

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



PUBLISHED BY AUTHORITY

UITGAWE OP GESAG

10c Tuesday 3 July 1973

WINDHOEK

Dinsdag 3 Julie 1973

No. 3333

CONTENTS

INHOUD

Page/Bladsy

GOVERNMENT NOTICE:

GOEWERMENTSKENNISGEWING:

No. 105 Ordinance, 1973: Promulgation of

Ordonnansie, 1973: Uitvaardiging van 661

Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. P. F. GOUS,
Acting Secretary for South West Africa.

H. P. F. GOUS,
Waarnemende Sekretaris van Suidwes-Afrika.

Administrator's Office,
Windhoek.

Kantoor van die Administrateur,
Windhoek.

No. 105]. [3 July 1973.

No. 105]. [3 Julie 1973.

ORDINANCE, 1973: PROMULGATION OF

ORDONNANSIE, 1973: UITVAARDIGING VAN

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968) to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act.

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika 1968 (Wet 39 van 1968) aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van gemelde Wet:-

No.	Title	Page
10	Townships and Division of Land Amendment Ordinance, 1973	662

No.	Titel	Bladsy
10	Wysigingsordonnansie op Dorpe en Grondverdeling, 1973	663

No. 10 of 1973.]

TOWNSHIPS AND DIVISION OF LAND AMEND-
MENT ORDINANCE, 1973.

(Assented to 27 June 1973.)

(English text signed by the Administrator.)

(Date of commencement 3 July 1973.)

ORDINANCE

To amend the Townships and Division of Land Ordinance, 1963, so as to substitute the expression "Executive Committee" for the word "Administrator"; to define the expressions "Executive Committee" and "South West African Planning Advisory Board" and to extend the definition of "local authority"; to redefine and extend the constitution of the Townships Board with a view to co-ordination between the Townships Board and the South West African Planning Advisory Board; to define the purpose of the Townships Board; to withdraw certain functions and powers from the Townships Board and to entrust them to and confer them upon the South West African Planning Advisory Board; to provide that subdivision of an erf or piece of land, situated within an approved township, into more than ten erven or pieces of land shall be deemed to be the establishment of a township; to provide for the partial or entire cancellation of a general plan of an approved township; to provide for the amendment of conditions, imposed in terms of the Municipal Ordinance, 1963, to which the title deeds of land are subject; and to provide for incidental matters.

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

Amendment of Ordinance 11 of 1963 to substitute the expression "Executive Committee" for the word "Administrator".

Amendment of section 1 of Ordinance 11 of 1963, as amended by section 1 of Ordinance 26 of 1967.

1. The Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) — hereinafter referred to as the principal Ordinance — is hereby amended by the substitution for the word "Administrator" wherever it appears of the expression "Executive Committee".

2. Section 1 of the principal Ordinance is hereby amended —

(a) by the insertion after the definition of "erf" of the following definition:

"(ivA) "Executive Committee" means the Administrator-in-Executive Committee as referred to in section 6 of the South West Africa Constitution Act, 1968 (Act 39 of 1968);"

(b) by the substitution for the definition of "local authority" of the following definition:

TOWNSHIPS AND DIVISION OF LAND ORDINANCE, NO. 10 OF 1973.

“(vi) “local authority” means the council of a municipality constituted or established in terms of the provisions of the Municipal Ordinance, 1963 (Ordinance 13 of 1963), a Village Management Board constituted in terms of the provisions of the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963) and the Peri-Urban Development Board established in terms of the provisions of the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970);” and

(c) by the insertion after the definition of “regulation” of the following definition:

“(ixA) “South West African Planning Advisory Board” means the South West African Planning Advisory Board established in terms of the provisions of section 9(1) of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954);”.

Amendment of section 2 of Ordinance 11 of 1963, as amended by section 1 of Ordinance 2 of 1970.

3. Section 2 of the principal Ordinance is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) (a) The Surveyor-General, Windhoek, the Registrar of Deeds, Windhoek, and the Chief Roads Engineer, Director of Works and Director of Local Government of the Administration, or any officer of his office nominated in his stead by the said Surveyor-General, Registrar of Deeds, Chief Roads Engineer, Director of Works or Director of Local Government, as the case may be, for the purpose of any meeting, shall be members of the board *ex officio*.

(b) The Executive Committee shall appoint as members of the Board a person who shall bring to the notice of the Board the views of local authorities and the interests of the inhabitants of areas of local authorities, and a person who is a member of the South West African Planning Advisory Board, with a view to co-ordination between those two boards, and shall also appoint the other members of the Board.”.

Insertion of section 2A in Ordinance 11 of 1963.

4. The principal Ordinance is hereby amended by the insertion after section 2 of the following section:

“Purpose of Board. 2A. The purpose of the Board shall be to exercise and perform the functions, powers and duties entrusted to and conferred upon it in terms of the provisions of this Ordinance.”.

Amendment of section 3 of Ordinance 11 of 1963.

5. Section 3 of the principal Ordinance is hereby amended by the deletion of paragraph (a) of subsection (1).

Amendment of section 5 of Ordinance 11 of 1963, as amended by section 2 of Ordinance 30 of 1967.

6. Section 5 of the principal Ordinance is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) (a) (i) Upon receipt of the application the Executive Committee shall refer it to the South West African Planning Advisory Board for consideration and a recommendation on the desirability and necessity of establishing the proposed township.

TOWNSHIPS AND DIVISION OF LAND ORDINANCE, NO. 10 OF 1973.

(ii) The recommendation of the South West African Planning Advisory Board shall be submitted to the Executive Committee and the Executive Committee shall decide whether the establishment of the proposed township is desirable and necessary, or not: Provided that the Executive Committee may, before so deciding, refer the application back to the South West African Planning Advisory Board for such further inquiry as the Executive Committee may deem fit.

(iii) Should the Executive Committee decide that the establishment of the proposed township is desirable and necessary, it shall refer the application to the Board and thereupon the Board shall publish, once in the *Official Gazette* and once in such newspaper or newspapers as the Board may deem fit, a notice that such an application has been received and is open for inspection at the office of the Director of Local Government and at such other places (if any) as may be stated in such notice."

Amendment of section 19 of Ordinance 11 of 1963, as amended by section 6 of Ordinance 86 of 1967.

7. Section 19 of the principal Ordinance is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) If the owner of any such erf or land wishes to subdivide it, he shall apply to the Executive Committee for permission to do so: ~~Provided that if the owner of any such erf or such land wishes to subdivide it into more than ten erven or portions of land, it shall be deemed to be establishment of a township and the procedure laid down in this Ordinance in connection with the establishment of a township shall be followed.~~"

Deleted by
0.17/75/1(a)

Amendment of section 20 of Ordinance 11 of 1963, as amended by section 7 of Ordinance 86 of 1967.

8. Section 20 of the principal Ordinance is hereby amended by the substitution for the word "Board" wherever it appears of the expression "South West African Planning Advisory Board".

Deletion of section 22 of Ordinance 11 of 1963, as amended by section 8 of Ordinance 86 of 1967.

9. Section 22 of the principal Ordinance is hereby deleted.

Amendment of section 24 of Ordinance 11 of 1963.

10. Section 24 of the principal Ordinance is hereby amended by the substitution for the word "Board" wherever it appears of the expression "South West African Planning Advisory Board".

Amendment of section 26 of Ordinance 11 of 1963.

11. Section 26 of the principal Ordinance is hereby amended by the substitution for subsections (3), (4) and (6) of the following subsections:

"(3) Upon the application of any township owner or of the local authority concerned (if any) the Executive Committee shall have the power to authorize the amendment, or the partial or entire cancellation of a general plan or an approved township: Provided that the procedure, laid down in this Ordinance in connection with the granting of an application for permission to establish a township shall be followed in every respect in such a case unless the Board shall recommend to the Executive Committee that, in view of the fact that the

TOWNSHIPS AND DIVISION OF LAND ORDINANCE, NO. 10 OF 1973.

proposed amendment, or partial or entire cancellation is of a minor nature, compliance with such procedure referred to shall be dispensed with, in which event the Executive Committee shall have power to authorize the amendment, or partial or entire cancellation without the said procedure being followed: Provided further that, where any such amendment, or partial or entire cancellation affects any public place within the area of jurisdiction of a local authority which is authorised by law to close or partially close any public place, the Surveyor-General shall, prior to making such amendment, or partial or entire cancellation be advised by the Executive Committee that the provisions of any law relating to the permanent closing of any public place or portion thereof have been complied with.

(4) In the event of any public place or portion thereof being closed by such amendment, or partial or entire cancellation within an approved township in respect of which no local authority has been constituted or in respect of which, though a local authority has been constituted, such local authority is not authorized by law to close any public place or portion thereof, the Executive Committee shall, prior to authorizing any amendment, or partial or entire cancellation, publish a notice setting forth the proposed amendment, or partial or entire cancellation in two consecutive issues of the *Official Gazette* and in two issues of a newspaper circulating in the township concerned, the issues of such newspaper appearing in consecutive weeks and calling upon all persons interested to lodge any objections they may have to the proposed amendment, or partial or entire cancellation with him, in writing, before a date stated in such notice, such date being not less than one month after the date of the last publication of such notice. The Executive Committee shall thereupon submit the proposed amendment, or partial or entire cancellation and any objections there-to to the Board for consideration and the Board shall make such recommendations to the Executive Committee, as it deems fit, and the Executive Committee's decision regarding the proposed amendment, or partial or entire cancellation shall be final.

(6) Whenever a general plan of an approved township is partially or entirely cancelled, or amended, under this section, the Registrar of Deeds shall make corresponding entries in the township register concerned and on the title deeds whereby the land concerned is held."

Amendment of section 31A of Ordinance 11 of 1963, as inserted by section 11 of Ordinance 86 of 1967.

12. Section 31A(1) of the principal Ordinance is hereby amended by the substitution for all the words preceding the proviso of the following words:

"(1) The Executive Committee may, on application by the owner of any land, the title deeds of which are subject to conditions, imposed in terms of this Ordinance, the Municipal Ordinance, 1963 (Ordinance 13 of 1963) or any prior law, vary such conditions, by amending, substituting or deleting any such conditions or by adding further conditions to such conditions:"

Short title.

13. This Ordinance shall be called the Townships and Division of Land Amendment Ordinance, 1973.