorsement or note has been made under sub-section (2).”;

(b) by the insertion of the following sub-section after sub-section (1):—

“(1) A Any immovable property held in community which during the marriage has been inherited by or donated to the wife or has been acquired in one or more of the following ways, namely, with money or other means brought into the community by her at the marriage or inherited by or donated to her during the marriage or consisting of her earnings or the proceeds of immovable property brought into the community by her at the marriage shall for the purposes of this section be deemed to have been brought into the community by the wife at the marriage.”

Amendment of Section 2 of Ordinance 25 of 1955.

2. Section 2 of the principal ordinance is hereby amended —

(a) by the substitution for paragraph (c) of sub-section (1) of the following paragraph:—

“(c) to withdraw any deposit standing in the name of his wife in the Post Office Savings Bank of the Territory or in a building society or in any account in a banking institution as defined in section 1 of the Banks Act, 1965 (Act 23 of 1965) or to take possession of any moneys withdrawn by her therefrom; or”;

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

“(5) (a) A married woman, whether under the marital power or not, may be a depositor in any account in a banking institution as defined in section 1 of the Banks Act, 1965, and may without the consent or assistance of her husband execute all necessary documents, give all necessary acquittances and cede, pledge, borrow against and generally deal with her deposit in such account and enjoy all the privileges and be liable to all the obligations attaching to depositors in any such account in such banking institution: Provided that a married woman who is under the marital power may not, without the consent of her husband, draw on a current account in which she is a depositor in such a banking institution to an amount exceeding the total amount of the deposits standing to her credit in any account in such banking institution.

(b) Save with her written consent, the husband of a married woman who has become a depositor with a banking institution in terms of paragraph (a), shall not be entitled to demand from such banking institution particulars concerning deposits she has with that banking institution.”

Amendment of
section 4 of
Ordinance 25
of 1955.

3. Section 4 of the principal ordinance is hereby amended —

(a) by the substitution for sub-section (3) of the following sub-section:—

“(3) Subject to any order of the court —

(a) a parent to whom the sole guardianship or custody of a minor has been granted under sub-section (1) or a father or mother upon whom a children's court has under section 58 (1) of the Children's Ordinance, 1961 (Ordinance 31 of 1961) conferred the exclusive right to exercise any parental powers in regard to a minor, may by testamentary disposition appoint any person to be the sole guardian or to be vested with the sole custody of the minor, as the case may be; and

(b) the father of a minor to whom the sole guardianship of the minor has not been granted under sub-section (1) or upon whom a children's court has not conferred the exclusive right to exercise any parental powers in regard to the minor, shall not be entitled by testamentary disposition to appoint any person as the guardian of the minor in any other manner than to act jointly with the mother.”; and

(b) by the substitution for sub-section (6) of the following sub-section:—

“(6) If an order under section 58 of the Children's Ordinance, 1961, is rescinded, or if an order under sub-section (1) of this section granting the sole guardianship or custody of a minor to a parent, lapses or is rescinded or is varied in such a manner that the parent is no longer the sole guardian or vested with the sole custody of the minor, any disposition made under sub-section (3) (a) shall lapse.”

Short title.

4. This ordinance shall be called the Matrimonial Affairs Amendment Ordinance, 1967, and shall come into operation on a date to be fixed by the Administrator by proclamation in the *Official Gazette*.