

OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA
BUITENGEWONE

OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA



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UITGAWE OP GESAG

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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

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

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

No. 117]

[28 March 1977

No. 117]

[28 Maart 1977

ORDINANCE, 1977: PROMULGATION OF

ORDONNANSIE, 1977: 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. 5 of 1977 Accommodation Establishments and Tourism Amendment Ordinance, 1977.

No. 5 van 1977 Wysigingsordonnansie op Huisvestingsinrigtings en Toerisme, 1977.

No. 5 of 1977

ACCOMMODATION ESTABLISHMENTS AND TOURISM AMENDMENT ORDINANCE, 1977

(Assented to 23 March 1977)

(Afrikaans text signed by the Administrator)

(Date of commencement 28 March 1977)

ORDINANCE

To amend the Accommodation Establishments and Tourism Ordinance, 1973, so as to define the word "tourist officer"; to provide for the appointment of tourist officers; to grant certain powers to tourist officers; to provide for the disposal of articles seized by tourist officers; and to provide for matters incidental thereto.

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 Assembly by message from the Administrator, as follows:-

Amendment of section 1 of Ordinance 20 of 1973, as amended by section 1 of Ordinance 25 of 1973.

1. Section 1 of the Accommodation Establishments and Tourism Ordinance, 1973 (hereinafter referred to as the principal Ordinance), is hereby amended by the insertion after the definition of "tourist" of the following definition:

" "tourist officer" means any person appointed as a tourist officer under section 55A;".

Insertion of sections 55A, 55B and 55C in Ordinance 20 of 1973.

2. The following sections are hereby inserted in the principal Ordinance after section 55:

"Appointment of tourist officers.

55A. (1) The Executive Committee may, subject to the provisions of the Public Service Act, 1957 (Act 54 of 1957), and the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957), appoint such persons as it may deem necessary and suitable as tourist officers for the proper enforcement of the provisions of this Ordinance relating to tourist recreation areas.

(2) Every tourist officer shall be furnished with a certificate of appointment and a badge by the Director.

(3) A tourist officer shall, when exercising any power or performing any duty or function in terms of this Ordinance, exhibit the certificate of appointment

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referred to in subsection (2) if requested to do so by any person affected by the exercise of such power or the performance of such duty or function.

Powers of tourist officers.

55B. (1) A tourist officer may exercise and perform all those powers, duties and functions granted to or imposed on him by or in terms of this Ordinance and may, in addition thereto, within a tourist recreation area -

- (a) at any time conduct any investigation which he deems necessary in order to determine whether the provisions of this Ordinance are being complied with;
- (b) at any reasonable time enter any bungalow, caravan stand or camping site in any tourist recreation area and any caravan and tent thereon and there conduct such inspection as he may deem necessary to ascertain whether the provisions of this Ordinance are being complied with: Provided that such tourist officer shall first audibly demand admission to the bungalow, caravan or tent in question and notify the purpose for which he seeks to enter such bungalow, caravan or tent;
- (c) at any time require any vehicle or other means of conveyance to be brought to a standstill, board such vehicle or other means of conveyance and search such vehicle or other means of conveyance and any container therein or thereupon and any person therein or thereupon if he has reasonable grounds to suspect that -
 - (i) any tree, plant, shrub, herb or other object of botanical, zoological, geological, archaeological, historical or other scientific interest which was picked or collected in such tourist recreation area contrary to any provision of this Ordinance; or
 - (ii) any furniture, fittings, towel, costume or other article belonging to the Administration which was removed or taken away from any bungalow, building, camping site or caravan stand in such tourist recreation area contrary

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to any provision of this Ordinance,

is in or on such vehicle, other means of conveyance or container or in possession of such person, and seize such tree, plant, shrub, herb, other object of botanical, zoological, geological, archaeological, historical or other scientific interest, furniture, fittings, towel, costume or other article (hereinafter referred to as an article);

- (d) at any time question any person who, in his opinion, may be capable of furnishing any information which he may require in connection with the enforcement of any provision of this Ordinance or the commission of any offence in terms of this Ordinance, and for that purpose require any vehicle or other means of conveyance to be brought to a standstill;
- (e) demand his name and address from any person -
 - (i) who has committed an offence in terms of this Ordinance, or who is reasonably suspected of having committed such an offence;
 - (ii) who is reasonably considered to be able to give evidence in connection with an offence committed in terms of this Ordinance, or which is reasonably suspected of having been so committed;
- (f) at anytime seize anything (hereinafter referred to as an article) which in his opinion may afford evidence of the commission or suspected commission of an offence in terms of this Ordinance;
- (g) at any time require any person who performs or has performed or is reasonably suspected of performing or having performed an act which may be performed solely under the authority of permission granted under this Ordinance, to exhibit such permission;

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(h) order any person who, in that tourist recreation area, in his opinion performs an act which -

(i) is prohibited by or in terms of this Ordinance; or

(ii) is or may be dangerous or causes or may cause damage, injury or inconvenience or gives or may give offence to other persons in that tourist recreation area,

to stop performing such act immediately or within such period as may be determined by such tourist officer and to remove anything by means of which the said danger, damage, injury or inconvenience is or may be caused or the said offence is or may be given and may further -

(aa) order any person who refuses or fails to stop performing any act in accordance with an order so given to him, to leave such tourist recreation area immediately along the shortest route to which the public have a right of access;

(bb) remove and seize anything (hereinafter referred to as an article) which is not removed in accordance with an order given by a tourist officer under this paragraph;

(i) at any time catch or destroy any animal which is or may be dangerous to man;

(j) if it is necessary or he considers it necessary for the exercise of his powers or the performance of his duties or functions carry a fire-arm with him;

(k) for the exercise of any power or the better performance of any duty or function take an interpreter or assistant, who shall be an officer, with him, and such interpreter or assistant shall, while acting under the lawful command and supervision of such tourist officer have the same powers, duties and functions as such tourist officer.

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(2) Any person who assaults or resists or hinders or impedes a tourist officer or the interpreter or assistant of a tourist officer in the exercise of his powers or the performance of his duties or functions or wilfully interferes with such tourist officer, assistant or interpreter, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) Any person who -

(a) falsely pretends to be a tourist officer or the assistant or interpreter of a tourist officer;

(b) refuses or fails to comply forthwith with any lawful order, direction, requirement or request given or put to him by a tourist officer or the assistant or interpreter of a tourist officer in the exercise of any power or the performance of any duty or function in terms of this Ordinance, or who furnishes untrue or misleading information when complying with any such order, direction, requirement or request,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Disposal of article seized in terms of this Ordinance.

55C. (1) A tourist officer who seizes any article in terms of section 55(1)(c), (f) or (h) -

(a) may, if the article is a perishable, with due regard to the interests of the persons concerned, dispose of the article in such manner as the circumstances may require; or

(b) may, if the article was removed or taken away from any bungalow, building, camping site or caravan stand in a tourist recreation area contrary to any provision of this Ordinance, with the consent of the

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person from whom it was seized, deliver the article to the officer in charge of the tourist recreation area concerned and shall warn such officer to hold such article available for production at any resultant criminal proceedings, if required to do so; or

- (c) shall, if the article is not disposed of or delivered in terms of the provisions of paragraph (a) or (b), give it a distinctive identification mark and deliver it to a policeman, who shall retain it in police custody or make such other arrangements with regard to the custody thereof as the circumstances may require, whereupon the provisions of sections 50D, 50E, 50F and 50G of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963), shall apply *mutatis mutandis* with reference to any such article and such article shall for the purposes of the said sections be deemed to be an article referred to in section 50C(c) of the said Ordinance: Provided that any such article which may be forfeited in terms of any of the said sections, shall be forfeited to the Administration.

(2) The Executive Committee may dispose of any article so forfeited to the Administration at its discretion and the proceeds (if any) shall be paid into the Territory Revenue Fund referred to in section 31 of the South-West Africa Constitution Act, 1968 (Act 39 of 1968).”.

Short title.

3. This Ordinance shall be called the Accommodation Establishments and Tourism Amendment Ordinance, 1977.