



ORDINANCES
OF
THE PROVINCE OF TRANSVAAL
1939

PUBLISHED BY AUTHORITY
And printed under the superintendence of the Government Printer

ORDONNANSIES
VAN
DIE PROVINSIE TRANSVAAL
1939

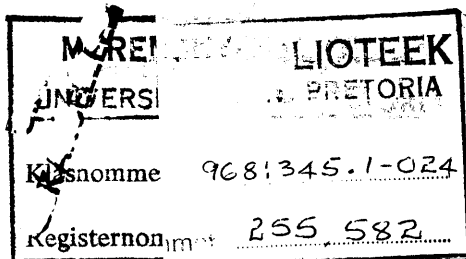
GEPUBLISEER OP GESAG
En gedruk onder toesig van die Staatsdrukker

PRINTED IN THE UNION OF SOUTH AFRICA BY THE GOVERNMENT PRINTER, PRETORIA.
GEDRUK IN DIE UNIE VAN SUID-AFRIKA DEUR DIE STAATSDRUKKER, PRETORIA.
1940.

G.P.-S.30001—1940—1,400.

CONTENTS.
(Alphabetical.)

NUMBER OF ORDINANCE.	TITLE.	PAGE.
3	Additional Appropriation (1938-1939).....	8
12	Appropriation (1939-1940).....	26
2	Appropriation (Part 1939-40).....	6
14	Education Act Amendment.....	36
16	Financial Adjustments.....	42
11	Horse Racing and Betting Amendment.....	20
6	Licensing and Control of Dogs Amendment.....	12
13	Local Authorities Rating Amendment.....	30
17	Local Government.....	44
8	Mineral Baths (Control and Management) Amendment.....	16
4	Motor Vehicle Amendment.....	10
10	Pension (Supplementary) Ordinance, 1938, Amendment.....	20
5	Personal and Income Taxes Amendment.....	12
7	Roads Amendment.....	14
9	Transvaal Hospital and School Board Officials' Pensions Amendment	16
1	Unauthorised Expenditure (1936-1937).....	4
15	Whippet Racing (Control) Amendment.....	40



TRANSVAAL

INHOUD.
(Alfabeties.)

NOMMER VAN ORDONNANSIE.	TITEL.	BLADSY.
3	Addisionele Toeëienings (1938-1939).....	9
16	Finansiële Reëlings.....	43
15	Hondereisies (Kontrole) Wysigings.....	41
6	Lisensiëring en Kontrole van Honde Wysigings.....	13
8	Minerale Baaie (Toesig en Beheer) Wysigings.....	17
4	Motorvoertuie-Wysigings.....	11
1	Nie-gemagtigde Uitgawe (1936-1937).....	5
14	Onderwyswetwysigings.....	37
7	Padwysigings.....	15
10	Pensioen (Aanvullende) Ordonnansie, 1938, Wysigings.....	21
11	Perdewedrenne en Weddenskappe Wysigings.....	21
5	Persoonlike en Inkomstebelastings Wysigings.....	13
17	Plaaslike Bestuur.....	45
13	Plaaslike Bestuur Belasting Wysigings.....	31
12	Toeëienings (1939-1940).....	27
2	Toeëienings (Deel 1939-1940).....	7
9	Transvaal Hospitaal en Skoolraad Amptenare Pensioene Wysigings	17

Ord. No. 1
of 1939.

AN ORDINANCE

To apply a Further Sum of Money towards the Service of the Province of Transvaal during the year ended on the 31st day of March, 1937, to defray certain Unauthorised Expenditure.

(Assented to 24th March, 1939.)

(Date of operation, 29th March, 1939.)

(Afrikaans copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. The Provincial Revenue Fund is hereby charged with the sum of Seventy-nine thousand Seven hundred and Ninety-nine pounds and Ten pence to meet certain expenditure over and above the amount appropriated for the service of the Province for the year ended on the 31st day of March, 1937. Such expenditure is set forth in the Schedule to this Ordinance and will be found more particularly specified on page 12 of the Report of the Provincial Auditor of Accounts for the year 1936-37 and in the report of the Select Committee on Public Accounts No. T.P.S.C. 1 of 1938.

Provincial
Revenue
Fund
charged
with
£79,799. 0s.
10d.

2. The Roads Fund Account is hereby charged with an additional sum for the financial year ended on the 31st day of March, 1937, amounting to Eighteen thousand Seven hundred and Seven pounds One shilling and One penny.

Roads
Fund
Account
charged
with
£18,707. 1s.
1d.

3. This Ordinance shall be known as the Unauthorised Expenditure (1936-1937) Ordinance, 1939.

Short title.

SCHEDULE.

Number of Vote.	Service.	Amount.	
		£	s. d.
1	General Administration.....	5,106	7 7
3	Hospitals and Charitable Institutions In- cluding Poor Relief	208	10 9
4	Roads, Bridges and Local Works.....	72,223	17 10
8	Capital Expenditure.....	2,260	4 8

'N ORDONNANSIEOrd. No. 1
van 1939.

Tot aanwending van 'n Verdere Som Geld vir die Dienste van die Provinsie Transvaal gedurende die jaar geëindig die 31ste dag van Maart 1937, tot dekking van sekere Nie-gemagtigde Uitgawe.

(Goedgekeur, 24 Maart 1939.)

(Datum van inwerkingtreding, 29 Maart 1939.)

(Afrikaanse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAL**:—

1. Die Provinsiale Inkomstefonds word hierby belas met die som van Nege-en-sewentig duisend Sewehonderd Nege-en-negentig pond en Tien pennies tot dekking van sekere uitgawe buite en behalwe die bedrag toegeëien vir die dienste van die Provinsie vir die jaar geëindig op die 31ste dag van Maart 1937. Bedoelde uitgawe word vermeld in die Skedule by hierdie Ordonnansie en word meer in die besonder gespesifiseer op bladsy 12 van die Verslag van die Provinsiale Ouditeur van Rekeninge vir die jaar 1936-1937 en in die Verslag van die Gekose Komitee oor Publieke Rekening No. T.P.G.K. 1 van 1938.

Provinsiale
Inkomste-
fonds
belas met
£79,799. 0s.
10d.

2. Die Padfondsrekening word hierby belas met 'n addisionele som vir die finansiële jaar geëindig op die 31ste dag van Maart 1937 ten bedrae van Agtienduisend Sewehonderd en Sewe pond Een sjieling en Een pennie.

Padfonds-
rekening
belas met
£18,707. 1s.
1d.

3. Hierdie Ordonnansie kan aangehaal word as die Nie-Gemagtigde Uitgawe (1936-1937) Ordonnansie, 1939.

Kort titel.

SKEDULE.

Nommer van Pos.	Diens.	Bedrag.		
		£	s.	d.
1	Algemene Administrasie	5,106	7	7
3	Hospitale en Liefdadigheidsinrigtings in- sluitende Armsorg	208	10	9
4	Paaie, Brûe en Plaaslike Werke	72,223	17	10
8	Kapitaaluitgawe	2,260	4	8

Ord. No. 2
of 1939.

AN ORDINANCE

To apply a sum not exceeding £1,500,000 on account for the service of the province of Transvaal during the year ending on the 31st day of March, 1940.

(Assented to 24th March, 1939.)

(Date of operation, 29th March, 1939.)

(Afrikaans copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

£1,500,000
may be
issued
from the
Provincial
Revenue
Fund.

1. On and after the 1st day of April, 1939, there may be issued from the Provincial Revenue Fund such sums of money, not exceeding in the aggregate the sum of one million and five hundred thousand pounds, as may from time to time be required for the service of the Province in respect of the year ending on the 31st day of March, 1940, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

Issues
under this
Ordinance
to be
deemed
advances in
anticipa-
tion.

2. All sums issued under the provisions of this Ordinance shall be deemed to be advances on account of grants to be made in an Appropriation Ordinance for the year ending on the 31st day of March, 1940, and immediately on the commencement of such Appropriation Ordinance, this Ordinance shall cease to have effect, and issues already made hereunder shall be deemed to be issues under that Appropriation Ordinance and shall be accounted for in accordance with the provisions thereof, provided that no services upon which expenditure has not been duly authorized under an Appropriation Ordinance during the financial year ending on the 31st day of March, 1939, or for which there is no statutory authority, shall be deemed to be authorized under this Ordinance.

£100,000
may be
issued
from Road
Fund.

3. The Road Fund Account is hereby charged with such sums of moneys as may be required not exceeding in the aggregate the sum of One hundred thousand pounds until such time as provision is made therefor by the Council in an Appropriation Ordinance.

Short title.

4. This Ordinance shall be known as the Appropriation (Part 1939-40) Ordinance, 1939.

'N ORDONNANSIEOrd. No. 2
van 1939.

Tot aanwending van 'n bedrag van hoogstens £1,500,000 op rekening van die dienste van die provinsie Transvaal gedurende die jaar wat eindig op die 31ste dag van Maart 1940.

(Goedgekeur, 24 Maart 1939.)

(Datum van inwerkingtreding, 29 Maart 1939.)

(Afrikaanse kopie deur Goewerneur-generaal geteken).

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAL**:—

1. Op en na die 1ste dag van April 1939, £1,500,000 mag uit die Provinsiale Inkomstefonds sulke bedrag uitgegee word, altesaam nie minder as die bedrag van een miljoen vyf honderd duisend pond nie, soos van tyd tot tyd nodig mag wees vir die diens van die Provinsie, vir die jaar wat eindig op die 31ste dag van Maart 1940, tot tyd en wyl die Raad daarvoor voorsiening maak in 'n Toeëieningsordonnansie.

2. Alle bedrae, wat kragtens die bepalinge van hierdie Ordonnansie uitgegee word, moet beskou word as voorskotte op rekening van toekennings wat verleen sal word in 'n Toeëieningsordonnansie vir die jaar wat eindig op die 31ste dag van Maart 1940, en dadelik by die aanvang van sodanige Toeëieningsordonnansie sal hierdie Ordonnansie ophou van krag te wees, en uitgifte wat alreeds kragtens hierdie Ordonnansie gemaak is, moet dan beskou word as uitgifte kragtens daardie Toeëieningsordonnansie en moet verantwoord word ooreenkomstig die bepalinge daarvan; met dien verstande dat geen dienste waarop geen uitgawe behoorlik kragtens 'n Toeëieningsordonnansie gedurende die boekjaar wat eindig op die 31ste dag van Maart 1939, gemagtig is nie, of waarvoor geen wetlike magtiging bestaan nie, beskou moet word as gemagtig kragtens hierdie Ordonnansie.

3. Hierby word sodanige bedrae as wat nodig is, in totaal hoogstens honderd duisend pond, op die Padfondsrekening geboek tot tyd en wyl die Raad daarvoor voorsiening maak in 'n Toeëieningsordonnansie.

4. Hierdie Ordonnansie kan aangehaal word as die Toeëienings- (Deel 1939-1940) Ordonnansie, 1939.

Ord. No. 3
of 1939.

AN ORDINANCE

To apply a further sum of money not exceeding £46,976 for the service of the Province of Transvaal for the period from the 1st day of April, 1938, to the 31st day of March, 1939.

(Assented to 24th March, 1939.)

(Date of operation, 29th March, 1939.)

(Afrikaans copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Provincial
Revenue
Fund
charged
with
£46,976

1. The Provincial Revenue Fund of Transvaal is hereby charged towards the services of the said Province for the period from the 1st day of April, 1938, to the 31st day of March, 1939, both days inclusive, with a further sum not exceeding Forty-six thousand Nine hundred and Seventy-six pounds in addition to the sums provided for by the Appropriation (1938-39) Ordinance, 1938.

How money
is to be
applied.

2. The money granted by the Ordinance shall be applied to the purposes and for the services expressed in the Schedule annexed hereto according to the Votes and Sub-heads particularly specified and set forth in the Estimates of Additional Appropriation for the said period as approved by the Provincial Council.

Short title.

3. This Ordinance shall be known as the Additional Appropriation (1938-1939) Ordinance, 1939.

SCHEDULE.

Number of Vote.	Service.	Amount.
1	General Administration.....	£ 19,950
2	Education.....	400
3	Hospitals and Charitable Institutions.....	14,680
5	Miscellaneous Services.....	15
8	Capital Expenditure.....	11,931
	TOTAL.....£	46,976

'N ORDONNANSIE

Ord. No. 3
van 1939.

Tot aanwending van 'n Verdere Bedrag van hoogstens £46,976 vir die Diens van die Provinsie Transvaal vir die tydperk vanaf die 1ste dag van April 1938 tot die 31ste dag van Maart 1939.

(Goedgekeur, 24 Maart 1939.)

(Datum van inwerkingtreding, 29 Maart 1939.)

(Afrikaanse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAAL**:—

1. Die Provinsiale Inkomstefonds van Transvaal, vir die dienste van genoemde Provinsie vir die tydperk vanaf die 1ste dag van April 1938 tot die 31ste dag van Maart 1939, albei dae inbegrepe, word hierby gedebiteer met 'n verdere bedrag van hoogstens Ses-en-veertig duisend Negehonderd Ses-en-sewentig pond buite en behalwe die bedrag waarvoor voorsiening gemaak is in die Toeëenings- (1938-39) Ordonnansie, 1938.

Provinsiale Inkomstefonds gedebiteer met £46,976.

2. Die geld deur hierdie Ordonnansie toe-gestaan moet aangewend word ooreenkomstig die poste en onderhoofde in besonder genoem en uiteengesit in die Begroting van Addisionele Toeëiening vir genoemde tydperk, soos deur die Provinsiale Raad goedgekeur, vir die doeleindes en vir die dienste in die bygaande skedule genoem.

Hoe geld aangewend moet word.

3. Hierdie Ordonnansie kan aangehaal word as die Addisionele Toeëenings- (1938-39) Ordonnansie, 1939.

Kort titel.

SKEDULE.

Nommer van Pos.	Diens.	Bedrag.
1	Algemene Administrasie.....	£ 19,950
2	Onderwys.....	400
3	Hospitale en Liefdadigheidsinstellings.....	14,680
5	Diverse Dienste.....	15
8	Kapitaaluitgawe.....	11,931
	TOTAAL.....£	46,976

Ord. No. 4
of 1939.

AN ORDINANCE

To Amend the Motor Vehicle Ordinance, 1931, in certain respects.

(Assented to 3rd May, 1939.)

(Date of operation, 10th May, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amendment of section 2 (1) (b) (ii) of Ordinance No. 17 of 1931.

1. Section *two* of the Motor Vehicle Ordinance, No. 17 of 1931 (hereinafter referred to as the principal law), is hereby amended by the deletion, in paragraph (b) (ii) of sub-section (1), of the figure “(2)” and the substitution thereof of the figure “(3)”.

Amendment of section 4 (3) of principal law.

2. Section *four* of the principal law is hereby amended by the deletion of proviso (a) to sub-section (3) and the substitution thereof of the following new proviso:—

“(a) that in the case of renewal of licences for trailers and motor vehicles other than public service motor omnibuses, as defined in sub-section (4) (e) of section *five*, the increased fee shall not be added for any default prior to the fourth day of March of the year in respect of which the renewal is required; and”.

Amendment of section 5 (4) (e) of principal law.

3. Section *five* of the principal law is hereby amended by the deletion in paragraph (e) of sub-section (4) of the words “constructed and”.

Short title.

4. This Ordinance shall be known as the Motor Vehicle Amendment Ordinance, 1939, and shall be read as one with the principal law and any amendment thereof.

'N ORDONNANSIE

Ord. No. 4
van 1939.

Om die Motorvoertuie Ordonnansie, 1931, in sekere opsigte te wysig.

(Goedgekeur, 3 Mei 1939.)

(Datum van inwerkingtreding, 10 Mei 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg BEPAAL:—

1. Artikel *twee* van die Motorvoertuie Ordonnansie, No. 17 van 1931 (hierna die hoofwet genoem), word hierby gewysig deur in paragraaf (b) (ii) van subartikel (1) die syfer „ (2) ” te skrap en te vervang deur die syfer „ (3) ”.

Wysiging
van artikel
2 (1) (b) (ii)
van
Ordon-
nansie No.
17 van
1931.

2. Artikel *vier* van die hoofwet word hierby gewysig deur die voorbehoudsbepaling (a) in subartikel (3) te skrap en te vervang deur onderstaande nuwe voorbehoudsbepaling:—

Wysiging
van
artikel
4 (3)
van die
hoofwet.

„ (a) dat in die geval van hernuwing van lisensies vir sleepwaens en motorvoertuie, behalwe motorbusse vir publieke verkeer soos omskryf in subartikel (4) (e) van artikel *vyf*, die verhoogde gelde nie toegevoeg word vir enige versuim voor die vierde dag van Maart van die jaar ten opsigte waarvan die hernuwing verlang word nie; en ”.

3. Artikel *vyf* van die hoofwet word hierby gewysig deur die woorde „ vervaardig en ” uit paragraaf (e) van subartikel (4) te skrap.

Wysiging
van
artikel
5 (4) (e)
van die
hoofwet.

4. Hierdie Ordonnansie staan bekend as die Motorvoertuie-Wysigingsordonnansie, 1939, en word as 'n geheel gelees met die hoofwet en enige wysiging daarvan.

Kort titel.

Ord. No. 5
of 1939.**AN ORDINANCE**To Amend the Personal and Income Taxes Ordinance,
1928, in certain respects.*(Assented to 8th May, 1939.)**(Date of operation, 30th May, 1939.)**(English copy signed by Governor-General.)***BE IT ENACTED** by the Provincial Council of
Transvaal as follows:—Amend-
ment of
section 1 of
Ordinance
No. 10 of
1928.**1.** Section *one* of the Personal and Income
Taxes Ordinance, 1928, as amended, is hereby
amended by inserting after the word
“ Income ” where it first appears in the defini-
tion of Income the following:—“ shall bear the meaning assigned thereto
in sub-section (1) of section *seven* of the
Income Tax Act and ”Short
title.**2.** This Ordinance shall be known as the
Personal and Income Taxes Amendment Ordinance,
1939.Ord. No. 6
of 1939.**AN ORDINANCE**To Amend the Licensing and Control of Dogs Ordinance,
1933, in certain respects.*(Assented to 5th May, 1939.)**(Date of operation, 30th May, 1939.)**(Afrikaans copy signed by Governor-General.)***BE IT ENACTED** by the Provincial Council of
Transvaal as follows:—Amend-
ment of
section 6
of the
principal
law.**1.** Section *six* of the Licensing and Control
of Dogs Ordinance, 1933 (hereinafter referred
to as the principal law) is hereby amended by
renumbering the existing clause “ 6 (1) ” and
adding thereto the following new sub-
section:—(2) An “ authorised officer ” shall have
the right to enter upon any land, premises
or property for the purpose of seeing that
the provisions of this Ordinance are being
carried out.

'N ORDONNANSIE

Ord. No. 5
van 1939.

Om die Persoonlike en Inkomstebelastings Ordonnansie,
1928, in sekere opsigte te wysig.

(Goedgekeur, 8 Mei 1939.)

(Datum van inwerkingtreding, 30 Mei 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Trans-
vaal as volg BEPAAL:—

1. Artikel een van die Persoonlike en Inkomstebelastings Ordonnansie, 1928, soos gewysig, word hierby gewysig deur in die woordbepaling van Inkomste na die woord „ inkomste ” waar dit vir die eerste keer voorkom, onderstaande in te voeg:—

„ het dieselfde betekenis as dié wat daaraan geheg word in subartikel (1) van artikel sewe van die Inkomstebelastingwet en ”

2. Hierdie Ordonnansie staan bekend as die Persoonlike en Inkomstebelastings Wysigings-
ordonnansie, 1939.

'N ORDONNANSIE

Ord. No. 6
van 1939.

Om die Lisensiëring en Kontrole van Honde Ordonnansie,
1933, in sekere opsigte te wysig.

(Goedgekeur, 5 Mei 1939.)

(Datum van inwerkingtreding, 30 Mei 1939.)

(Afrikaanse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Trans-
vaal as volg BEPAAL:—

1. Artikel ses van die Lisensiëring en Kontrole van Honde Ordonnansie, 1933 (hierna die hoofwet genoem), word hierby gewysig deur die nommer van die bestaande artikel tot „ 6 (1) ” te verander en die volgende nuwe subartikel daaraan toe te voeg:—

(2) 'n „ Bevoegde beampte ” het die reg om enige grond, perseel of eiendom te betree om te sien of die bepalings van hierdie Ordonnansie nagekom word.

Ord. No. 6
of 1939. Amendment of section 10 of the principal law.

2. Section *ten* of the principal law is hereby amended by the addition thereto of the following new sub-section:—

10. (4) Any person who prevents or obstructs any "authorised officer" from entering any premises or property or from carrying out his duties under this Ordinance, or refuses to give reasonable information required by such officer in the course of his duties as dog tax collector shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50 or to imprisonment with hard labour for a period not exceeding six months.

Short title.

3. This Ordinance may be cited as the Licensing and Control of Dogs Amendment Ordinance, 1939, and shall be read as one with the principal law.

Ord. No. 7
of 1939.

AN ORDINANCE

To Amend the Roads Ordinance, 1933, in certain respects.

(Assented to 5th May, 1939.)

(Date of operation, 30th May, 1939.)

(Afrikaans copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amendment of section 64 of Ordinance No. 9 of 1933.

1. Section *sixty-four* of the Roads Ordinance, No. 9 of 1933, is hereby amended by inserting in sub-section (1) thereof after the word "action" where it appears for the second time, the following:—

"and provided further that before any action is taken under this sub-section on the application of the owner of any land as aforesaid the latter shall deposit with the Provincial Secretary such sum as the Administrator shall consider sufficient to cover any expenses to be incurred in connection with such application and shall also give an undertaking to defray any such expenses in excess of the amount deposited."

Short title.

2. This Ordinance shall be known as the Roads Amendment Ordinance, 1939.

2. Artikel *tien* van die hoofwet word hierby ^{Wysiging van artikel 10 van hoofwet.} gewysig deur onderstaande nuwe subartikel 10 daaraan toe te voeg:—

Ord. No. 6
van 1939.

10. (4) Iemand wat 'n „bevoegde beampte” belet of verhinder om enige perseel of eiendom te betree of om sy pligte ooreenkomstig hierdie Ordonnansie uit te oefen of wat weier om redelike inligting te verskaf wat so 'n beampte by die uitoefening van sy plig as ontvanger van hondebelaasting vereis, maak hom skuldig aan 'n oortreding en staan by skuldigbevinding bloot aan 'n boete van hoogstens £50 of aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

3. Hierdie Ordonnansie kan aangehaal word ^{Kort titel.} as die Lisensiëring en Kontrole van Honde Wysigingsordonnansie, 1939, en word met die hoofwet as 'n geheel gelees.

'N ORDONNANSIE

Ord. No. 7
van 1939.

Om die Pad-Ordonnansie, 1933, in sekere opsigte te wysig.

(Goedgekeur, 5 Mei 1939.)

(Datum van inwerkingtreding, 30 Mei 1939.)

(Afrikaanse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg BEPAAL:—

1. Artikel *vier-en-sestig* van die Pad-ordonnansie, No. 9 van 1933, word hierby gewysig ^{Wysiging van artikel 64 van Ordonnansie No. 9 van 1933.} deur in subartikel (1) daarvan onderstaande verdere voorbehoudsbepaling na die woorde „aangevoer is nie” in te voeg:—

„en verder met dien verstande dat voordat enige stappe ooreenkomstig hierdie subartikel gedoen word op aansoek van die eienaar van enige grond soos hierbo vermeld, bedoelde eienaar by die Provinsiale Sekretaris 'n som geld moet deponeer wat die Administrateur as voldoende beskou om enige koste in verband met so 'n aansoek te bestry, en hy ook 'n waarborg moet gee dat hy enige koste sal dra wat die bedrag wat aldus gedeponeer word, oorskry.”

2. Hierdie Ordonnansie kan aangehaal word ^{Kort titel.} as die Pad-Wysigingsordonnansie, 1939.

MINERAL BATHS (CONTROL AND MANAGEMENT) AMENDMENT.
 TRANSVAAL HOSPITAL AND SCHOOL BOARD OFFICIALS'
 PENSIONS AMENDMENT.

Ord. No. 8
 of 1939.

AN ORDINANCE

To amend the Mineral Baths (Control and Management) Ordinance, 1933, in certain respects.

(Assented to 5th May, 1939.)

(Date of operation, 30th May, 1939.)

(Afrikaans copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
 ment of
 section 15
 of
 Ordinance
 No. 10 of
 1933. **1.** The Mineral Baths (Control and Manage-
 ment) Ordinance, 1933, is hereby amended by
 deleting the word "voluntary" from section
fifteen thereof.

Short
 title. **2.** This Ordinance shall be known as the
 Mineral Baths (Control and Management)
 Amendment Ordinance, 1939.

Ord. No. 9
 of 1939.

AN ORDINANCE

To Amend the Transvaal Hospital and School Board Officials Pensions Ordinance, 1927, in certain respects.

(Assented to 16th May, 1939.)

(Date of operation, 1st July, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
 ment of
 section 3 of
 the
 principal
 law. **1.** Sub-section (5) of section *three* of the
 Transvaal Hospital and School Board Officials'
 Pensions Ordinance, 1927, as amended, herein-
 after referred to as the principal law, is hereby
 amended—

(a) by deleting the dates "31st day of
 March 1934" and "1st day of April
 1934" and substituting therefor the
 dates "30th day of June 1939" and
 "1st day of July 1939";

(b) by substituting for the scales (a) and (b)
 appended to the said sub-section the
 following scales:—

'N ORDONNANSIE

Ord. No. 8
van 1939.

Om die Minerale Baai (Toesig en Beheer) Ordonnansie
1933, in sekere opsigte te wysig.

(Goedgekeur, 5 Mei 1939.)

(Datum van inwerkingtreding, 30 Mei 1939.)

(Afrikaanse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Trans-
vaal as volg BEPAAL:—

1. Die Minerale Baai (Toesig en Beheer) Ordonnansie, 1933, word hierby gewysig deur die woord „vrywillig” uit artikel *vyftien* daarvan te skrap.

Wysiging
van artikel
15 van
Ordon-
nansie No.
10 van
1933.

2. Hierdie Ordonnansie staan bekend as die Minerale Baai (Toesig en Beheer) Ordonnansie, 1939.

Kort
titel.

'N ORDONNANSIE

Ord. No. 9
van 1939.

Om die Transvaal Hospitaal en Skoolraad Amptenare Pensioene Ordonnansie, 1927, in sekere opsigte te wysig.

(Goedgekeur, 16 Mei 1939.)

(Datum van inwerkingtreding, 1 Julie 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Trans-
vaal as volg BEPAAL:—

1. Subartikel (5) van artikel *drie* van die Transvaal Hospitaal en Skoolraad Amptenare Pensioene Ordonnansie 1927 (soos gewysig), hierna die hoofwet genoem, word hierby gewysig—

Wysiging
van artikel
3 van
hoof wet.

- (a) deur die datums „31ste dag van Maart 1934” en „1ste dag van April 1934” te skrap en te vervang deur die datums „30ste dag van Junie 1939” en „1ste dag van Julie 1939”.

- (b) Deur die skale (a) en (b) wat by genoemde subartikel aangeheg is, deur onderstaande skale te vervang:

18 TRANSVAAL HOSPITAL AND SCHOOL BOARD OFFICIALS'
PENSIONS AMENDMENT.

Ord. No. 9
of 1939.

Section 1.

(a) In respect of male officers or persons :—

<i>Age last birthday at commencement of pensionable service.</i>	<i>Per cent. of pensionable emoluments.</i>
Under 30	5·75
30	5·85
31	5·95
32	6·05
33	6·15
34	6·25
35	6·35
36	6·45
37	6·55
38	6·65
39	6·75
40	6·85
41	6·95
42	7·05
43	7·15
44	7·25
45	7·35
46	7·45
47	7·55
48	7·65
49	7·75

(b) In respect of female officers or persons :—

<i>Age last birthday at commencement of pensionable service.</i>	<i>Per cent. of pensionable emoluments.</i>
Under 30	7·5
30	7·65
31	7·80
32	7·95
33	8·10
34	8·25
35	8·45
36	8·65
37	8·85
38	9·05
39	9·25
40	9·45
41	9·65
42	9·85
43	10·05
44	10·25

Amend-
ment of
section 7
of the
principal
law.

2. Section *seven* of the principal law as amended by section *six* of Ordinance No. 4 of 1934 is hereby amended by deleting from the new paragraph added by the said Ordinance of 1934 the dates "31st day of March 1934" and "1st day of April 1934" and substituting therefor the dates "30th day of June 1939" and "1st day of July 1939".

Short
title.

3. This Ordinance shall be known as the Transvaal Hospital and School Board Officials' Pensions Amendment Ordinance, 1939, and shall come into operation on the 1st day of July, 1939.

PENSOENE WYSIGINGS.

Ord. No 9.
van 1939.

Artikel 1.

(a) Ten opsigte van manlike amptenare
of persone:—

<i>Leeftyd laaste geboortedag by aanvang van pensioendraende diens.</i>	<i>Persent van pensioendraende emolumente.</i>
Onder 30	5.75
30	5.85
31	5.95
32	6.05
33	6.15
34	6.25
35	6.35
36	6.45
37	6.55
38	6.65
39	6.75
40	6.85
41	6.95
42	7.05
43	7.15
44	7.25
45	7.35
46	7.45
47	7.55
48	7.65
49	7.75

(b) Ten opsigte van vroulike amptenare
of persone:—

<i>Leeftyd laaste geboortedag by aanvang van pensioendraende diens.</i>	<i>Persent van pensioendraende emolumente.</i>
Onder 30	7.5
30	7.65
31	7.80
32	7.95
33	8.10
34	8.25
35	8.45
36	8.65
37	8.85
38	9.05
39	9.25
40	9.45
41	9.65
42	9.85
43	10.05
44	10.25

2. Artikel *sewe* van die hoofwet, soos ge-^{Wysiging} wysig by artikel *ses* van Ordonnansie No. 4^{van} artikel 7 van 1934, word hierby gewysig deur uit ge-^{van} noemde paragraaf wat by voormelde Ordon-^{hoofwet.} nansie van 1934 bygevoeg is, die datums „ 31ste dag van Maart 1934 ” en „ 1ste dag van April 1934 ” te skrap en hulle te vervang deur die datums „ 30ste dag van Junie 1939 ” en „ 1ste dag van Julie 1939 ”.

3. Hierdie Ordonnansie staan bekend as die ^{Kort titel.} Transvaal Hospitaal en Skoolraad Amptenare Pensioene Wysigingsordonnansie, 1939, en tree in werking op die 1ste dag van Julie 1939.

Ord. No.
10 of 1939.

AN ORDINANCE

To amend the Pension (Supplementary) Ordinance, 1938.

(Assented to 16th May, 1939.)

(Date of operation, 30th May, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
ment of
Schedule.

1. The Schedule to the Pension (Supplementary) Ordinance, 1938, is hereby amended by the deletion of the figures and letters “29th” and the substitution therefor of the figures and letters “25th”.

Short
title.

2. This Ordinance shall be known as the Pension (Supplementary) Ordinance, 1938, Amendment Ordinance, 1939.

Ord. No.
11 of 1939.

AN ORDINANCE

To amend the Horse Racing and Betting Ordinance, 1927.

(Assented to 26th May, 1939.)

(Date of operation, 30th May, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
ment of
section 1 of
the principal
law.

1. Section *one* of the Horse Racing and Betting Ordinance, 1927 (hereinafter referred to as the principal law), is hereby amended as follows:—

(a) The definition of “bookmaker” is hereby repealed and the following new definition substituted therefor:—

“ ‘bookmaker’ shall mean any person duly licensed as such in terms of the Licensing of Bookmakers and Taxation Ordinance, No. 26 of 1925, and shall include any

'N ORDONNANSIE

Om die Pensioen (Aanvullende) Ordonnansie, 1938,
te wysig.

Ord. No.
10 van
1939.

(Goedgekeur, 16 Mei 1939.)

(Datum van inwerkingtreding, 30 Mei 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg BEPAAL:—

1. Die skedule by die Pensioen (Aanvullende) Ordonnansie, 1938, word hierby gewysig van skedule. deur die syfers „ 29 ” te skrap en te vervang deur die syfers „ 25 ”.

2. Hierdie Ordonnansie staan bekend as die Kort titel. Pensioen (Aanvullende) Ordonnansie, 1938, Wysigingsordonnansie, 1939.

'N ORDONNANSIE

Tot wysiging van die „Perdewedrenne en Weddensappe Ordonnansie”, 1927.

Ord. No.
11 van
1939.

(Goedgekeur, 26 Mei 1939.)

(Datum van inwerkingtreding, 30 Mei 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg BEPAAL:—

1. Artikel een van die „Perdewedrenne en Weddensappe Ordonnansie”, 1927 (hierna van artikel 1 van die hoofwet genoem), word hierby as volg ge-hoofwet. wysig:—

(a) Die omskrywing van „bookmaker” word hierby herroep en die volgende nuwe omskrywing in die plek daarvan gestel:—

„, bookmaker” beteken iedereen wat behoorlik as sodanig gelisensieer is ingevolge die „Lisensiering van Bookmakers en Belasting Ordonnansie”, No. 26 van 1925, en omvat iedereen wat besigheid

Ord. No.
11 of 1939.

Section 1.

person who carries on the business of or acts as a bookmaker or who gains or endeavours to gain his livelihood wholly or partly by betting or making wagers;”

- (b) The definition of “ race ” is hereby repealed and the following new definition substituted therefor:—

“ ‘ race ’ shall mean any horse, pony, galloway, dog-race, or any other race whatsoever; ”

- (c) The definition of “ racecourse ” is hereby repealed and the following new definition substituted therefor:—

“ ‘ racecourse ’ shall mean any land licensed under this Ordinance for the holding of race meetings or any place where licensed dog or other racing takes place; ”

- (d) By the insertion of the following definition after the definition of “ totalizator ”:—

“ ‘ turf commission agent ’ shall mean any person who acts for gain as an intermediary between any other person and a totalizator or a bookmaker operating on a racecourse or at any place opened under the provisions of section *twenty* of the principal law but shall not include a person acting on behalf of the owner, registered owner, lessee or trainer of a horse. ”

Amend-
ment of
section 12
of the
principal
law.

2. Sub-section (1) of section *twelve* of the principal law is hereby repealed and the following new sub-section substituted therefor:—

“ No house, office, room or other place shall be opened, kept, or used by the owner, occupier, or keeper thereof, or any person using the same, or any person procured, or employed by or acting for or on behalf of such owner, occupier or keeper, or person using the same, or any person having the care or management or in any manner conducting the business thereof

Ord. No.
11 van
1939.

—
Artikel 1.

doen of optree as beroepswedder of wat sy lewensbestaan maak of probeer om dit te maak, hetsy geheel of gedeeltelik deur te wed of weddensappe aan te gaan ”;

- (b) Die omskrywing van „ wedren ” word hierby herroep en die volgende nuwe omskrywing in die plek daarvan gestel:—

„ , , wedren ’ beteken enige perde-, ponie-, galloway-, hondewedren of enige ander wedren wat ook al; ”

- (c) Die omskrywing van „ renbaan ” word hierby herroep en die volgende nuwe omskrywing in die plek daarvan gestel:—

„ , , renbaan ’ beteken enige terrein wat gelisensieer is vir die hou van wedrenbyeenkomste ingevolge hierdie Ordonnansie of enige plek waar gelisensieerde hondewedrenne en enige ander wedrenne plaasvind ”.

- (d) Deur die toevoeging van die volgende omskrywing na die omskrywing van „ totalisator ”:—

„ , , renbaan-kommissie-agent ’ beteken iemand wat vir wins as ’n tussen-ganger optree tussen enige ander persoon en ’n totalisator of book-maker wat werksaam is op ’n renbaan of by enige plek wat geopen is ingevolge die bepalinge van artikel *twintig* van die hoofwet, maar omvat nie ’n persoon wat namens die eienaar, geregistreerde eienaar, huurder of af-rigter van ’n perd handel nie.”

2. Subartikel (1) van artikel *twaalf* van Wysiging van artikel 12 van hoofwet. die hoofwet word hierby herroep en die volgende nuwe subartikel in die plek daarvan gestel:—

„ Vir weddoeleindes hetsy as prinsipaal of agent vir enige ander persoon of enige doel wat in verband staan daarmee, mag geen huis, kantoor, kamer of enige plek, oopgestel, gehou, of gebruik word deur die eienaar, bewoner of houer daarvan, of deur enigiemand wat gebruik maak daarvan, of deur enigiemand wat verkry is, of in diens geneem is deur, of handel vir of namens sodanige eienaar, bewoner of

Ord. No.
11 of 1939.
—
Section 2.

for the purpose of betting whether as principal or agent for any other person or for any purpose connected with betting.”

Insertion of
new section
19 (bis) in
the
principal
law.

3. The principal law is hereby amended by the insertion after section *nineteen* thereof of the following new section:—

“ 19(bis). In any prosecution for a contravention of sections *twelve*, *fifteen* or *nineteen* of this Ordinance, it shall, unless the contrary is proved, be presumed that consideration passed for securing the paying or giving by some other person of any such money or valuable thing.

Whenever any books, accounts, betting slips, prize lists or any other documents relating to betting transactions are found in or on any premises entered under a search warrant, it shall be *prima facie* evidence in any prosecution for a contravention of sections *twelve* and *nineteen* of this Ordinance that such premises are kept or used by the accused person for the purpose of betting or for purposes connected with betting.”

Amend-
ment of
section 20
of the
principal
law.

4. Section *twenty* of the principal law is hereby amended by the insertion in sub-section (1) of the words “ pony, galloway or horse ” between the words “ any ” and “ race ”, and by the insertion in sub-section (2) of the word “ such ” between the words “ any ” and “ race ”.

Licensing
provisions
in respect
of dog-
racing as
prescribed
by Ordinance
No. 3
of 1926, as
amended,
not affected
by principal
law.

5. (1) The provisions of Chapter 1 of the principal law shall not apply to any dog race conducted under the provisions of Ordinance No. 3 of 1926, as amended.

(2) Nothing in this Ordinance or in the principal law contained shall affect the provisions of Ordinance No. 3 of 1926, as amended by Ordinance No. 15 of 1933, in respect of the days on which and the time when Whippet or Dog Racing may be held.

Short title.

6. This Ordinance shall be known as the Horse Racing and Betting Amendment Ordinance, 1939, and shall be read as one with the principal law and any amendment thereof.

houer, of persoon wat daarvan gebruik maak, of deur enigiemand wat die sorg of bestuur daarvan het of op enige wyse die besigheid daarvan dryf.”

Ord. No.
11 van
1939.

—
Artikel 2.

3. Die hoofwet word hierby gewysig deur die volgende nuwe artikel na artikel *negentien* daarvan in te voeg:—

Invoeuing van nuwe artikel 19 (bis) in hoofwet.

„19.(bis). Tensy die teendeel bewys word, sal in enige vervolging vir ’n oortreding van artikels *twaaft*, *vyftien*, of *negentien* van hierdie Ordonnansie, aangeneem word dat ’n teenprestasie gegee is vir die versekering van die betaling of geskenk deur die een of ander persoon, van enige sodanige geld of waardevolle artikel.

Wanneer enige boeke, rekenings, weddenskapbewyse, prysopgawes of enige ander dokumente betreffende weddenskapverrigtings op of binne enige perseel wat ingevolge ’n lasbrief tot ondersoek binnetree word, gevind word, sal dit *prima facie* getuienis wees in enige vervolging vir ’n oortreding van artikels *twaaft* en *negentien* van hierdie Ordonnansie dat sodanige perseel gehou of gebruik word deur die beskuldigde vir weddenskapdoeleindes of vir doeleindes in verband met weddenskappe.”

4. Artikel *twintig* van die hoofwet word hierby gewysig deur die woorde „ponie, galloway of perd ” in subartikel (1) tussen die woorde „enige ” en „wedren ” in te voeg en deur die invoeging van die woord „sodanige ” tussen die woorde „enige ” en „wedren ” in subartikel (2).

Wysiging van artikel 20 van hoofwet.

5. (1) Die bepalings van Hoofstuk 1 van die Hoofwet is nie van toepassing op enige hondwedren gehou ingevolge die bepalings van Ordonnansie No. 3 van 1926, soos gewysig, nie.

Lisensie-bepalings ten opsigte van hondwedrenne soos voorgeskryf by Ordonnansie No. 3 van 1926, soos gewysig, nie

(2) Niks in hierdie Ordonnansie of in die Hoofwet vervat, het enige uitwerking op die bepalings van Ordonnansie No. 3 van 1926, soos gewysig by Ordonnansie No. 15 van 1933, ten opsigte van die dae waarop Whippet- of Hondwedrenne gehou mag word nie.

deur hoofwet geraak nie.

6. Hierdie Ordonnansie kan aangehaal word as die Wysigingsordonnansie op Perdewedrenne en Weddenskappe, 1939, en moet gelees word as een wet saam met die hoofwet of enige wysiging daarvan.

Kort ttitel.

Ord. No.
12 of 1939.

AN ORDINANCE

To apply a sum not exceeding £8,029,798 towards the service of the Province of Transvaal and to charge the Roads Fund Account with such sums of money as may be required, during the year ending on the 31st day of March, 1940.

(Assented to 30th June, 1939.)

(Date of operation, 30th June, 1939.)

(Afrikaans copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Provincial
Revenue
Fund
charged
with
£8,029,798.

1. The Provincial Revenue Fund is hereby charged with such sums of money as may be required for the service of the Province during the year ending the 31st day of March, 1940, not exceeding in the aggregate the sum of eight million and twenty-nine thousand, seven hundred and ninety-eight pounds as follows:—

To defray normal or recurrent
expenditure £6,891,298

To defray capital or non-
recurrent expenditure 1,138,500

How money
to be
applied.

2. The money appropriated by this Ordinance shall be applied to the services detailed in the Schedule hereto, and more particularly specified in the Estimates of Expenditure (No. T.P. 2 and 3 of 1939), as approved by the Provincial Council, and subject to section *three* hereof and to no other purpose.

Adminis-
trator may
authorise
variations.

3. With the approval of the Administrator, acting with the consent of the Executive Committee, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head or expenditure on a new sub-head of the same vote, provided that no excess shall be incurred on the sums appearing in column 2 of the Schedule hereto, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted.

Roads
Fund
Account.

4. The Roads Fund Account is hereby charged with such sums of money as may be required for the financial year ending the 31st day of March, 1940.

Short title.

5. This Ordinance shall be known as the Appropriation (1939-1940) Ordinance, 1939.

'N ORDONNANSIEOrd. No.
12 van
1939.

Om 'n som van hoogstens £8,029,798, vir die diens van die Provinsie Transvaal aan te wend en om die Padfondsrekening te belas met sodanige geldbedrae as wat nodig word, gedurende die jaar wat op die 31ste dag van Maart 1940 eindig.

(Goedgekeur, 30 Junie 1939.)

(Datum van inwerkingtreding, 30 Junie 1939.)

(Afrikaanse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAAL**:—

1. Die Provinsiale Inkomstefonds word hierby belas met sodanige geldbedrae as wat nodig word vir die diens van die Provinsie gedurende die jaar eindigende die 31ste dag van Maart 1940, maar wat in geheel nie meer as agt miljoen nege-en-twintig duisend sewe honderd agt-en-negentig pond moet bedra nie, as volg:—

Ter bestryding van normale of terugkerende uitgawe	£6,891,298
Ter bestryding van kapitaal- of nie-terugkerende uitgawe...	1,138,500

2. Die geld wat by hierdie Ordonnansie beskikbaar gestel word, moet aangewend word vir die dienste uiteengesit in bygaande Skedule en nader omskryf in die Begroting van Uitgawe (No. T.P. 2 en 3 van 1939), soos goedgekeur deur die Provinsiale Raad, en onderworpe aan artikel drie hiervan, en vir geen ander doel nie.

3. Met die goedkeuring van die Administrateur, handelende met die toestemming van die Uitvoerende Komitee, kan 'n besparing op enige subhoof van 'n pos beskikbaar gestel word vir 'n oorskryding van uitgawe op enige ander subhoof of vir uitgawe op 'n nuwe subhoof van dieselfde pos, met dien verstande dat die bedrae wat voorkom in kolom 2 van bygaande Skedule nie oorskry mag word nie, en dat besparings daarop vir geen ander doel aangewend mag word as dié waarvoor die geld hierby toegeken word nie.

4. Die Padfondsrekening word hierby belas met sodanige somme geld as wat nodig word vir die boekjaar eindigende op die 31ste dag van Maart 1940.

5. Hierdie Ordonnansie kan aangehaal word as die Toeëenings (1939-1940) Ordonnansie, 1939.

Ord. No.
12 of 1939.

SCHEDULE.

No. of Vote.	Service.	Column 1.	Column 2.
		£	£
1	General Administration.....	219,555	—
2	Education.....	3,761,182	—
	Including grants for—		
	Dental Clinic, Germiston.....	—	150
	Dental Clinic, Johannesburg.....	—	1,240
	Dental Clinic, Pretoria.....	—	1,200
	Dental Clinic, Springs.....	—	250
	Bilharzia Committee.....	—	275
	Children's Aid Society, Johannes- burg.....	—	325
	Forestry Settlements.....	—	600
	Witwatersrand University.....	—	600
	Indian Child Welfare Association	—	50
	Education of Eurafrican and		
	Asiatic Children.....	—	472
	Education of Native Children		
	(Sub-head K. 1 to 15).....	—	199,375
	Career's Guide.....	—	100
	Educational Film Institute.....	—	1,750
	Hope Training Home.....	—	2,000
	Isipingo Home of Recovery.....	—	500
	Junior Red Cross Society.....	—	50
	Maize and Tobacco Growing Com- petition.....	—	20
3	Hospitals and Charitable Institutions, including Poor Relief.....	751,445	—
	Including Grants for—		
	Hospitals not falling under Ordi- nance No. 18 of 1928, as amended.....	—	8,115
	Charitable Institutions.....	—	14,327
4	Roads, Bridges and Local Works....	1,497,124	—
	Including Grants for—		
	Local Authorities.....	—	3,000
	Payment to Roads Fund.....	—	775,000
5	Miscellaneous.....	6,680	—
	Including Grants for—		
	National Park.....	—	3,000
	Angling Societies.....	—	30
	South African Library for the Blind, Grahamstown.....	—	100
6	Interest and Redemption.....	267,312	—
7	National Roads Construction.....	388,000	—
8	Capital Expenditure.....	1,138,500	—
		£	
		8,029,798	

SKEDULE.

Ord. No.
12 van
1939.

No. van Pos.	Diens.	Kolom 1.	Kolom 2.
		£	£
1	Algemene Administrasie.....	219,555	—
2	Onderwys.....	3,761,182	—
	Insluitende Toelae vir—		
	Tandheelkundige Kliniek, Germiston.....	—	150
	Tandheelkundige Kliniek, Johannesburg.....	—	1,240
	Tandheelkundige Kliniek, Pretoria.....	—	1,200
	Tandheelkundige Kliniek, Springs.....	—	250
	Bilharzia-komitee.....	—	275
	Kinderhulpvereniging, Johannesburg.....	—	325
	Bosbounedersettings.....	—	600
	Witwatersrandse Universiteit....	—	600
	Indiese Kindersorgvereniging....	—	50
	Onderwys van Kleurling- en Asiatiese Kinders.....	—	472
	Onderwys van Naturellekinders (Onderhoof K. 1 tot 15).....	—	199,375
	Loopbaangids.....	—	100
	Opvoedkundige Rolprentinstituut.....	—	1,750
	Hope-Opleidingstehuis.....	—	2,000
	Isipingo-Herstellingstehuis.....	—	500
	Junior Rooikruisvereniging.....	—	50
	Mielies- en Tabakkweek-kompetisie.....	—	20
3	Hospitale en Liefdadigheidsinrigtings, met inbegrip van Armesorg....	751,445	—
	Insluitende Toelae vir—		
	Hospitale wat nie onder Ordonnansie No. 18 van 1928, soos gewysig, val nie.....	—	8,115
	Liefdadigheidsinrigtings.....	—	14,327
4	Paaië, Brûe en Plaaslike Werke....	1,497,124	—
	Insluitende Toelae vir—		
	Plaaslike Besture.....	—	3,000
	Betaling aan Padfonds.....	—	775,000
5	Diverse.....	6,680	—
	Insluitende Toelae vir—		
	Nasionale Wildtuin.....	—	3,000
	Hengelaarsverenigings.....	—	30
	Suid-Afrikaanse Biblioteek vir die Blindes, Grahamstad.....	—	100
6	Rente en Aflossing.....	267,312	—
7	Aanleg van Nasionale Paaië.....	388,000	—
8	Kapitaaluitgawe.....	1,138,500	—
		£ 8,029,798	

Ord. No.
13 of 1939.

AN ORDINANCE

To Amend the Local Authorities Rating Ordinance, 1933,
in certain Respects.

(Assented to 29th June, 1939.)

(Date of operation, 19th July, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of
Transvaal as follows:—

Amend-
ment of
section 3 of
principal
law. **1.** Section *three* of the Local Authorities
Rating Ordinance, No. 20 of 1933, as amended
(hereinafter referred to as the Principal Law)
is hereby amended by adding at the end of
sub-section (3) thereof the following:—

“ Provided that in the case of Health
Committees with the approval of the
Administrator an erf tax different in
amounts from that laid down in Law 4 of
1899, or an erf tax at a flat rate based on
the size of erven or portions of erven or
lots may be levied.”

Amend-
ment of
section 4 of
principal
law. **2.** Section *four* of the Principal Law is
hereby amended by inserting after the word
“ made ” in the definition of “ site value of
land ” the following:—

“ Provided that if there exists on any
land improvements, the use or erection of
which is, at the date of the valuation,
prohibited by the conditions of the title
to the land or by any law, by-law or
regulation, the site value of such land
or of any interest in such land shall,
during the existence and use of such
improvements, include any value which
would accrue to such land or interest in
land if such use or erection of such
improvements were not prohibited.”

Amend-
ment of
section 9 of
principal
law. **3.** Section *nine* of the Principal Law is
hereby amended:—

By deleting from sub-section (3) the
word “ adjoining ” and substituting
therefor the word “ contiguous ”.

'N ORDONNANSIE

Om die „Plaaslike-Bestuur-Belastingordonnansie”, 1933, in sekere opsigte te wysig.

Ord. No.
13 van
1939.

(Goedgekeur, 29 Junie 1939.)

(Datum van inwerkingtreding, 19 Julie 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAAL**:—

1. Artikel *drie* van die „Plaaslike-Bestuur-Belastingordonnansie”, No. 20 van 1933, soos gewysig (hierna die Hoofwet genoem), word hierby gewysig deur onderstaande aan die einde van subartikel (3) daarvan toe te voeg:—

„Met dien verstande dat in die geval van Gesondheidskomitees daar, met die toestemming van die Administrateur, 'n erfbelasting wat in bedrae verskil van dié bepaal by Wet No. 4 van 1899, of 'n erfbelasting teen 'n uniforme tarief gebaseer op die grootte van erwe of gedeeltes van erwe of persele, hef kan word.”

2. Artikel *vier* van die Hoofwet word hierby gewysig deur onderstaande na die woorde „gelaat word” in die woordbepaling „terreinwaarde van grond” in te voeg:—

„Met dien verstande dat as daar op enige grond verbeterings bestaan waarvan die gebruik of oprigting, ten tye van die waardering, verbied is deur die voorwaardes van eiendomsreg van die grond, of deur enige wet, verordening of regulasie, die terreinwaarde van sodanige grond of van enige belang in sodanige grond, gedurende die bestaan en gebruik van sodanige verbeterings, enige waarde moet insluit wat aan sodanige grond of belang in grond toekom indien sodanige gebruik of oprigting van sodanige verbeterings nie belet was nie.”

3. Artikel *nege* van die Hoofwet word hierby gewysig deur:—

In die Engelse teks die woord „adjoining” in subartikel (3) te skrap en te vervang deur die woord „contiguous”.

Ord. No.
13 of 1939.

Amend-
ment of
section 12
of principal
law.

4. Section *twelve* of the Principal Law is hereby amended by deleting the full stop after the word "entries" where it appears for the second time in the said section and inserting the words:—

"in any one township; provided, however, that the particulars required to be inserted in the notice of objection shall be supplied in respect of each and every entry objected to, failing which the objection in respect of which full particulars have not been supplied shall be regarded as null and void."

Amend-
ment of
section 13
of principal
law.

5. Section *thirteen* of the Principal Law is hereby amended:—

(a) By adding at the end of sub-section (4) the following:—

"Provided that in lieu of giving the aforesaid seven days' written notice the Clerk may publish the said notice in two or more newspapers circulating in the area of jurisdiction of the local authority on any day or days in the week immediately prior to the week in which the meeting of the Court is to be held to consider the matter in respect of which the notice is given."

(b) By deleting from sub-section (11) the words "and signed by the deponent".

Amend-
ment of
section 15
of principal
law.

6. Section *fifteen* of the Principal Law is hereby amended by the insertion after the word "person" where it appears in sub-section (1) of the following:—

"who has appeared before the Valuation Court in pursuance of an objection lodged by him under section 12 hereof, and".

Amend-
ment of
section 19
of principal
law.

7. Section *nineteen* of the Principal Law is hereby designated sub-section (1) of section *nineteen* and the section is amended by the addition of the following sub-section:—

"(2) The minimum charge imposed under this section in respect of any site value shall be five shillings."

4. Artikel *twaalf* van die Hoofwet word hierby gewysig deur die woorde „ingedien kan word ” te skrap en te vervang deur onderstaande:—

Wysiging
van artikel
12 van die
hoofwet.

Ord. No.
13 van
1939.

„ in een bepaalde dorp ingedien kan word; met dien verstande egter dat die besonderhede wat ingevul moet word in die kennisgewing van beswaar, verskaf moet word ten opsigte van iedere inskrywing waarteen beswaar gemaak word, by gebrek waaraan die beswaar ten opsigte waarvan volledige besonderhede nie verstrekkend is nie, as nietig en kragteloos beskou moet word.”

5. Artikel *dertien* van die Hoofwet word hierby gewysig:—

Wysiging
van artikel
13 van die
hoofwet.

(a) Deur onderstaande aan die einde van subartikel (4) toe te voeg:—

„ Met dien verstande dat die klerk, in plaas van voornoemde skriftelike kennisgewing van sewe dae te gee, die genoemde kennisgewing mag publiseer in twee of meer nuusblaare wat in die regsgebied van die plaaslike bestuur in omloop is, op enige dag of dae in die week onmiddellik voor die week waarin die byeenkoms van die hof gehou moet word om die saak te oorweeg ten opsigte waarvan die kennisgewing uitgereik is.”

(b) Deur die woorde „ en deur die getuie laat onderteken ” in subartikel (11) te skrap.

6. Artikel *vyftien* van die Hoofwet word hierby gewysig deur onderstaande in te voeg na die woord „ elkeen ” waar dit voorkom in subartikel (1):—

Wysiging
van artikel
15 van die
hoofwet.

„ wat in die waarderingshof verskyn het in verband met 'n beswaar deur hom ingedien kragtens artikel 12 hiervan, en ”.

7. Artikel *negentien* van die Hoofwet word hierby genoem subartikel (1) van artikel *negentien* en die artikel word gewysig deur die toevoeging van onderstaande subartikel:—

Wysiging
van artikel
19 van die
hoofwet.

„ (2) Die minimum-heffing wat ingevolge hierdie artikel ten opsigte van enige terreinwaarde opgelê word, is vyf sjielings.”

Ord. No.
13 of 1939.

Amend-
ment of
Second
Schedule of
principal
law.

8. The Second Schedule to the Principal Law is hereby deleted and the following substituted therefor:—

“ Second Schedule.

(Section *twelve.*)

OBJECTIONS

AGAINST AN ENTRY IN THE VALUATION ROLL MADE UP UNDER THE PROVISIONS OF THE LOCAL AUTHORITIES RATING ORDINANCE, 1933, AS AMENDED.

To the Valuation Court of the Municipality (or District) of.....

Year 19....

The following entry has been made in the Valuation Roll of the above Municipality (or District):—

(Insert the name of the
objector and copy of
the entry complained
of)

I hereby object to the said entry and ask that:—

(State what entry the
objector considers
should be substituted)

On the following grounds:—

(State reasons for ask-
ing for alteration of
the entry)

I solemnly declare that during the three years prior to the date hereof:—

(Delete words not applicable)

(a) The property was purchased by me on the
.....19... for £.....

with improvements.
without improvements.

(b) The property has been sold by me on the
.....19... for £.....

(N.B.—This information must be given whether registration or transfer has taken place or not. If there has been no sale of the property in the specified period, delete this portion of the form.)

.....
Signature of Objector.

Date.....19...

8. Die Tweede Skedule van die Hoofwet word hierby geskrap en vervang deur onderstaande:—

Wysiging van die Tweede Skedule van die hoofwet.

Ord. No. 13 van 1939.

„ Tweede Skedule.
(Artikel *twalf*.)

BESWARE

TEEN 'N INSKRYWING OP DIE WAARDERINGSLYS OPGE-
MAAK INGEVOLGE DIE BEPALINGS VAN DIE „ PLAAS-
LIKE - BESTUUR - BELASTING - ORDONNANSIE ’’, 1933,
SOOS GEWYSIG.

Aan die waarderingshof van die Munisipaliteit (of

Distrik).....

Jaar 19...

Onderstaande inskrywing kom voor op die waarde-
ringslys van bostaande Munisipaliteit (of Distrik):—

(Vul hier in die naam van die beswaarmaker en af-
skrif van die inskrywing
waarteen beswaar gemaak
word)

Ek maak hierby beswaar teen die genoemde in-
skrywing en versoek dat:—

(Die beswaarmaker moet hier vermeld watter in-
skrywing na sy mening
bostaande inskrywing
moet vervang)

Om die volgende redes:—

(Vermeld redes waarom aan-
soek gedoen word om 'n
verandering van die in-
skrywing)

Ek verklaar plegtig dat in die loop van die drie
jaar voor die datum hiervan:—

(Haal woorde deur wat nie van toepassing
is nie.)

(a) Die eiendom deur my gekoop is op.....

.....19... vir £.....

met verbeterings
sonder verbeterings.

(b) Die eiendom deur my verkoop is op.....

.....19... vir £.....

(L.W.—Hierdie inligting moet verstrek word hetsy die registrasie of oordrag plaasgevind het of nie. As daar geen verkoping van die eiendom binne die genoemde tydperk plaasgevind het nie, moet hierdie gedeelte van die vorm deurgehaal word.)

.....
Handtekening van Beswaarmaker.

Datum.....19...

Ord. No.
13 of 1939.

VALUATION COURT.

(NOT to be filled in by objector.)

Section 8.

Objection by..... No.....

Township..... Stand No.....

Decision of Court......
President.

Date.....19..."

Short title. **9.** This Ordinance may be cited for all purposes as the Local Authorities Rating Amendment Ordinance, 1939.Ord. No.
14 of 1939.**AN ORDINANCE.****To Amend the Education Act, 1907, and the Education Act Further Amendment Ordinance, No. 16 of 1916, in certain respects.***(Assented to 5th August, 1939.)**(Date of operation, 23rd August, 1939.)**(English copy signed by Governor-General.)***BE IT ENACTED** by the Provincial Council of Transvaal as follows:—Amend-
ment of
section 6
of the
principal
law.**1.** Section *six* of the Education Act, 1907, as amended, hereinafter referred to as the Principal Law, is hereby amended by adding at the end thereof the following:—

“ provided further that anything to the contrary in this Act notwithstanding, the Administrator may in his discretion provide bursaries to assist children resident in the Province of the Transvaal to attend schools situate outside such Province if for geographical or other reasons he deems attendance at such schools advantageous or desirable.”

Amend-
ment of
section 8
of the
principal
law.**2.** Section *eighty-eight* of the Principal Law is hereby amended:—

(a) By substituting for the word “ suitable ” in sub-section (2) the word “ such ”.

WAARDERINGSHOF.

(Moet NIE deur die beswaarmaker ingeval
word nie.)

Beswaar deur..... No.

Dorp..... Standplaas No.....

Beslissing van die Hof.

.....
Voorsitter.

Datum.....19..”

9. Hierdie Ordonnansie kan vir alle doel- Kort Titel.
eindes aangehaal word as die Plaaslike Bestuur
Belasting Wysigingsordonnansie, 1939.

Ord. No.
13 van
1939.

—
Artikel 8.

'N ORDONNANSIE

Om die Onderwijs Wet, 1907, en die Onderwijswet Verdere
Wijzigingsordonnantie No. 16 van 1916, in sekere opsigte
te wysig.

Ord. No.
14 van
1939.

(Goedgekeur, 5 Augustus 1939.)

(Datum van inwerkingtreding, 23 Augustus 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Trans-
vaal as volg BEPAAL:—

1. Artikel *ses* van die Onderwijs Wet, 1907, Wysiging
van artikel
6 van die
hoofwet.
soos gewysig (hierna die hoofwet genoem),
word hierby gewysig deur aan die einde daar-
van onderstaande toe te voeg:—

„ en verder met dien verstande dat, niet-
tegenstaande enige daarmede tegenstrij-
dige bepaling in deze wet, de Administra-
teur naar goeddunken voorziening kan
maken voor studiebeurzen om kinderen,
die in de Provincie Transvaal woonachtig
zijn, behulpzaam te zijn scholen bij te
wonen die buitenkant zoodanige Provincie
gelegen zijn, indien naar zijn mening de
bijwoning van zoodanige scholen om
geographische of andere redenen voordelig
of wenschelijk is.”

2. Artikel *agt-en-tagtig* van die hoofwet Wysiging
van artikel
88 van die
hoofwet.
word hierby gewysig:

(a) Deur in subartikel (2) die woorde „ een
geskikte ” deur die woord „ zoo-
danige ” te vervang.

Ord. No.
14 of 1933.

- (b) By inserting after the word " extent " in sub-section (2) the following:—
" as the Administrator may decide if in his opinion such reservation is necessary or desirable ".
- (c) By deleting from sub-section (3) the words " and a period of ten years has elapsed since the date of registration of such transfer ".

Amend-
ment of
section 9
of
Ordinance
No. 16 of
1916.

3. Section *nine* of the Education Act Further Amendment Ordinance, No. 16 of 1916, is hereby amended by adding thereto the following new sub-section:—

- (h) Where the Administrator is in any respect whatever not satisfied with the conduct management tone or policy of any such school or that of the staff or administrative body thereof he may in his absolute discretion withhold reduce or withdraw the grant or make or continue it subject to such conditions or safeguards as he may deem fit.

Amend-
ment of
section 29
of the
principal
law.

4. Section *twenty-nine* of the Principal Law is hereby amended, by adding at the end thereof the following:—

- (2) When any such child or person deemed to be coloured has been admitted or application is made for the admission of such child or person to any school, class or institution mentioned in sub-section (1) of this section it shall be the duty of the Board or Governing Body as the case may be to determine whether such child or person is coloured or not and when such Board or Governing Body as the case may be has in the *bona fide* exercise of its duty under this section come to the conclusion that such child or person is coloured, its decision shall for the purposes of this Act, be final and binding; provided that the Board or Governing Body shall have given such child or person or the parent or guardian of such child or person an opportunity of satisfying it by documentary or other evidence or otherwise that such child or person is not coloured.
- (3) No action shall lie against any member of a Board or Governing Body or against any teacher or servant of the Department in respect of anything done

Ord. No.
14 van
1939.

- (b) Deur in subartikel (2) die volgende na die woord „uitgebreidheid” in te voeg:—
„als de Administrateur mag vaststellen, indien naar zijn mening zoodanige reservatie nodig of wenschelijk is.”

- (c) Deur die woorde „en een tydperk van tien jaar sedert de datum van registratie van zoodanige transport verlopen is” uit subartikel (3) te skrap.

3. Artikel *nege* van die Onderwyswet Verdere Wijzigingsordonantie, No. 16 van 1916, word hierby gewysig deur onderstaande nuwe subartikel daaraan toe te voeg:—

Wysiging
van artikel
9 van
Ordon-
nansie No.
16 van
1916.

- „(h) waar de Administrateur in enig opzicht niet tevrede is over de leiding, het bestuur, de toon, of het beleid van enige zoodanige school of van het personeel of besturend lichaam daarvan, hij naar eigen goeëdunke zoodanige subsidie kan staken, verminderen of intrekken of die toekennen of voortzetten onderworpen aan zoodanige voorwaarden of beveligingen als hem goeëdunkt.”

4. Artikel *nege-en-twintig* van die hoofwet word hierby gewysig deur aan die end daarvan onderstaande toe te voeg:—

Wysiging
van artikel
29 van die
hoofwet.

- (2) Wanneer enig zoodanig kind of persoon dat geacht word een kleurling te zijn toegelaten is of aansoek gedaan word om de toelating van zoodanig kind of persoon tot enige school, klasse of inrichting vermeld in subartikel (1) van dit artikel, is het de plicht van de Raad of Beherend Lichaam, naar gelang van het geval, vast te stellen of zoodanig kind of persoon een kleurling is of niet en wanneer zoodanig Raad of Beherend Lichaam, naar gelang van het geval, bij de bona fide uitoefening van zijn plichten krachtens dit artikel tot de gevolgtrekking komt dat bedoeld kind of persoon een kleurling is, dan zal zijn beslissing, voor de doeleinden van deze Wet, finaal en bindend zijn; met dien verstande dat de Raad of het Beherend Lichaam zoodanig kind of persoon of de ouder of voogd van zoodanig kind of persoon de geleghendheid gegee zal hebben haar door middel van dokumentaire of andere bewijsstukke of anderszins te oortuigen dat zoodanig kind of persoon niet een kleurling is.

Ord. No. 14 of 1939: in the *bona fide* carrying out of the provisions of this section.

Section 4.

The existing section becomes sub-section (1).

Short title.

5. This Ordinance shall be known as the Education Act Amendment Ordinance, 1939.

Ord. No. 15 of 1939.

AN ORDINANCE

To amend the Whippet Racing (Control) Ordinance, 1926, in certain respects,

(Assented to 5th August, 1939.)

(Date of operation, 23rd August, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
ment of
Section 3 of
Ordinance
No. 3 of
1926 as
amended.

1. Section *three* of the Whippet Racing (Control) Ordinance, 1926, as substituted by section *one* of Ordinance No. 15 of 1933, and as amended by Ordinance No. 8 of 1934 is hereby amended by the addition of the following further proviso to sub-section (5) thereof:—

“ provided further that the amount payable as duty in terms of paragraph (b) of sub-section (3) of section 8 of the said Ordinance on the net takings of each such totalizator which after a dividend therefrom has been declared are undistributed because no fractional part of a shilling or of any other sum is declared or paid as dividend or because no tickets entitling the holders to a dividend were disposed of, shall be calculated on the annual totals of such fractional parts and dividends not disposed of during any financial year at the following rates:

On the first £5,000—twenty per cent. thereon;
Exceeding £5,000 and up to £10,000—forty per cent. thereon;
Exceeding £10,000 and up to £15,000 sixty per cent. thereon;
Exceeding £15,000 and up to £25,000 eighty per cent. thereon;
Exceeding £25,000—one hundred per cent. thereon;

HONDEREISIES (KONTROLE) WYSIGINGS.

- (3) Geen lid van een Raad of Beherend Lichaam of onderwijzer of beampte van het Departement is aanspraaklik voor iets dat gedaan word in de bona-fide uitoefening van de bepalingen van dit artikel.

Ord. No.
14 van
1939.

Artikel 4.

Die bestaande artikel word subartikel (1).

5. Hierdie Ordonnansie staan bekend as die ^{Kort} Onderwyswet-wysigingsordonnansie, 1939. ^{titel.}

'N ORDONNANSIE

Om die **Hondereisies (Kontrole) Ordonnansie, 1926**, in sekere opsigte te wysig,

Ord. No.
15 van
1939.

(Goedgekeur, 5 Augustus 1939.)

(Datum van inwerkingtreding, 23 Augustus 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAL**:—

1. Artikel *drie* van die Hondereisies (Kontrole) Ordonnansie, 1926, soos vervang deur artikel *een* van Ordonnansie No. 15 van 1933 en soos gewysig by Ordonnansie No. 8 van 1934 word hierby gewysig deur onderstaande addisionele voorbehoudsbepaling aan subartikel (5) daarvan toe te voeg:—

Wysiging
van artikel
3 van
Ordonnan-
sie No. 3
van 1926
soos
gewysig.

„met dien verstande verder dat die bedrag betaalbaar as belasting ooreenkomstig paragraaf (*b*) van subartikel (3) van artikel *agt* van genoemde Ordonnansie op die netto-ontvangste van elk sodanige totalisator wat nadat 'n dividend daarvan verklaar is, onverdeeld is omdat geen gedeelte van 'n sjieling of van enige ander bedrag as dividend verklaar of betaal word nie, of omdat geen kaartjies wat die houers die reg op 'n dividend gee, verkoop is nie, bereken moet word teen die volgende tariewe op die jaarlikse totaal van sodanige gedeeltes en dividende wat nie gedurende enige boekjaar uitbetaal is nie:

Op die eerste £5,000—twintig persent daarvan;

Bo £5,000 en tot £10,000—veertig persent daarvan;

Bo £10,000 en tot £15,000—sestig persent daarvan;

Bo £15,000 en tot £25,000—tagtig persent daarvan;

Bo £25,000—honderd persent daarvan;

Ord. No.
15 of 1939.

Section 1:

and provided further that the Administrator shall have the power to demand that the holder of any licence for a totalizator under this Ordinance shall forthwith give such security as the Administrator may require for the due payment of the rates on fractional parts and dividends not disposed of and upon the failure of such licensee to furnish such security forthwith to cancel his licence to use a totalizator."

2. Sub-section (6) of section *three* of the principal law, as amended by Ordinance No. 15 of 1933 and Ordinance No. 8 of 1934, is hereby amended by the addition thereto of the following new paragraph (*d*):—

(*d*) Any person, who sells or offers for sale or circulates a race card or other information connected with a race meeting other than the Licensee or his duly authorised agent or agents or a recognised daily newspaper.

Short
title.

3. This Ordinance shall be known as the Whippet Racing (Control) Amendment Ordinance, 1939.

Ord. No.
16 of 1939.

AN ORDINANCE

To make special provision for the appropriation of certain surplus revenues of the Province.

(Assented to 25th August, 1939.)

(Date of operation, 20th September, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Disposal of
surplus
revenue
amounting
to
£500,000.

1. From the accumulated surplus revenues of the Province in respect of the financial year 1937-38 a sum of Five hundred thousand pounds shall be paid to the Capital Account as more particularly specified in the Estimates of Expenditure No. T.P. 3-38 as approved by the Provincial Council.

Short title.

2. This Ordinance shall be known as the Financial Adjustments Ordinance, 1939.

en met dien verstande verder dat die Administrateur die mag het om te eis dat die houër van 'n lisensie vir 'n totalisator kragtens hierdie Ordonnansie onmiddellik sodanige waarborg moet gee as wat die Administrateur vereis vir die behoorlike betaling van die tariewe op gedeeltes en dividende wat nie uitbetaal is nie, en om, indien sodanige lisensiehouer versuim om bedoelde waarborg onmiddellik te verstrek, sy lisensie om 'n totalisator te gebruik, in te trek."

Ord. No.
15 van
1939.

—
Artikel 1.

2. Subartikel (6) van artikel drie van die hoofwet, soos gewysig by Ordonnansie No. 15 van 1933 en Ordonnansie No. 8 van 1934, word hierby gewysig deur die toevoeging daaraan van onderstaande, nuwe paragraaf (d):—

(d) 'n wedrenkaart of ander inligting in verband met 'n wedrenbyeenkoms verkoop, vir verkoop aanbied of in omloop bring, behalwe die gelisensieerde of sy agent of agente wat behoorlik daartoe gemagtig is, of 'n erkende daaglikse nuusblad."

3. Hierdie Ordonnansie staan bekend as die Kort titel. **Hondereisies (Kontrole) Wysigingsordonnansie, 1939.**

'N ORDONNANSIE

Om spesiale voorsiening te maak vir aanwending van sekere surplusinkomste van die provinsie.

Ord. No.
16 van
1939.

(Goedgekeur, 25 Augustus 1939.)

(Datum van inwerkingtreding, 20 September 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAAL**:—

1. Uit die opgelope surplusinkomste van die Provinsie ten opsigte van die boekjaar 1937-38 moet 'n bedrag van Vyf honderd duisend pond betaal word aan die Kapitaalrekening soos breedvoerig gespesifiseer in die Begroting van Uitgawe No. T.P. 3-38 wat deur die Provinsiale Raad goedgekeur is.

Beskikking
oor surplus-
inkomste
ten bedrae
van
£500,000.

2. Hierdie Ordonnansie staan bekend as die Kort titel. **Finansiële Reëlingsordonnansie, 1939.**

Ord. No.
17 of 1939.

AN ORDINANCE

To Consolidate and Amend the Law relating to Municipal Government in this Province, and to provide for matters incidental thereto.

(Assented to 15th November, 1939.)

(Date of operation, 1st December, 1939.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

PRELIMINARY.

Repeal of
Laws.

1. The Laws mentioned in the First Schedule to this Ordinance shall be and are hereby repealed to the extent set forth in the second column of such Schedule.

Interpreta-
tion of
terms.

2. In this Ordinance unless inconsistent with the context—

“ Administrator ” shall mean the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909 and any amendment thereof acting on the advice and with the consent of the Executive Committee of the Province;

“ Asiatic ” includes any person belonging to the native races of Asia, not being a Malay born and resident in any British Colony or Possession in South Africa, and not being an officer in the diplomatic or consular service of any Asiatic State or Dominion;

“ author of a nuisance ” shall mean the person by whose act, default or sufferance the nuisance is caused, exists or is continued;

“ by-law ” shall mean a by-law in force in a municipality and any outside area thereof made and approved under this Ordinance or under the authority of any law;

“ coloured person ” shall mean any person who is manifestly a coloured person not being a native or Asiatic as by this Ordinance defined;

'N ORDONNANSIEOrd. No.
17 van
1939.

Om die Wet wat betrekking het op Munisipale Bestuur in hierdie Provinsie te konsolideer en te wysig, en om voorsiening te maak vir sake in verband daarmee.

(Goedgekeur, 15 November 1939.)

(Datum van inwerkingtreding, 1 Desember 1939.)

(Engelse kopie deur Goewerneur-generaal geteken.)

DIT WORD deur die Provinsiale Raad van Transvaal as volg **BEPAAL**:—

INLEIDING.

1. Die wette genoem in die eerste bylae van hierdie Ordonnansie word hierby herroep in die mate wat in die tweede kolom van genoemde bylae uiteengesit word.

2. In hierdie Ordonnansie, tensy in stryd met die samehang, het onderstaande uitdrukkings die volgende betekenis:—

„Administrateur” die amptenaar benoem kragtens subartikel (1) van artikel *agten-estig* van die „Zuid-Afrika Wet, 1909”, en enige wysiging daarvan, handelende op raad en met toestemming van die Uitvoerende Komitee van die Provinsie;

„Asiaat” omvat ’n persoon wat behoort tot die inboorlingrasse van Asië en nie ’n Maleier gebore en woonagtig in enige Britse Kolonie of Besitting in Suid-Afrika is nie, en nie ’n amptenaar in die diplomatieke of konsulêre diens van enige Asiatiese Staat of Dominium is nie;

„bewoner” omvat enigeen wat werklik grond of persele bewoon ongeag die reg waarvolgens hy dit bewoon, en, in die geval van ’n perseel wat onderverdeel en verhuur is aan loseerders of aan verskillende huurders, omvat dit diegene wat die huurgelde ontvang betaalbaar deur die loseerders of huurders, hetsy vir eie rekening of as agent vir iemand wat daartoe geregtig is of daarby belang het;

„buitegebied” enige grond of belang in grond wat die eiendom van ’n raad vir munisipale doeleindes is en buite die

Ord. No.
17 of 1939.

Section 2.

- “ commencement of this Ordinance ” shall mean the date on which this Ordinance came into operation ;
- “ Governor-General ” shall mean the officer administering the Government of the Union of South Africa acting by and with the advice and consent of the Executive Council thereof ;
- “ health committee ” shall mean a committee constituted under and by virtue of the provisions of Chapter IX of this Ordinance ;
- “ local authority ” shall mean and include a town council or village council or health committee ;
- “ magistrate ” shall mean the magistrate of a magisterial district or sub-district in which a municipality is situate, and in the case of a municipality situate within a portion of a magisterial district for which an additional magistrate has been appointed, the term “ magistrate ” shall include also such additional magistrate ;
- “ medical officer of health ” shall mean the person for the time being lawfully acting in the capacity either of medical officer of health or of assistant medical officer of health of the local authority ;
- “ Minister ” shall mean the Minister of Public Health of the Union ;
- “ municipality ” shall mean the area or district placed under the control and jurisdiction of a town council or of a village council ;
- “ native ” means any person who is a member of an aboriginal race or tribe of Africa. Where there is any reasonable doubt as to whether any person falls within this definition, the burden of proof shall be upon such person ;
- “ nuisance ” shall include, *inter alia*—
- (1) any premises or part thereof of such a construction or in such a state as to be offensive, injurious, or dangerous to health ;
 - (2) any street, stream, pool, lagoon, ditch, gutter, water-course, sink, cistern, water-closet, earth-closet, privy, urinal, cesspool, drain,

- munisipaliteit geleë is en geen deel uitmaak van 'n ander munisipaliteit nie;
- „Dorpewet” die Dorpewet No. 33 van 1907 (Transvaal) en enige wysiging daarvan, in verband geles met die Dorpe- en Dorpsaanleg-Ordonnansie, 1931, en enige wysiging daarvan;
- „dorpsraad” 'n raad ingestel ingevolge die bepalings van Hoofstuk VIII van hierdie Ordonnansie;
- „eienaar” omvat enigeen wat die huur-gelde of profyte van enige grond of perseel van die huurder of bewoner daarvan ontvang, of wat sulke huur-gelde of profyte sou ontvang indien sodanige grond of perseel verhuur was, hetsy vir eie rekening of as agent vir iemand wat daartoe geregtig is of daarby belang het;
- „geneeskundige gesondheidsbeampte” die persoon wat asdan wettiglik optree in die hoedanigheid hetsy van geneeskundige gesondheidsbeampte of geneeskundige assistent-gesondheidsbeampte van die plaaslike bestuur;
- „geregistreeerde vroedvrou” iedereen wat ooreenkomstig artikel *nege-en-twintig* van Wet No. 13 van 1928 of enige wysiging daarvan, geregistreeer is;
- „gesondheids- of saniteitsinspekteur” beteken en omvat enigeen wat asdan wettiglik optree in die hoedanigheid van gesondheidsinspekteur van die plaaslike bestuur;
- „gesondheidskomitee” 'n komitee ingestel ingevolge die bepalings van Hoofstuk IX van hierdie Ordonnansie;
- „Goewerneur-generaal” die amptenaar wat belas is met die bestuur van die Unie van Suid-Afrika handelende op raad en met toestemming van die Uitvoerende Raad daarvan;
- „handeldryf op straat” omvat die verkoop van nuusblaaië, die uitdeling van strooibiljette of ander advertensies, skoenpoets en enige ander soortgelyke bedryf wat op publieke plekke uitgeoefen word en die verkoop van enige artikels hoegenaamd op publieke plekke; en „straathandelaar” omvat

Ord. No.
17 van
1939.

—
Artikel 2.

Ord. No.
17 of 1939.

Section 2.

- sewer, waste-water receptacle, slop-tank, dung-pit, ash-bin, ash-pit or manure heap so foul or in such a state or so situated or constructed as to be a nuisance, offensive or to be injurious or dangerous to health;
- (3) any well or water supply injurious or dangerous to health;
 - (4) any tank or cistern used for the supply of water for domestic purposes so placed, constructed or kept as to render the water therein liable to contamination, causing or likely to cause risk to health or facilitate the breeding of mosquitoes;
 - (5) any stable, cowshed, animal kraal, fowl house, or premises in which any animal or animals or bird or birds are kept in such a manner or in such numbers as to be offensive, injurious, or dangerous to health;
 - (6) any accumulation or deposit of refuse, offal, manure or other matter which is offensive, injurious, or dangerous to health, or any offensive matter, refuse, offal or manure lying or being within fifty yards of any street, or contained in uncovered trucks or wagons standing at or being at any station or siding or elsewhere on a railway so as to be offensive, injurious, or dangerous to health;
 - (7) any work, manufacture, trade or business causing or giving rise to smells or effluvia which are offensive or which are injurious to the health of the neighbourhood or so conducted as to be offensive, injurious, or dangerous to health;
 - (8) (a) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, or in which there is not for each person simultaneously occupying the same, whether by night or day, at least 400 cubic feet space and 40 square feet of

Ord. No.
17 van
1939.

Artikel 2.

- enigee wat so'n bedryf aldus uitoeven, maar sluit nie in 'n marskramer of venter soos omskryf in Deel I van die Tweede Bylae van die „Licenties Konsolidatie Wet”, 1925, of enige wysiging daarvan, nie;
- „ inwerkingtreding van hierdie Ordonnansie ” die datum waarop hierdie Ordonnansie in werking getree het;
- „ kleurling ” iemand wat klaarblyklik 'n kleurling en nie 'n naturel of Asiaat is nie soos deur hierdie Ordonnansie omskryf;
- „ magistraat ” die magistraat van 'n magistraatsdistrik of subdistrik waarin 'n munisipaliteit geleë is, en in die geval van 'n munisipaliteit geleë binne 'n gedeelte van 'n magistraatsdistrik waarvoor 'n addisionele magistraat aangestel is, sluit die uitdrukking „ magistraat ” ook so'n addisionele magistraat in;
- „ Minister ” die Minister van Volksge-sondheid van die Unie;
- „ munisipaliteit ” die gebied of distrik geplaas onder die beheer en regs-bevoegdheid van 'n stadsraad of van 'n dorpsraad;
- „ naturel ” iemand wat lid is van 'n inboorlingras of -stam van Afrika. Waar enige redelike twyfel bestaan of iemand al of nie onder hierdie omskrywing val, rus die bewyslas op so iemand;
- „ oorlas ” onder meer—
- (1) enige perseel of gedeelte daarvan wat so gebou of in so'n toestand verkeer dat dit hinderlik of nadelig of gevaarlik vir die gesondheid is;
 - (2) enige straat, stroom, poel, lagune, sloot, geut, waterloop, wasbak, vergaarbak, waterprivaat, aardprivaat, privaat, urinaal, sinkput, afvoersloot, riool, vuilwaterbak, vuilwaterrenk, misgat, asbak, asgat of mishoop wat so vuil of in so'n toestand of so geleë of ver-vaardig is dat dit 'n oorlas, hinderlik of skadelik of gevaarlik vir die gesondheid is;

**Ord. No.
17 of 1939.**

Section 2.

- floor space; provided that this sub-section shall not apply to the housing of natives on mine compounds;
- (b) any occupied dwelling for which a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;
- (9) any school-house or any factory, workshop or workplace or portion thereof;
- (a) which is not kept in a cleanly state and free from effluvia arising from any drain, privy, water-closet, earth-closet, urinal or other source of nuisance, or
- (b) which is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are offensive, injurious, or dangerous to health, or
- (c) in which the average proportion of carbonic acid in the air at about breathing level exceeds 10 volumes in 10,000 or, where gas or oil is used for lighting purposes, exceeds 18 volumes in 10,000, while such gas or oil is in actual use, or
- (d) which is so overcrowded while work is carried on as to be injurious or dangerous to the health of those therein employed;
- (10) any chimney sending forth smoke in such quantity or in such a manner as to be offensive, injurious, or dangerous to health;
- (11) any churchyard, cemetery or other place of burial so situated or so crowded or otherwise so conducted as to be offensive, injurious, or dangerous to health;

- (3) enige put of watervoorraad wat skadelik of gevaarlik vir die gesondheid is;
- (4) enige tenk of waterbak gebruik vir die aanvoer van water vir huishoudelike gebruik, wat so geplaas, vervaardig of gehou is dat die water daarin blootstaan aan verontreiniging, wat gevaar vir die gesondheid oplewer of kan oplewer of die uitbroei van muskiete bevorder;
- (5) enige stal, koeistal, veekraal, hoenderhok, of perseel waarin enige dier of diere of voël of voëls op so'n wyse of in sulke getalle aangehou word dat dit hinderlik, skadelik of gevaarlik vir die gesondheid is;
- (6) enige ophoping van of hoop vullis, afval, mis of ander stof wat hinderlik, skadelik of gevaarlik vir die gesondheid is, of enige hinderlike stof, vullis, afval of mis wat binne vyftig tree van enige straat lê of aangetref word of wat bevat is in oop trokke of waens wat op enige stasie of halte of elders op 'n spoorweg staan of is, en hinderlik, skadelik of gevaarlik vir die gesondheid is;
- (7) enige werk, fabriek, bedryf of besigheid wat reuke of dampe veroorsaak of laat ontstaan wat hinderlik of skadelik vir die gesondheid van die buurte is of so gedryf word dat dit hinderlik, skadelik of gevaarlik vir die gesondheid is;
- (8) (a) enige huis of gedeelte van 'n huis deur soveel persone bewoon dat dit skadelik of gevaarlik vir die gesondheid van die inwoners is, of waarin vir elkeen wat dit gelyktydig bewoon, hetsy bedags of snags, nie minstens 400 kubieke voet ruimte en 40 vierkantvoet vloerruimte is nie; met dien verstande dat hierdie subartikel nie van toepassing is op die huisvesting van naturelle in mynkomponds nie;

**Ord. No.
17 van
van 1939.**

Artikel 2.

Ord. No.
17 of 1939.

—
Section 2.

- (12) any other condition whatever which is offensive, injurious, or dangerous to health, the generality of this provision not being limited by the particular matters provided in the preceding sub-sections;

Provided that—

- (a) a penalty shall not under any by-law or regulation be imposed on any person in respect of any accumulation or deposit necessary for or arising out of the carrying on of any business, trade or manufacture if the accumulation or deposit has not been kept longer than is necessary for the purposes of business, trade or manufacture, and all available means have been taken for preventing injury or danger thereby to the public health, provided that the said business is being lawfully carried out and is lawfully conducted at the premises in any locality; and
- (b) in considering whether any dwelling-house or part thereof which is also used as a factory or work-shop, or whether any factory or work-shop used also as a dwelling-house is a nuisance by reason of overcrowding, regard shall be had to the circumstances of such other use;

“ occupier ” shall include any person in actual occupation of land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein;

“ outside area ” shall mean any land or interest in land held by a council for municipal purposes outside the municipality and not forming part of any other municipality;

- (b) enige bewoonde huis waarvoor 'n behoorlike, voldoende en gesonde wateraanvoer nie beskikbaar is binne so'n redelike afstand as wat onder die omstandighede verkrygbaar is nie;
- (9) enige skoolgebou of enige fabriek, werkwinkel of werkplek of gedeelte daarvan;
- (a) wat nie in 'n sindelike toestand en vry van dampe wat ontstaan as gevolg van enige afvoersloot, privaat, waterprivaat, aardprivaat, urinaal of ander bron van oorlas, gehou word nie; of
- (b) wat nie op so'n manier geventileer is dat sover doenlik enige gasse, dampe, stof of ander onreinhede wat ontstaan in die loop van die werk wat daarin verrig word en wat hinderlik, skadelik of gevaarlik vir die gesondheid is, onskadelik gemaak word nie; of
- (c) waarin die gemiddelde verhouding van koolsuurgas in die lug nagenoeg op die hoogte waar mens ademhaal meer is as 10 volumes op 10,000, of, waar gas of olie vir verligtingsdoeleindes gebruik word, meer is as 18 volumes op 10,000 solank sodanige gas of olie werklik in gebruik is, of
- (d) wat so oorvol is solank daarin gewerk word dat dit skadelik of gevaarlik is vir die gesondheid van die persone wat daarin werksaam is;
- (10) enige skoorsteen wat soveel rook of op so'n wyse uitlaat dat dit hinderlik, skadelik of gevaarlik vir die gesondheid is;
- (11) enige kerkhof, begraafplaas of ander begraafplek wat so geleë of so oorvol is of andersins so gebruik word dat dit hinderlik, skadelik of gevaarlik vir die gesondheid is;

Ord. No.
17 van
1939.

—
Artikel 2.

Ord. No.
17 of 1939.

Section 2.

“ owner ” shall include any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;

“ premises ” shall include any land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, lagoon, drain, ditch (open, covered or enclosed) whether built on or not and whether public or private;

“ Province ” shall mean the Province of Transvaal;

“ public place ” shall include any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, foot-path, sidewalk, lane, square, open space, garden, park, enclosed space vested in a town or village council under section *sixty-three* of this Ordinance, provided that for the purposes of by-laws regulating traffic under this Ordinance the expression “ public place ” includes any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use;

“ public vehicle ” shall include any cab, cart, omnibus, jinricksha, trolley, lorry, motor vehicle and any other vehicle standing or plying for hire in any public place within the municipality or used or intended to be used for carrying passengers or goods or both for hire or reward;

“ registered midwife ” shall mean every person registered in terms of section *twenty-nine* of Act No. 13 of 1928 or any amendment thereof;

“ regulation ” shall mean a regulation made by the Administrator under this Ordinance and in force in the area of jurisdiction of any local authority;

“ sanitary or health inspector ” shall mean and include any person for the time being lawfully acting in the capacity of sanitary inspector of the local authority;

- (12) enige ander toestand wat ook al wat hinderlik, skadelik of gevaarlik vir die gesondheid is; die algemeenheid van hierdie bepaling word nie beperk deur die besondere sake bepaal in voorgaande subartikels nie;

Ord. No.
17 van
1939.

—
Artikel 2.

met dien verstande dat—

- (a) geen straf kragtens enige verordening of regulasie aan enigeen opgelê sal word nie weens enige ophoping of hoop wat nodig is vir of ontstaan uit die uitoefening of bestuur van enige besigheid, bedryf of fabriek indien die ophoping of hoop nie langer gehou is as nodig is vir die doeleindes van die besigheid, bedryf of fabriek nie en alle beskikbare middels aangewend is om te voorkom dat die openbare gesondheid daardeur benadeel of in gevaar gestel word, mits bedoelde besigheid wettiglik uitgeoefen en gedryf word op die perseel in enige buurte; en
- (b) by oorweging of enige woonhuis of gedeelte daarvan wat tewens as 'n fabriek of werkwinkel gebruik word, dan wel of enige fabriek of werkwinkel wat tewens as 'n woonhuis gebruik word, 'n oorlas is omdat dit oorvol is, rekening gehou moet word met die omstandighede van sulke ander gebruik;
- „perseel” omvat enige grond, gebou, kamer, bouwerk, tent, vervoerwa, voertuig, stroom, meer, dam, poel, lagune, riool, voor (oop, oordek of ingesluit) of daar op gebou is of nie en of publiek of privaat;
- „plaaslike bestuur” beteken en omvat 'n stadsraad of dorpsraad of gesondheidskomitee;
- „Provinsie” die Provinsie Transvaal;
- „publieke plek” omvat enige pad, straat, deurgang, brug, bogronde brug, duikweg, voetbestrating, voetpad, sypaadjie, steeg, plein, oop ruimte, tuin, park, ingeslote ruimte, die eiendomsreg waarvan by 'n stads- of dorpsraad kragtens artikel *drie-en-sestig* van hierdie

Ord. No.
17 of 1939.

—
Section 2.

“ street ” includes any street, road or thoroughfare shown on the general plan of a township or in respect of which the public have acquired a prescriptive or other right of way;

“ street trading ” shall include the hawking of newspapers, the distribution of handbills or other advertisements, shoeblacking and any other like occupation carried on in public places and the sale of any articles whatsoever in public places; and “ street trader ” shall include any person who engages in any such occupation so carried on, but shall not include a hawker or pedlar as defined in Part I of the Second Schedule to the Licences Consolidation Act, 1925 or any amendment thereof;

“ town clerk ” or “ town treasurer ” shall mean the persons for the time being lawfully acting respectively in the capacities of town clerk and town treasurer for the municipality;

“ town council ” shall mean a council constituted under and by virtue of the provisions of Chapter I of this Ordinance, and shall include City Councils;

“ Townships Act ” shall mean the Townships Act No. 33 of 1907 (Transvaal) and any amendment thereof, read with the Townships and Town Planning Ordinance, 1931 and any amendment thereof;

“ village council ” shall mean a council constituted under and by virtue of the provisions of Chapter VIII of this Ordinance.

Application
of
Ordinance.

3. This Ordinance shall apply to every local authority constituted thereunder in the manner and to the extent prescribed therein.

Non-appli-
cation of
certain
Laws.

4. (1) Save as is provided in this Ordinance, the provisions of the Pounds Ordinance, 1913, and any amendments thereof

Ordonnansie berus, met dien verstande dat vir die doeleindes van verordeninge om die verkeer kragtens hierdie Ordonnansie te reël, die uitdrukking „publieke plek” enige pad, plek of deurgang omvat, hoe dit ook al tot stand gekom het, waarvan die publiek die onbelemmerde gebruik het of die reg van gebruik besit;

Ord. No.
17 van
1939.

—
Artikel 2.

- „publieke voertuig” omvat ’n huurruytuig, kar, bus, riksja, trollie, lorrie, motorvoertuig en alle ander voertuie wat op ’n publieke plek binne die munisipaliteit te huur staan of vir verhuur heen en weer ry of wat vir die vervoer van passasiers of goedere of albei teen huurgeld of beloning gebruik word of bestem is om aldus gebruik te word;
- „regulasie” ’n regulasie opgestel deur die Administrateur kragtens hierdie Ordonnansie en van krag in die regsgebied van enige plaaslike bestuur;
- „stadsklerk” en „stadstesourier” diegene wat asdan wettiglik optree onderskeidelik in die hoedanigheid van stadsklerk en stadstesourier vir die munisipaliteit;
- „stadsraad” ’n raad ingestel ingevolge die bepalings van Hoofstuk I van hierdie Ordonnansie, en sluit ’n „City Council” in;
- „straat” omvat enige straat, pad of deurgang aangedui op die algemene kaart van ’n dorp of waartoe die publiek deur verjaring of op ander wyse ’n reg van weg verkry het;
- „veroorsaker van ’n oorlas” die persoon deur wie se handeling, nalatigheid of toelating die oorlas veroorsaak word, bestaan of voortgesit word;
- „verordening” ’n verordening van krag in ’n munisipaliteit en enige buitegebied daarvan, wat kragtens hierdie Ordonnansie of op gesag van enige wet opgestel en goedgekeur is.

3. Hierdie Ordonnansie is van toepassing op iedere plaaslike bestuur daarvolgens ingestel op die wyse en in die mate daarin bepaal. Toepassing van Ordonnansie.

4. (1) Behalwe soos in hierdie Ordonnansie bepaal, is die bepalings van die „Schutten Ordonantie”, 1913, en enige wysiging daar- Ontoepaslikheid van sekere wette.

Ord. No.
17 of 1939.

Section 4.

shall not apply to any pound established by a local authority nor to any area under the jurisdiction of a health committee.

(2) The provisions of the Registration and Control of Dogs Act, 1907, and any amendment thereof, shall not apply within any municipality, nor within any area of jurisdiction of a health committee, as soon as by-laws or regulations imposing a tax upon the keeping of dogs and for dealing with dogs have come into operation in such area.

(3) The provisions of Law No. 8 of 1888 shall not apply to any market established or carried on by a local authority as soon as by-laws or regulations relating to such market have come into operation.

(4) The provisions of Law No. 13 of 1894 or any amendment thereof shall not apply to the business of pawnbroking carried on within any municipality in which by-laws or regulations relating to pawnbrokers have come into operation.

Division of Ordinance. 5. This Ordinance is divided into chapters referring to the following matters respectively—

Chapter I. Constitution of Town Councils (sections *one to fifteen*).

Chapter II. Mayor and Deputy-Mayor of Town Councils (sections *sixteen to nineteen*).

Chapter III. Meetings and Proceedings of Municipal Councils (sections *twenty to thirty-eight*).

Chapter IV. Conduct of Members and Servants of Municipal Councils (sections *thirty-nine to forty-seven*).

Chapter V. Financial—

Part I. Revenues and Borrowing Powers (sections *forty-eight to fifty-five*).

Part II. Accounts and Audit (sections *fifty-six to sixty-one*).

Chapter VI. Powers and Duties of Municipal Councils—

Part I. General Powers (sections *sixty-two to eighty*).

Part II. Works (sections *eighty-one to eighty-eight*).

van, nie van toepassing op enige skut deur 'n plaaslike bestuur ingestel nog op enige gebied onder die regsbevoegdheid van 'n gesondheidskomitee nie.

Ord. No.
17 van
1939.

Artikel 4.

(2) Die bepalings van die „Registrasie van en Kontrole op Honde Wet ’’, 1907, en enige wysiging daarvan, is nie van toepassing binne enige munisipaliteit nog binne enige regsgebied van 'n gesondheidskomitee, sodra verordeninge of regulasies waarby 'n belasting gehef word op die aanhou van en handeldryf in honde, in so'n gebied van krag geword het nie.

(3) Die bepalings van Wet No. 8 van 1888 is nie van toepassing op enige mark ingestel of bestuur deur 'n plaaslike bestuur sodra verordeninge of regulasies wat op sodanige mark betrekking het, in werking getree het nie.

(4) Die bepalings van Wet No. 13 van 1894, of enige wysiging daarvan, is nie van toepassing op die besigheid van pandjieshouer uitgeoefen binne enige munisipaliteit waarin verordeninge of regulasies wat betrekking het op pandjieshouers, van krag geword het nie.

5. Hierdie Ordonnansie word verdeel in hoofstukke wat onderskeidelik op die volgende aangeleenthede betrekking het—

Indeling
van
Ordonnansie.

Hoofstuk I. Samestelling van Stadsrade (artikels *een tot vyftien*).

Hoofstuk II. Burgemeester en Onderburgemeester van Stadsrade (artikels *sestien tot negentien*).

Hoofstuk III. Vergaderings en Verrigtings van Munisipale Rade (artikels *twintig tot agt-en-dertig*).

Hoofstuk IV. Gedrag van Lede en Beamptes van Munisipale Rade (artikels *nege-en-dertig tot sewe-en-veertig*).

Hoofstuk V. Finansiëel—

Deel I. Inkomste en Leningsbevoegdhede (artikels *agt-en-veertig tot vyf-en-vyftig*).

Deel II. Rekenings en Ouditering (artikels *ses-en-vyftig tot een-en-sestig*).

Hoofstuk VI. Bevoegdhede en Pligte van Munisipale Rade—

Deel I. Algemene Bevoegdhede (artikels *twee-en-sestig tot tagtig*).

Deel II. Werke (artikels *een-en-tagtig tot agt-en-tagtig*).

Ord. No.
17 of 1939.

Section 5.

Chapter VII. Provisions as to Licences and By-laws—

Part I. Licences (sections *eighty-nine* to *ninety-five*).

Part II. By-laws (sections *ninety-six* to *one hundred and thirteen*).

Chapter VIII. Village Councils—

Part I. Constitution (sections *one hundred and fourteen* to *one hundred and eighteen*).

Part II. Powers and Duties (sections *one hundred and nineteen* to *one hundred and twenty-two*).

Chapter IX. Health Committees (sections *one hundred and twenty-three* to *one hundred and twenty-nine*).

Chapter X. Special Powers of Town Councils—

Part I. Special Provisions (sections *one hundred and thirty* to *one hundred and thirty-two*).

Part II. Sewerage and Drainage Works (sections *one hundred and thirty-three* to *one hundred and forty-three*).

Part III. Other Works (sections *one hundred and forty-four* to *one hundred and fifty-two*).

Chapter XI. General—

Part I. Powers of Administrator in Local Authority's Default or in Emergency (sections *one hundred and fifty-three* to *one hundred and fifty-six*).

Part II. Reconstitution of Local Authorities (sections *one hundred and fifty-seven* to *one hundred and sixty*).

Part III. Miscellaneous (sections *one hundred and sixty-one* to *one hundred and seventy-three*).

CHAPTER I.

CONSTITUTION OF TOWN COUNCILS.

Establishment of town councils for certain existing municipalities.

6. (1) The councils of municipalities lawfully established prior to the commencement of this Ordinance and mentioned in the Second Schedule to this Ordinance, shall be deemed to be town councils constituted under

Hoofstuk VII. Bepalings betreffende Lisensies en Verordeninge—

Deel I. Lisensies (artikels *nege-en-tagtig* tot *vyf-en-negentig*).

Deel II. Verordeninge (artikels *ses-en-negentig* tot *honderd-en-dertien*).

Ord. No.
17 van
1939.

—
Artikel 5.

Hoofstuk VIII. Dorpsrade—

Deel I. Samestelling (artikels *honderden-veertien* tot *honderden-agtien*).

Deel II. Bevoegdhede en Pligte (artikels *honderden-negentien* tot *honderd twee-en-twintig*).

Hoofstuk IX. Gesondheidskomitees (artikels *honderd drie-en-twintig* tot *honderd nege-en-twintig*).

Hoofstuk X. Spesiale Bevoegdhede van Stadsrade—

Deel I. Spesiale Bepalings (artikels *honderden-dertig* tot *honderd twee-en-dertig*).

Deel II. Riolerings- en Dreineringswerke (artikels *honderd drie-en-dertig* tot *honderd drie-en-veertig*).

Deel III. Ander Werke (artikels *honderd vier-en-veertig* tot *honderd twee-en-vyftig*).

Hoofstuk XI. Algemeen—

Deel I. Bevoegdhede van Administrateur by versuim van Plaaslike Bestuur of in dringende gevalle (artikels *honderd drie-en-vyftig* tot *honderd ses-en-vyftig*).

Deel II. Herinstelling van Plaaslike Besture (artikels *honderd sewe-en-vyftig* tot *honderden-sestig*).

Deel III. Allerlei (artikels *honderd een-en-sestig* tot *honderd drie-en-sewentig*).

HOOFSTUK I.

SAMESTELLING VAN STADSRADE.

6. (1) Die rade van munisipaliteite wat wettig ingestel is voor die inwerkingtreding van hierdie Ordonnansie, en wat in die tweede bylae van hierdie Ordonnansie genoem word, word beskou as stadsrade ingestel kragtens

Instelling van stadsrade vir sekere bestaande munisipaliteite.

Ord. No.
17 of 1939.

Section 6.

this Ordinance, and the members thereof shall be elected under the provisions of the Municipal Elections Ordinance, 1927 and any amendment thereof, and such councils shall under the name of the town council of..... (the name of the town by which each council was designated prior to the commencement of this Ordinance) be each and severally a body corporate with perpetual succession and a common seal (with power to alter and change such seal from time to time), and shall by such name be capable in law of suing and being sued, of purchasing, holding, and alienating land, and generally of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and any other law.

(2) In the case of works which at the commencement of this Ordinance are already in process of execution under any law existing before such commencement, but which under the provisions of this Ordinance require the consent of the Administrator, the consent of the Administrator to such works shall hereby be deemed to have been obtained and given.

Areas of
existing
municipalities.

7. (a) The areas of jurisdiction of town councils constituted under the provisions of the last preceding section shall be the areas of municipalities as defined by law or proclamation at the commencement of this Ordinance; provided that the powers vested in the Administrator by section *nine* of this Ordinance may be applied in the case of any municipality for which a town council is constituted under the last preceding section.

Outside
areas.

(b) Any outside area held by a council for the purpose of native location, area for coloured persons, Asiatic bazaar, tramway, light or waterworks, cemetery, sewerage or drainage works or any other municipal undertaking shall (except it fall within another municipality) be under the control, jurisdiction and powers of the council but shall not form portion of the municipality, and to that extent shall be subject to the powers and provisions of this Ordinance and the by-laws thereunder.

hierdie Ordonnansie, en die lede daarvan moet verkies word kragtens die bepalinge van die „Munisipale Verkiesings Ordonnansie”, 1927, en enige wysiging daarvan, en sulke rade is onder die naam van stadsraad van..... (die naam van die dorp waarmee elke raad aangedui was voor die inwerkingtreding van hierdie Ordonnansie) elk en afsonderlik 'n liggaam met regs persoonlikheid en ewigdurende opvolging en 'n gemene seël (met bevoegdheid om so 'n seël van tyd tot tyd te verander en te wysig), en besit die regsbevoegdheid om onder so 'n naam eisend en verwerend op te tree, om grond aan te koop, te hou en te vervreem, en oor die algemeen om enige handeling en dinge te doen en te verrig wat liggame met regs persoonlikheid volgens die reg mag doen en verrig, onderworpe aan die bepalinge van hierdie Ordonnansie en enige ander wet.

Ord. No.
17 van
1939.

—
Artikel 6.

(2) In die geval van werke wat by die inwerkingtreding van hierdie Ordonnansie reeds in aanbou is kragtens enige wet wat bestaan het voor sodanige inwerkingtreding, dog wat kragtens die bepalinge van hierdie Ordonnansie die toestemming van die Administrateur vereis, word hierby geag dat die toestemming van die Administrateur vir sulke werke verkry en verleen is.

7. (a) Die regsgebiede van stadsrade ingestel kragtens die bepalinge van laasvooraangaande artikel, is die munisipaliteitsgebiede soos omskrywe volgens wet of proklamasie by die inwerkingtreding van hierdie Ordonnansie; met dien verstande dat die bevoegdhede waarmee die Administrateur by artikel *nege* van hierdie Ordonnansie bekleed word, toegepas kan word op enige munisipaliteit waarvoor 'n stadsraad kragtens laasvooraangaande artikel ingestel is.

(b) Enige buitegebied waarvan 'n raad die houer is en wat bedoel is vir 'n natuurlekasie, kleurlinggebied, Asiatiese basaar, tremweg, verligtings- of waterwerke, begraaftplaas, riolerings- of dreineringswerke of enige ander munisipale onderneming val (behalwe as dit binne 'n ander munisipaliteit is) onder die beheer, jurisdiksie en bevoegdhede van die raad maar maak nie deel van die munisipaliteit uit nie en is in daardie mate onderworpe aan die bevoegdhede en bepalinge van hierdie Ordonnansie en die verordeninge daaronder.

Ord. No.
17 of 1939.

Members of
town
councils to
remain in
office.

8. The members of every council of a municipality mentioned in section *six* of this Ordinance and the mayor and deputy-mayor thereof shall continue in office under the provisions of the Municipal Elections Ordinance, 1927 or any amendment thereof, as if such council had not been reconstituted under the provisions of this Ordinance.

Power of
Admini-
strator in
regard to
municipalities.

9. Subject to the provisions of this Ordinance, the Administrator may from time to time exercise all or any of the powers following; that is to say he may—

- (1) (a) declare any town, village, or other area to be a municipality under the jurisdiction of a town council, and constitute for such municipality a town council to be elected in the manner provided by the Municipal Elections Ordinance, 1927 and any amendment thereof.
- (b) Every town council so constituted shall under the name of the town council of be a body corporate with perpetual succession and a common seal (with power to alter and change such seal from time to time), and shall by such name be capable in law of suing and being sued, of purchasing, holding, and alienating land, and generally of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and any other law;
- (2) assign a name to such municipality;
- (3) describe the boundaries thereof;
- (4) unite any two or more townships, villages, municipalities, or areas under the jurisdiction of different classes of local authorities so as to form one municipality and determine any questions arising out of such uniting and make any order necessary to give effect to any agreement between any local authorities concerned as to the conditions under which such uniting shall be effected;

8. Die lede van iedere raad van 'n munisipaliteit genoem in artikel ses van hierdie Ordonnansie en die burgemeester en onderburgemeester daarvan behou hul amp kragtens die bepalings van die „Munisipale Verkiesings Ordonnansie”, 1927 of enige wysiging daarvan, asof so'n raad nie opnuut saamgestel was kragtens die bepalings van hierdie Ordonnansie nie.

Ord. No.
17 van
1939.

9. Met inagneming van die bepalings van hierdie Ordonnansie, kan die Administrateur van tyd tot tyd alle of enige van die volgende bevoegdhede uitoefen; dit wil sê, hy kan—

Bevoegdheid van Administrateur ten opsigte van munisipaliteite.

- (1) (a) enige stad, dorp, of ander gebied tot munisipaliteit verklaar onder die regsbevoegdheid van 'n stadsraad, en vir so 'n munisipaliteit 'n stadsraad instel wat gekies moet word op die wyse bepaal in die „Munisipale Verkiesings Ordonnansie”, 1927 en enige wysiging daarvan.
- (b) Iedere aldus ingestelde stadsraad is onder die naam van stadsraad van 'n liggaam met regs persoonlikheid en ewigdurende opvolging en 'n gemene seël (met bevoegdheid om sodanige seël van tyd tot tyd te verander en te wysig), en besit die regsbevoegdheid om onder so 'n naam eisend en verwerend op te tree, om grond aan te koop, te hou en te vervreem, en oor die algemeen om die handelinge en dinge te doen en te verrig wat liggame met regs persoonlikheid volgens die reg mag doen en verrig, onderworpe aan die bepalings van hierdie Ordonnansie en enige ander wet;
- (2) aan so 'n munisipaliteit 'n naam toeken;
- (3) die grense daarvan omskryf;
- (4) enige twee of meer stede, dorpe, munisipaliteite, of gebiede onder die regsbevoegdheid van verskillende soorte plaaslike besture verenig ten einde een munisipaliteit te vorm en oor enige vraagstukke wat uit sodanige vereniging ontstaan, beslis, en enige order uitvaardig wat nodig is om gevolg te gee aan enige ooreenkoms tussen betrokke plaaslike besture wat betref die voorwaardes warrop so'n vereniging ten uitvoer gebring moet word;

Ord. No.
17 of 1939.

Section 9.

- (5) alter and adjust the boundaries of adjoining municipalities, and determine any questions arising out of such alteration and adjustment;
- (6) sever any portion of a municipality from the municipality of which it forms a part, and constitute the same a separate municipality or health committee area, or annex the same to any other municipality or health committee area, and from time to time make any apportionment of property rights and liabilities and give any directions as to any matters and things that may be necessary in order to do justice between the municipalities and health committees concerned:
- (7) alter from time to time the boundaries of any municipality, and in cases where any area is to be excised from the municipality order the deletion as from the date of such excision from any voters' list of the names of voters residing or qualified in respect of any immovable property in such area;
- (8) alter the name of any municipality;
- (9) upon declaring any town or village or other area to be a municipality or upon the constitution of a health committee under Chapter IX of this Ordinance or upon the alteration of the boundaries of a municipality or health committee area exempt any part of the area of such municipality or health committee area from the provisions of the Local Authorities Rating Ordinance, 1933 and any amendment thereof and, thereafter, in whole or in part, withdraw such exemption;
- (10) withdraw any exemption from rating whether such exemption was effected under this or under any other law;
- (11) appoint any person or persons to inquire into and report upon the advisability of the exercise by the Administrator of any of the powers conferred on him by this section and may confer on such person or persons the powers, jurisdic-

- (5) die grense van aangrensende munisipaliteite verander en reël, en oor enige vraagstukke wat uit so'n verandering of reëling ontstaan, beslis;
- (6) enige gedeelte van 'n munisipaliteit afskei van die munisipaliteit waarvan dit deel uitmaak en dit as 'n afsonderlike munisipaliteit of gesondheidskomiteegebied instel, of dit by enige ander munisipaliteit of gesondheidskomiteegebied voeg, en van tyd tot tyd enige verdeling maak betreffende eiendomsregte en verpligtings sowel as enige opdrag gee aangaande enige aangeleenthede en dinge wat nodig mag wees ten einde reg te laat geskied tussen die betrokke munisipaliteite en gesondheidskomitees;
- (7) van tyd tot tyd die grense van enige munisipaliteit verander, en in gevalle waar enige gebied van die munisipaliteit afgesny moet word, gelas dat die name van kiesers woonagtig of gekwalifiseer ten opsigte van enige onroerende eiendom in so'n gebied, vanaf die datum van sulke afsnyding uit die kieserslys geskrap word;
- (8) die naam van enige munisipaliteit verander;
- (9) by verklaring van enige stad of dorp of ander gebied tot munisipaliteit of by die instelling van 'n gesondheidskomitee kragtens Hoofstuk IX van hierdie Ordonnansie of by die verandering van die grense van 'n munisipaliteit of gesondheidskomiteegebied, enige deel van die gebied van so'n munisipaliteit of gesondheidskomitee vrystel van die bepalings van die „Plaaslike-Bestuur-Belastingordonnansie”, 1933 en enige wysiging daarvan, en, daarna, so 'n vrystelling geheel of gedeeltelik intrek;
- (10) enige vrystelling van belasting intrek of so'n vrystelling nou ook kragtens hierdie of enige ander wet verleen was;
- (11) enige persoon of persone benoem om ondersoek in te stel na en rapport uit te bring oor die vraag of dit raadsaam vir die Administrateur sou wees om enige van die bevoegdhede aan hom verleen by hierdie artikel uit te oefen

Ord. No.
17 van
1939.

—
Artikel 9.

Ord. No.
17 of 1939.

—
Section 9.

tion, and privileges of the Commissions Powers Ordinance, 1902; notice of such appointment and particulars of the power which the Administrator proposes to exercise shall be published at least once a week during three consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the neighbourhood where it is proposed to exercise such power or powers;

and, whenever one class of local authority is constituted under this Ordinance for any area in lieu of another class of local authority, or whenever a portion of a municipality is excised therefrom and a separate local authority is constituted therefor, the Administrator may make an order applying *mutatis mutandis* any provision of Part II of Chapter XI.

In the exercise of any of the powers hereunder conferred the Administrator may direct any municipal council concerned at its own expense to do or carry out any surveys that may be necessary within a period to be prescribed by him.

Should the council fail or neglect to carry out any directions given hereunder within the prescribed period the Administrator may cause the said surveys to be carried out at the cost of, and may recover the amount from the said council.

How such
powers to
be exercised
after
petition
presented.

10. The Administrator may exercise any of the powers by this Chapter conferred after the presentation of such petition as is herein-after described and after the publication, at least once a week during three consecutive weeks of the substance and prayer of such petition, in the *Provincial Gazette* and in a newspaper circulating in the neighbourhood where it is proposed to exercise such powers, provided that such publication shall not be necessary when the Administrator shall have appointed any person or persons under the provisions of sub-section (11) of the last preceding section to inquire into the subject matter of any such petition and shall have notified such appointment and the subject of the inquiry in terms of that sub-section. It

en kan aan so'n persoon of persone die bevoegdhede, jurisdiksie en voorregte van die „Commissions Powers Ordinance, 1902”, verleen; kennisgewing betreffende so'n benoeming en besonderhede van die bevoegdheid wat die Administrateur van plan is om uit te oefen, moet minstens eenmaal 'n week vir drie agtereenvolgende weke gepubliseer word in die *Offisiële Koerant van die Provinsie Transvaal* en in 'n nuusblad wat sirkuleer in die buurte waarin voorgestel word om sulke bevoegdheid of bevoegdhede uit te oefen;

**Ord. No.
17 van
1939.**

Artikel 9.

en, wanneer een soort plaaslike bestuur kragtens hierdie Ordonnansie ingestel is vir enige gebied in plaas van 'n ander soort plaaslike bestuur, of wanneer 'n gedeelte van 'n munisipaliteit daarvan afgesny word en 'n afsonderlike plaaslike bestuur daarvoor ingestel word, kan die Administrateur 'n order uitvaardig waarby enige bepaling van Deel II van Hoofstuk XI *mutatis mutandis* toegepas word.

By die uitoefening van enige van die bevoegdhede hierby verleen, kan die Administrateur enige betrokke munisipale raad gelas om binne 'n tydperk wat hy bepaal, op eie koste enige opmetings te doen of uit te voer wat nodig mag wees.

As die raad versuim of nalaat om enige bevel hierby gegee, binne die bepaalde tydperk uit te voer, dan kan die Administrateur bedoelde opmetings laat uitvoer op koste van genoemde raad en die bedrag van die raad invorder.

10. Die Administrateur kan enige van die bevoegdhede ingevolge hierdie Hoofstuk verleen, uitoefen na 'n petisie soos hierna omskrywe word, aangebied is en na die inhoud en versoek van so 'n petisie minstens eenkeer 'n week vir drie agtereenvolgende weke verskyn het in die *Offisiële Koerant van die Provinsie Transvaal* en in 'n nuusblad wat in die buurte sirkuleer waarin voorgestel word om sulke bevoegdhede uit te oefen, met dien verstande dat so 'n publikasie nie nodig is nie as die Administrateur enige persoon of persone kragtens die bepalings van subartikel (11) van laasvoorgaande artikel benoem het om ondersoek in te stel na die inhoud van so 'n petisie en van so 'n benoeming sowel as die onderwerp van die ondersoek kragtens daardie subartikel

Hoe sulke bevoegdhede uitoefen moet word na petisie aangebied is.

Ord. No.
17 of 1939.

Section 10.

shall be in the discretion of the Administrator to refuse the prayer of any such petition or to grant the whole or any part thereof.

How petitions to be signed.

11. Every petition for the constitution of a town council under this Ordinance shall—

- (1) if a municipality already exists for the area for which a town council is desired, be signed by not less than two-thirds of the members of the village council of such municipality;
- (2) if no such municipality exists, be signed by not less than fifty persons entitled to vote for the election of members of the health committee for the area for which a town council is desired, or if a health committee, whose members are appointed by the Administrator, exists, or no health committee exists, then by fifty persons residing within such area and included on any register for the time being in force of persons qualified to vote at an election of members of the Provincial Council for the electoral division or divisions within which such area falls.

Particulars to be stated in petitions.

12. Every petition shall state precisely to what extent the exercise of the powers by this Chapter conferred upon the Administrator is desired by the petitioners, and shall pray for such specific exercise thereof, and may also pray for any partial exercise of such powers and every petition for the constitution of a municipality shall state the proposed boundaries thereof.

Petitions may be opposed.

13. It shall be competent for any person or persons interested, within thirty days of the first publication in the *Provincial Gazette* of the substance and prayer of a petition as provided in section *ten*, or of the appointment of a commissioner or commissioners under sub-section (11) of section *nine* to present to the Administrator or to such commissioner or commissioners as the case may be, any counter-petition setting forth the grounds of opposition to the exercise by the Administrator of any of the powers conferred by this Chapter.

kennis gegee het. Die Administrateur kan na goedvinde die versoek in so'n petisie weier of dit geheel of gedeeltelik toestaan.

Ord. No.
17 van
1939.

11. Iedere petisie vir die instelling van 'n stadsraad kragtens hierdie Ordonnansie moet— Hoe petisies geteken moet word.

Artikel 10.

- (1) as 'n munisipaliteit reeds bestaan vir die gebied waarvoor 'n stadsraad verlang word, geteken wees deur minstens tweederdes van die lede van die dorpsraad van so'n munisipaliteit;
- (2) as daar geen sodanige munisipaliteit bestaan nie, geteken wees deur minstens vyftig persone wat geregtig is om te stem by die verkiesing van lede van die gesondheidskomitee vir die gebied waarvoor 'n stadsraad verlang word, of as 'n gesondheidskomitee, waarvan die lede deur die Administrateur benoem word, bestaan, of as daar geen gesondheidskomitee bestaan nie, dan deur vyftig persone woonagtig binne so'n gebied en ingeskryf in 'n register wat op daardie tydstip van krag is, van persone wat bevoegd is om te stem by 'n verkiesing van lede van die Provinsiale Raad vir die kiesafdeling of -afdelings waarin so'n gebied val.

12. Iedere petisie moet noukeurig vermeld in hoever die uitoefening van die bevoegdhede ingevolge hierdie Hoofstuk aan die Administrateur verleen, deur die petitionerise verlang word, en moet om so'n uitoefening daarvan uitdruklik vra, en kan ook vra om 'n gedeeltelike uitoefening van sulke bevoegdhede, en in iedere petisie vir die instelling van 'n munisipaliteit moet die voorgestelde grense daarvan opgegee word. Besonderhede moet in petisies vermeld word.

13. Enige belanghebbende persoon of persone is bevoegd om binne dertig dae na die eerste publikasie in die *Offisiële Koerant van die Provinsie Transvaal* van die inhoud en versoek van 'n petisie soos bepaal in artikel *tien*, of van die benoeming van 'n kommissaris of kommissarisse kragtens subartikel (11) van artikel *nege*, aan die Administrateur of aan so'n kommissaris of kommissarisse, al na die geval, enige teenpetisie aan te bied waarin die gronde van beswaar teen die uitoefening deur die Administrateur van enige van die bevoegdhede by hierdie Hoofstuk verleen, vermeld word. Of Petisies kan bestry word.

**Ord. No.
17 of 1939.**

Notice to be given of Administrator's intention to exercise powers of his own accord.

14. The Administrator may from time to time exercise any of the powers conferred by this Chapter without the presentation of any petition, provided that unless a commission be appointed under the provisions of subsection (11) of section *nine* before the exercise of any such power, notice be given once a week during three consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the neighbourhood where it is proposed to exercise such power or powers stating the intention of the Administrator to exercise such powers. If within thirty days after the date of the first publication of such notice or after due inquiry and report by a commission, if one be appointed, in the opinion of the Administrator no sufficient cause shall be shown why the power proposed to be exercised shall not be exercised, the Administrator may exercise such power.

Administrator's expenses to be paid by council applying for exercise of powers.

15. All expenses incurred by the Administrator in publication or in the appointment of a commission as a result of an application by any council for the exercise by him of any of the powers by this Chapter conferred shall be borne by the council concerned.

CHAPTER II.

MAYOR AND DEPUTY-MAYOR OF TOWN COUNCILS.

Election of mayor.

16. (1) At the first ordinary meeting of the council held after the first election of councillors referred to in the Municipal Elections Ordinance, 1927, or any amendment thereof, and thereafter at the first meeting of the council held after every annual election of councillors, the councillors present shall elect one councillor to be mayor who shall be styled mayor of the municipality for which he is so elected, and who shall forthwith enter upon his office and continue therein until his successor be appointed after the next ensuing annual election of councillors, unless his office be sooner vacated; and at any election of mayor the chairman of the meeting, if a member of the council, shall have a deliberative vote only; provided that if the office of

14. Die Administrateur kan van tyd tot tyd enige van die bevoegdhede by hierdie Hoofstuk verleen, uitoefen sonder dat 'n petitie aangebied is, mits, tensy 'n kommissie benoem word kragtens die bepalings van subartikel (11) van artikel *nege* voor die uitoefening van sodanige bevoegdheid, kennis eenmaal 'n week vir drie agtereenvolgende weke gegee word in die *Offisiële Koerant van die Provinsie Transvaal* en in 'n nuusblad wat in die buurte sirkuleer waar voorgestel word om sodanige bevoegdheid of bevoegdhede uit te oefen, van die voorneme van die Administrateur om sodanige bevoegdhede uit te oefen. As daar binne dertig dae na die datum van die eerste publikasie van so'n kennisgewing of na behoorlik ondersoek en rapport deur 'n kommissie, as een benoem word, na mening van die Administrateur geen voldoende rede aangevoer word waarom die bevoegdheid wat hy voornemens is om uit te oefen, nie uitgeoefen moet word nie, dan kan die Administrateur sodanige bevoegdheid uitoefen.

Kennis moet gegee word van voorneme van Administrateur om op eie gesag bevoegdhede uit te oefen.

Ord. No.
17 van
1939.

15. Alle onkoste deur die Administrateur gemaak in verband met publikasie of die benoeming van 'n kommissie as gevolg van 'n aansoek deur enige raad vir die uitoefening deur hom van enige van die bevoegdhede wat by hierdie Hoofstuk verleen word, moet deur die betrokke raad betaal word.

Administrateur se onkoste moet betaal word deur raad wat aansoek doen om die uitoefening van bevoegdhede.

HOOFTUK II.

BURGEMEESTER EN ONDERBURGEMEESTER VAN STADSRADE.

16. (1) Op die eerste gewone vergadering van die raad gehou na die eerste verkiesing van raadslede vermeld in die „Munisipale Verkiesings Ordonnansie”, 1927, of enige wysiging daarvan, en daarna op die eerste vergadering van die raad gehou na iedere jaarlikse verkiesing van raadslede, kies die aanwesige raadslede een raadslid as burgemeester wat genoem moet word burgemeester van die munisipaliteit waarvoor hy aldus verkies is, en wat terstond sy amp moet aanvaar en dit moet beklee totdat sy opvolger benoem word na die eersvolgende jaarlikse verkiesing van raadslede, tensy sy amp vroeër vakant word; en by enige verkiesing van burgemeester het die voorsitter van die vergadering, as hy lid van die raad is, slegs 'n beraadslagende stem; met dien verstande dat as die amp van die aftredende burgemeester

Verkiesing van Burgemeester.

Ord. No.
17 of 1939.

Section 16.

the outgoing mayor has been vacated by reason of the expiry of his period of office as councillor he shall nevertheless preside at the meeting until a mayor or deputy-mayor shall be elected; but the quorum required to be present at such meeting shall be deemed to be exclusive and not inclusive of such outgoing mayor who shall not be entitled to any vote. In case the election cannot be determined owing to the equality in the votes recorded for two or more candidates it shall be determined by lot by the chairman.

In the event of the office of mayor being vacated otherwise than by the expiry of the period for which he was elected as councillor, a successor shall, at the ordinary meeting next but one of the council held after the vacancy, be chosen by the councillors from amongst themselves, and such successor shall forthwith enter upon his office and serve as mayor for the remainder of the period for which the vacating mayor was elected; provided that if a mayor for any reason be not elected at a meeting as herein prescribed he may be elected at the first ordinary meeting of the council held thereafter or at a special meeting called for the purpose.

(2) If, however, it shall be so decided by the council at its last meeting before the annual election, the procedure in the election of mayor for the following twelve months shall be as follows:—

- (a) Within fourteen days after the first election of councillors under the Municipal Elections Ordinance, 1927, or any amendment thereof (hereinafter in this section referred to as the Elections Ordinance), and thereafter within fourteen days after the annual election of councillors, a mayor shall be elected by the registered voters on the municipal roll.
- (b) Such election shall be conducted *mutatis mutandis* in accordance with the provisions of the Elections Ordinance.
- (c) Candidates for mayor shall be nominated in manner prescribed in the next paragraph from amongst the councillors within three days after the annual election.

vakant geword het weens verloop van sy ampsduur as raadslid, hy nietemin op die vergadering die voorsitterstoel moet inneem totdat 'n burgemeester of onderburgemeester gekies word; dog dit word geag dat die kworum vereis op so'n vergadering sodanige aftredende burgemeester nie insluit nie en dat hy nie stemgeregtig is nie. Ingeval die verkiesing nie beslis kan word nie weens staking van stemme wat op twee of meer kandidate uitgebring is, dan word dit by wyse van lootjies deur die voorsitter beslis.

**Ord. No.
17 van
1939.**

Artikel 16.

Ingeval die amp van burgemeester vakant word op 'n ander manier as deur verloop van die tydperk waarvoor hy tot raadslid gekies was, word 'n opvolger op die tweede gewone vergadering van die raad gehou na die vakature, deur die raadslede uit hul geledere gekies, en so'n opvolger moet terstond sy amp aanvaar en as burgemeester optree vir die oorblywende deel van die tydperk waarvoor die aftredende burgemeester gekies was; met dien verstande dat as om die een of ander rede geen burgemeester gekies word op 'n vergadering soos hierin voorgeskryf nie, hy gekies kan word op die eerste gewone vergadering van die raad wat daarna gehou word of op 'n spesiale vergadering vir dié doel belê.

(2) As die raad egter aldus op sy laaste vergadering voor die jaarlikse verkiesing besluit, dan is die prosedure vir die verkiesing van burgemeester vir die volgende twaalf maande as volg:—

- (a) Binne veertien dae na die eerste verkiesing van raadslede kragtens die „Munisipale Verkiesings Ordonnansie”, 1927, of enige wysiging daarvan (hierna in hierdie artikel die Verkiesingsordonnansie genoem), en daarna binne veertien dae na die jaarlikse verkiesing van raadslede, moet 'n burgemeester deur die geregistreerde kiesers op die munisipale lys, gekies word.
- (b) So'n verkiesing moet ooreenkomstig die bepalings van die Verkiesingsordonnansie *mutatis mutandis* gehou word.
- (c) Kandidate vir burgemeester moet binne drie dae na die jaarlikse verkiesing onder die raadslede genomineer word op die manier voorgeskryf in die volgende paragraaf.

Ord. No.
17 of 1939.

—
Section 16.

- (d) A requisition as prescribed in section *thirty-one* of the Elections Ordinance and signed by not less than twenty-five registered voters of the municipality shall be sent to the town clerk within the time prescribed by paragraph (c) of this section together with the acceptance thereof by the candidate. If only one councillor be requisitioned he shall be declared by the town clerk to be duly elected and shall thereupon assume office as mayor, and if more than one councillor be duly requisitioned, then an election shall take place as provided in paragraph (b) of this sub-section.
- (e) It shall be unlawful for any candidate for nomination or for election for the office of mayor to employ agents or canvassers, or to hold meetings or to advertise or in any way to solicit votes or support, and contravention of any of these provisions will invalidate the election of such candidate.

Election
and duties
of deputy-
mayor.

17. (1) At the first meeting of the council held after every annual election of councillors the councillors present shall elect one councillor to be deputy-mayor, who shall continue in his office until his successor shall be appointed after the next ensuing annual election of councillors unless his office be sooner vacated, in which event a successor shall at the meeting next but one of the council held after the vacancy be chosen by the councillors from amongst themselves, and such successor shall serve as deputy-mayor for the remainder of the period for which the vacating deputy-mayor was elected; provided that if a deputy-mayor for any reason be not elected at a meeting as herein prescribed he may be elected at the first ordinary meeting of the council held thereafter or at a special meeting called for the purpose.

(2) The deputy-mayor shall, whenever it shall be necessary owing to the death, resignation, absence, illness, or incapacity of the mayor do all acts which the mayor as such may do. The fact of the death, resignation, absence, illness, or incapacity of the mayor shall be notified by the town clerk or his

- (d) 'n Rekwisisie soos voorgeskryf in artikel *een-en-dertig* van die Verkiesings-ordonnansie en geteken deur minstens vyf-en-twintig geregistreerde kiesers van die munisipaliteit, moet aan die stadsklerk gestuur word binne die tyd voorgeskryf in paragraaf (c) van hierdie artikel tesame met 'n bekendmaking van die kandidaat dat hy dit aanneem. As daar 'n rekwisisie vir slegs een raadslid is dan word hy deur die stadsklerk as behoorlik verkies verklaar en moet hy daarop die amp van burgemeester aanvaar, en as daar behoorlike rekwisisies vir meer as een raadslid is, dan moet 'n verkiesing plaasvind soos bepaal in paragraaf (b) van hierdie subartikel.
- (e) 'n Kandidaat vir nominasie of verkiesing vir die amp van burgemeester mag nie agente of stemwerwers in diens neem of vergaderings hou of adverteer of op enigerlei wyse om stemme of steun vra nie. Oortreding van enige van hierdie bepalings sal die verkiesing van so'n kandidaat ongeldig maak.

17. (1) Op die eerste vergadering van die raad gehou na iedere jaarlikse verkiesing van raadslede, moet die aanwesige raadslede 'n raadslid as onderburgemeester kies met ampsduur totdat sy opvolger benoem word na die eersvolgende jaarlikse verkiesing van raadslede, tensy sy amp vroeër vakant word, in watter geval 'n opvolger op die tweede vergadering van die raad gehou na die vakature, deur die raadslede uit hul geledere gekies moet word, en so'n opvolger moet as onderburgemeester optree vir die oorblywende deel van die tydperk waarvoor die aftredende onderburgemeester gekies was; met dien verstande dat as om die een of ander rede geen onderburgemeester op 'n vergadering soos hierin voorgeskryf gekies word nie, hy gekies kan word op die eerste gewone raadsvergadering wat daarna gehou word of op 'n spesiale vergadering vir dié doel belê.

(2) Die onderburgemeester moet, wanneer dit nodig is weens die dood, bedanking, afwesigheid, siekte of onbekwaamheid van die burgemeester, alle handelinge verrig wat die burgemeester as sodanig mag verrig. Die stadsklerk of sy plaasvervanger moet die dood, bedanking, afwesigheid, siekte of onbekwaamheid van die burgemeester berig op die eerste

Ord. No.
17 van
1939.

—
Artikel 16.

Verkiesing
en pligte
van onder-
burge-
meester.

Ord. No.
17 of 1939.

—
Section 17.

deputy at the first meeting of the council held after such death, resignation, absence, illness, or incapacity has happened or commenced, and be recorded in the council's minutes. The record shall be sufficient authority for all acts done by the deputy-mayor, which the mayor as such may do, from the date of the death or resignation or the commencement of the absence, illness, or incapacity of the mayor until a new mayor be appointed or the mayor resume his duties.

Chairman
of meeting.

18. At every meeting of the council, the mayor, if present, shall preside, and in the event of his absence, the deputy-mayor, and if neither a mayor nor a deputy-mayor be present at any meeting then the councillors present shall elect from among themselves a chairman to preside at such meeting, and if it shall appear at such meeting that the mayor and deputy-mayor are both absent from the municipality or are for any other reason incapable of acting, the council may by resolution confer on the chairman so elected full authority to do all acts which the mayor as such may do, until either the mayor or deputy-mayor is again able to act.

Mayor's
allowances.

19. (1) The council may vote to the mayor out of its revenue such sum as it may consider sufficient as an allowance for general purposes having regard to the circumstances. The amount of such allowance shall be fixed at the commencement of the mayor's term of office, shall be payable monthly, and shall not be altered either by way of increase or decrease during the said term of office; and such allowance shall not be deemed to fall within the provisions of Chapter IV of this Ordinance. The expenditure of such allowance shall be accounted for to the finance committee but shall not be subject to any other audit.

(2) The council may also grant as a personal allowance payable monthly to the mayor, an amount in the aggregate not exceeding one-third of the allowance fixed under subsection (1) of this section. The said personal allowance shall not be deemed to fall within

vergadering van die raad gehou na sodanige dood, bedanking, afwesigheid, siekte of onbekwaamheid plaasgevind of begin het, en dit moet in die raad se notule opgeteken word. Die aantekening is voldoende magtiging vir alle handeling verrig deur die onderburgemeester wat die burgemeester as sodanig kan doen, vanaf die datum van oorlyde of bedanking of van die aanvang van die afwesigheid, siekte of onbekwaamheid van die burgemeester totdat 'n nuwe burgemeester benoem word of die burgemeester sy pligte hervat.

Ord. No.
17 van
1939.

—
Artikel 17.

18. Op iedere vergadering van die raad moet die burgemeester, indien teenwoordig, die voorsitterstoel inneem, en in geval van sy afwesigheid, die onderburgemeester, en indien nóg 'n burgemeester nóg 'n onderburgemeester op enige vergadering teenwoordig is, dan moet die teenwoordige raadslede uit hul geledere 'n voorsitter kies om op so'n vergadering die voorsitterstoel in te neem. As dit op so'n vergadering blyk dat die burgemeester en onderburgemeester albei van die munisipaliteit afwesig is of om die een of ander rede nie in staat is om op te tree nie, dan kan die raad by besluit aan die voorsitter aldus gekies, volle bevoegdheid verleen om alle handeling te verrig wat die burgemeester as sodanig kan verrig, totdat of die burgemeester of onderburgemeester weer in staat is om op te tree.

Voorsitter
van ver-
gadering.

19. (1) Die raad kan uit sy inkomste aan die burgemeester 'n bedrag toewys wat die raad voldoende ag as 'n toelae vir algemene doeleindes met inagneming van die omstandighede. Die bedrag van hierdie toelae word by aanvang van die ampstermyn van die burgemeester vasgestel, is maandeliks betaalbaar, en mag gedurende genoemde ampstermyn nie verander word nie, hetsy deur verhoging of deur verlaging; en dit word nie geag dat so'n toelae binne die bepalings van Hoofstuk IV van hierdie Ordonnansie val nie. Van die uitgawe van hierdie toelae word aan die finansiële komitee verantwoording gedoen, maar dit is aan geen ander ouditering onderworpe nie.

Toelae aan
burge-
meester.

(2) Die raad kan ook as 'n persoonlike toelae wat maandeliks betaalbaar is, aan die burgemeester 'n totale bedrag toestaan van hoogstens een-derde van die toelae wat vasgestel is ingevolge subartikel (1) van hierdie artikel. Dit word nie geag dat genoemde persoonlike toelae binne die bepalings van

Ord. No.
17 of 1939.
—
Section 19.

the provisions of Chapter IV of this Ordinance. The expenditure of such allowance shall not be subject to any audit, the mayor's signature therefor being sufficient.

(3) Whenever the duties of the office of mayor are performed, for any continuous period not being less than one month, by the deputy-mayor under any of the circumstances mentioned in sub-section (2) of section *seventeen* the allowances under this section shall be paid for such period to such deputy-mayor.

(4) The council may subject to the approval of the Administrator also vote out of the revenue of the council to councillors such allowance as it may determine. The expenditure of such allowance shall not be deemed to fall within the provisions of Chapter IV of this Ordinance.

CHAPTER III.

MEETINGS AND PROCEEDINGS OF MUNICIPAL COUNCILS.

20. Meetings of council. The council shall hold an ordinary meeting for the dispatch of business as often as may be necessary but not less than once in every month.

21. Special meetings. The mayor may at any time and shall, at the request in writing of not less than one-third of the members of the council, or where the council consists of more than eighteen members at the request in writing of not less than six members, call a special meeting of the council; provided that the notice of any special meeting shall be in writing and shall specify the object of the meeting.

22. Notices of meetings. Notice of the time and place of every meeting of the council shall be served on every councillor either personally or by leaving the same at his usual place of abode or place of business twenty-four hours at least before such meeting. Such notice shall be signed by the mayor or by the town clerk. The accidental omission to serve on any councillor such notice as is referred to in this section shall not affect the validity of any meeting.

Hoofstuk IV van hierdie Ordonnansie val nie. Die uitgawe van sodanige toelae is nie aan enige ouditering onderworpe nie en die handtekening van die burgemeester is daarvoor voldoende.

Ord. No.
17 van
1939.

—
Artikel 19.

(3) Wanneer die onderburgemeester onder enige van die omstandighede vermeld in subartikel (2) van artikel *sewentien*, die pligte van die amp van burgemeester uitvoer vir 'n onafgebroke tydperk van minstens 'n maand, dan kan die toelaes onder hierdie artikel vir sodanige tydperk aan so'n onderburgemeester uitgekeer word.

(4) Die raad kan met goedkeuring van die Administrateur ook uit die inkomste van die raad aan raadslede enige toelae toewys wat hy mag bepaal. Dit word nie beskou dat die uitgawe van so'n toelae binne die bepalings van Hoofstuk IV van hierdie Ordonnansie val nie.

HOOFSTUK III.

VERGADERINGS EN VERRIGTINGS VAN MUNISIPALE RADE.

20. Die raad moet vir die afhandeling van werksaamhede 'n gewone vergadering so dikwels nodig hou, dog minstens eenkeer 'n maand. Raadsvergaderings.

21. Die burgemeester kan te eniger tyd, en moet op skriftelike versoek van minstens een-derde van die raadslede, of waar die raad uit meer as agtien lede bestaan, op skriftelike versoek van minstens ses lede, 'n spesiale vergadering van die raad belê; met dien verstande dat kennisgewing van enige spesiale vergadering skriftelik moet wees en die doel van die vergadering moet vermeld. Spesiale vergaderings.

22. Kennisgewing van die tyd en plek van iedere raadsvergadering moet gedien word op elke raadslid hetsy persoonlik of deur dit te laat aan sy gebruiklike verblyfplek of aan sy besigheidsadres minstens vier-en-twintig uur voor so'n vergadering. So'n kennisgewing moet deur die burgemeester of stadsklerk geteken word. Die toevallige versuim om op enige raadslid so'n kennisgewing te dien soos in hierdie artikel bedoel, doen aan die geldigheid van enige vergadering geen afbreuk nie. Kennisgewings van vergaderings.

Ord. No.
17 of 1939.

Meetings
of council
open to the
public.

23. Every meeting of the council shall be open to the public and the press; provided that this section shall not apply to any committee of the council or to a committee of the whole council; provided, further, that where such committee is dealing with an application for a licence or the renewal thereof under the provisions of Chapter VII of this Ordinance, the proceedings of such committee shall, in its discretion, be open to the public and the press.

Quorum.

24. Save as is otherwise specially provided in this Ordinance, all acts, matters or things authorized or required to be done by the council and all questions that may come before it shall be done and decided by the majority of the councillors present at any meeting at which are present not less than one-half of the councillors or such larger proportion thereof as the council may from time to time fix.

Casting
vote of
chairman.

25. Save as is provided in section *sixteen* hereof, in case of an equality of votes the chairman of the meeting shall have a second or casting vote.

Adjourn-
ment of
meetings.

26. The councillors present at any meeting may from time to time adjourn such meeting, and if at any meeting a sufficient number of councillors be not present to exercise the powers vested in the council, the members present or if there be no member present, the town clerk shall adjourn the meeting and may appoint for the adjourned meeting such day and hour as may be thought convenient. Notice of such adjourned meeting shall be given as provided in section *twenty-two*.

Minutes.

27. The minutes of the proceedings of every meeting of the council and any committee thereof shall be regularly entered in books kept for that purpose and shall be confirmed at the same or next succeeding ordinary meeting and be signed by the chairman. Every such minute so entered when signed by a councillor describing himself as or appearing to be chairman of the meeting at which the minute is confirmed shall in the absence of proof of error therein be deemed a correct record of the proceedings of the meeting of which it purports to be a minute. The minutes shall be kept in the custody and control of the town clerk.

23. Iedere vergadering van die raad is vir die publiek en pers toeganklik; met dien verstande dat hierdie artikel nie van toepassing is op enige komitee van die raad of op 'n komitee van de hele raad nie; met dien verstande verder dat waar sodanige komitee 'n aansoek om 'n lisensie of die hernuwing daarvan kragtens bepalings van Hoofstuk VII van hierdie Ordonnansie behandel, die verrigtings van sodanige komitee na goeddunke van die komitee vir die publiek en die pers toeganklik is.

Raadsver-
gaderings
vir die
publiek
toeganklik.

Ord. No.
17 van
1939.

24. Behalwe soos anders spesiaal in hierdie Ordonnansie bepaal, moet alle handeling, sake of dinge wat gemagtig is of deur die raad verrig moet word en alle vraagstukke wat voor die raad kom, verrig en beslis word deur die meerderheid van die raadslede teenwoordig op enige vergadering waarop minstens die helfte van die raadslede of so'n groter gedeelte daarvan as die raad van tyd tot tyd mag vasstel, teenwoordig is.

Kworum.

25. Behalwe soos bepaal in artikel *sestien* hiervan het die voorsitter van die vergadering by 'n staking van stemme 'n tweede of beslissende stem.

Beslissende
stem van
voorsitter

26. Die raadslede teenwoordig op enige vergadering kan so'n vergadering van tyd tot tyd verdaag, en indien op enige vergadering geen voldoende aantal raadslede teenwoordig is om die bevoegdhede aan die raad verleen uit te oefen nie, moet die aanwesige lede of as daar geen lid aanwesig is nie, die stadsklerk die vergadering verdaag en kan hy vir die verdaagde vergadering enige dag en uur bepaal wat gerieflik geag word. Van sodanige verdaagde vergadering moet kennis gegee word soos voorgeskryf in artikel *twee-en-twintig*.

Vergadering
van ver-
gaderings.

27. Die notule van iedere vergadering van die raad en enige komitee daarvan moet gereeld ingeskryf word in boeke vir dié doel aangehou, en op dieselfde of eersvolgende gewone vergadering bekragtig en deur die voorsitter geteken word. Alle sodanige notule aldus ingeskryf wanneer geteken deur 'n raadslid wat voorgee of blyk dat hy voorsitter van die vergadering is waarop die bekragtiging van notule plaasvind, word, by gemis aan bewys van fout daarin, geag as 'n korrekte aantekening van die verrigtings van die vergadering waarvan dit voorkom dat dit die notule is. Die notule moet in bewaring en onder beheer van die stadsklerk gehou word.

Notule.

Ord. No. 17 of 1939. Committees.

28. (1) The council may appoint out of its own body such and so many committees, either of a general or special nature, and constitute them of such number of councillors as it may think fit, for any purpose which in its judgment would be better managed by means of a committee, and subject to the provisions of the next succeeding section may delegate to any such committee with or without restrictions or conditions as it may think fit any of its powers or duties except any power of raising money by rate or loan or any other power as to the exercise of which special provision is made in this Ordinance and may fix the quorum of any such committee. The mayor shall be *ex officio* a member of every such committee.

(2) Each committee shall report its proceedings to the council, but to the extent to which the council so directs the acts and proceedings of the committee shall not require the approval of the council.

(3) Each committee shall elect its own chairman and may also elect a vice-chairman.

(4) Every committee appointed by the council may be dissolved after notice of motion to that effect by the vote of a majority of the whole council.

(5) Every councillor shall be elected by the council to serve on at least one committee.

Finance committee.

29. The council shall from time to time appoint a finance committee for regulating and controlling the finances of the council.

No expenditure shall be incurred unless provision has been made therefor on a detailed estimate submitted by the finance committee and approved by the council and every payment from the funds of the council shall be made by the finance committee who shall not less than once in every three months submit at an ordinary meeting of the council for its information a schedule of all payments made.

Meetings of committees.

30. Every committee appointed by the council may meet from time to time, and may adjourn from place to place, as it may think proper, and no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the council, or if no quorum be fixed, two members be present. At all meetings of the committee the chairman, if present, shall

28. (1) Die raad kan uit sy eie gelede ^{Komitees.} sodanige en soveel komitees benoem, hetsy van 'n algemene of spesiale aard, en hulle saamstel uit so'n aantal raadslede as hy dienstig ag, vir enige doel wat na sy oordeel beter deur middel van 'n komitee bestuur kan word, en kan met inagneming van die bepalings van die eersvolgende artikel aan so'n komitee met of sonder beperkings of voorwaardes na goeëdunke enige van sy bevoegd-hede of pligte oordra behalwe die bevoegdheid om geld op te neem deur belasting of lening of enige ander bevoegdheid met betrekking tot die uitoefening waarvan spesiale voorsiening in hierdie Ordonnansie gemaak word, en kan die kworum van so'n komitee vasstel. Die burgemeester is *ex officio* lid van ieder sodanige komitee.

**Ord. No.
17 van
1939.**

(2) Elke komitee moet van sy verrigtings aan die raad kennis gee, dog vir sover die raad aldus die handeling en verrigtings van die komitee bestuur, vereis dit nie die goedkeuring van die raad nie.

(3) Elke komitee moet sy eie voorsitter kies en kan ook 'n vise-voorsitter kies.

(4) Elke komitee deur die raad benoem, kan na kennisgewing van voorstel te dien effekte deur die stem van 'n meerderheid van die gehele raad ontbind word.

(5) Iedere raadslid moet deur die raad gekies word om op minstens een komitee te dien.

29. Die raad moet van tyd tot tyd 'n ^{Finansiële komitee.} finansiële komitee benoem om die geldelike sake van die raad te reël en te kontroleer.

Geen uitgawe mag gemaak word nie tensy daarvoor voorsiening gemaak is op 'n uitvoerige begroting ingedien deur die finansiële komitee en goedgekeur deur die raad, en iedere bedrag uit die fondse van die raad moet deur die finansiële komitee uitbetaal word wat ten minste eenmaal elke drie maande op 'n gewone vergadering van die raad vir informasie 'n opgawe van alle uitbetaalde bedrae moet indien.

30. Elke komitee deur die raad benoem kan ^{Vergaderings van komitees.} na goeëdunke van tyd tot tyd byeenkom, en van plek tot plek verdaag, en geen werksaam-hede mag op enige vergadering van die komitee verrig word nie tensy die kworum van lede (waar dit bestaan) deur die raad bepaal, of as geen kworum bepaal is nie, twee

Ord. No.
17 of 1939.

—
Section 30.

preside and in the event of his absence the vice-chairman, if any, and if neither chairman nor vice-chairman be present one of the members present shall be appointed to take the chair and all questions shall be determined by a majority of votes of the members present, and, in the event of an equal division of votes, the member occupying the chair shall have a second or casting vote.

Absence of
councillors
from
meetings.

31. Any councillor who, without having first obtained leave from the council, shall otherwise than in circumstances beyond his control fail to attend three consecutive ordinary meetings of the council and any member (other than the *ex officio* member) of the finance or any other standing committee appointed by the council who without first having obtained leave either from the council or the committee shall fail to attend three consecutive ordinary meetings of the committee shall become disqualified from continuing to be a councillor. The town clerk shall at the next ordinary meeting of the council after any such continued absence of a councillor report the same, and the mayor shall thereupon declare the seat of such councillor vacant unless the council is satisfied that such absence was due to circumstances beyond such councillor's control.

Meetings to
be deemed
duly held.

32. Until the contrary is proved, whenever a minute of the proceedings of a meeting has been entered and signed, such meeting shall be deemed to have been duly convened and held, and all the councillors at the meeting shall be deemed to have been duly qualified, and in the case of proceedings so recorded of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

Minutes of
proceedings
and
treasurer's
accounts
open to
inspection.

33. (1) The minutes of proceedings of the council shall at all reasonable times be open to the inspection of any inhabitant of the municipality who may obtain a copy thereof or an extract therefrom on payment of the fee (if any) prescribed by resolution of the council and such copy or extract certified by the town clerk as correct shall on production be admissible in evidence in any legal proceedings.

(2) The accounts of the council shall be open to the inspection of any councillor, who may make a copy thereof or an extract therefrom.

lede teenwoordig is. Op alle vergaderings van die komitee moet die voorsitter, as hy teenwoordig is, die voorsitterstoel inneem en ingeval hy afwesig is, die vise-voorsitter, as daar een is, en as die voorsitter sowel as die vise-voorsitter afwesig is, moet een van die teenwoordige lede benoem word om die stoel in te neem, en alle vraagstukke moet beslis word deur 'n meerderheid van stemme van die teenwoordige lede, en by 'n staking van stemme het die lid in die stoel 'n tweede of beslissende stem.

Ord. No.
17 van
1939.

—
Artikel 30.

31. Enige raadslid wat, sonder dat hy vooraf van die raad verlof verkry het, afwesig is, behalwe onder omstandighede buite sy beheer, van drie agtereenvolgende gewone vergaderings van die raad en enige lid (behalwe die *ex officio* lid) van die finansiële of enige ander staande komitee deur die raad benoem, wat sonder dat hy verlof vooraf hetsy van die raad of die komitee verkry het, afwesig is van drie agtereenvolgende gewone vergaderings van die komitee, word onbevoegd om as raadslid aan te bly. Die stadsklerk moet daarvan op die eersvolgende gewone raadsvergadering na so'n voortdurende afwesigheid van 'n raadslid kennis gee, en daarop moet die burgemeester die setel van so'n raadslid vakant verklaar, tensy die raad oortuig is dat sodanige afwesigheid te wyte was aan omstandighede buite die beheer van die raadslid.

Afwesigheid van raadslede van vergaderings.

32. Tensy die teendeel bewys word, moet dit wanneer die notule van 'n vergadering ingeskryf en geteken is, beskou word dat so'n vergadering behoorlik belê en gehou was, en dat alle raadslede op die vergadering behoorlik bevoegd was, en in die geval van verrigtings van 'n komitee aldus opgeteken, word dit beskou dat die komitee behoorlik saamgestel was en bevoegdheid besit het om die saak waarvan in die notule melding gemaak word te behandel.

Vergaderingsgeag as behoorlik gehou.

33. (1) Die notule van die raad moet op alle redelike tye ter insage lê vir enige inwoner van die munisipale gebied wat 'n kopie of 'n uittreksel daarvan teen betaling van die bedrag voorgeskryf ingevolge besluit van die raad kan verkry, en so'n kopie of uittreksel wat die stadsklerk as korrek gesertifiseer het, is by oorlegging toelaatbaar as getuienis in enige regsding.

Notule en rekenings van tesourier lê ter insage.

(2) Die rekenings van die raad moet ter insage lê vir enige raadslid wat 'n kopie of 'n uittreksel daarvan kan maak.

Ord. No.
17 of 1939.

—
Section 33.

(3) The annual statement or abstract of the council's accounts and copies of the auditor's report thereon shall be delivered to any inhabitant of the municipality on application and on payment of the fee, if any, prescribed by resolution of the council.

(4) The fee prescribed by the council either under sub-section (1) or sub-section (3) of this section shall not exceed two shillings and sixpence per folio of 150 words.

Power to
enter into
contracts.

34. The council may enter into contracts for the purpose of any work or service which it is itself by this Ordinance or by any proclamation issued thereunder empowered to undertake or carry out; provided that the council shall not exempt the party or parties with whom it is contracting from the operation of any by-laws or regulations, but shall on the contrary stipulate that the party or parties with whom it is contracting shall within the municipality be subject in the carrying out of the contract, to all by-laws and regulations; provided further that the council may by resolution authorize any of its officers to sign on behalf of the council contracts of such nature or description as shall be specified in the council's by-laws.

All such contracts lawfully made shall be valid and binding on the council and its successors and all other parties thereto, their successors, heirs, or legal representatives (as the case may be).

Contracts
for execu-
tion of
work or
supply of
goods.

35. (1) Except in cases of emergency or in special cases of necessity approved by the finance committee before any contract for the execution of any work or furnishing of any goods to the value or amount of one hundred pounds or upwards is entered into by the council, twenty-one days' clear notice at the least shall be given in a newspaper circulating in the municipality, or, if there be no such newspaper, then by affixing outside the principal door of the municipal offices and in two or more other conspicuous places within the municipality, a notice expressing the purpose of such contract and inviting any person willing to undertake the same to make proposals for that purpose to the council.

(3) Die jaarlikse staat of uittreksel van die rekenings van die raad en kopieë van die rapport van die ouditeur daarvoor moet aan iedere inwoner van die munisipale gebied op versoek en teen betaling van die bedrag voorgeskryf ingevolge besluit van die raad, verstrekk word.

Ord. No.
17 van
1939.

—
Artikel 33.

(4) Die bedrag voorgeskryf deur die raad hetsy kragtens subartikel (1) of subartikel (3) van hierdie artikel, moet nie meer as twee sjielings en ses pennies per bladsy van 150 woorde bedra nie.

34. Die raad kan kontrakte aangaan vir die doel van enige werk of diens wat hyself kragtens hierdie Ordonnansie of enige proklamasie daaronder uitgevaardig, bevoegd is om te onderneem of uit te voer; met dien verstande dat die raad die party of partye met wie hy kontrakteer nie mag vrystel van die toepassing van enige verordeninge of regulasies nie, maar moet intendeel beding dat die party of partye met wie hy kontrakteer binne die munisipale gebied by die uitvoering van die kontrak onderworpe is aan alle verordeninge en regulasies; voorts met dien verstande dat die raad by besluit enige van sy amptenare kan magtig om namens die raad kontrakte te teken van so'n aard of beskrywing as wat in die verordeninge van die raad gespesifiseer is.

Bevoegdheid om kontrakte aan te gaan.

Al sulke kontrakte wettiglik aangegaan is geldig en bindend vir die raad en sy opvolgers en alle ander partye daartoe, hul opvolgers, erfgename of wettige verteenwoordigers (al na die geval).

35. (1) Behalwe in dringende gevalle of in spesiale gevalle van noodsaaklikheid goedgekeur deur die finansiële komitee moet, voordat enige kontrak vir die uitvoering van enige werk of lewering van enige goedere ter waarde of tot die bedrag van honderd pond of meer deur die raad aangegaan word, minstens een-en-twintig volle dae kennis gegee word in 'n nuusblad wat in die munisipale gebied sirkuleer, of, as so'n nuusblad nie bestaan nie, dan deur aanplakking aan die buitekant van die hoofdeur van die munisipale kantore en op twee of meer ander duidelik sigbare plekke binne die munisipale gebied, van 'n kennisgewing waarin die doel van so'n kontrak vermeld word en enige persoon wat bereid is om dit te onderneem, uitgenooi word om voorstelle vir dié doel by die raad in te dien.

Kontrakte vir uitvoering van werk of lewering van goedere.

Ord. No.
17 of 1939.

—
Section 35.

(2) The council shall not consider such proposals or conclude the contract until full and identical particulars have been supplied to every person applying to the council therefor within three days after the said notice was first published or affixed. Such particulars shall be supplied to the applicants by the council within ten days after the notice was first published or affixed.

(3) The council or the committee thereof duly authorized by the council shall accept the proposal which having regard to all the circumstances appears to them to be most advantageous, and may take security for the due and faithful performance of every such contract or the council may decline to accept any proposal. Notification of any proposal accepted hereunder shall be published by the town clerk by means of a notice affixed to the council's notice board.

(4) Where such contracts are entered into to the value or amount of one hundred pounds or upwards without being put up to public tender the reasons shall be stated by the finance committee in a report to be read out to the council before the resolution to make such contract has been passed, and such report shall be attached to the resolution and entered in the minutes of the council.

(5) Nothing in this section shall apply to any contract for the purchase by the council of produce or other perishable goods bought on a public market or to any purchase entered into by the council as the result of bidding at a public auction.

Provisions
as to
arbitration.

36. Save as is otherwise in this Ordinance or the Municipalities Powers of Expropriation Ordinance, 1903, expressly provided, the Arbitration Ordinance, 1904, or any amendment thereof shall *mutatis mutandis* apply to any arbitration in which the council is concerned.

Authentica-
tion and
execution of
documents.

37. (1) Every order notice or other document requiring authentication by the council shall be sufficiently authenticated, if signed by two councillors or by the town clerk or by a duly authorised officer of the Council; such authority being conferred by resolution of the Council or by a by-law or regulation.

(2) Die raad mag sulke voorstelle nie ooreweg of die kontrak sluit nie totdat volledige en soortgelyke besonderhede verstrek is aan iedere persoon wat daarom by die raad aansoek doen binne drie dae nadat genoemde kennisgewing vir die eerste maal gepubliseer of aangeplak was. Sodanige besonderhede moet binne tien dae nadat die kennisgewing vir die eerste maal gepubliseer of aangeplak was, deur die raad aan die applikante verstrekk word.

Ord. No.
17 van
1939.

Artikel 35.

(3) Die raad of die komitee daarvan wat behoorlik deur die raad gemagtig is, moet met inagneming van alle omstandighede die voorstel aanneem wat vir hom die voordeligste voorkom, en kan waarborg vorder vir die behoorlike en getroue nakoming van so'n kontrak of die raad kan weier om enige voorstel aan te neem. Kennisgewing van 'n voorstel wat ingevolge hiervan aangeneem is, moet deur die stadsklerk gepubliseer word by wyse van 'n kennisgewing wat op die raad se kennisgewingsbord aangeplak moet word.

(4) Waar sulke kontrakte aangegaan word ter waarde of tot die bedrag van honderd pond of meer sonder dat dit vir publieke tender aangebied word, moet die redes daarvoor deur die finansiële komitee vermeld word in 'n rapport wat aan die raad voorgelees moet word voordat die besluit om so'n kontrak te sluit, geneem is, en so'n rapport moet by die besluit gevoeg en in die notule van die raad opgeteken word.

(5) Die bepalinge van hierdie artikel is nie van toepassing nie op enige kontrak vir die aankoop deur die raad van produkte of ander verganklike ware op 'n publieke mark of op enige aankoop deur die raad as gevolg van 'n bod by 'n publieke veiling gemaak.

36. Behalwe soos anders in hierdie Ordonnansie of die „Municipalities Powers of Expropriation Ordinance”, 1903, uitdruklik bepaal word, is die „Arbitration Ordinance”, 1904, of enige wysiging daarvan *mutatis mutandis* van toepassing op enige arbitrasie waarby die raad betrokke is.

Bepalings
aangaande
arbitrasie

37. (1) Iedere order, kennisgewing of ander dokument wat deur die raad gewaarmerk moet word, is voldoende gewaarmerk as dit geteken word deur twee raadslede of die stadsklerk of 'n behoorlik gemagtigde amptenaar van die raad; sodanige magtiging moet by besluit van die raad of deur 'n verordening of regulasie verleen word.

Waarmerk
en verly
van
dokumente.

Ord. No.
17 of 1939.

—
Section 37.

(2) Every contract and all instruments and documents which the council is lawfully empowered to execute shall be deemed to be duly executed by or on behalf of the council, if signed by the mayor or deputy-mayor of the municipality or by any one or more councillors or by the town clerk, provided that the person signing such document shall be duly authorized therein by resolution of the council.

Validity of council's proceedings notwithstanding certain defects in election or appointment.

38. All proceedings of the council or acts of any person acting as mayor, deputy-mayor, councillor, or town clerk (as the case may be) shall, notwithstanding that it be discovered that there was some defect in the election or appointment of the person so acting or that he was disqualified, be as valid and effectual as if the person had been duly elected or appointed and qualified.

CHAPTER IV.

CONDUCT OF MEMBERS AND SERVANTS OF MUNICIPAL COUNCILS.

Prohibition of councillors, their partners, employers or employees acting for or against council in professional capacity for reward.

39. (1) No councillor or his partner or the spouse of any such person or his employer or employee shall act for reward as an advocate, attorney, notary, conveyancer or law agent either on behalf of or against the council, and no councillor or his partner or his employer or employee or the spouse of any such person shall act for the council for reward as medical practitioner, veterinary surgeon, architect, engineer, surveyor, accountant, auctioneer, valuer or appraiser, or in any other professional capacity; provided that nothing in this section shall apply to the payment to any medical practitioner of such fee as is prescribed by law, regulation, or by-law for the rendering to the council of a certificate of notification of any case of infectious disease, and provided further that a medical practitioner may act for the council if requested so to do by a majority of two-thirds of the council and with the consent of the Administrator.

(2) Iedere kontrak en alle stukke en dokumente wat die raad wettiglik bevoegd is om aan te gaan en te verly word geag as behoorlik aangegaan en verly deur of namens die raad as dit geteken is deur die burgemeester of onderburgemeester van die munisipaliteit of deur een of meer raadslede of die stadsklerk, mits diegene wat so'n dokument teken behoorlik daartoe gemagtig is by besluit van die raad.

Ord. No.
17 van
1939.

—
Artikel 37.

38. Alle verrichtings van die raad of handelinge van enige persoon wat optree as burgemeester, onderburgemeester, raadslid of stadsklerk (al na die geval) is, niesteenstaande die feit dat daar gevind word dat daar een of ander onreëlmatigheid bestaan het by die verkiesing of aanstelling van die persoon wat aldus optree of dat hy gediskwalifiseer was, ewe geldig en van krag asof die persoon behoorlik gekies of aangestel en gekwalifiseer was.

Geldigheid van verrichtings van die raad niesteenstaande sekere onreëlmatighede by verkiesing of aanstelling.

HOOFSTUK IV.

GEDRAG VAN LEDE EN BEAMPTES VAN MUNISIPALE RADE.

39. (1) Geen raadslid of sy vennoot of die eggenote van so'n persoon of sy werkgewer of werknemer mag teen beloning optree as advokaat, prokureur, notaris, transport- of verbanduitmaker of wetsagent hetsy namens of teen die raad, en geen raadslid of sy vennoot of sy werkgewer of werknemer of die eggenote van so'n persoon mag vir die raad teen beloning optree as geneeskundige, veearts, argitek, ingenieur, landmeter, rekenmeester, afslaer, taksateur of waardeerder of in enige ander professionele hoedanigheid; met dien verstande dat die bepalings van hierdie artikel nie van toepassing is nie op die betaling aan enige geneeskundige van 'n bedrag voorgeskryf by wet, regulasie of verordening vir die verstrekking aan die raad van 'n sertifikaat waarin kennis gegee word van enige geval van besmetlike siekte, en voorts met dien verstande dat 'n geneeskundige vir die raad kan optree, indien daartoe versoek deur 'n meerderheid van twee-derde van die raad en met toestemming van die Administrateur.

Raadslede, hulle vennote, werkgewers of werknemers belet om op te tree vir of teen raad in professionele hoedanigheid teen beloning.

Ord. No.
17 of 1939.

—
Section 39.

(2) Any person contravening this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, and the court before which he is convicted may, if he be a councillor, order that he shall refund to the council the amount of any fees received by him in respect of his acting as aforesaid and that he shall vacate his seat, and his seat shall thereupon become vacant.

Provisions
as to
councillors
being
interested
in contracts
with the
council.

40. (1) The provisions of this section shall apply to all town councils.

(2) No councillor or his spouse shall either on his own behalf or on behalf of his spouse or on behalf of a partnership in which he or his spouse is interested contract with the council for the performance by the councillor or such councillor or his spouse or partnership of any work or as vendor, purchaser, or otherwise, and any contract or bargain entered into by or on behalf of the council in which a councillor has any direct or indirect pecuniary interest shall be null and void, and any sub-contract or subsequent bargain entered into by any councillor or in which he has any pecuniary interest in respect of work to be done or goods to be supplied or property to be transferred under any contract entered into by the council shall also be null and void; provided that no contract or bargain shall be avoided or set aside under the provisions of this sub-section where a councillor is merely interested in such contract or bargain as shareholder, holding together with his spouse not more than fifty per cent. of the shares in a company having a share capital or where the contract is for the supply by the council of any thing or the rendering by it of any service at the ordinary published charges for such supply or service or where a councillor purchases—

- (a) land sold by the council under the authority of the Administrator either by public auction or by private treaty at an upset price covered by such authority; or
- (b) goods disposed of by the council by public auction;

or where a councillor is a member of a sporting club contracting with the council, such club not being formed for the purpose of gain or profit and provided, further, that the Administrator may, in his discretion approve

(2) Enigeen wat hierdie artikel oortree, is skuldig aan 'n oortreding en by skuldigbevinding staan hy bloot aan 'n boete van hoogstens vyftig pond, en as hy 'n raadslid is, mag die hof wat hom skuldig vind, gelas dat hy aan die raad die bedrag terugbetaal van enige gelde deur hom ontvang ten opsigte van sy optreding soos vermeld en dat hy sy amp moet neerlê, waarna sy setel vakant word.

40. (1) Die bepalings van hierdie artikel is van toepassing op alle munisipale rade.

Bepalings
aangaande
raadslide
wat belang
het by
kontrakte
met die
raad

(2) Geen raadslid of sy eggenote mag òf vir homself òf namens sy eggenote of namens 'n vennootskap waarin hy of sy eggenote belang het, met die raad 'n kontrak aangaan vir die uitvoering deur die raad of so'n raadslid of sy eggenote of vennootskap van enige werk of as verkoper, koper of andersins, en enige kontrak of onderneming aangegaan deur of namens die raad waarby 'n raadslid enige direkte of indirekte geldelike belang het, is van nul en gener waarde, en enige subkontrak of later onderneming aangegaan deur enige raadslid of waarby hy enige direkte of indirekte geldelike belang het ten opsigte van werk wat verrig of goedere wat gelewer of eiendom wat getranspoteer moet word kragtens enige kontrak aangegaan deur die raad is ook van nul en gener waarde; met dien verstande dat geen kontrak of onderneming ongeldig word of opsy gesit mag word nie kragtens die bepalings van hierdie subartikel waar 'n raadslid slegs by so'n kontrak of onderneming belang het as aandeelhouer saam met sy eggenote van hoogstens vyftig persent van die aandele in 'n maatskappy met 'n aandeelkapitaal of waar die kontrak bedoel is vir die lewering deur die raad van enigiets of die bewys deur hom van enige diens teen die gewone gepubliseerde koste vir sodanige lewering of diens of waar 'n raadslid—

- (a) grond koop wat die raad op gesag van die Administrateur òf by publieke veiling òf by private ooreenkoms verkoop het teen 'n insetprys deur sodanige magtiging gedek; of
- (b) goedere koop wat die raad by publieke veiling van die hand gesit het,

of waar 'n raadslid lid is van 'n sportklub wat met die raad kontrakte sluit, d.i. as so'n klub nie opgerig is vir die doel van wins of voordeel nie, en met dien verstande verder dat die Administrateur na goeddunke 'n kontrak kan

Ord. No.
17 van
1939.

—
Artikel 39.

Ord. No.
17 of 1939.

Section 40.

any contract and any contract so approved shall not be subject to the provisions of this sub-section.

(3) Any person who contravenes this section shall be liable on conviction to a fine not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months. The court before which he is convicted may order that he shall account to the council for any profits which may accrue to him in respect of such contract or bargain and that he shall vacate his seat, and if he be a councillor his seat shall thereupon become vacant.

(4) It shall be the duty of the auditor of the accounts of the council appointed by the Administrator under section *fifty-nine* of this Ordinance to examine from time to time the records of the council for the purpose of ascertaining whether the provisions of this section have been complied with, and to report to the Administrator any cases in which it shall appear to him that there has been any failure to comply with such provisions.

Councillors
contract-
ing.

41. (1) The provisions of this section shall apply to all village councils and health committees.

(2) Save as in section *thirty-nine* of this Ordinance and in sections *five* and *six* of the Municipal Elections Ordinance, 1927 and any amendment thereof provided, no councillor shall be prohibited by reason of his office from contracting with the council either as vendor purchaser or otherwise nor shall any contract or bargain entered into by or on behalf of the council or any sub-contract or subsequent bargain in connection with any such contract in which any councillor shall be in any way directly or indirectly interested be on such account avoided or set aside nor shall any councillor so contracting or being so interested be liable save in the case hereinafter mentioned to account to the council for any profit realized by any such contract or bargain by reason of such councillor holding his office or by reason of the fiduciary relation thereby established.

(3) Where any councillor has any pecuniary interest otherwise than as a shareholder holding not more than fifty per cent. of the shares in a limited liability company in any contract or bargain with the council or sub-contract or subsequent bargain in connection

goedkeur, en dat 'n kontrak aldus goedgekeur nie onderworpe sal wees aan die bepalings van hierdie subartikel nie.

Ord. No.
17 van
1939.

—
Artikel 40.

(3) Enige persoon wat hierdie artikel oortree, staan by skuldigbevinding bloot aan 'n boete van hoogstens vyftig pond, en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande. Die hof wat hom skuldig vind, kan gelas dat hy aan die raad verantwoording moet doen van enige profyte wat aan hom toekom ten opsigte van so'n kontrak of onderneming en dat hy sy amp moet neerlê, waarna, as hy 'n raadslid is, sy setel vakant word.

(4) Die ouditeur van die raad se rekenings wat die Administrateur ooreenkomstig artikel *nege-en-vyftig* van hierdie Ordonnansie benoem, is verplig om van tyd tot tyd die stukke van die raad na te gaan met die doel om uit te vind of aan die bepalings van hierdie artikel voldoen is, en aan die Administrateur enige gevalle te rapporteer waarin dit vir hom blyk dat daar die een of ander versuim was om aan daardie bepalings te voldoen.

41. (1) Die bepalings van hierdie artikel is Raadslede wat kontrakteer. van toepassing op alle dorpsrade en gesondheidskomitees.

(2) Behalwe soos bepaal in artikel *nege-entertig* van hierdie Ordonnansie en in artikels *vyf* en *ses* van die „Munisipale Verkiesings Ordonnansie”, 1927, en enige wysiging daarvan, word geen raadslid uit hoofde van sy amp belet om met die raad kontrakte aan te gaan nie, hetsy as verkoper, koper of andersins, nog word enige kontrak of onderneming aangegaan deur of namens die raad of enige subkontrak of later onderneming in verband met so'n kontrak waarby enige raadslid op enigerlei wyse direk of indirek belang het, om daardie redes ongeldig of opsy gesit, nog is enige raadslid wat aldus kontrakteer of aldus daarin belang het aanspreeklik, behalwe in die hiernagenoemde geval, om aan die raad verantwoording te doen vir enige profyt gemaak op so'n kontrak of onderneming omdat so'n raadslid sy amp bekleed of omrede van die fidusiêre verhouding wat daardeur ontstaan het.

(3) Waar enige raadslid ander geldelike belang het as dié van 'n aandeelhouer van hoogstens vyftig persent van die aandeel in 'n maatskappy met beperkte verantwoordelikeid in enige kontrak of onderneming met die

Ord. No.
17 of 1939.

—
Section 41.

with any such contract or bargain which involves according to the terms thereof the expenditure or receipt by the council of one hundred pounds or more it shall be the duty of such councillor before or at the meeting of the council at which such contract or bargain is determined on or approved if his interest then exists or if his interest is subsequently acquired then within a reasonable time and in any case not later than one month after the acquisition of such interest to disclose the same to the council and such disclosure if not made at a meeting of the council may be made by letter addressed to the town clerk which shall be reported by him to the council at the first meeting held after the receipt of such letter and any such disclosure shall be entered on the minutes of the meeting of the council at which the same is made by the councillor or reported by the town clerk; provided however that it shall not be necessary for any such disclosure to be made

- (a) by any councillor in the case of any contract or bargain which the council may expressly authorize to be entered into with such councillor in his own name; or
- (b) by any councillor who shall have notified in writing to the town clerk subsequent to his last election as councillor that he has any interest in any firm or partnership in the case of any contract or bargain which the council may expressly authorize to be entered into with such firm or partnership.

(4) Any councillor who contravenes this section by omitting to disclose his interest in any contract or bargain with the council or sub-contract or subsequent bargain as hereby required shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the court before which he is convicted may order that he shall account to the council for any profits which may accrue to him in respect of such contract or bargain, and that he shall vacate his seat and his seat shall thereupon become vacant; provided, however, that if it be proved by such councillor that his omission to make such disclosure was due to illness, absence from the municipality,

raad of subkontrak of later onderneming in verband met so'n kontrak of onderneming wat volgens die bepalinge daarvan die uitgawe of ontvangs deur die raad van honderd pond of meer meebring, dan is so'n raadslid verplig om voor of op die vergadering van die raad waarop so'n kontrak gesluit of onderneming aangegaan of goedgekeur word, as sy belang daarin dan bestaan, of as sy belang daarin later verkry word dan binne 'n redelike tyd en in elke geval nie later as een maand na verkryging van so'n belang nie, dit aan die raad mee te deel en as dit nie op 'n vergadering van die raad meegedeel word nie, dan kan dit per brief aan die stadsklerk meegedeel word wat deur hom op die eerste vergadering gehou na ontvangs van so'n brief gerapporteer moet word en so'n mededeling moet opgeneem word in die notule van die raadsvergadering waarop dit deur die raadslid gedoen of deur die stadsklerk gerapporteer is, met dien verstande egter dat dit nie nodig is dat so'n mededeling gedoen moet word nie—

- (a) deur enige raadslid ten opsigte van enige kontrak of onderneming wat met uitdruklike magtiging van die raad met so'n raadslid op sy eie naam gesluit word; of
 - (b) deur enige raadslid wat na sy laaste verkiesing as raadslid aan die stadsklerk skriftelik meegedeel het dat hy enige belang het in enige firma of vennootskap, in die geval van enige kontrak of onderneming wat met uitdruklike magtiging van die raad met so'n firma of vennootskap gesluit word.
- (4) Enige raadslid wat hierdie artikel oortree deur te versuim om van sy belang in enige kontrak of onderneming met die raad of subkontrak of later onderneming soos hierby vereis word, kennis te gee, staan by skuldige bevinding bloot aan 'n boete van hoogstens vyftig pond en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande en die hof wat hom skuldig vind, kan gelas dat hy aan die raad verantwoording moet doen van enige profyte wat aan hom toekom ten opsigte van so'n kontrak of onderneming, en dat hy sy amp moet neerlê waarna sy setel vakant word; met dien verstande egter, dat waar dit bewys word deur sodanige raadslid dat sy versuim om sodanige mededeling te doen, te wyte was aan siekte, afwesigheid buite die munisipaliteit, fout, onvoorsienheid en enige dergelike

**Ord. No.
17 van
1939.**

—
Artikel 41.

Ord. No.
17 of 1939.
—
Section 41.

mistake, inadvertency or some such like cause and was not due to any want of good faith, he shall be deemed not to have contravened this section.

(5) It shall be the duty of the town treasurer or if there be no town treasurer of the town clerk to prepare every month according to the best information which he is able to obtain a statement showing all the contracts or bargains entered into or authorized by the council during the preceding month in which any councillor has a pecuniary interest otherwise than as a shareholder holding not more than fifty per cent. of the shares in a limited liability company and the names of the councillors so interested and to lay such statement before the council at the first meeting held after the same has been prepared and such statement shall be included in the minutes of such meeting.

(6) It shall be the duty of the auditor of the accounts of the council appointed by the Administrator to examine from time to time the records of the council for the purpose of ascertaining whether the provisions of this section have been complied with and to report to the Administrator any cases in which it shall appear to him that there has been any failure to comply with such provisions.

Councillor
not to
speak or
vote where
he or his
partner has
pecuniary
interest.

42. (1) A councillor shall not in or before the council or any committee thereof be present at or take part in the discussion of or vote upon any expropriation or purchase of land by the council, claim, application for licence, arrangement, business transaction, negotiation, plan of building, scheme, matter, or legal proceedings in which he, his spouse, his partner, or any person by whom he or his spouse or his partner is employed, or whose attorney or agent he or his spouse or his partner is, has directly or indirectly any pecuniary interest other than as a shareholder holding not more than fifty per cent. of the shares in a company having a share capital.

Any councillor contravening the provisions of this sub-section shall be liable on conviction to a fine not exceeding fifty pounds, and the court before which he is convicted may order that he shall vacate his seat, and his seat shall thereupon become vacant; provided that if it be proved by such councillor

oorsaak, en nie te wyte is aan enige gebrek aan goeie trou nie, hy beskou word as hom nie skuldig te gemaak het aan 'n oortreding van hierdie artikel nie.

Ord. No.
17 van
1939.

—
Artikel 41.

(5) Die stadstesourier of, as daar geen stadstesourier is nie, die stadsklerk is verplig om iedere maand volgens die beste informasie wat hy kan kry, 'n staat op te stel van alle kontrakte of ondernemings deur die raad aangegaan of gemagtig gedurende die voorafgaande maand waarby enige raadslid ander geldelike belang het as dié van 'n aandeelhouer van hoogstens vyftig persent van die aandele in 'n maatskappy met beperkte verantwoordelikheid sowel as van die name van die raadslede wat aldus daarby belang het, en om so'n staat op die eerste vergadering gehou nadat die staat opgemaak is, aan die raad voor te lê, en so'n staat moet in die notule van so'n vergadering opgeneem word.

(6) Die ouditeur van die rekenings van die raad wat die Administrateur benoem, is verplig om van tyd tot tyd die stukke van die raad na te gaan om uit te vind of aan die bepalings van hierdie artikel voldoen is en aan die Administrateur enige gevalle te rapporteer waarin dit vir hom blyk dat daar die een of ander versuim was om aan hierdie bepalings te voldoen.

42. (1) Geen raadslid mag in of voor die raad of enige komitee daarvan teenwoordig wees nie by of deelneem aan die bespreking van of stem oor enige onteiening of aankoop van grond deur die raad, vordering; aansoek om lisensie, reëling, besigheidstransaksie, onderhandeling, plan van gebou, skema, saak of regsgeding waarby hy, sy eggenote, sy vennoot, of enigeen by wie hy of sy eggenote of sy vennoot in diens is, of vir wie hy of sy eggenote of sy vennoot, prokureur of agent is, direk of indirek enige ander geldelike belang het as dié van 'n aandeelhouer van hoogstens vyftig persent van die aandele in 'n maatskappy met 'n aandelekapitaal.

Raadslid
mag nie
spreek of
stem nie
in gevalle
waarby hy
of sy
vennoot
geldelike
belang het.

Enige raadslid wat die bepalings van hierdie subartikel oortree, staan by skuldigbevinding bloot aan 'n boete van hoogstens vyftig pond, en die hof wat hom skuldig vind, kan gelas dat hy sy setel moet ontruim, waarna dit vakant word; met dien verstande dat waar dit bewys word deur sodanige raadslid

Ord. No.
17 of 1939.

—
Section 42.

that the act or acts with which he is charged arose from mistake or inadvertency and not from any want of good faith, he shall be deemed not to have contravened this section.

(2) Notwithstanding anything in this Ordinance contained no councillor shall be prohibited from voting upon or discussing in or before the council or any committee thereof

(i) any scheme for the imposition of special rates, or

(ii) the tariff charges for, or the regulations and conditions generally applicable to the supply by the council of anything, or the rendering by the council of any service whether in the whole municipality or any portion thereof.

Councillor
not to act
as agent
before court
or
committee
appointed
by council.

43. A councillor shall not by himself or his spouse or his partner or employee act as agent or representative of any other person—

(a) before any valuation court appointed by the council under the Local Authorities Rating Ordinance, 1933, or any amendment thereof; or

(b) before any other court or committee appointed by the council to deal with the rating of property by way of special assessment or otherwise; or

(c) before any committee of the council appointed to consider or deal with applications for any licence or certificate which the council has power to grant or issue.

Any councillor contravening this section shall upon conviction vacate his seat, and be liable to a fine not exceeding fifty pounds.

Disqualifi-
cation
where seat
is vacated.

44. Any councillor who is required to vacate his seat under any of the provisions of this chapter shall not be capable for a period of three years thereafter of being elected a councillor for any municipality, or of sitting on any valuation or licensing court constituted under any Ordinance in force in this Province.

dat die daad of dade waarvan hy beskuldig word, ontstaan het uit 'n vergissing of onvoorsienheid en nie te wyte is aan enige gebrek aan goeie trou nie, hy beskou word as hom nie skuldig te gemaak het aan 'n oortreding van hierdie artikel nie.

Ord. No.
17 van
1939.

—
Artikel 42.

(2) Nieteenstaande enige ander bepalings in hierdie Ordonnansie, word geen raadslid belet om te stem oor of deel te neem aan 'n bespreking in of voor die raad of enige komitee daarvan in verband met—

- (i) enige stelsel vir die heffing van spesiale belastings; of
- (ii) die tarief vir, of die regulasies en voorwaardes oor die algemeen van toepassing op die lewering deur die raad van enigiets, of die bewys van enige diens deur die raad hetsy in die hele munisipaliteit of enige gedeelte daarvan.

43. 'n Raadslid mag nie persoonlik of deur sy eggenote of sy vennoot of werknemer as agent of verteenwoordiger van iemand anders optree nie—

Raadslid mag nie optree as agent voor hof of komitee deur raad aangestel nie.

- (a) voor enige waarderingshof deur die raad benoem kragtens die „Plaaslike-Bestuur-Belastingordonnansie”, 1933, of enige wysiging daarvan; of
- (b) voor enige ander hof of komitee deur die raad benoem om te handel met die belasting van eiendom by wyse van spesiale belasting of andersins; of
- (c) voor enige komitee van die raad benoem vir oorweging of behandeling van aansoeke om lisensies of sertifikate wat die raad kan verleen of uitreik.

Enige raadslid wat hierdie artikel oortree moet by skuldigbevinding sy amp neerlê, en staan bloot aan 'n boete van hoogstens vyftig pond.

44. Enige raadslid wat sy amp moet neerlê kragtens enige van die bepalings van hierdie hoofstuk, kan vir 'n tydperk van drie jaar daarna nie tot raadslid vir enige munisipaliteit gekies word of sitting op enige waarderings- of lisensiehof gekonstitueer kragtens enige ordonnansie wat in hierdie Provinsie van toepassing is, neem nie.

Diskwalifikasie waar amp neer gelê word

Ord. No.
17 of 1939.

Penalty on
members
and officials
for
receiving
bribes and
on persons
bribing or
attempting
to bribe
members
and
officials.

45. (1) Any councillor, or any officer, or servant of the council or any person carrying out on behalf of the council any statutory power or duty who, whether for himself or for any other person, corruptly solicits, or receives, or agrees to receive from any person any fee, advantage, or reward (whether pecuniary or otherwise) as an inducement to or in consideration of or otherwise on account of his doing or forbearing to do anything in respect of any matter whatsoever or transaction (actual or proposed) in which the council is concerned, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a period not exceeding five years and in addition, in the case of any such officer or servant to dismissal from office, and to forfeiture of any claim to compensation or pension to which he might otherwise have been entitled, and in the case of a councillor, he shall be disqualified from continuing a councillor or being elected or appointed to any public office for a period of seven years from the date of such conviction.

(2) Any person who directly or indirectly gives, offers, or promises to a councillor or to any officer or servant of the council or to any person carrying out on behalf of the council any statutory power or duty, any fee, advantage, or reward whether for the benefit of such councillor, officer, or servant, or of another person as an inducement to or in consideration of or otherwise on account of such councillor, officer, or servant doing or forbearing to do anything in respect of any matter or transaction (actual or proposed) in which the council is concerned shall be guilty of an offence and liable on conviction to a fine not exceeding six hundred pounds or to imprisonment with or without hard labour for a period not exceeding seven years, or to both such fine and imprisonment.

No officer
or servant
of council
to be
interested
in any
bargain or
contract of
the council.

46. (1) No officer or servant of the council shall in any wise be concerned or interested in any bargain, contract, or arrangement whatsoever made by or with the council. If any such officer or servant is so concerned or interested or, under cover of his office or employment, exacts or accepts any promise, fee, or reward whatsoever other than his proper salary, wages, and allowances, he shall

Ord. No.
17 van
1939.

45. (1) Enige raadslid of enige beampte of dienaar van die raad of enigeen wat namens die raad enige wetlike bevoegdheid of plig uitoefen, wat hetsy vir homself of vir iemand anders op korrupte wyse van iemand enige geld, voordeel of beloning (hetsy geldelik of andersins) vra, of ontvang of ooreenkom om te ontvang as aansporing of as vergoeding of andersins om iets te doen of na te laat om iets te doen in verband met enige saak wat ook al of transaksie (werklik of voorgestel) waarby die raad betrokke is, is skuldig aan 'n oortreding en staan by skuldigbevinding bloot aan 'n boete van hoogstens vyf honderd pond of aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens vyf jaar en daarbenewens, in die geval van so'n beampte of dienaar ook aan ontslag uit sy betrekking, en aan verbeuring van alle aanspraak op vergoeding of pensioen waartoe hy anders miskien geregtig sou gewees het, en in die geval van 'n raadslid, is hy *ipso facto* onbevoegd om as raadslid aan te bly of om verkies of benoem te word tot enige publieke amp vir 'n tydperk van sewe jaar van die datum van so'n skuldigbevinding.

Straf vir lede en beamptes wat hulle laat omkoop en vir persone wat lede en amptenare omkoop of probeer omkoop.

(2) Enigeen wat direk of indirek aan 'n raadslid of aan enige beampte of dienaar van die raad of aan enigeen wat namens die raad enige wetlike bevoegdheid of plig uitoefen, enige geld, voordeel of beloning gee of aanbied of belooft, hetsy tot voordeel van so'n raadslid, beampte of dienaar, of van iemand anders as aansporing of as vergoeding of andersins dat so'n raadslid, beampte of dienaar iets moet doen of moet nalaat om iets te doen in verband met enige saak of transaksie (werklik of voorgestel) waarby die raad betrokke is, is skuldig aan 'n oortreding en staan by skuldigbevinding bloot aan 'n boete van hoogstens ses honderd pond of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens sewe jaar of aan albei sodanige boete en gevangenisstraf.

46. (1) Geen beampte of dienaar van die raad mag op enigerlei wyse betrokke wees by of belang hê in enige onderneming, kontrak, of ooreenkoms hoegenaamd aangegaan deur of met die raad. As so'n beampte of dienaar aldus betrokke is of belang het of, deur gebruik te maak van sy betrekking of werkkring, enige belofte, geld, of beloning hoegenaamd behalwe sy wettige salaris, loon en toelae verg

Geen beampte of dienaar van raad mag belang hê by enige koop of kontrak van die raad.

Ord. No.
17 of 1939.

—
Section 46.

be incapable of afterwards holding or continuing in any office or employment under this Ordinance and shall be liable to a fine not exceeding fifty pounds. Any profits, fee, or reward, which may have accrued to such officer or servant or which may accrue to him by reason of such bargain, contract, or arrangement, may be recovered by the council before any court of competent jurisdiction.

(2) Nothing in this section shall apply to any contract for the supply by the council of anything or the rendering by it of any service at the ordinary published charges for such supply or service, nor to the purchase of property or goods disposed of by the council by public auction nor to any purchase or lease of land and/or buildings nor to the erection of a dwelling or the making of an advance of money for the purposes of erecting a dwelling under and in terms of the Housing Act, 1920, or section *seventy-nine* (28) of this Ordinance, provided that the conditions of such purchase, lease, erection, or advance shall be subject to the consent of the Administrator.

Exemption
of servants
and
members of
council
from
personal
liability.

47. No matter or thing done or omitted, and no contract entered into by the council, and no matter or thing done or omitted by any councillor or officer or servant of the council or other person acting under the direction of the council shall, if the matter or thing were done or omitted or the contract was entered into in good faith for the purposes of this Ordinance or of any by-law or regulation in force in the municipality, subject any such person personally to any action, liability, claim, or demand whatsoever; and any expense incurred by the council or any such person as aforesaid shall be paid by the council out of its revenues; provided that nothing in this section shall exempt any such councillor, officer, or servant or other person aforesaid from liability to be surcharged with the amount of any payment which may be disallowed by the auditor, appointed by the Administrator under section *fifty-nine* of this Ordinance in the accounts of the council and which such councillor authorized or joined in authorizing.

of aanneem, dan is hy daarna onbevoegd om enige betrekking of amp kragtens hierdie Ordonnansie te beklee of daarin aan te bly en staan hy bloot aan 'n boete van hoogstens vyftig pond. Enige profyte, gelde of beloning wat aan so'n beampte of dienaar toegekome het of mag toekom ten gevolge van so'n onderne-
 ming, kontrak of ooreenkoms, kan deur die raad voor enige bevoegde hof ingevorder word.

Ord. No.
17 van
1939.

Artikel 46:

(2) Die bepalings van hierdie artikel is nie van toepassing nie op enige kontrak vir die lewering deur die raad van enigiets of die bewys deur hom van enige diens teen die gewone gepubliseerde koste vir so'n lewering of diens, nog op die aankoop van eiendom of goedere deur die raad by publieke veiling van die hand gesit, nog op enige aankoop of verhuur van grond en/of geboue, nog op die bou van 'n woonhuis of die toekenning van 'n voorskot in geld vir die bou van 'n woonhuis kragtens die Woningwet, 1920, of artikel *nege-en-sewentig* (28) van hierdie Ordonnansie; met dien verstande dat die voorwaardes van so'n aankoop, verhuur, bou, of voorskot onderworpe is aan die toestemming van die Administrateur.

47. Geen saak of ding verrig of nie verrig nie, en geen kontrak aangegaan deur die raad, en geen saak of ding verrig of nie verrig nie deur enige raadslid of beampte of dienaar van die raad of ander persoon wat op bevel van die raad handel, maak, as die saak of ding verrig of nie verrig was nie of die kontrak te goedertrou aangegaan was vir die doeleindes van hierdie Ordonnansie of van enige verordening of regulasie van krag in die munisipaliteit, so'n persoon persoonlik aanspreeklik vir enige handeling, verpligting, vordering, of eis wat ook al; en enige onkoste deur die raad of so'n persoon soos voornoem gemaak, moet deur die raad uit sy inkomste betaal word; met dien verstande dat die bepalings van hierdie artikel nie so'n raadslid, beampte, of dienaar of ander persoon soos voornoem vrystel nie van die aanspreeklikheid om beboet te word met die bedrag van enige betaling wat afgekeur word deur die ouditeur benoem deur die Administrateur kragtens artikel *nege-en-vyftig* van hierdie Ordonnansie in die rekenings van die raad en waartoe so 'n raadslid magtiging gegee het of wat hy saam met ander gemagtig het.

Vrystelling
van
dienaars
en lede
van die
raad van
persoonlike
aanspreek-
likheid.

Ord. No.
17 of 1939.

CHAPTER V.

FINANCIAL.

PART I.—REVENUES AND BORROWING POWERS.

Revenue of council. **48.** The revenue of the council shall consist of—

- (a) all rates and taxes levied by the council;
- (b) all fines imposed by a competent court and forfeited bail bonds for the contravention of by-laws, regulations, or the provisions of this Ordinance;
- (c) all fees and duties imposed by the council and licence moneys on licences issued by the council and all market dues, tolls, rents, pound fees, and taxes on dogs chargeable or leviable by the council;
- (d) all charges made by the council for the supply of electricity, gas, water, tramway, bus, and sanitary services, and also all charges or profits arising from any trade, service, or undertaking carried on by the council under any powers vested in it;
- (e) all other fees moneys or charges recoverable by the council or to which the council is entitled under this Ordinance or any other law.

Recovery of sanitary rates. **49.** (1) All moneys due for sanitary services and water, where waterborne sewerage has been installed, shall be recoverable from the owner and occupier jointly and severally of the premises in respect of which the services were rendered, provided that the owner shall in the absence of any agreement to the contrary, be entitled to recover from the occupier of the said premises for the time being any such charges paid by him in respect of the occupation of such occupier.

(2) When any charges due in respect of any premises for sanitary services and water, where waterborne sewerage has been installed, shall remain unpaid for a period of six weeks after the date on which written notice shall have been given by the council to the owner or occupier of his indebtedness, the council may at any time within twelve months after such date proceed jointly and severally against the owner and occupier for the time being of such premises for the amount of such charges or

HOOFSTUK V.

FINANSIEEL.

Ord. No.
17 van
1939.

DEEL I.—INKOMSTE EN LENINGSBEVOEGDHEDE.

48. Die inkomste van die raad bestaan ^{Inkomste van raad.} uit—

- (a) alle belastings deur die raad gehef;
- (b) alle boetes deur 'n bevoegde hof opgelê en verbeurde borgaktes vir die oortreding van verordeninge, regulasies, of die bepalinge van hierdie Ordonnansie;
- (c) alle gelde en belastings opgelê deur die raad en lisensiegelde vir lisensies deur die raad uitgereik en alle markgelde, folgelde, huurgelde, skutgelde, en belastings op honde wat die raad mag vorder of hef;
- (d) alle heffings deur die raad vir die lewering van elektrisiteit, gas, water, dienste in verband met tremweg, busse en saniteit en tewens alle heffings of winste wat ontstaan uit enige bedryf, diens of onderneming bestuur deur die raad kragtens enige bevoegdhele hom verleen;
- (e) alle ander bedrae, gelde of heffings wat die raad mag invorder of waartoe die raad geregtig is kragtens hierdie Ordonnansie of enige ander wet.

49. (1) Alle gelde verskuldig vir saniteits- ^{Invoordering van saniteits-belastings.} dienste en water waar waterriolering geïnstalleer is, is invorderbaar van die eienaar en bewoner gesamentlik en afsonderlik van die perseel waarvoor die dienste bewys was, met dien verstande dat by gebrek aan 'n andersluidende ooreenkoms, die eienaar geregtig is om op die persoon wat op daardie tydstep genoemde perseel bewoon, enige sodanige gelde deur hom betaal ten opsigte van die bewoning deur so'n persoon, te verhaal.

(2) As enige koste verskuldig ten opsigte van enige perseel vir saniteitsdienste en water waar waterriolering geïnstalleer is, onbetaald bly vir 'n tydperk van ses weke na die datum waarop die raad skriftelik kennis gegee het aan die eienaar of bewoner van sy skuld, dan kan die raad te eniger tyd binne twaalf maande na so'n datum gesamentlik en afsonderlik op die eienaar en bewoner op daardie tydstep van so'n perseel 'n vordering instel vir die bedrag van sodanige koste of enige

Ord. No.
17 of 1939.
—
Section 49.

any part thereof, and may recover the same from such owner or occupier; provided that every such occupier shall be entitled to deduct from any rent or other amount payable by him to the owner of the premises any portion of such charges paid by or recovered from him under this sub-section which the owner could not lawfully have required him to pay and the production of the receipts for such portion of such charges so paid or recovered from such occupier shall be a good and sufficient discharge for the amount so paid or recovered as payment of rent or other amount.

(3) The council may charge and recover interest on arrear charges for sanitary services and water, where waterborne sewerage has been installed, at a rate not exceeding seven per centum per annum.

Payment of
rates, taxes
and other
charges
before
transfer of
premises.

50. (1) No transfer of any premises or of any interest in land as defined by the Local Authorities Rating Ordinance, 1933, or any amendment thereof within a municipality shall be passed or registered before any registration officer until a written statement in the form shown in the Third Schedule to this Ordinance and signed and certified by the town clerk or other officer authorized thereto by the council, shall be produced to such registration officer, nor unless such statement shows—

- (a) that all charges for a period of two years immediately preceding the date of application for transfer due in respect of such premises or interest in land for sanitary services and lawfully made under this Ordinance or any duly authorised by-laws or regulations; and
- (b) that all charges, if any, for a period of two years immediately preceding the date of application for transfer due in respect of such premises or interest in land on account of rates or taxes imposed under the Local Authorities Rating Ordinance, 1933, or any amendment thereof or under any prior Ordinance or for erf tax; and
- (c) that all sums, if any, due on account of any expenses incurred or advances made by the council to the owner of such premises or interest in land under

deel daarvan, en die koste op so'n eienaar of bewoner verhaal; met dien verstande dat elk sodanige bewoner die reg het om van enige huurgelde of ander bedrag deur hom aan die eienaar van die perseel betaalbaar, enige gedeelte van sodanige koste af te trek deur hom betaal of van hom ingevorder kragtens hierdie subartikel wat die eienaar nie wettiglik hom kon laat betaal het nie, en die vertoning van die kwitansies vir so'n gedeelte van sodanige koste aldus betaal deur of ingevorder van so 'n bewoner, is geldige en voldoende kwytskelding vir die bedrag aldus betaal of ingevorder as betaling van huur of ander bedrag.

Ord. No.
17 van
1939.

—
Artikel 49.

(3) Die raad kan rente eis en invorder op agterstallige gelde vir saniteitsdienste en water waar waterriolering geïnstalleer is, teen 'n koers van hoogstens sewe persent per jaar.

50. (1) Geen transport van enige perseel of van enige belang in grond soos omskryf in die „ Plaaslike-Bestuur-Belastingordonnansie ”, 1933, of enige wysiging daarvan, binne 'n munisipaliteit mag voor enige registrasiebeampte deurgesit of geregistreer word nie voordat 'n skriftelike verklaring in die vorm vermeld in die Derde Bylae van hierdie Ordonnansie en geteken en gesertifiseer deur die stadsklerk of 'n ander amptenaar daartoe deur die raad gemagtig, aan so'n registrasiebeampte getoon word, of tensy so'n verklaring aantoon—

Betaling
van belas-
tings en
ander het-
tings voor
transport
van
eiendom.

- (a) dat alle gelde vir 'n tydperk van twee jaar onmiddellik voor die datum van aansoek om transport, wat verskuldig is ten opsigte van sodanige perseel of belang in grond vir saniteitsdienste en wettiglik gehef is kragtens hierdie Ordonnansie of enige behoorlik gemagtigde verordeninge of regulasies; en
- (b) dat alle gelde (as daar is) vir 'n tydperk van twee jaar onmiddellik voor die datum van aansoek om transport wat verskuldig is ten opsigte van sodanige perseel of belang in grond vir belastings gehef kragtens die „ Plaaslike-Bestuur-Belastingordonnansie ”, 1933, of enige wysiging daarvan, of enige vorige ordonnansie of vir erfbelasting; en
- (c) dat alle bedrae (as daar is) wat verskuldig is ten opsigte van enige onkoste gemaak of geld voorgeskiet deur die raad aan die eienaar van sodanige perseel of

Ord. No.
17 of 1939.

Section 50.

the provisions of sub-section (4) of section *eighty-one*, sub-section (4) of section *eighty-three* and sub-section (1) of section *one hundred and forty-two* of this Ordinance

have been paid to the council, provided that in the case of transfer of immovable property by a trustee in insolvency the provisions of this section shall be read subject to the provisions of section *eighty-nine* of the Insolvency Act, No. 24 of 1936, and the latter provisions shall apply; provided further that nothing in this section contained shall be held to apply to advances made for the purchase of electric or gas stoves, refrigerators, wireless sets and articles of a like nature which are in practice not regarded as fixtures.

The town clerk or other officer authorized by the council is hereby required to give the said statement on the demand of the owner of the premises or interest in land or his attorney or agent upon payment by him of a charge to be fixed by resolution of the council not exceeding two shillings for each such statement.

(2) (a) All such charges and sums mentioned in paragraphs (a) and (b) of sub-section (1) shall be a charge upon the premises or interest in land in respect of which they are owing and shall be preferent to any mortgage bond passed over such property subsequent to the coming into operation of this Ordinance.

(b) All such charges and sums mentioned in paragraph (b) of sub-section (1) of section *one hundred and forty-two* shall be a charge on the premises or interest in land in respect of which they are owing and shall, subject to compliance with the provisions of sub-section (6) of that section be preferent to any mortgage bond passed over such property subsequent to the coming into operation of this Ordinance.

Books of
council to
be *prima*
facie
evidence of
sums due.

51. The books and records of the council and any extracts therefrom certified by the town clerk or other officer authorized thereto by the council shall in any proceedings for the recovery of sanitary fees or charges for the

belang in grond kragtens die bepalings van subartikel (4) van artikel *een-en-tagtig*, subartikel (4) van artikel *drie-en-tagtig* en subartikel (1) van artikel *honderd twee-en-veertig* van hierdie Ordonnansie,

Ord. No.
17 van
1939.

—
Artikel 50.

aan die raad betaal is; met dien verstande dat in die geval van transport van onroerende eiendom deur 'n kurator van 'n insolvente boedel, die bepalings van hierdie artikel gelees moet word met inagneming van die bepalings van artikel *nege-en-tagtig* van die Insolvensiewet, No. 24 van 1936, en dat laasgenoemde bepalings van toepassing is; met dien verstande verder dat niks in hierdie artikel vervat as van toepassing beskou moet word op voorskotte gemaak vir die aankoop van elektriese of gasstowe, verkoelers, radio-toestelle en artikels van dergelike aard nie wat in die praktyk nie as ingebou beskou word nie.

Die stadsklerk of ander beamppte deur die raad gemagtig, word hierby opgedra om genoemde verklaring op versoek af te gee aan die eienaar van die perseel of belang in grond of sy prokureur of agent teen betaling deur hom van 'n bedrag wat by besluit van die raad vasgestel moet word, maar wat nie meer as twee sjielings vir elk sodanige verklaring mag wees nie.

(2) (a) Alle sodanige koste en bedrae genoem in paragraawe (a) en (b) van subartikel (1) is 'n las op die perseel of belang in grond ten opsigte waarvan dit verskuldig word en geniet voorkeur op enige verbandakte oor sodanige eiendom aangegaan na die inwerkingtreding van hierdie Ordonnansie.

(b) Alle sodanige koste en bedrae genoem in paragraaf (b) van subartikel (1) van artikel *honderd twee-en-veertig* is 'n las op die perseel of belang in grond ten opsigte waarvan dit verskuldig word, en het, onderworpe aan die nakoming van die bepalings van subartikel (6) van daardie artikel 'n voorkeur op enige verbandakte oor sodanige eiendom aangegaan na die inwerkingtreding van hierdie Ordonnansie.

51. Die boeke en stukke van die raad en enige uittreksels daarvan gesertifiseer deur die stadsklerk of ander beamppte daartoe deur die raad gemagtig, is by enige regsdeding vir die invordering van gelde vir saniteitsdienste of heffings vir die lewering van gas, water of

Boeke van
raad is
prima facie
bewys van
ver-
skuldigde
bedrae.

Ord. No.
17 of 1939.

—
Section 51.

supply of gas, water, or electricity, or for any other municipal service, be *prima facie* evidence of the amounts due for the same.

Borrowing
powers.

52. (1) The council may by a majority of the councillors present at a meeting specially convened for the purpose (provided the number of members voting in the majority is equal to a majority of the full council) from time to time raise loans in such amounts and on such conditions as may be approved by the Administrator subject to the provisions of this Ordinance; provided that any council whose annual rate income exceeds £500,000 in addition to obtaining advances from any bank by way of bank overdraft may, in such amounts and on such conditions as the Administrator may approve, from time to time obtain short period loans including loans at call, either from any bank or from any other person, for the purpose of temporarily financing loan expenditure in respect of which borrowing powers have been duly authorised.

(2) Such loan shall be secured and charged on the whole of the land, rents, property, and revenues of the council, including any lands which may be specially placed at the disposal of the council under the provisions of any law and including all rates which the council may impose under the provisions of any law for the time being in force; provided that this section shall not be deemed to confer upon the council any power to alienate such lands other than is conferred by such law.

(3) Where any such loan shall be raised by means of stock the provisions of Ordinance No. 3 of 1903 except section *fifty-one* thereof shall *mutatis mutandis* apply.

(4) If at any time any interest due on any loan (other than stock) shall remain unpaid for ninety days after demand therefor in writing has been lodged with the town clerk by the person entitled thereto or by his duly authorized representative, application may be made by such person or his representative to any competent court for the appointment of a receiver of the property and revenues on which the loan is secured.

elektrisiteit, of vir enige ander munisipale diens, *prima facie* bewys van die bedrae daarvoor verskuldig.

Ord. No
17 van
1939.

Artikel 51.

52. (1) Die raad kan deur 'n meerderheid van die raadslede teenwoordig op 'n vergadering wat spesiaal vir daardie doel belê is (mits die aantal lede wat in die meerderheid stem gelyk is aan 'n meerderheid van die volle raad), van tyd tot tyd leningsluit vir bedrae en op voorwaardes wat die Administrateur, onderworpe aan die bepalings van hierdie Ordonnansie, goedkeur; met dien verstande dat 'n raad wie se jaarlikse belastingsinkomste £500,000 oorskry, benewens voorskotte wat by wyse van bankoortrekking van 'n bank verkry word, tot die bedrae en op die voorwaardes wat die Administrateur goedkeur, van tyd tot tyd korttermynlenings, met inbegrip van onmiddellik opsegbare lenings, kan verkry hetsy van 'n bank of van iemand anders, met die doel om leningsuitgawe ten opsigte waarvan leningsbevoegdheede behoorlik gemagtig is, tydelik te finansier.

(2) So'n lening moet gedek word deur alle gronde, huurgelde, eiendom en inkomste van die raad, met inbegrip van enige gronde wat spesiaal tot beskikking van die raad geplaas word kragtens die bepalings van enige wet en met inbegrip van alle belastings wat die raad mag hef kragtens die bepalings van enige wet wat asdan van krag is; met dien verstande dat dit nie geag moet word nie dat hierdie artikel aan die raad enige bevoegdheid verleen om sodanige gronde te vervreem op 'n ander wyse as deur so'n wet verleen is.

(3) Waar so'n lening opgeneem word deur middel van effekte, is die bepalings van Ordonnansie No. 3 van 1903 met uitsondering van artikel *een-en-vyftig* daarvan, *mutatis mutandis* van toepassing.

(4) As te eniger tyd enige rente verskuldig op enige lening (behalwe effekte) vir negentig dae onbetaald bly nadat 'n eis daarvoor by die stadsklerk skriftelik ingedien is deur die persoon wat reg daarop het of deur sy behoorlik gemagtigde verteenwoordiger, dan kan so'n persoon of sy verteenwoordiger in enige bevoegde hof aansoek doen om die aanstelling van 'n ontvanger van die eiendom en inkomste wat die lening dek.

Ord. No.
17 of 1939.

—
Section 52.

(5) On the hearing of such application the court may make such order and give such directions as under the circumstances shall seem expedient for raising and payment of the moneys due. In particular the court may order that a rate or rates of such amount or amounts as it may fix be levied upon all rateable property within the municipality, and any rate so ordered to be levied shall have the same incidence as any rate imposed by the council, and may be enforced in like manner, and the proceeds thereof shall be paid into court or otherwise as the court shall direct.

(6) If at any time default be made in the repayment of any loan or of any instalment thereof after a period of thirty days from the date on which such loan or instalment shall have become repayable the like proceedings may be instituted on the application of the person to whom such repayment shall be due or his duly authorized representative.

(7) The court, on such application in addition to any order which it is empowered to make under sub-section (5) may, if it shall think fit, order the sale of any property on which the loan may be secured, subject always to the provisions of any law as regards the alienation of any lands vested in the council under such law.

(8) Notwithstanding anything to the contrary contained in sub-section (17) of section *fifty-one* of Ordinance No. 3 of 1903 the security for bills issued under the provisions of that Ordinance shall be the security provided for by sub-section (2) of this section.

(9) Notwithstanding anything contained in this section Ordinance No. 3 of 1903 [as amended] shall continue to apply to the municipality of Johannesburg, and it shall not be lawful for the council of that municipality to borrow money by means of stock or bills except in manner provided by that Ordinance.

(10) Subject to the provisions of this section and subject to any rights of priority existing at the date of coming into operation of this sub-section all securities for loans created by a local authority whether under this Ordinance or any other law shall rank equally without any priority.

(5) Na verhoor van so'n aansoek kan die hof so'n order uitvaardig en enige bevele gee wat onder die omstandighede dienstig blyk vir invordering en betaling van die verskuldigde gelde. Die hof kan veral gelas dat 'n belasting of belastings tot enige bedrag of bedrae wat die hof bepaal, gehef word op alle belasbare eiendom binne die munisipaliteit, en enige belasting wat vir heffing aldus gelas word, het dieselfde vestiging as enige belasting gehef deur die raad, en kan op dieselfde wyse toegepas word, en die opbrengs daarvan moet in geregtelike bewaring gestel of andersins betaal word al na die hof gelas.

(6) As daar te eniger tyd met die terugbetaling van 'n lening of van enige paalement daarvan versuim word na verloop van 'n tydperk van dertig dae van die datum waarop so'n lening of paalement terugbetaalbaar is, dan kan soortgelyke geregtelike stappe gedoen word op aansoek van die persoon aan wie so'n terugbetaling verskuldig is of van sy behoorlik gemagtigde verteenwoordiger.

(7) Na verhoor van so'n aansoek kan die hof, behalwe enige order wat hy bevoegd is om kragtens subartikel (5) uit te vaardig, as hy dit dienstig ag, gelas dat enige eiendom wat die lening dek, verkoop moet word, altyd onderworpe aan die bepalinge van enige wet wat betrekking het op die vervreemding van enige grond waarvan die eiendomsreg kragtens so'n wet by die raad berus.

(8) Nieteenstaande andersluidende bepalinge in subartikel (17) van artikel *een-en-veeftig* van Ordonnansie No. 3 van 1903, is die sekuriteit vir wissels uitgegee kragtens die bepalinge van daardie Ordonnansie, die sekuriteit waarvoor in subartikel (2) van hierdie artikel voorsiening gemaak word.

(9) Nieteenstaande die bepalinge van hierdie artikel is Ordonnansie No. 3 van 1903 (soos gewysig) nog steeds van toepassing op die munisipaliteit van Johannesburg, en die raad van daardie munisipaliteit is nie geoorloof om geld te leen deur middel van effekte of wissels behalwe soos in daardie Ordonnansie voorgeskryf nie.

(10) Onderworpe aan die bepalinge van hierdie artikel en behoudens enige voorkeurregte wat daar ten tyde van die inwerkingtreding van hierdie subartikel bestaan, staan alle sekuriteite vir lenings deur 'n plaaslike bestuur ingevolge hierdie Ordonnansie of 'n ander wet aangegaan, gelyk sonder enige voorkeur.

Ord. No
17 van
1939.

—
Artikel 52.

Ord. No.
17 of 1939

Overdrafts

53. The council may obtain advances from any bank by way of overdraft in such amounts and on such conditions as the Administrator may approve; and the provisions of the last preceding section for the security of such advances and for the recovery thereof shall apply in all respects as if such advances were loans raised under the last preceding section.

Illegal
borrowing.

54. Save when any loan or advance by way of overdraft has been authorized as aforesaid, no person or bank lending money to a council shall have any remedy or right whatsoever to recover such loan or advance from the council. If a council borrows any money which it is not legally bound to repay, all the members who have joined in authorizing the borrowing of such money shall be jointly and severally liable to repay the sum and all interest thereon, and the same may be recovered from them by action in any competent court.

Deprecia-
tion
regulations.

55. (1) It shall be the duty of the council to frame regulations providing for the annual setting aside by the council of adequate amounts to meet the depreciation of works and plant purchased from any loans raised under the provisions of section *fifty-two* or *fifty-three* hereof and to submit such regulations for the approval of the Administrator who may approve the same with or without modification and such regulations when approved shall be published in the *Provincial Gazette*; provided, however, that if the council shall fail to frame such regulations and to submit the same for the approval of the Administrator within a period of twelve months from the date on which the Administrator shall require the council to frame the regulations under this section, such regulations may be made by the Administrator.

(2) The council shall set aside annually out of its revenue such amounts for depreciation as are required under regulations made under this section.

(3) It shall be the duty of the town treasurer or officer of the council entrusted with the duties of treasurer to compile records of all the movable assets and plant of the council and to keep such records up to date

53. Die raad kan van enige bank by wyse van oortrekking voorskotte verkry tot die bedrae en op die voorwaardes wat die Administrateur goedkeur; en die bepalings van die laasvooraafgaande artikel aangaande die sekuriteit vir sulke voorskotte en vir die invordering daarvan is in alle opsigte van toepassing asof sulke voorskotte lenings was wat kragtens laasvooraafgaande artikel opgeneem is.

Bankoor-
trekkings.
Ord. No.
17 van
1939.

54. Behalwe wanneer enige lening of voorskot by wyse van oortrekking gemagtig is soos voornoem, het geen persoon of bank wat aan 'n raad geld leen, enige middel of reg hoege-naamd om so'n lening of voorskot van die raad in te vorder nie. As 'n raad enige geld leen wat hy nie wettiglik verplig is om terug te betaal nie, is alle lede wat tesame die lening van die geld gemagtig het gesamentlik en afsonderlik aanspreeklik vir die terugbetaling van die bedrag en alle rente daarop, en dit kan op hulle by wyse van regsgeeding in 'n bevoegde hof verhaal word.

Onwettige
lenings.

55. (1) Die raad is verplig om regulasies op te stel waarin voorsiening gemaak word vir die jaarlikse afsondering deur die raad van toereikende bedrae tot dekking van die waardevermindering van werke en uitrusting wat aangekoop is uit enige lenings opgeneem kragtens die bepalings van artikels *twee-en-veertig* of *drie-en-veertig* hiervan en om hierdie regulasies aan die Administrateur vir goedkeuring voor te lê. Die Administrateur kan hulle met of sonder verandering goedkeur en hierdie regulasies moet, wanneer goedgekeur, in die *Offisiële Koerant van die Provinsie Transvaal* gepubliseer word; met dien verstande egter dat as die raad versuim om sulke regulasies op te stel en aan die Administrateur vir goedkeuring voor te lê binne 'n tydperk van twaalf maande van die datum waarop die Administrateur die raad gelas om die regulasies kragtens hierdie artikel op te stel, die Administrateur sulke regulasies kan opstel.

Regulasies
op waarde-
vermin-
dering.

(2) Die raad moet jaarliks uit sy inkomste die bedrae afsonder vir waardevermindering wat vereis word by regulasies ingevolge hierdie artikel opgestel.

(3) Die stadstesourier of die beampte van die raad belas met die pligte van tesourier, is verplig om registers aan te lê van alle roerende bate en uitrusting van die raad en om dit by te hou.

Ord. No.
17 of 1939.

PART II.—ACCOUNTS AND AUDIT.

Accounts to
be kept.

56. The council shall cause proper books to be provided and true and regular accounts to be entered therein of all sums of money received and paid on account of and for the council, and of the several purposes for which such sums of money have been received and paid.

Financial
year.

57. The accounts of the council shall be made up and an abstract thereof published not less than once in every financial year, and for the purposes of this Ordinance the financial year shall be the twelve months ending on and including the thirtieth day of June in each and every calendar year.

Council to
frame
annual
estimates.

58. Not less than fourteen days before the expiry of any financial year the finance committee shall draw up and present at any ordinary or special meeting of the council a detailed estimate of the revenue and expenditure of the council for the next financial year. A copy of such statement shall be recorded in the minutes of the council.

Adminis-
trator to
appoint
inspectors
and
auditors.

59. (1) The Administrator shall appoint one or more persons, who may be officers of the public service, to examine, from time to time, the accounts and records of the council and the council shall, by the town clerk or town treasurer or other officer authorised by such council produce and lay before the person or persons so appointed all books and statements of accounts and balance sheets of the council prepared by the said town clerk or town treasurer or other authorised officer together with all vouchers in support of the same and all books, papers and writings and minute books in their power relating thereto, but these may at no time be removed from the office of the council without the express sanction thereof.

(2) The council may submit a recommendation to the Administrator in regard to the person or persons to be appointed as auditors.

(3) The council shall pay to the Administrator within three months from the date of signing and certifying the accounts of the council for any one financial year, such sum as the Administrator may in each case determine as having been the cost of the audit of such accounts, provided that the amount so determined shall not exceed one per centum of the normal expenditure as certified by the

DEEL II.—REKENINGS EN OUDITERING.

Ord. No.
17 van
1939.

56. Die raad moet sorg dra dat behoorlike ^{Rekenings moet gehou word.} boeke verskaf en juiste en gereelde rekenings daarin gehou word van alle bedrae ontvang en uitbetaal op rekening van en vir die raad, en van die onderskeie doeleindes waarvoor sulke bedrae ontvang en uitbetaal is.

57. Die rekenings van die raad moet opge- ^{Boekjaar.} maak en 'n uittreksel daarvan minstens eenmaal iedere boekjaar gepubliseer word, en vir die doeleindes van hierdie Ordonnansie is die boekjaar die twaalf maande wat eindig op en met inbegrip van die dertigste dag van Junie in elke kalenderjaar.

58. Minstens veertien dae voor die afloop ^{Raad moet jaarlikse begrotings opmaak.} van enige boekjaar moet die finansiële komitee 'n volledige begroting van die inkomste en uitgawe van die raad vir die volgende boekjaar opmaak en dit op 'n gewone of spesiale vergadering van die raad indien. 'n Afskrif van hierdie staat moet in die notule van die raad opgeneem word.

59. (1) Die Administrateur benoem een of ^{Adminis- trateur benoem inspekteurs en oudi- teurs.} meer persone wat amptenare in die staatsdiens kan wees, om van tyd tot tyd die rekenings en stukke van die raad na te gaan, en die raad moet, deur bemiddeling van die stadsklerk of stadstesourier of ander beamppte deur sodanige raad gemagtig, aan die aldus benoemde persoon of persone oorlê en voorlê alle boeke en rekening- en balansstate van die raad opgestel deur genoemde stadsklerk of stadstesourier of ander gemagtigde beamppte tesame met alle bewysstukke ter stawing van genoemde dokumente en alle boeke, stukke en geskrifte en notuleboeke in hul mag wat daarmee in verband staan, maar hierdie dokumente mag nooit uit die kantoor van die raad verwyder word sonder sy uitdruklike toestemming nie.

(2) Die raad kan aan die Administrateur 'n aanbeveling doen in verband met die persoon of persone wat tot ouditeur of ouditeurs benoem moet word.

(3) Binne drie maande vanaf die datum waarop die rekenings van die raad vir 'n bepaalde boekjaar onderteken en gesertifiseer word, moet die raad aan die Administrateur 'n bedrag betaal wat die Administrateur in elke geval vasstel as die koste van die ouditering van sodanige rekenings, met dien verstande dat die aldus vasgestelde bedrag nie een persent van die normale uitgawe soos

Ord. No.
17 of 1939.

—
Section 95.

auditor, subject to a minimum of five pounds provided that if necessary an additional amount may be included in the fee for non-audit work which has had to be undertaken when for the purpose of an effective audit the accounts require to be completed, adjusted or balanced by the auditor conducting the examination.

(4) Notwithstanding the preceding sub-section the fee to be paid to an auditor so appointed who is not an officer of the public service shall be determined by the Administrator after consultation with the council concerned. When due such fee shall be paid either annually or quarterly to the auditor by the council which shall advise the Administrator thereof immediately thereafter.

(5) Local authority audit fees, other than those referred to in the preceding sub-section, shall accrue to the Provincial Revenue Fund.

(6) It shall be the duty of the auditor or auditors to furnish to the Administrator a report in writing in manner prescribed, and in the case of auditors who are not public servants such reports shall simultaneously be furnished to the council. In addition the auditor shall certify not less than once in each financial year whether or not—

- (a) the accounts of the council are in order,
- (b) separate accounts of all trading undertakings (if any) have been kept,
- (c) the accounts issued present a true and correct view of the financial position of the council, of its transactions, and of the results of the trading (if any),
- (d) due provision has been made for the redemption and repayment of any moneys borrowed whether in the form of municipal stock or in whatever form including bank overdrafts,
- (e) the amounts set aside for depreciation and obsolescence of plant or other assets acquired from loan or capital funds are adequate and in accordance with prescribed regulations,
- (f) the value of the assets of the council has been fairly stated,

gesertifiseer deur die ouditeurs te bowe mag gaan nie, onderworpe aan 'n minimum van vyf pond, met dien verstande dat, as dit nodig is, 'n addisionele bedrag in die gelde ingesluit kan word vir die nie-ouditeerwerk wat onderneem moet word wanneer, vir die doel van 'n doelmatige ouditering, die rekening voltooi, afgesluit of gebalanseer moet word deur die ouditeur wat die ondersoek uitvoer.

Ord. No.
17 van
1939.

—
Artikel 59.

(4) Ondanks die bepalings van die voorgaande subartikel, word die gelde wat aan 'n ouditeur aldus aangestel en wat nie 'n lid van die staatsdiens is nie, betaal word, deur die Administrateur vasgestel na bespreking met die betrokke raad. Wanneer dit verskuldig is, moet die gelde of jaarliks of kwartaal-likes aan die ouditeur deur die raad betaal word, en die raad moet onmiddellik daarna die Administrateur daarvan in kennis stel.

(5) Ouditeursgelde vir plaaslike besture, behalwe dié waarna in die vorige subartikel verwys word, kom aan die Provinsiale Inkomstefonds toe.

(6) Dit is die plig van die ouditeur of ouditeurs om 'n skriftelike verslag op die voorgeskrewe manier aan die Administrateur te stuur, en in die geval van ouditeurs wat nie staatsamptenare is nie, moet sodanige verslae gelyktydig aan die raad gestuur word. Daarbenewens moet die ouditeur minstens eenkeer 'n boekjaar sertifiseer of (al dan nie):—

- (a) die rekenings van die raad in orde is,
- (b) aparte rekenings van alle handelsoondernemings (as daar is) aangehou is,
- (c) die uitgereikte rekenings 'n ware en juiste oorsig gee oor die finansiële posisie van die raad, van sy verrigtings, en van die resultate van sy handelsoondernemings (as daar is),
- (d) behoorlike voorsiening gemaak is vir die delging en terugbetaling van geleende gelde hetsy in die vorm van munisipale effekte of watter vorm ook al met inbegrip van bankoortrekkings,
- (e) die bedrae uitgehou vir waardevermindering en veroudering van uitrusting of ander bate verkry uit lenings op kapitaalfondse toereikend is en in ooreenstemming met die voorgeskrewe regulasies,
- (f) die waarde van die bate van die raad billik opgegee is,

Ord. No.
17 of 1939.

—
Section 59.

- (g) the details of the several registers have been reconciled and adjusted with ledger balances and are correct,
- (h) all his or their requirements and recommendations (as auditor or auditors) have been complied with and carried out.

(7) It shall be the duty of the town clerk immediately upon receipt from the Provincial Secretary, or in the case of the auditor referred to in sub-section (4) hereof, of the accounts of the council and the audit inspection report or reports thereon or copies thereof to submit the same to the mayor and/or chairman of the finance committee and thereafter to lay the same before the council at its next ensuing meeting by means of the agenda in which the said documents shall be embodied verbatim and to furnish within fourteen days after such meeting has been held a copy of such agenda to the editors of two or more newspapers—one of which shall be a daily newspaper circulating within the area of the local authority.

Powers of
auditors

60. For the purpose of any audit under the provisions of the last preceding section the auditor may hear and receive evidence and examine witnesses upon oath (which oath the auditor is hereby empowered to administer) and, by summons under his hand, require such persons as he may think fit to appear personally before him at a time and place to be stated in such summons and to produce all such books and papers (including the minutes of the proceedings of the council or of any committee of the council) as may be necessary for such audit. Any person so required who shall without lawful excuse refuse to attend in obedience to such summons, or who, having appeared, shall refuse to be examined on oath or to take such oath, or, having taken such oath, to answer such questions as shall be put to him, shall be liable to a fine not exceeding twenty pounds for every such act or offence; provided that no conviction under this section shall be deemed to exempt the person convicted from liability to do or perform the act, matter, or thing required to be done or performed by him, or from being successively convicted and punished for every distinct commission of the same act or offence.

- (g) die besonderhede in die betrokke registers met die grootboeksaldo's versoen en verreken is en korrek is,
- (h) al sy of hulle vereistes en aanbevelings (as ouditeur of ouditeurs) nagekom en uitgevoer is.

Ord. No.
17 van
1939.

—
Artikel 59.

(7) Dit is die plig van die stadsklerk om onmiddellik na ontvangs van die Provinsiale Sekretaris, of in die geval van die ouditeur vermeld in subartikel (4) hiervan, van die rekenings van die raad en die auditinspeksierapport of -rapporte in verband daarmee of kopieë daarvan, genoemde dokumente aan die burgemeester en/of voorsitter van die finansiële komitee voor te lê, en daarna genoemde dokumente by sy eersvolgende vergadering aan die raad voor te lê deur middel van die agenda waarin genoemde dokumente woordelik opgeneem moet word, en om binne 14 dae na so'n vergadering plaasgevind het, 'n afskrif van sodanige agenda te stuur aan die redakteur van twee of meer koerante—een waarvan 'n dagblad moet wees wat binne die regsgebied van die plaaslike bestuur in omloop is.

60. Vir die doel van enige ouditering <sup>Bevoegd-
hede van
ouditeurs.</sup> kragtens die bepaling van die laasvoorgaande artikel kan die ouditeur getuienis afneem en getuies onder eed ondervra (watter eed die ouditeur hierby gemagtig word om af te neem) en by wyse van dagvaarding deur hom geteken, persone gelas om persoonlik voor hom te verskyn op 'n tyd en plek wat in so'n dagvaarding vermeld moet word en om alle boeke en dokumente (met inbegrip van die notule van die raad of van enige komitee van die raad) oor te lê wat vir so'n ouditering nodig is. Iemand wat aldus gedagvaar word en wat sonder wettige verontskuldiging weier om so'n dagvaarding te gehoorsaam en te verskyn of wat verskyn maar weier om onder eed ondervra te word of om so'n eed af te lê, of wat so'n eed aflê maar weier om die vrae te beantwoord wat hom gestel word, stel hom bloot aan 'n boete van hoogstens twintig pond vir ieder sodanige handeling of oortreding; met dien verstande dat dit nie geag word dat 'n veroordeeling kragtens hierdie artikel die veroordeelde persoon vrystel van die verpligting om die handeling, saak of ding wat hy moet doen of verrig, te doen of te verrig, of van later skuldigbevinding en veroordeling vir iedere afsonderlike pleging van dieselfde daad of oortreding nie.

Ord. No.
17 of 1939.

Appoint-
ment of
town clerk
and other
officials.

61. (1) The auditor or auditors appointed by the Administrator shall disallow every payment made without due authority according to law and surcharge the same on the person or persons making or authorizing the illegal payment, and shall charge against any person or persons responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of such person or persons, or of any sum which ought to have been brought into account by any such person or persons, and shall in every case certify the amount due from such person. Every sum so certified by the auditor shall be paid by such person or persons to the town clerk or other official appointed by the council within fourteen days after written demand and, if not so paid, may be recovered from such person or persons as a debt by the auditor, who shall be paid by the council his reasonable costs and expenses incurred in such proceedings. Any sum so recovered shall be paid to the town clerk or other official appointed by the council to receive and give a discharge for revenues payable to the council; provided that the Administrator may remit the whole or any part of any sums surcharged against any person under this section.

(2) For the purposes of this section the persons making or authorizing any illegal payment shall include all councillors or members of any committee of the council who were present at the meeting of the council or committee at which such payment was authorized and who did not cause their votes against the resolution authorizing such payment to be recorded in the minutes.

(3) The provisions of this section and of the preceding section shall apply *mutatis mutandis* to the audit of any fund which is still in existence and which was established under the provisions of sub-section (33) of section *seventy-nine* of Ordinance 11 of 1926.

61. (1) Die ouditeur of ouditeurs deur die Administrateur benoem, moet elke betaling afkeur wat sonder behoorlike wetlike magtiging gedoen is en dit op die persoon of persone verhaal wat die onwettige betaling gedoen of gemagtig het, en moet teen iedere persoon of persone wat daarvoor verantwoordelik is die bedrag van elke tekort of verlies in rekening bring wat deur die agteloosheid of wangedrag van so'n persoon of persone veroorsaak is, of van alle gelde wat deur so'n persoon of persone verantwoord moes geword het, en moet in elke geval die bedrag deur so'n persoon verskuldig, sertifiseer. Elke bedrag wat aldus deur die ouditeur gesertifiseer word, moet binne veertien dae na skriftelike versoek deur so'n persoon of persone betaal word aan die stadsklerk of ander beamppte deur die raad aangestel, en as dit nie aldus betaal word nie, kan dit van so'n persoon of persone as 'n skuld ingevorder word deur die ouditeur aan wie die raad sy redelike onkoste en uitgawe gemaak in verband met sulke stappe, moet betaal. Elke som wat aldus ingevorder word, moet betaal word aan die stadsklerk of ander beamppte deur die raad aangestel om inkomste aan die raad betaalbaar, in ontvangs te neem en daarvoor 'n kwitansie te gee; met dien verstande dat die Administrateur die somme wat op iemand ingevolge hierdie artikel verhaal word, geheel of gedeeltelik kan kwyt-skeld.

Ouditeur se
reg van
verhaal. **Ord. No**
17 van
1939.

(2) Vir die doeleindes van hierdie artikel word onder die persone wat 'n onwettige betaling doen of magtig, alle raadslede of lede van enige komitee van die raad inbegrepe wat aanwesig was op die vergadering van die raad of van die komitee waarop so'n betaling gemagtig was, en wat nie hulle stem teen die besluit wat so'n betaling magtig, in die notule laat opteken het nie.

(3) Die bepalings van hierdie en die voorafgaande artikel is *mutatis mutandis* van toepassing op die ouditering van enige fonds wat nog bestaan en wat kragtens die bepalings van subartikel (33) van artikel *nege-en-seventig* van Ordonnansie No. 11 van 1926 in die lewe geroep is.

Ord. No.
17 of 1939.

CHAPTER VI.

POWERS AND DUTIES OF MUNICIPAL COUNCILS.

PART I.—GENERAL POWERS.

Auditors'
power to
surcharge

62. (1) Subject to the provisions of sections *twelve* and *fourteen* of the Public Health Act, 1919, the council shall from time to time appoint a town clerk and a medical officer of health, who shall be a person duly registered as a medical practitioner in the Union, and the council may appoint such other officers as it may consider necessary and may pay such salaries and monetary allowances to such officers as it may determine; and, unless it shall be otherwise stipulated in the contract with or in the appointment of an officer of the council, it may at any time remove such officer upon notice of not less than one month or, in the case of misconduct, immediately without notice; provided that—

- (a) no officer holding the post of town clerk, medical officer of health, town treasurer or town engineer shall be removed from office unless and until such removal shall have been decided upon by a majority of councillors present at a meeting specially convened for the purpose and that the number of members voting in the majority is equal to a majority of the full council;
- (b) the removal of a medical officer of health and of a sanitary inspector shall be subject to the provisions of sections *twelve* and *fourteen* respectively of the Public Health Act, 1919; and
- (c) the removal of a town clerk or any reduction in his salary or emoluments shall be subject to the approval of the Administrator.

(2) Save as provided in sub-section (1) of section *thirty-nine* no person may be appointed under the provisions of this section who is a member of the council or who has been such a member at any time during the six months prior to the said appointment.

HOOFSTUK VI.

Ord. No.
17 van
1939.BEVOEGDHEDE EN PLIGTE VAN MUNISIPALE
RADE.

DEEL I.—ALGEMENE BEVOEGDHEDE.

62. (1) Onderworpe aan die bepalings van artikels *twaalf* en *veertien* van die „Volksgezondheidswet, 1919”, moet die raad van tyd tot tyd ’n stadsklerk en ’n geneeskundige gesondheidsbeampte benoem wat iemand moet wees wat behoorlik as ’n geneesheer in die Unie geregistreer is, en die raad kan ook enige ander beamptes aanstel wat hy nodig ag, en aan sulke beamptes die salarisse en geldelike toelae betaal wat hy bepaal; en tensy anders beding word in die kontrak met of by die aanstelling van ’n beampte van die raad, kan die raad so ’n beampte te eniger tyd ontslaan met kennisgewing vooraf van minstens ’n maand, of in die geval van wangedrag onmiddellik sonder kennisgewing; met dien verstande dat—

Aanstelling
van stads-
klerk en
ander be-
amptes.

- (a) geen beampte wat die betrekking van stadsklerk, geneeskundige gesondheidsbeampte, stadstesourier of stadsingenieur beklee, uit sy betrekking mag ontslaan word nie tensy en totdat tot so ’n ontslag besluit word deur ’n meerderheid van raadslede teenwoordig op ’n vergadering spesiaal vir daardie doel belê en dat die aantal lede wat in die meerderheid stem gelyk is aan ’n meerderheid van die volle raad;
- (b) die ontslag van ’n geneeskundige gesondheidsbeampte en van ’n gesondheidsinspekteur aan die bepalings van onderskeidelik artikels *twaalf* en *veertien* van die „Volksgezondheidswet, 1919”, onderworpe is; en
- (c) die ontslag van ’n stadsklerk of enige vermindering van sy salaris of emolumente aan die goedkeuring van die Administrateur onderworpe is.

(2) Behalwe soos bepaal in subartikel (1) van artikel *nege-en-dertig* kan niemand wat lid van die raad is of wat so ’n lid was te eniger tyd gedurende die ses maande voor genoemde aanstelling, kragtens die bepalings van hierdie artikel aangestel word nie.

Ord. No.
17 of 1939.

—
Section 62.

(3) No officer or servant appointed under the provisions of this section shall perform or engage himself to perform remunerative work outside the municipal service without the special permission of the council first had and obtained. Such permission shall be granted by a resolution of the council and may be made subject to any such conditions as the council may deem fit to impose.

(4) No person shall be appointed under the provisions of this section in a permanent capacity or on probation unless such person is a Union National and is of good character and free from any mental or physical defect, disease or infirmity which would be likely to interfere with the proper performance of his duty or to render necessary his retirement therefrom earlier than the prescribed age of retirement, and has resided for not less than three years in the Union or the Mandated Territory of South West Africa; provided that a person may be appointed who has not the said residence qualification or is not a Union National if the Administrator is satisfied that it is necessary or desirable to make such appointment on account of technical or professional qualifications or for other special reasons in the discretion of the Administrator; provided further that no such appointment shall be made unless the Administrator has signified in writing to the council that he is so satisfied.

(5) The council shall require from every officer entrusted by it with the handling of money or stores on its behalf security to the satisfaction of the council which may, if it deems fit, defray from its funds any fidelity premium considered reasonable.

Public
places
vested in
council.

63. The Council shall have the control and management of all—

- (a) roads, streets, thoroughfares, bridges, overhead bridges, subways, including foot pavements, footpaths, side-walks, and lanes;
- (b) squares and other open spaces, gardens, parks, and other enclosed spaces;
- (c) culverts, and ferries;

(3) Geen beampte of dienaar benoem kragtens die bepalings van hierdie artikel, mag betalende werk buite die munisipale diens verrig of hom daartoe verbind voor hy eers die spesiale toestemming van die raad gevra en verkry het nie. Sodanige toestemming moet verleen word by besluit van die raad en kan onderworpe word aan enige voorwaardes wat die raad na goeddunke vasstel.

Ord. No.
17 van
1939.

—
Artikel 62.

(4) Niemand mag kragtens die bepalings van hierdie artikel permanent of op proef aangestel word nie tensy so iemand 'n Unie-staatsburger van goeie gedrag en vry van enige verstandelike of liggaamlike gebrek, siekte of swakheid is, wat hom in die deeglike uitoefening van sy werksaamhede miskien kan hinder of sy uitdienstreding voor die voorgeskrewe aftredingsouderdom mag genoodsaak, en tensy hy vir minstens drie jaar in die Unie of die Mandaatgebied Suidwes-Afrika gewoon het; met dien verstande dat iemand aangestel kan word wat nie die genoemde woonkwalifikasie besit of geen Unie-staatsburger is nie, as die Administrateur oortuig is dat dit noodsaaklik of wenslik is om so 'n persoon aan te stel uit hoofde van sy professionele of tegniese bevoegdhede of om ander spesiale redes na goedvinde van die Administrateur; voorts met dien verstande dat niemand aangestel mag word tensy die Administrateur aan die raad skriftelik meegedeel het dat hy aldus oortuig is nie.

(5) Die raad moet enige beampte aan wie die hantering van geld of voorrade namens hom toevertrou is, verplig om sekuriteit te gee tot voldoening van die raad wat na goedvinde enige premie in verband met 'n eerlikheidspolis wat hy redelik ag, uit sy fondse kan betaal.

63. Die raad het die beheer en bestuur oor alle—

Eiendoms-
reg van
publieke
plekke
berus by
raad.

- (a) paaie, strate, deurgange, brûe, bo-
grondse brûe, duikweë, met inbegrip
van voetbestratings, voetpaaie, sy-
paadjies en steë;
- (b) pleine en ander oop ruimtes, tuine,
parke en ander ingeslote ruimtes;
- (c) duikslote en ponte;

Ord. No.
17 of 1939.

Section 63.

(d) dams, canals, reservoirs, water-courses, and water-furrows;

which have been or shall be at any time set apart and appropriated by proper authority for the use and benefit of the public, or to which the inhabitants of the municipality shall at any time have or acquire a common right, and the same shall be vested in the council in trust to keep the same open (save as is otherwise provided in this Ordinance or any duly authorised by-law), and in repair so far as the finances of the council will permit, for the use and benefit of the inhabitants; provided that nothing herein contained shall make any of the municipalities through which the main reef road runs liable for its construction or maintenance.

For the purposes of this section—

- (i) the expression “ set apart and appropriated by proper authority ” shall mean the filing in the Deeds Office or other registration office of any township plan or any alteration, addition to or amendment thereof approved by the Surveyor-General on which are marked such roads, streets, squares, to which the public have a common right of user;
- (ii) the term “ vested in the council ” shall mean the statutory grant to the council of a servitude for the purposes mentioned in this section over the property so vested but shall not include the *dominium* of such property, except when by any law such *dominium* expressly passes to the council.

Power to appropriate public squares, etc., for certain purposes.

64. (1) Anything to the contrary in this Ordinance notwithstanding the council may, with the consent of the Administrator, set apart on any square or portion of a square or any other open space or portion thereof vested in the council under the last preceding section a site or sites for the erection of public or municipal buildings and/or for playground purposes in connexion with any public school or schools established and maintained under the Education Act, 1907 (Transvaal) or any amendment thereof, and cause such buildings to be erected and maintained, or permit the

(d) damme, kanale, reservoirs, waterleidings en watervore;

wat te eniger tyd op wettige gesag afgesonder en toegeëien is of sal word vir die gebruik en tot voordeel van die publiek, of waarop die inwoners van die munisipaliteit te eniger tyd 'n gemene reg sal hê of verkry, en die eiendomsreg daarvan berus by die raad in trust om hulle oop te hou (behalwe soos in hierdie Ordonnansie of 'n behoorlike gemagtigde verordening anders bepaal is), en in 'n goeie toestand te hou vir sover die geldmiddele van die raad dit toelaat, vir die gebruik en tot voordeel van die inwoners; met dien verstande dat die bepalings hiervan geen van die munisipaliteite waardeur die hoofripad loop, vir sy aanleg of onderhoud aanspreeklik mag stel nie.

Vir die doeleindes van hierdie artikel beteken—

- (i) die uitdrukking „ op wettige gesag afgesonder en toegeëien ” die bewaring in die Kantoor van Aktes of ander registrasiekantoor van enige dorpskaart of verandering daarvan, byvoeging daartoe of wysiging daarvan deur die Landmeter-generaal goedgekeur, waarop die paaie, strate, pleine, waarop die publiek 'n gemene reg van gebruik het, aangetoon is;
- (ii) die uitdrukking „ die eiendomsreg berus by die raad ” die wetlike toekennning aan die raad van 'n serwituut vir die doeleindes in hierdie artikel genoem, oor die eiendom waarvan die eiendomsreg aldus berus, dog sluit nie die *dominium* van so'n eiendom in nie, behalwe wanneer so'n *dominium* deur enige wet uitdruklik op die raad oorgaan.

64. (1) Nieteenstaande andersluidende bepalings van hierdie Ordonnansie, kan die raad met toestemming van die Administrateur op enige plein of gedeelte van 'n plein of enige ander oop ruimte of gedeelte daarvan waarvan die eiendomsreg kragtens laasvoorafgaande artikel by die raad berus, 'n terrein of terreine afsonder vir die oprigting van publieke of munisipale geboue en/of vir speelgronde in verband met enige publieke skool of skole gevestig en in stand gehou kragtens die Onderwyswet, 1907 (Transvaal), of enige wysiging daarvan, en sulke geboue laat oprig en in

Reg van
toeëiening
van
publieke
pleine, ens.,
vir sekere
doeleindes.

Ord. No.
17 van
1939.

Artikel 63.

Ord. No.
17 of 1939.

—
Section 64.

same to be erected and maintained by the Government or Provincial Administration on sites so set apart, and cause or permit such sites to be fenced; provided that the council or Government or Provincial Administration (as the case may be) shall have or obtain the *dominium* of such site or sites, and shall cause to be defined and registered in manner by law prescribed the sites so set apart; provided further that no site so set apart shall be sold, let, or otherwise disposed of for any other purpose than public or municipal buildings or playground purposes as aforesaid; provided also that in respect of any site so set apart which shall not be used for a period of ten years for the erection and maintenance of a building for a public or municipal purpose or for playground purposes as aforesaid, the consent of the Administrator aforesaid may be withdrawn and thereupon the Registrar of Deeds or other registration officer shall, upon the application of the Administrator, note in his registers the fact that such consent is withdrawn.

For the purposes of this section the expression "public buildings" shall include a public school building or a hostel erected from public funds or otherwise and used solely for boarding or educational purposes in connexion with any public school or schools established and maintained under the Education Act, 1907 (Transvaal), or any amendment thereof.

(2) Where a site on any square or portion of a square or on any other open space or portion thereof has been set apart by the council under the last preceding sub-section for a school boarding hostel it shall be lawful for the Government or the council (as the case may be) subject to the two last-mentioned provisos of the said sub-section, to transfer the site so set apart to any person or body of persons responsible for the establishment and maintenance or erection of such school boarding hostel subject to such conditions as to retransfer or cancellation of transfer or otherwise as the Government or council may deem fit.

stand hou, of toelaat dat hulle deur die Regering of Provinsiale Administrasie op aldus afgesonderde terreine opgerig en in stand gehou word, en sulke terreine laat omhein of toelaat dat hulle omhein word; met dien verstande dat die raad of Regering of Provinsiale Administrasie (al na die geval) die *dominium* van so'n terrein of terreine moet besit of verkry en die aldus afgesonderde terrein laat omskrywe en registreer op die wyse by wet voorgeskryf; met dien verstande verder dat geen aldus afgesonderde terrein verkoop, verhuur, of op ander wyse van die hand gesit mag word nie vir enige ander doel as publieke of munisipale geboue of speelgronde soos voormeld; ook met dien verstande dat ten opsigte van enige aldus afgesonderde terrein wat vir 'n tydperk van tien jaar nie gebruik sal word nie vir die oprigting en instandhouding van 'n gebou vir 'n publieke of munisipale doel of vir speelgronde soos voormeld, die voornoemde toestemming van die Administrateur teruggetrek mag word, en dan moet die Registrateur van Aktes of ander registrasiebeampte, op aansoek van die Administrateur, in sy registers aantekening maak van die feit dat sodanige toestemming teruggetrek is.

Ord. No.
17 van
1939.

—
Artikel 64.

Vir die doeleindes van hierdie artikel sluit die uitdrukking „publieke geboue” in 'n publieke skoolgebou of koshuis opgerig uit publieke fondse of andersins en wat uitsluitend gebruik word vir koshuis- of onderwysdoeleindes in verband met enige publieke skool of skole gevestig en in stand gehou kragtens die Onderwyswet, 1907 (Transvaal), of enige wysiging daarvan.

(2) Waar die raad 'n terrein op enige plein of gedeelte van 'n plein of op enige ander oop ruimte of gedeelte daarvan vir 'n skoolkoshuis kragtens die laasvooraangaande subartikel afgesonder het, het die Goewerment of die raad (al na die geval), onderworpe aan die twee laasgenoemde voorbehoudsbepalings van genoemde subartikel, die reg om die aldus afgesonderde terrein oor te dra aan enige persoon of liggaam van persone aanspreeklik vir die oprigting en instandhouding of bou van so'n skoolkoshuis onderworpe aan enige voorwaardes betreffende heroordrag of nietigverklaring van oordrag of andersins wat die Goewerment of raad dienstig beskou.

Ord. No.
17 of 1939.

Stands for
street
traders.

65. The council may from time to time under by-laws made and approved in accordance with the provisions of Part II of Chapter VII—

- (1) appoint stands in public places for street-traders, pedlars and hawkers and abolish enlarge or diminish any such stands or increase or diminish the number of such stands and limit the space to be occupied by each person on any such stand and the number of persons who may occupy any particular stand;
- (2) fix the charges to be paid for the right to use such stands, vary the said charges according to the stand used, increase or decrease such charges and fix the conditions upon which such stands shall be occupied and the times during which they may be occupied;
- (3) fix by priority or application or by lot, tender or otherwise the positions on any such stand which persons are to occupy;
- (4) make rules to be observed by persons occupying such stands;
- (5) provide the form of authority to be issued for occupying such stands, the conditions upon which such authorities are issued and under which they will be permitted to be transferred, fix the fee to be paid for the transfer of such authority and prohibit any person who is neither named in such an authority nor a permitted transferee of such an authority from occupying any such stand.

Power to
close public
places
temporarily,
etc.

66. Anything to the contrary in this Ordinance notwithstanding the council may at all times, and upon such notice as it shall deem fit, and for any purpose whatsoever close temporarily any square or other open space, gardens, parks and other enclosed spaces vested in the council, and may close temporarily or permanently, for any particular class of traffic, procession or gathering or temporarily for all traffic, any

65. Die raad kan van tyd tot tyd kragtens Standplase vir straat-handelaars **Ord. No. 17 van 1939.** verordeninge opgestel en goedgekeur ingevolge die bepalinge van Deel II van Hoofstuk VII—

- (1) standplase op publieke plekke aanwys vir straathandelaars, venters en smouse en sulke standplase afskaf, groter of kleiner maak of die aantal standplase vermeerder of verminder en die ruimte beperk wat op sodanige standplaas deur elke persoon ingeneem mag word en ook die aantal persone wat enige besondere standplaas mag inneem;
- (2) die bedrag vasstel wat vir die reg tot gebruik van sodanige standplaas betaal moet word, die genoemde bedrag wysig volgens die standplaas wat gebruik word, sodanige bedrag vermeerder of verminder en die voorwaardes waarop en tye wanneer bedoelde standplase ingeneem kan word, vasstel;
- (3) by prioriteit van aansoek of by wyse van loting, tender of andersins die plekke vasstel wat persone op sodanige standplaas kan inneem;
- (4) regulasies uitvaardig wat deur persone wat sulke standplase inneem, nagekom moet word;
- (5) die magtigingsvorm bepaal wat uitgereik moet word vir die inneem van bedoelde standplase, en ook die voorwaardes waarop bedoelde magtigings uitgereik en waarop vergunning tot oordrag verleen kan word, en die bedrag vasstel wat by oordrag van sodanige magtiging betaal moet word, en enige persoon wat nie in bedoelde magtiging genoem word nie of wat nie vergunning van oordrag van sodanige outorisasie verkry het nie, belet om so'n standplaas in te neem.

66. Nieteenstaande andersluidende bepalinge in hierdie Ordonnansie kan die raad te alle tye, en na kennisgewing soos hy dienstig mag ag, en vir enige doel wat ook al, tydelik enige plein of ander oop ruimte, tuine, parke en ander ingeslote ruimtes waarvan die eiendomsreg by die raad berus, sluit, en kan tydelik of permanent, vir enige bepaalde soort verkeer, optog of vergadering of tydelik vir alle verkeer, enige straat, pad of deurgang waarvan die eiendomsreg by die raad berus, sluit, of enige sulke straat, pad of deurgang tydelik verlê, vir enige doel na goeddunke van Reg om publieke plekke tydelik te sluit, ens.

Ord. No.
17 of 1939.

—
Section 66.

street, road or thoroughfare vested in the council, or temporarily divert any such street, road or thoroughfare, for any purpose, in the discretion of the council; provided that where any such closing is permanent the approval of the Administrator must first be obtained and provided further that during any temporary closing of any public place hereunder the council may let or grant the temporary use thereof to any person or body of persons subject to any such conditions as the council may decide.

Power of
council to
close or
divert
permanently
streets.

67. The council may, anything to the contrary in this Ordinance notwithstanding, permanently close or divert any street, provided that the council shall, in the exercise of such power, be subject to the following conditions and restraints, that is to say:—

- (1) Before the council shall sanction the closing or diversion, not less than fourteen days notice shall be given at a meeting of the council of the intention to move therefor at any subsequent meeting of the council.
- (2) Before the closing or diversion is carried out, the council shall prepare a plan showing the nature thereof, and shall give notice of the proposed closing or diversion not less than sixty days before its commencement to the Administrator and by publication in the *Provincial Gazette* and in one or more newspapers circulating in the municipality, as well as by a sufficient number of conspicuous placards posted on or near the street which it is proposed to close or divert; the notice shall set forth a place where the said plan shall be open for inspection at all reasonable hours; the council shall further at least thirty days before such closing or diversion takes place serve a copy of such notice on such of the owners or reputed owners, lessees or reputed lessees and occupiers of all property abutting upon the portion of the street which it is proposed to close or divert, whose addresses can after reasonable inquiry be ascertained.

die raad; met dien verstande dat waar enige sulke sluiting permanent is, die goedkeuring van die Administrateur vooraf verkry moet word en met dien verstande verder dat die raad gedurende enige tydelike sluiting van enige publieke plek hieronder, die tydelike gebruik daarvan kan verhuur of verleen aan enige persoon of liggaam van persone, onderworpe aan enige voorwaardes wat die raad bepaal.

Ord. No:
17 van
1939.

Artikel 66.

67. Die raad kan, nieteenstaande andersluidende bepalings in hierdie Ordonnansie, enige straat permanent sluit of verlê, met dien verstande dat die raad, by uitoefening van hierdie bevoegdheid, onderworpe is aan die volgende voorwaardes en beperkings, naamlik:—

Raad het reg om strate permanent te sluit of te verlê.

- (1) Voordat die raad die sluiting of verlegging goedkeur moet minstens veertien dae vooraf op 'n vergadering van die raad kennis gegee word van die voorneme om dit voor te stel op 'n later vergadering van die raad.
- (2) Voordat tot die sluiting of verlegging oorgegaan word, moet die raad 'n tekening maak wat die aard daarvan aandui en minstens sestig dae voordat daarmee 'n aanvang gemaak word, aan die Administrateur van die voorgenome sluiting of verlegging kennis gee en dit ook bekendmaak deur publikasie in die *Offisiële Koerant van die Provinsie Transvaal* en in een of meer nuusblaaie wat in die munisipaliteit sirkuleer, asook deur 'n voldoende aantal duidelik sigbare kennisgewings aangebring op of naby die straat wat die raad van plan is om te sluit of te verlê; die kennisgewing moet die plek meld waar genoemde tekening op alle redelike ure ter insage sal wees; die raad moet voorts minstens dertig dae voordat so 'n sluiting of verlegging plaasvind, 'n kopie van sodanige kennisgewing dien op die eienare of beweerde eienare, huurders of beweerde huurders en bewoners van alle eiendom wat aan die gedeelte van die straat geleë is wat die raad van plan is om te sluit of te verlê, wie se adresse na redelike ondersoek uitgevind kan word.

**Ord. No.
17 of 1939.**

—
Section 67.

- (3) It shall be competent for any such owner, lessee, or occupier or any other person aggrieved by such closing or diversion to serve upon the council within the period of sixty days aforesaid a claim in writing for compensation in consequence of such closing or diversion, and the council shall make compensation to such person for any damage occasioned to him thereby, the amount of such compensation in default of agreement being determined by arbitration; provided that in assessing the amount of compensation payable to any person hereunder the benefit or advantage derived or to be derived by such person by reason of such closing or diversion shall be taken into account.
- (4) If any person interested as owner, lessee, or occupier in any property abutting on the street, which it is proposed to close or divert, or any other person aggrieved by such closing or diversion shall at any time within the period of sixty days aforesaid serve written notice on the Administrator of any objection to such closing or diversion, then, unless such objection be withdrawn, such closing or diversion shall not be carried out without the sanction of the Administrator.
- (5) After the serving of any such objection the Administrator may appoint a commission of one or more persons to make an inquiry into the proposed closing or diversion and the objection thereto, and to report thereon; and on receiving the report of such commission the Administrator may make an order, disallowing the proposed closing or diversion, or allowing it with such modification (if any) as he may deem necessary without prejudice to the objector's claim for compensation under sub-section (3) of this section.
- (6) If the closing or diversion be allowed by the Administrator or if there be no objection to it under sub-section (4) of this section and the council proceed to carry out such closing or diversion, it

- (3) So'n eienaar, huurder of bewoner of enige ander persoon wat veronreg is deur so'n sluiting of verlegging, is bevoegd om binne die tydperk van sestig dae soos voormeld, op die raad 'n skriftelike eis te dien tot skadevergoeding as gevolg van so'n sluiting of verlegging, en die raad moet so'n persoon vergoed vir enige skade daardeur aan hom toebring, en die bedrag van sodanige vergoeding moet by gemis aan 'n ooreenkoms deur arbitrasie beslis word; met dien verstande dat by skatting van die bedrag van skadevergoeding betaalbaar aan enige persoon hieronder, die voordeel of nut wat so'n persoon trek of sal trek as gevolg van sodanige sluiting of verlegging in aanmerking geneem moet word.
- (4) As enige persoon wat as eienaar, huurder of bewoner belang het in enige eiendom wat aan die straat geleë is, wat die raad van plan is om te sluit of te verlê, of enige ander persoon wat deur so'n sluiting of verlegging veronreg is, te eniger tyd binne voormelde tydperk van sestig dae op die Administrateur 'n skriftelike kennisgewing dien van enige beswaar teen so'n sluiting of verlegging, dan mag, tensy sodanige beswaar ingetrek word, so'n sluiting of verlegging nie sonder toestemming van die Administrateur plaasvind nie.
- (5) Na diening van enig sodanige beswaar kan die Administrateur 'n kommissie van een of meer persone benoem om 'n ondersoek in te stel na die voorgenome sluiting of verlegging en die beswaar daarteen, en daaroor te rapporteer; en na ontvangs van die rapport van so'n kommissie kan die Administrateur 'n order uitvaardig waarby die voorgenome sluiting of verlegging nie toegestaan word nie, of waarby dit toegestaan word met enige verandering (indien enige) wat hy nodig ag sonder vooroordeel teen die eis van die beswaarmaker om vergoeding ingevolge subartikel (3) van hierdie artikel.
- (6) As die Administrateur die sluiting of verlegging toestaan of as daar geen beswaar kragtens subartikel (4) van hierdie artikel daarteen is nie, en die raad tot die sluiting of verlegging oorgaan.

Ord. No.
17 van
1939.
—
Artikel 67.

Ord. No.
17 of 1939.

—
Section 67.

shall, on completion of the work, give notice thereof to the Administrator, who shall, after due inquiry whether the closing or diversion has been properly effected in accordance with this section, notify the Surveyor-General and the Registrar of Deeds or other registration officer that the closing or diversion has been properly effected under this Ordinance and the Surveyor-General shall be supplied by the council with a diagram framed by an admitted land surveyor, showing all details of the streets closed or diverted and shall cause such amendments to be made in the general plan of the township as are necessary to show such closing or diversion, and the Registrar of Deeds or other registration officer shall thereupon make corresponding entries in his registers.

Such conditions and restraints shall not apply in the case of any closing or diversion of a street which is authorized under the provisions of the Local Authorities Roads Ordinance 1904 or any amendment thereof.

The expression "street" as used in this section shall include a street, road, thoroughfare, footpath, sidewalk, or lane vested in the council under section *sixty-three* of this Ordinance.

Power to
close
certain
other public
places
permanently.

68. Anything to the contrary in this Ordinance notwithstanding the council may, with the consent of the Administrator, and subject to such conditions as he may impose, close permanently either in whole or in part, any square, open space, garden, park, or other enclosed space vested in the council under section *sixty-three* of this Ordinance; provided that with regard to the exercise of the power hereby conferred upon the council the provisions of sub-sections (1) to (6) inclusive of the immediately preceding section shall *mutatis mutandis* apply; provided further that, if the conditions imposed by the Administrator include the setting apart of other areas in lieu of those closed the Administrator shall notify the Surveyor-General and the Registrar of Deeds to that effect; and the Surveyor-General shall be supplied, if necessary, by the council, with a diagram framed by an admitted land-surveyor, showing all

dan moet die raad, by voltooiing van dié werk, daarvan aan die Administrateur kennis gee, en hy moet, na behoorlike ondersoek of die sluiting of verlegging behoorlik uitgevoer is ooreenkomstig hierdie artikel, die Landmeter-generaal en die Registrateur van Aktes of ander registrasiebeampte kennis gee dat die sluiting of verlegging behoorlik kragtens hierdie Ordonnansie uitgevoer is. Die raad moet dan die Landmeter-generaal voorsien van 'n kaart opgestel deur 'n geregistreerde landmeter, wat alle besonderhede aantoon van die geslote of verlegde strate en enige wysigings op die algemene kaart van die stad of dorp laat aanbring wat nodig is om sodanige sluiting of verlegging aan te dui en die Registrateur van Aktes of ander registrasiebeampte moet dan ooreenstemmende aantekeninge in sy registers maak.

Ord. No.
17 van
1939.

Artikel 67.

Sulke voorwaardes en beperkings is nie toepaslik nie op enige sluiting of verlegging van 'n straat wat gemagtig is kragtens die bepalinge van die „Local Authorities Roads Ordinance, 1904”, of enige wysiging daarvan.

Die uitdrukking „straat” soos in hierdie artikel gebruik, sluit in 'n straat, pad, deurgang, voetpad, sypaadje of steeg waarvan die eiendomsreg kragtens artikel *drie-en-sestig* van hierdie Ordonnansie by die raad berus.

68. Nieteenstaande andersluidende bepalinge in hierdie Ordonnansie, kan die raad, met toestemming van die Administrateur, en onderworpe aan enige voorwaardes wat hy oplê, enige plein, oop ruimte, tuin, park of ander ingeslote ruimte waarvan die eiendomsreg kragtens artikel *drie-en-sestig* van hierdie Ordonnansie by die raad berus, permanent of geheel of gedeeltelik sluit, met dien verstande dat wat betref die uitoefening van die bevoegdheid hierby aan die raad verleen, die bepalinge van subartikels (1) tot en met (6) van die onmiddellik voorafgaande artikel *mutatis mutandis* van toepassing is; met dien verstande verder dat, indien die voorwaardes deur die Administrateur opgelê die afsondering insluit van ander gebiede in die plek van dié wat gesluit word, die Administrateur aan die Landmeter-generaal en die Registrateur van Aktes daarvan moet kennis

Reg om
sekere
ander
publieke
plekke per-
manent te
sluit.

Ord. No.
17 of 1939.

—
Section 68.

details of the said new areas, and shall endorse on the general plan of the township or on the diagram of the land on which the said areas have been selected, as the case may be, that such areas are squares or open spaces or gardens or parks, and the Registrar of Deeds shall make corresponding entries in his registers and such endorsements on the title-deeds as may be necessary. Thereupon such squares, open spaces, gardens or parks as the case may be shall be deemed to be appropriated and set apart by proper authority as defined in section *sixty-three* hereof and the control and management thereof shall vest in the council.

Numbering
of houses
and naming
of public
places.

69. (1) The council may from time to time cause the houses, buildings, or erections fronting upon all or any public places to be marked with such numbers as it thinks fit, and may cause the name, by which any public place is to be known, to be put up or painted on a conspicuous part of any house, building, fence, wall, or place fronting thereon, and may further at its discretion change or vary any such number or name, whether or not such number or name existed before the commencement of this Ordinance, and any change or variation in the name of any public place shall forthwith be notified by the council to the Surveyor-General who shall make the necessary alterations on the general plan of the township; provided that no change in the name of a public place shall be made except with the consent of the Administrator after reference to the Surveyor-General. Such changes or variations shall also forthwith be notified by the council to the Postmaster-General.

(2) Any person destroying, pulling down, or defacing any such number or name, or, without the permission of the council, putting up any number or name different from the number or name put up by the council, shall be liable on conviction to a fine not exceeding ten pounds.

Midnight
privileges
to
restaurants,
etc.

70. Notwithstanding anything to the contrary in section *four* of the Shop Hours Ordinance 1923, and any amendment thereof, the councils of the municipalities of Pretoria and of Johannesburg, and of any other

gee; en as dit nodig is moet die raad die Landmeter-generaal voorsien van 'n kaart opgestel deur 'n geregistreerde landmeter wat alle besonderhede van bedoelde nuwe gebiede aantoon, en moet hy op die algemene kaart van die stad of dorp of op die kaart van die grond waarop bedoelde gebiede gekies is, al na die geval, 'n aantekening maak dat sulke gebiede pleine of oop ruimtes of tuine of parke is, en die Registrateur van Aktes moet ooreenkomstige aantekenings in sy registers en enige nodige aantekenings op die eiendomsbewyse maak. Daarna word dit beskou dat sulke pleine, oop ruimtes, tuine of parke, al na die geval, onteien en op wettige gesag afgesonder is, soos omskrywe in artikel *drie-en-sestig* hiervan en die beheer en bestuur daarvan berus dan by die raad.

Ord. No.
17 van
1939.

—
Artikel 68.

69. (1) Die raad kan van tyd tot tyd die huise, geboue of strukture wat geleë is aan alle of enige publieke plekke laat merk met enige nommer wat hy goedvind, en kan die naam waaronder enige publieke plek sal bekendstaan, op 'n duidelik sigbare plek aan enige huis, gebou, heining, muur, of plek wat daaraan geleë is, laat aanbring of verf, en kan verder na goeë dunke enig sodanige nommer of naam verander of wysig, of so'n nommer of naam al of nie voor die inwerkingtreding van hierdie Ordonnansie bestaan het, en die raad moet onmiddelik enige verandering of wysiging in die naam van enige publieke plek aan die Landmeter-generaal bekendmaak, wat die nodige veranderinge op die algemene kaart van die dorp moet aanbring; met dien verstande dat geen verandering in die naam van 'n publieke plek aangebring mag word sonder toestemming van die Administrateur na verwysing na die Landmeter-generaal nie. Die raad moet teweens sulke veranderinge of wysigings onmiddellik aan die Posmeester-generaal meedeel.

Verlening van nommers aan huise en name aan publieke plekke.

(2) Enige persoon wat enig sodanige nommer of naam vernietig, afruk of onleesbaar maak, of wat sonder verlof van die raad enige nommer of naam aanbring wat afwyk van die nommer of naam deur die raad aangebring, staan by skuldige bevinding bloot aan 'n boete van hoogstens tien pond.

70. Nieteenstaande andersluidende bepalinge in artikel *vier* van die „Winkelure Ordonnansie, 1923”, en enige wysiging daarvan, word die rade van die munisipaliteite van Pretoria en van Johannesburg en van

Middernag-voorregte aan restaurants, ens.

Ord. No.
17 of 1939.

—
Section 70.

municipality to which the Administrator shall by proclamation in the *Provincial Gazette* apply the provisions of this section, shall be empowered to grant permission to persons holding a licence in respect of any premises licensed as a tearoom, café, coffee-room, or restaurant to keep such premises open to the public between such hours after the latest closing hour prescribed for any such shop under the said Ordinance and subject to such conditions as the council may think fit. The council may charge such extra fee for any privilege granted hereunder as may be prescribed by by-law. Any permission granted under the provisions of this section may at any time be modified or withdrawn.

Power to
establish
pounds.

71. The council may establish pounds, but may not receive into any pound which it has established any animal which is liable to be impounded outside the limits of the municipality under the provisions of the Pounds Ordinance, 1913 and any amendment thereof, provided that the Administrator may by notice in the *Provincial Gazette* give permission to the council to receive into any pound which it has established animals which are liable to be impounded outside the limits of the municipality under the provisions of the Pounds Ordinance, 1913 and any amendment thereof, and may by like notice from time to time modify, amend, or withdraw such permission. The Administrator may from time to time make, alter, or rescind regulations—

- (1) for the management of pounds by the council;
- (2) for fixing and defining the charges payable by the owners of impounded animals;
- (3) as to the conditions under which impounded animals may be sold by the council;
- (4) as to the transfer of property in such animals on such sale;
- (5) to regulate the entry of police without warrant into pounds.

Power of
entry.

72. (1) Anything to the contrary in any law notwithstanding, the council shall have power by itself or its officers or servants to enter into and upon any premises within the

enige ander munisipaliteit waarop die Administrateur by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* die bepalings van hierdie artikel van toepassing maak, gemagtig om vergunning te verleen aan persone wat in die besit is van 'n lisensie vir enige perseel gelisensieer as 'n teekamer, kafee, koffiekamer, of restaurant, om sulke persele vir die publiek oop te hou tussen sodanige ure na die laaste sluitingsuur voorgeskrywe vir enig sodanige winkel kragtens genoemde Ordonnansie, en onderworpe aan sodanige voorwaardes as wat die raad na goeddunke bepaal. Die raad kan sodanige ekstra gelde oplê vir enige voorreg hieronder verleen as wat by verordening voorgeskryf word. Enige vergunning verleen kragtens die bepalings van hierdie artikel kan te eniger tyd verander of ingetrek word.

Ord. No.
17 van
1939.

—
Artikel 70.

71. Die raad kan skutte oprig, dog mag in enige skut wat hy opgerig het, geen diere opneem wat buite die grense van die munisipaliteit geskut kan word kragtens die bepalings van die „Schutten Ordonantie, 1913”, en enige wysiging daarvan nie; met dien verstande dat die Administrateur by kennisgewing in die *Offisiële Koerant van die Provinsie Transvaal* aan die raad vergunning mag verleen om in enige skut wat die raad opgerig het, diere op te neem wat buite die grense van die munisipaliteit geskut kan word kragtens die bepalings van die „Schutten Ordonantie, 1913”, en enige wysiging daarvan, en kan by dergelike kennisgewing van tyd tot tyd sodanige vergunning verander, wysig of intrek. Die Administrateur kan van tyd tot tyd regulasies uitvaardig, wysig of herroep—

Bevoegdheid om skutte op te rig.

- (1) vir die beheer van skutte deur die raad;
- (2) vir vasstelling en omskrywing van die koste betaalbaar deur die eienare van geskutte diere;
- (3) aangaande die voorwaardes waarop geskutte diere deur die raad verkoop mag word;
- (4) aangaande die oordrag van eiendomsreg in sulke diere by so'n verkoping;
- (5) tot reëling van die toegang van polisie tot skutte sonder volmag.

72. (1) Nieteenstaande andersluidende bepalings in enige wet, het die raad die reg om self of deur sy beamptes of dienaars enige perseel binne die munisipaliteit te betree of binne

Reg van betreding

Ord. No.
17 of 1939.

—
Section 72.

municipality, forcibly if need be, for the purpose of exercising any power of inspection inquiry or execution of work which is given to the council under this Ordinance or under any by-law or regulation in force within the municipality, provided that except for the purpose of carrying out any sanitary service or for any other purpose specially provided for in this Ordinance or any other law such power of entry shall not be exercised in respect of premises which are not used for the purpose of or in connexion with any trade or business and are not situate in a native location save between the hours of 7 a.m. and 7 p.m. unless either—

- (a) there is reasonable ground for suspecting that any act causing a nuisance or constituting a contravention of this Ordinance or any by-law or regulation in force in the municipality is being committed on such premises at any other hour; or
- (b) entry on such premises at some other hour appears on reasonable grounds to be necessary for the purpose of dealing with any case of infectious or contagious disease or any outbreak of fire, escape of water, or other emergency, whether actual or suspected.

(2) The medical officer of health or any sanitary inspector may when entering upon any premises in exercise of the power conferred by this section be accompanied by any European member of a police force lawfully established in the Province.

(3) Any by-laws or regulations made under this Ordinance may confer on the council its officers and servants such powers of inspection inquiry and execution of works as are reasonably necessary for the proper carrying out or enforcement thereof.

Power to inspect wells, boreholes, tanks, and cisterns, and to close the same.

73. The council may by its members, officers or servants inspect all wells, boreholes, tanks, and cisterns within the municipality the water wherein or wherefrom is used or likely to be used by man for drinking or domestic purposes, or for the manufacture of drinks for human consumption, or as an ingredient in the manufacture of any article intended for food for human consumption; and if, on any such inspection or on the

te gaan, so nodig met geweld, vir die doel om enige reg van inspeksie, ondersoek of uitvoering van werk uit te oefen wat aan die raad verleen is kragtens hierdie Ordonnansie of kragtens enige verordening of regulasie van krag binne die munisipaliteit, met dien verstande dat behalwe vir die doel van verrigting van enige gesondheidsdiens of vir enige ander doel waarvoor spesiaal voorsiening gemaak is in hierdie Ordonnansie of enige ander wet, so'n reg van betreding nie uitgeoefen mag word nie ten opsigte van 'n perseel wat nie gebruik word vir die doel van of in verband met enige bedryf of besigheid en nie geleë is in 'n natuurlike lokasie nie, behalwe tussen die ure 7 vm. en 7 nm. tensy daar òf

- (a) rede is om te vermoed dat enige handeling wat 'n oorlas veroorsaak of 'n oortreding van hierdie Ordonnansie of enige verordening of regulasie in die munisipaliteit van krag, uitmaak op so'n perseel op enige ander tyd begaan word; òf
- (b) op redelike gronde toegang tot so'n perseel op enige ander tyd noodsaaklik blyk vir die doel om te handel met enige geval van besmetlike of aansteeklike siekte of enige uitbreek van brand, weglloop van water of ander onverwagte gebeurtenis, hetsy werklik of verdag.

(2) Die geneeskundige gesondheidsbeampte of enige gesondheidsinspekteur kan, wanneer hy enige eiendom betree met die doel om die bevoegdheid by hierdie artikel toegeken, uit te oefen, vergesel wees van enige blanke lid van 'n polisiemag wettiglik in die Provinsie ingestel.

(3) Enige verordeninge of regulasies uitgevaardig kragtens hierdie Ordonnansie, kan aan die raad, sy beampptes en dienaars enige reg van inspeksie, ondersoek en uitvoering van werk toeken wat redelikerwys nodig is vir die behoorlike uitvoering of toepassing daarvan.

73. Die raad kan deur sy lede, beampptes of dienaars alle putte, boorgate, tenke en waterbakke binne die munisipaliteit inspekteer, waarvan die water daarin of daaruit gebruik of wellig gebruik mag word deur persone vir drink- of huishoudelike doeleindes, of vir die vervaardiging van drank vir menslike gebruik, of as 'n bestanddeel in die vervaardiging van enige artikel bestem vir voedsel vir menslike gebruik; en as by enige sodanige inspeksie

Ord. No.
17 van
1939.

—
Artikel 72

Ord. No.
17 of 1939.

—
Section 73.

representation of any person, it shall at any time appear that such water is so polluted as to be injurious to health or that any by-laws in respect thereof have not been complied with, the council shall call upon the owner or occupier of the premises to which the well, borehole, tank, or cistern belongs, forthwith to close or remedy the same and failing compliance with such notice the council may take proceedings before any competent court whether by way of summons or application; and on any proceedings against such person for such non-compliance or for breach of any by-law the court may, in the event of a conviction, make an order directing the well, borehole, tank, or cistern to be permanently or temporarily closed by such person or may make such other order as may appear requisite or necessary to prevent injury to the health of persons using the water therefrom, and may in addition sentence the person convicted to a fine not exceeding five pounds. The court may further, if it appear necessary, cause the water to be analysed at the cost of the council, and in making any such order, may further authorize the council, if the person on whom an order is made under this section fails to comply with the same within a period which the court deems reasonable, to do whatever may be necessary to execute such order, and all expenses incurred by the council may be recovered from the person on whom the order was made; provided that in the case of any such well, borehole, tank, or cistern being situated upon unoccupied ground within the municipality, the owner of which (or some person duly authorized to represent him) cannot after reasonable inquiry be found, any such notice, summons, or other process aforesaid shall be deemed to be sufficiently served if affixed to such tank or cistern, or to any building, erection, post or board upon or in the immediate vicinity of such well, borehole, tank, or cistern.

Power to
inspect
water
supply.

74. The council may, by its members, officers, or servants at all reasonable times without notice, enter upon, inspect, and take samples from, or require information in respect of the condition and working of all catchment areas, rivers, and canals, springs, wells, boreholes, reservoirs, filter-beds, water purification or pumping works, or other

of op versoek van enige persoon te eniger tyd blyk dat sulke water so verontreinig is dat dit nadelig is vir die gesondheid of dat enige verordeninge wat daarop betrekking het nie nagekom is nie, moet die raad die eienaar of bewoner van die perseel waarin die put, boorgat, tenk of waterbak behoort, aansê dat hy dit onmiddellik moet sluit of herstel, en as so'n kennisgewing nie nagekom word nie, dan kan die raad stappe doen voor enige bevoegde hof hetsy by wyse van dagvaardiging of aansoek; en by enige vervolging teen so'n persoon vir sodanige nie-nakoming of oortreding van enige verordening kan die hof by skuldigebevinding 'n order uitvaardig ten effekte dat die put, boorgat, tenk of waterbak permanent of tydelik deur so'n persoon gesluit moet word of kan enige order uitvaardig wat raadsaam of noodsaaklik blyk om te voorkom dat die gesondheid van persone wat die water daaruit gebruik, benadeel word, en mag die skuldige persoon bowendien met 'n boete van hoogstens vyf pond straf. Die hof kan verder as dit noodsaaklik blyk, die water laat ontleed op koste van die raad, en kan by uitvaardiging van so'n order, die raad voorts magtig, as die persoon op wie 'n order uitgevaardig is kragtens hierdie artikel versuim om daaraan te voldoen binne 'n tydperk deur die hof redelik geag, om alles te doen wat nodig is om aan so'n order uitvoering te gee, en alle onkoste deur die raad gemaak, mag ingevorder word van die persoon teen wie die order uitgevaardig was; met dien verstande dat ingeval enig sodanige put, boorgat, tenk of waterbak op onbewoonde grond binne die munisipaliteit geleë is, waarvan die eienaar (of ander persoon behoorlik gemagtig om namens hom op te tree) na redelik ondersoek nie kan opgespoor word nie, dit geag word dat enige sodanige kennisgewing, dagvaardiging of ander proses voornoem behoorlik gedien is as dit op so'n tenk of waterbak, of aan enige gebou, struktuur, paal of bord op of in die onmiddellike nabyheid van so'n put, boorgat, tenk of waterbak bevestig word.

74. Die raad kan, deur sy lede, beamptes of dienaars op alle redelike tye sonder kennisgewing alle opvangterreine, riviere en kanale, bronne, putte, boorgate, reservoirs, filtreerbeddens, watersuiweringswerke of pompmasjinerie of ander bronne van watertoevoer, -bewaring, of -leiding, geleë binne die munisipaliteit, die water waarin of waarvan gebruik

**Ord. No.
17 van
1939.**

—
Artikel 73.

Reg om
water-
voorraad
te inspek-
teer.

Ord. No.
17 of 1939.

—
Section 74.

sources of water supply, storage, or distribution situated within the municipality, the water wherein or wherefrom is used or is likely to be used by man within the municipality for drinking or domestic purposes.

Power of
council to
close,
cleanse, and
demolish
premises.

75. (1) Whenever it appears to the council or a committee thereof on the certificate of the medical officer of health (which certificate shall state fully the grounds and reasons on which it is based) that any premises are in consequence of defective or unsuitable construction or arrangement, bad condition, want of light, air, or ventilation, or other reason, in a state so dangerous or injurious to health as to be unfit for human habitation or to constitute a danger to the health of the inhabitants of any neighbouring premises, the council may, after giving not less than seven days' notice in writing of its intention to the owner of such premises and to the occupants (if any), apply to the magistrate's court having jurisdiction in the municipality, for an order closing such premises, and such court may upon such application make an order closing such premises and prohibiting the use and occupation thereof, until such time as it shall be satisfied that alterations have been made, whether by removal or reconstruction of any building or otherwise, so as to prevent any such danger aforesaid resulting from the occupation of such premises, and such court may thereafter on being so satisfied on the application of the owner of such premises, withdraw such order as to the whole or any part of such premises, provided that, before making such application, the owner of such premises shall give not less than forty-eight hours' notice in writing to the council of his intention to make the same.

(2) The magistrate's court having jurisdiction in the municipality may on the application of the council, without notice to the owner, summarily order the closing and prohibit the use, occupation of, and entry into any premises on which bubonic plague infection in man or animals is certified by the medical officer of health to exist.

The provisions of the last preceding subsection relating to the withdrawal of a closing order shall *mutatis mutandis* apply in the case of any order made under this sub-section.

word of wellig gebruik kan word deur persone binne die munisipaliteit vir drink- of huis-houdelike doeleindes, betree, inspekteer, en monsters daaruit neem of inligting vereis in verband met die toestand en werking daarvan.

75. (1) Wanneer dit die raad of 'n komitee daarvan voorkom op die sertifikaat van die geneeskundige gesondheidsbeampte (in watter sertifikaat vermeld moet word die gronde en redes waarop dit gebaseer word) dat enige perseel ten gevolge van gebrekkige of ondoelmatige bou of inrigting, slegte toestand, gebrek aan lig, lug of ventilasie of om ander redes, in 'n toestand verkeer wat so gevaarlik of nadelig vir die gesondheid is dat dit ongeskik is vir menslike bewoning, of gevaar oplewer vir die gesondheid van die bewoners van enige naburige perseel, kan die raad, na skriftelike kennisgewing van minstens sewe dae vooraf van sy voorneme aan die eienaar van so'n perseel en aan die bewoners (as daar is), aansoek doen by die magistratuur wat in die munisipaliteit regs mag besit, om 'n order tot sluiting van so'n perseel en sodanige hof kan op so'n aansoek 'n order uitvaardig waarby so'n perseel gesluit word en die gebruik en bewoning daarvan verbied word tot tyd en wyl die hof oortuig is dat veranderings aangebring is, hetsy deur afbreking of herbouing van enige gebou of andersins, sodat enig sodanige gevaar soos voormeld wat voortvloei uit die bewoning van so'n perseel voorkom word, en so'n hof kan daarna, as hy aldus oortuig is, op aansoek van die eienaar van so'n perseel, sodanige order intrek ten opsigte van die hele of enige deel van so'n perseel, met dien verstande dat die eienaar van so'n perseel, voordat hy so'n aansoek doen, minstens agt-en-veertig uur vooraf aan die raad skriftelik kennis gee van sy voorneme om die aansoek te doen.

(2) Die magistratuur wat regs mag in die munisipaliteit het, kan op aansoek van die raad, sonder kennisgewing aan die eienaar en sonder vorm van proses gelas dat enige perseel gesluit word en die gebruik en bewoning daarvan en toegang daartoe verbied as die geneeskundige gesondheidsbeampte sertifiseer dat daar besmetting van builepes vir mens of dier bestaan.

Die bepalinge van die laasvooraangaande subartikel betreffende die intrekking van 'n sluitingsorder is *mutatis mutandis* van toepassing in die geval van enige order uitvaardig kragtens hierdie subartikel.

Ord. No.
17 van
1939.

—
Artikel 74.

Reg van
raad om
perseel te
sluit, te
reinig en te
sloop.

Ord. No.
17 of 1939.

—
Section 75.

(3) (a) Where a closing order has been made in respect of any premises, the council shall forthwith cause a copy of such order to be affixed in a conspicuous position on the premises.

(b) Any person who shall use or occupy any premises the use and occupation of which have been prohibited by any closing order, during the time that such order remains in force, shall be liable to a fine not exceeding ten pounds, and to a further fine not exceeding two pounds for every day during which such use or occupation continues; provided that, after the affixing of a copy of such order in the manner aforesaid, forty-eight hours' grace or such longer time as the council may determine shall be allowed to any person occupying the premises at the date when the copy of such order was so affixed, before such order is enforced against such person.

(4) The magistrate's court having jurisdiction in the municipality may upon application by the council order the cleansing and disinfecting of any premises in respect of which a closing order has been or may be made under this section, and shall by such order specify a time within which such cleansing or disinfecting shall be carried out; and, in default of full compliance with any such order, the council may enter upon any such premises and do all things necessary for completely executing the order, and may recover by action in a competent court the costs and expenses of and incidental to its execution from the person against whom the order has been made. Any such order may be made upon the owner or on the occupier of the said premises.

(5) (a) When a closing order in respect of any premises has remained operative for a period of three months the council may after giving not less than fourteen days' notice in writing of its intention to the owner of such premises apply to the magistrate's court having jurisdiction within the municipality for an order authorizing the demolition of such premises, and such court, if satisfied at the hearing of the application that alterations have not been made so as to prevent any such danger or injury as is mentioned in sub-section (1) resulting from the occupation of such premises and that the necessary steps are not being taken with all due diligence to make

(3) (a) Waar 'n sluitingsorder uitgevaardig is vir enige perseel, moet die raad terstond 'n afskrif van so'n order op 'n duidelik sigbare plek op die perseel laat aanplak.

Ord. No.
17 van
1939.

—
Artikel 75.

(b) Enige persoon wat enige perseel gebruik of bewoon, waarvan die gebruik en bewoning deur 'n sluitingsorder verbied is, gedurende die tyd dat so'n order van krag bly, staan bloot aan 'n boete van hoogstens tien pond, en aan 'n verdere boete van hoogstens twee pond vir iedere dag waarop sodanige gebruik of bewoning voortduur; met dien verstande dat na die aanplakking van 'n afskrif van so'n order op voormelde wyse, agt-en-veertig uur uitstel of 'n langer tyd, al na die raad bepaal, toegestaan moet word aan enige persoon wat die perseel bewoon op die datum waarop die afskrif van sodanige order aldus aangeplak was, voordat sodanige order op so'n persoon toegepas word.

(4) Die magistraatshof wat regsmag in die munisipaliteit besit, kan op aansoek van die raad die reiniging en ontsmetting gelas van enige perseel waarvoor 'n sluitingsorder kragtens hierdie artikel uitgevaardig is of word, en moet by so'n order 'n tyd bepaal waarbinne sodanige reiniging of ontsmetting uitgevoer moet word; en by versuim aan volledige nakoming van enig sodanige order, kan die raad so'n perseel betree en alle dinge doen wat nodig is vir die volledige nakoming van die order, en kan deur regsgeding in 'n bevoegde hof die koste en uitgawes van en as gevolg van die uitvoering daarvan, invorder van die persoon teen wie die order uitgevaardig was. Enig sodanige order kan teen die eienaar of die bewoner van bedoelde perseel uitgevaardig word.

(5) (a) As 'n sluitingsorder ten opsigte van enige perseel van krag gebly het vir 'n tydperk van drie maande, kan die raad nadat hy minstens veertien dae vooraf aan die eienaar van so'n perseel van sy voorneme skriftelik kennis gegee het, by die magistraatshof wat binne die munisipaliteit regsmag het, aansoek doen om 'n order waarby die sloping van so'n perseel gemagtig word, en as so'n hof by verhoor van die aansoek oortuig is dat geen veranderings aangebring is nie tot voorkoming van enig sodanige gevaar of nadeel soos vermeld in subartikel (1), wat voortvloei uit die bewoning van so'n perseel en dat die nodige stappe nie met behoorlike spoed gedoen word

Ord. No.
17 of 1939.

—
Section 75.

such alterations, or that the continuance of any building being or being part of such premises is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring premises shall make an order authorizing the council to demolish the building, provided that the court may, if it shall think fit, postpone the operation of the order for such time not exceeding six months as it thinks sufficient to give the owner an opportunity of making the necessary alterations.

(b) The council may recover from the owner of any premises the cost of demolishing such premises in pursuance of an order made under this section.

(6) (a) Any notice required by this section to be given to any person may be served by delivering the same to, or at the residence or place of business of, the person to whom it is addressed or may be served by registered letter by post on such person.

(b) When the owner of any premises to whom notice is required to be given under this section does not reside or carry on business within the municipality or cannot after reasonable inquiry be found therein, such notice shall be deemed to be sufficiently given to such owner if affixed to the premises to which the same relates.

Penalty for
non-compliance
with, etc.

76. If any yard or sanitary convenience within the municipality used in common by the occupiers of two or more separate dwelling-houses, or by different tenants of the same building, or by other persons, or the approaches to, or the walls, floors, seats, or fittings of such sanitary convenience is or are, in the opinion of the medical officer of health or of any sanitary inspector, in such a condition as to be a nuisance or annoyance or a danger to health for want of proper cleansing thereof, such of the persons having use thereof, in common as aforesaid, as may be in default, or in the absence of proof as to which of the persons having use thereof in common is in default then each of those persons shall be liable to a penalty not exceeding five pounds and any of those persons who fails to comply with a notice served upon him

om sulke veranderings aan te bring nie, of dat die voortbestaan van enige gebou wat die perseel uitmaak of deel daarvan is, 'n oorlas is of gevaarlik of nadelig vir die gesondheid van die publiek of van die bewoners van die naburige persele is kan so'n hof 'n order uitvaardig waarby die raad gemagtig word om die gebou te sloop; met dien verstande dat die hof na goeddunke die uitvoering van die order mag uitstel vir enige tydperk van hoogstens ses maande wat hy voldoende ag om die eienaar 'n kans te gee om die nodige veranderings aan te bring.

(b) Die raad kan van die eienaar van enige perseel die koste invorder van die sloping van sodanige perseel kragtens 'n order uitvaardig onder hierdie artikel.

(6) (a) Enige kennisgewing wat kragtens hierdie artikel gedien moet word op enige persoon, mag gedien word deur dit af te lewer aan, of aan die woonplek of besigheidsplek van die persoon aan wie dit gerig is of kan gedien word deur dit per aangetekende brief aan so'n persoon per pos te stuur.

(b) As die eienaar van enige perseel op wie 'n kennisgewing kragtens hierdie artikel gedien moet word, nie binne die munisipaliteit woonagtig is of besigheid daarin dryf nie of na redelike ondersoek nie daarin opgespoor kan word nie, dan word dit beskou dat so'n kennisgewing op bevredigende wyse op so'n persoon gedien is, as dit aangeplak word op die eiendom waarop dit betrekking het.

76. As enige agterplaas of sanitêre gemak binne die munisipaliteit onderling gebruik word deur die bewoners van twee of meer afsonderlike woonhuise, of deur verskillende huurders van dieselfde gebou, of deur ander persone, of die toegang tot, of die mure, vloere, sitplekke of toebehore van sodanige sanitêre gemak na oordeel van die geneeskundige gesondheidsbeampte of van enige gesondheidsinspekteur in so'n toestand verkeer dat dit 'n oorlas of ergernis of 'n gevaar vir die gesondheid is weens gebrek aan behoorlike reiniging daarvan, dan staan die persone wat die gebruik daarvan het, onderling soos voormeld, en nalatig is, of by gemis aan bewys aangaande wie van die persone wat die onderlinge gebruik daarvan het nalatig is, dan elkeen van die persone, bloot aan 'n straf van hoogstens vyf pond, en enigeen van die persone wat versuim om te voldoen aan 'n kennisgewing op

Ord. No.
17 van
1939.

—
Artikel 75.

Straf vir
onhigiëniese
agterplase,
ens.

Ord. No.
17 of 1939.

Section 76.

by the council calling upon him to remedy the condition of such yard or sanitary convenience shall further be liable to a penalty not exceeding ten shillings for each day during which such condition shall continue after service of such notice.

Transport
of sick
indigent
persons.

77. It shall be the duty of the council upon application, to provide, at its own expense and free of charge, for the transport, by such ambulance or other means as may be required on the certificate of a medical practitioner, of any sick indigent person or free patient in need of such transport to the nearest hospital to which the admission of such person or patient has been ordered by the magistrate or approved by the management of such hospital and the council is hereby authorised and empowered to incur any expenditure necessary therefor.

For the purposes of this section—

- (1) “ indigent person ” means a person whom the magistrate after making such inquiries as in the circumstances are necessary is able to certify—
 - (a) is sick and requires medical examination or treatment at a hospital,
 - (b) is unable to pay for such examination or treatment himself and has no relatives legally liable and able to assist him to do so, and
 - (c) has lived for at least three months in the municipality prior to the date of any such application;
- (2) “ free patient ” has the same meaning given to that expression by section *two* of the Public Hospitals Ordinance 1928 as amended, provided that such patient has lived in the municipality for at least three months prior to the date of his admission to hospital;
- (3) “ Council ” means a city council or a town council.

Summoning
of public
meetings.

78. The mayor may, from time to time if he shall see fit and upon receipt of a requisition signed by such number of enrolled voters for the municipality, as shall from time to time be fixed by resolution of the council or by by-law, requesting him to summon a public meeting of inhabitants for the discussion of

hom deur die raad gedien, waarin hy aangesê word dat hy so'n agterplaas of sanitêre gemak in 'n sindelike toestand moet herstel, staan verder bloot aan 'n straf van hoogstens tien sjielings vir elke dag waarop so'n toestand bly voortbestaan na diening van sodanige kennisgewing.

Ord. No.
17 van
1939.

—
Artikel 76.

77. Die raad is verplig om op aansoek op eie rekening kosteloos voorsiening te maak vir die vervoer in enige ambulans of ander voermiddel wat volgens sertifikaat van 'n geneesheer vereis word, van enige behoeftige siek persoon of gratis pasiënt wat sodanige vervoer nodig het na die naaste hospitaal waarin die opname van sodanige persoon of pasiënt deur die magistraat gelas of deur die bestuur van sodanige hospitaal goedgekeur is, en die raad word hierby gemagtig om in verband daarmee die nodige uitgawes te maak.

Vir die doel van hierdie artikel—

- (1) beteken „behoefte persoon” iemand wat die magistraat, na ondersoek wat in die omstandighede nodig is, kan sertifiseer as iemand wat—
 - (a) siek is en mediese ondersoek of behandeling in 'n hospitaal nodig het;
 - (b) nie in staat is om vir sodanige ondersoek of behandeling self te betaal nie en sonder bloedverwante is wat volgens wet verantwoordelik en in staat is om sodanige persoon te help om aldus te handel;
 - (c) minstens drie maande voor sodanige aansoek binne die munisipaliteit woonagtig gewees het;
- (2) het „gratis pasiënt” dieselfde betekenis as wat aan daardie uitdrukking geheg word in artikel twee van die „Publieke Hospitale Ordonnansie, 1928”, soos gewysig, mits so'n pasiënt voor die datum van sy opname in die hospitaal minstens drie maande in die munisipaliteit woonagtig was.
- (3) beteken „raad” 'n stadsraad.

78. Die burgemeester kan van tyd tot tyd na goeddunke en by ontvangs van 'n rekvisisie geteken deur 'n aantal geregistreerde kiesers vir die munisipaliteit, wat van tyd tot tyd bepaal word by besluit van die raad of verordening, waarin hy versoek word om 'n publieke vergadering van inwoners op te roep vir die

Ord. No.
17 of 1939.

—
Section 78.

any matter of public interest to be specified in the requisition, summon such meeting at such time and place as he may determine, and any costs incurred by the mayor in connexion with the summoning and holding of any such meeting may, if the council shall so resolve, be defrayed out of the revenue of the council; provided that no such meeting shall be called for the purpose of promoting, opposing, or discussing the election of any person as a councillor or as a member of any municipal body, or of the provincial council or of parliament.

General powers.

79. The council may do all or any of the following things, namely—

- (1) (a) make, construct, alter, keep clean and in repair the roads, streets, squares and open spaces, dams, canals, reservoirs, water-courses, furrows, ferries, culverts, and bridges vested in the council under section *sixty-three* hereof;
- (b) make, construct, alter, keep clean and in repair sub-ways or overhead bridges and alter gradients of roads and streets vested in the council under section *sixty-three*;
- (2) (a) establish, maintain, and carry out such sanitary services for the removal and destruction of or otherwise dealing with night-soil, urine, slops, rubbish, carcasses of dead animals, and refuse of all kinds, and make such charges therefor as the council may from time to time determine;
- (b) make advances under such conditions as may be approved by the council to any owner of land of money or material for the purpose of enabling him to instal on his premises the system known as the vacuum tank system of night-soil and slop removals or any other like system approved by the council on the recommendation of the medical officer of health.

The provisions of sub-sections (2) to (5) of section *one hundred and forty-two* hereof shall *mutatis mutandis* apply to any advances made under this paragraph.

bespreking van enige saak van publieke belang wat in die rekwisisie vermeld moet word, so'n vergadering oproep op 'n tyd en plek wat hy bepaal, en enige koste deur die burgemeester gemaak in verband met die oproep en hou van enig sodanige vergadering kan, as die raad aldus besluit, uit die inkomste van die raad gedek word; met dien verstande dat geen sulke vergaderings opgeroep mag word vir die doel om die verkiesing van enige persoon as raadslid of as lid van enige munisipale liggaam of van die provinsiale raad of van die parlement te bevorder, te bestry of te bespreek nie.

Ord. No.
17 van
1939.

—
Artikel 78.

79. Die raad kan al of enige van die volgende dinge doen, naamlik—

Algemene
bevoegd-
hede.

- (1) (a) paaie, strate, pleine en oop ruimtes, damme, kanale, reservoirs, waterlope, vore, ponte, duikslote en brûe waarvan die eiendomsreg kragtens artikel *drie-en-sestig* hiervan by die raad berus, maak, bou, verander, skoonhou en repareer;
- (b) duikweë of boggrondse brûe maak, bou, verander, skoonhou en repareer en die hellings van paaie en strate waarvan die eiendomsreg kragtens artikel *drie-en-sestig* by die raad berus, verander;
- (2) (a) gesondheidsdienste vir die verwydering en vernietiging van of op ander wyse handel met nagvuil, urine, vuilwater, vuilnis, karkasse van dooie diere, en afval van enige aard, instel, in stand hou en verrig, en daarvoor gelde vra, al na die raad van tyd tot tyd bepaal;
- (b) voorskotte verleen op voorwaardes deur die raad goedgekeur, aan enige eienaar van grond van geld of materiaal vir die doel om hom in staat te stel om op sy perseel die sisteem bekend as die vakuüntenkstelsel vir die verwydering van nagvuil en vuilwater of enige ander soortgelyke stelsel deur die raad goedgekeur op aanbeveling van die geneeskundige gesondheidsbeampte, te installeer; die bepalinge van subartikels (2) tot (5) van artikel *honderd twee-en-veertig* hiervan is *mutatis mutandis* van toepassing op enige voorskotte wat kragtens hierdie paragraaf verleen word.

Ord. No.
17 of 1939.

Section 79.

- (3) (a) Establish and maintain cemeteries and make charges in connexion therewith and compel the burial of dead bodies in a proper burial ground or cemetery within or outside the municipality, and take over control and maintain any existing cemetery or burial ground, and close for burial purposes any church, municipal, private or other cemetery or burial ground or any portion thereof within the municipality, provided that no such closing shall take place until a resolution stating the council's intention to effect such closing has been passed by a majority of two-thirds of the councillors at the time in office, and has been published in the *Provincial Gazette* and in one or more newspapers circulating in the municipality at least one week prior to such closing;
- (b) set apart separate portions of any cemetery established by the council or establish separate cemeteries for the burial therein respectively of white persons, persons of different religious denominations, natives, Asiatics or other coloured persons;
- (4) erect, maintain, and keep in repair any buildings for any municipal requirement or purpose;
- (5) plant, trim, or remove trees in or on any public place;
- (6) establish, equip, maintain and carry on within or outside the municipality afforestation works for the production and disposal of timber whether within or outside the municipality, and do all things necessary in connexion therewith;
- (7) light public places and erect and maintain lamps for that purpose;
- (8) establish, maintain, and carry on recreation grounds on town lands, and on parks, squares and open spaces vested in the council under section *sixty-three* hereof and on any land held in freehold or leasehold by the council, and make charges in connexion therewith, provided that in cases of land held in leasehold the consent of the Administrator shall first be obtained; such

- (3) (a) Begraafplase instel en in stand hou en in verband daarmee gelde hef en die begrawing van lyke in 'n behoorlike begraafplaas of kerkhof binne of buite die munisipaliteit verpligtend maak, en enige bestaande begraafplaas of kerkhof oorneem, beheer en in stand hou, en enige kerkhof, munisipale, private of ander begraafplaas of grond of enige gedeelte daarvan binne die munisipaliteit vir begrawingsdoeleindes sluit, met dien verstande dat geen sodanige sluiting mag plaasvind nie totdat 'n besluit wat die voorneme van die raad bevat om sodanige sluiting te bewerkstellig geneem is deur 'n meerderheid van twee-derdes van die raadslede wat asdan sitting het, en gepubliseer was in die *Offisiële Koerant van die Provinsie Transvaal* en in een of meer nuusblaaië wat in die munisipaliteit sirkuleer, minstens een week voor sodanige sluiting;
- (b) afsonderlike gedeeltes van 'n begraafplaas, ingestel deur die raad, uithou, of afsonderlike begraafplase instel vir die begrawing daarin onderskeidelik van blanke persone, persone van verskillende godsdienstige genootskappe, naturelle, Asiate of ander kleurlinge;
- (4) geboue vir enige munisipale behoeftes of doel oprig, in stand hou en repareer;
- (5) bome in of op enige publieke plek plant, snoei of verwyder;
- (6) bosaanplantingswerke binne of buite die munisipaliteit instel, uithou, onderhou en bestuur vir die kweek en verkoop van hout hetsy binne of buite die munisipaliteit en alle dinge doen in verband daarmee;
- (7) publieke plekke verlig en vir dié doel lampe plaas en in stand hou;
- (8) ontspanningsgronde op dorpsgronde, en in parke, op pleine en oop ruimtes waarvan die eiendomsreg kragtens artikel *drie-en-sestig* hiervan by die raad berus, instel, in stand hou, en bestuur, en ook op enige eiendoms- of huurpaggrond wat die raad besit en in verband daarmee gelde hef, met dien verstande dat in gevalle van paggrond die toestemming van die Administrateur vooraf verkry moet word; sulke

Ord. No.
17 van
1939.
—
Artikel 79.

Ord. No.
17 of 1939.

—
Section 79.

recreation grounds may in the discretion of the council be set apart exclusively for the use of Europeans or Asiatics or natives or coloured persons;

- (9) erect, make, establish, maintain, and carry on in connexion with or on recreation grounds established by the council aquariums, piers, pavilions, dressing-rooms, lavatories and other conveniences, and any other buildings or structures of any nature whatever and for any purpose whatever which the council may decide to be necessary or convenient, and the general management, regulation, and control of the same shall be vested in the council, who may from time to time—
- (i) determine the charges, if any, to be made for the use thereof, or
 - (ii) let the same or portions thereof or any rights therein to any person or club or other body of persons and authorize such person, club, or body to make charges in connexion therewith;
 - (iii) grant advances or loans to any sporting club upon such terms and conditions as may be approved by the Administrator;

provided that, anything to the contrary in this Ordinance notwithstanding, unless the council shall otherwise decide, the said charges or any rental to be paid hereunder shall be determined by resolution of the council without regulation by by-law;

- (10) anything to the contrary in this Ordinance notwithstanding, let or grant subject to the approval of the Administrator, the use of any recreation ground and/or buildings appurtenant thereto established or erected by the council or any part of such recreation ground or buildings to any school, sports club or association of persons on such terms as the council may decide and permit such school, sports club or association of persons to make charges for admission to recreation grounds let or granted by the council; provided that, unless such recreation ground is

ontspanningsgronde kan na goedvinde van die raad uitgehou word uitsluitend vir die gebruik van blankes of Asiate of naturelle of kleurlinge;

- (9) in verband met of op ontspanningsgronde ingestel deur die raad, akwariums, hawe hoofde, paviljoene, kleedkamers, wasplekke en ander gemakke oprig, bou, instel, in stand hou en bestuur, asook enige ander geboue of strukture van welke aard ook en vir enige doel wat ook al, wat na oordeel van die raad nodig of gerieflik mag wees, en die algemene bestuur, reëling en beheer daarvoor berus by die raad wat van tyd tot tyd—

- (i) die gelde kan vasstel, indien enige, wat gehef moet word vir die gebruik daarvan, of
- (ii) dit of gedeeltes daarvan of enige regte daarin kan verhuur aan enige persoon of klub of ander liggaam van persone en so'n persoon, klub of liggaam magtig om in verband daarmee gelde te hef;
- (iii) voorskotte of lenings kan toestaan aan enige sportklub op die voorwaardes wat die Administrateur goedkeur;

met dien verstande dat, nieteenstaande andersluidende bepalinge in hierdie Ordonnansie, tensy die raad anders besluit, genoemde gelde of enige huur-geld wat hieronder betaal moet word, by besluit van die raad vasgestel moet word sonder regulasie of verordening;

- (10) nieteenstaande andersluidende bepalinge in hierdie Ordonnansie en onderworpe aan die goedkeuring van die Administrateur, die gebruik van enige ontspanningsgrond en/of geboue wat daartoe behoort ingestel of opgerig deur die raad, of enige deel van sulke ontspanningsgronde of geboue verhuur of toeken aan enige skool, sportklub of vereniging van persone op voorwaardes wat die raad bepaal, en so'n skool, sportklub of vereniging van persone toelaat om geld te vra vir toegang tot ontspanningsgronde deur die raad verhuur of toegeken; met dien verstande dat tensy sulke ontspanningsgronde

**Ord. No.
17 van
1939.**

—
Artikel 79.

Ord. No.
17 of 1939.

Section 79.

merely temporarily closed for a period not exceeding three days under section *sixty-six* of this Ordinance, the resolution of the council so to let or grant the use of such recreation ground shall be published in the manner prescribed by paragraph (b) of sub-section (18) hereof;

- (11) set apart any such portion of any recreation ground established by the council as may be fixed by the council and described in a notice set up in some conspicuous position in such recreation ground for the purpose of any particular game or recreation and to exclude the public or any class or section thereof from the part so set apart while it is in actual use for that purpose;
- (12) provide any apparatus for games and recreations in respect of any recreation ground established by the council and make charges for the use thereof, or permit any person, club or other body of persons to provide any such apparatus on such terms as the council may decide;
- (13) provide and maintain refreshment rooms, cafés and restaurants in any recreation ground established by the council and in any botanical or zoological garden and at any public bath established under sub-section (43) hereof and either manage such refreshment rooms, cafés or restaurants itself or let the same to any person, club or other body of persons on such terms as the council may decide;
- (14) (a) establish, erect, maintain, regulate and carry on markets, and market buildings, and let portions of such buildings and stalls therein, and make charges in connexion therewith;
(b) establish, erect, equip, maintain, regulate and carry on buildings or depots for the reception and storage of perishable goods, fruit and vegetables and to compel hawkers and pedlars of such goods to store in such depots all such goods as may be unsold in cases where other storage accommodation is in the opinion of the council not available and to make charges in connexion therewith;

slegs tydelik gesluit is vir 'n tydperk van hoogstens drie dae kragtens artikel *ses-en-sestig* van hierdie Ordonnansie, die besluit van die raad om die gebruik van sodanige ontspanningsgrond aldus te verhuur of toe te ken, gepubliseer moet word op die wyse bepaal in paragraaf (b) van subartikel (18) hiervan;

- (11) enige gedeelte van 'n ontspanningsgrond deur die raad ingestel, al na die raad bepaal, en omskrywe in 'n kennisgewing aangebring op een of ander duidelike sigbare plek op so'n ontspanningsgrond, uithou vir die doel van enige bepaalde spel of ontspanning en die publiek of enige klas of deel daarvan uitsluit van die gedeelte aldus uitgehou terwyl dit vir daardie doel in werklike gebruik is;
- (12) enige apparaat vir spele en ontspanning verskaf vir enige ontspanningsgrond deur die raad ingestel, en vir die gebruik daarvan gelde hef, of enige persoon, klub of ander liggaam van persone toelaat om enig sodanige apparaat te verskaf op voorwaardes wat die raad kan bepaal;
- (13) verversingslokale, kafees en restaurants verskaf en in stand hou op enige ontspanningsgrond deur die raad ingestel en in enige plante- of dieretuin en by enige publieke bad ingestel kragtens subartikel (43) hiervan en sulke verversingslokale, kafees of restaurants of self bestuur of hulle verhuur aan enige persoon, klub of ander liggaam van persone op voorwaardes wat die raad bepaal;
- (14) (a) markte en markgeboue instel, oprig, in stand hou, reël en bestuur, en gedeeltes van sulke geboue en stalletjies daarin verhuur en in verband daarmee gelde hef;
- (b) geboue of dépôts instel, oprig, uitrus, in stand hou, reël en bestuur vir die ontvangs en opberging van bederfbare goedere, vrugte en groente, en venters en smouse van sulke ware verplig om in sulke dépôts al sulke ware te bêre wat onverkoop mag wees, in gevalle waar ander bergruimte na oordeel van die raad nie beskikbaar is nie en in verband daarmee gelde hef;

Ord. No.
17 van
1939.

—
Artikel 79.

Ord. No.
17 of 1939.

—
Section 79.

(15) make grants of money towards—

(a) the establishment or maintenance—

(i) of public hospitals;

(ii) of public libraries and libraries of schools established, maintained or aided under the Education Act 1907, or any amendment thereof;

(iii) of the institutions in this paragraph mentioned not being of a private character (that is to say) art galleries, museums, zoological gardens, agricultural and horticultural societies, associations for the education of the public in safety first measures and for the care and protection of the public, poultry clubs, kennel clubs, operatic, orchestral and dramatic societies, scientific, literary and musical institutions, including the giving of lectures on scientific literary and other subjects, asylums for the aged, destitute, sick, or infirm, rescue homes, benevolent societies, homes for destitute orphans, relief committees and committees employing district nurses, educational institutions, trade or vocational schools, institutions for the training of persons in domestic science, domestic service or household work or duties, or public voluntary societies or associations in connexion with combating diseases or in connexion with maternity welfare or child welfare, the training of sanitary inspectors or health visitors, instruction in first-aid or home or district nursing or any other matter relating to public health;

- (15) toelaes in geld verleen vir—
- (a) die stigting of onderhoud—
- (i) van publieke hospitale;
 - (ii) van publieke biblioteke en skoolbiblioteke gestig, in stand gehou of ondersteun kragtens die Onderwyswet, 1907, of enige wysiging daarvan;
 - (iii) van die inrigtings in hierdie paragraaf genoem wat nie van 'n private aard is nie (dit wil sê) kunsgalerie, museums, dieretuine, land- en tuinbouverenigings, verenigings vir die opleiding van die publiek in veiligheidsmaatreëls en vir die versorging en beskerming van die publiek, pluimveeklubs, hondeklubs, opera-, orkes- en dramatiese verenigings; wetenskaplike, letterkundige en musiekinrigtings, insluitende die hou van lesings oor wetenskaplike, letterkundige en ander onderwerpe, gestigte vir bejaardes, nooddrufftiges, siekes of gebrekkiges, reddingshuise, weldadigheidsverenigings, tehuise vir nooddrufftige weeskinders, onderstandskomitees en komitees wat distrikverpleegsters in diens het, onderwysinrigtings, handel- of beroepskole, inrigtings vir die opleiding van persone in huishoudkunde, diens in die huishouding of huishoudelike werk of pligte, of publieke vrywillige verenigings of genootskappe in verband met die bestryding van siektes of in verband met kraamwerk of kinderswelsyn, die opleiding van gesondheidsinspekteurs of gesondheidsbesoekers, onderrig in eerstehulp of huis- of distrikverpleging of enige ander saak wat op volksgesondheid betrekking het;

Ord. No.
17 van
1939.

—
Artikel 79.

Ord. No.
17 of 1939.

Section 79.

- (iv) of any municipal employees' medical benefit society, sick fund or similar municipal institution;
- (b) with the consent of the Administrator any national or public object, exhibition, organization or institution;
- (c) any voluntary society, association or club or organization established for boy scouts or girl guides or for the welfare of or for games and recreation of students or school children or for assisting such children to proceed to the sea-coast or other places during school vacations;
- (d) any fund established for the purpose of the entertainment or pleasure of the poor or of the inmates of any hospital or asylum or charitable institution;
- (e) the Transvaal Municipal Association;
- (f) any Bisley competition;
- (16) from time to time grant and render to any of the institutions mentioned in sub-section (15) (a) hereof any municipal service without charge or at such reduced charges from the tariffs in force from time to time as it may deem expedient;
- (17) make grants of land to or grants-in-aid of—
- (a) the University of South Africa or any university or constituent college of a university by law established in the Province;
- (b) any institution or service in the Province duly declared under any law to be included in higher education;
- (c) any school, class or institution established, maintained or aided in the Province under the Education Act, 1907, or any amendment thereof;
- or for the purpose of establishing, extending, or maintaining any boarding establishment or hostel in connexion with any of the foregoing institutions, not being of a private character, and

Ord. No.
17 van
1939.

—
Artikel 79.

- (iv) van 'n mediese hulpvereniging of siekefonds vir munisipale werknemers, of 'n soortgelyke munisipale instelling;
- (b) met toestemming van die Administrateur enige nasionale of publieke doel, tentoonstelling, organisasie of inrigting;
- (c) enige vrywillige vereniging, genootskap of klub of organisasie gestig vir padvinders of padvindsters of vir die welvaart van of vir spele en ontspanning van studente of skoolkinders of om sulke kinders behulpzaam te wees om die seekus of ander plekke gedurende skoolvakansies te besoek;
- (d) enige fonds gestig vir die onthaal of vermaak van armes of van die pasiënte van enige hospitaal of gestig of liefdadigheidsinrigting;
- (e) die Transvaalse Munisipale Vereniging;
- (f) enige skietwedstryd;
- (16) van tyd tot tyd aan enige van die inrigtings genoem in subartikel (15) (a) hiervan, enige munisipale diens kosteloos toestaan en lewer of teen sulke verminderde koste op die tariewe van tyd tot tyd van krag, as wat die raad dienstig mag ag;
- (17) grond toeken of hulptoelaes skenk aan—
- (a) die Universiteit van Suid-Afrika of enige universiteit of kollege verbonde aan 'n universiteit volgens wet in die Provinsie ingestel;
- (b) enige inrigting of diens in die Provinsie, die opname waarvan onder hoër onderwys behoorlik kragtens enige wet verklaar is,
- (c) 'n skool, klas of inrigting wat in die Provinsie opgerig, instandgehou of ondersteun word ingevolge die Onderwyswet, 1907, of 'n wysiging daarvan;
- of vir die doel om enige kosinrigting of koshuis in verband met enige van voornoemde inrigtings wat nie van 'n private aard is nie, stig, uitbrei of in stand hou, en beurse toeken om skoliere

Ord. No.
17 of 1939.

Section 79.

provide bursaries to assist in educating and maintaining scholars and students at any of the said institutions as well as at any other university by law established within the Union of South Africa;

(18) let, sell, or in any other way alienate or dispose of any movable or immovable property of the council, including the granting of prospecting rights, option contracts, and the alienation of rights to minerals, precious and base metals, and precious stones on town lands in any way competent under and subject to the provisions of the Precious and Base Metals Act, 1908, and any amendment thereof, and the Precious Stones Act, 1927, and any amendment thereof, provided—

(a) that, except in the case of any immovable property, as to which special provision has been made by law, and except in the case of leases, other than leases of town lands, not required to be notarially executed under section *twenty-nine* of the Transfer Duty Proclamation (No. 8) of 1902, or any amendment thereof, no sale, lease, or alienation of immovable property or the alienation of any rights to minerals, or the granting of any prospecting or option contracts shall take place or be effective until the consent of the Administrator has been obtained;

(b) that, except in the case of a lease terminable by not more than three months' notice on either side, prior to such sanction being obtained the resolution of the council to sell, lease, or otherwise alienate or dispose of immovable property or to grant such contracts or leases shall be published, at least once a week, during three successive weeks in one or more newspapers circulating in the municipality, provided that in all cases of the alienation of the freehold of land, or of the leasehold thereof for any period

en studente aan enige van genoemde inrigtings sowel as aan enige ander universiteit wettiglik binne die Unie van Suid-Afrika ingestel, te help opvoed en onderhou;

**Ord. No.
17 van
1939.**

—
Artikel 79.

- (18) enige roerende of onroerende eiendom van die raad verhuur, verkoop of op ander wyse vervreem of van die hand sit, insluitende die toekenning van prospekterregte, opsiekontrakte en die vervreemding van regte op minerale, edele en onedele metale en edelgesteentes op dorpsgronde op enigerlei wyse in ooreenstemming met en kragtens die bepalings van die Wet op Edele en Onedele Metale, 1908, en enige wysiging daarvan, en die Wet op Edelgesteentes, 1927, en enige wysiging daarvan, met dien verstande—

(a) dat, behalwe in die geval van enige onroerende eiendom, waarvoor spesiale voorsiening by wet gemaak is, en behalwe in die geval van ander huurkontrakte as huurkontrakte van dorpsgronde, wat nie notarieel voltrek hoef te word nie kragtens artikel *nege-en-twintig* van die Hereregte-proklamasie (No. 8) van 1902, of enige wysiging daarvan, geen verkoop, verhuur of vervreemding van onroerende eiendom of die vervreemding van enige regte op minerale, of die toekenning van enige prospekter- of opsiekontrakte plaas mag vind of van krag sal wees totdat die toestemming van die Administrateur verkry is nie;

(b) dat, behalwe in die geval van 'n huurkontrak wat met hoogstens drie maande kennisgewing van albei kante opgesê kan word, voordat sodanige toestemming verkry word, die besluit van die raad om onroerende eiendom te verkoop, te verhuur, of andersins te vervreemd of van die hand te sit of om sulke kontrakte of huurkontrakte toe te ken, minstens eenmaal per week vir drie agtereenvolgende weke in een of meer nuusblaaië wat in die municipaliteit sirkuleer, gepubliseer moet word, met dien verstande dat in alle gevalle van vervreemding van die eiendomsreg van grond, of

Ord. No.
17 of 1939.

Section 79.

exceeding twenty years, publication of such resolution shall also be made by a sufficient number of conspicuous placards posted in or near the land which it is proposed to alienate and such placards shall be not less than double demy in size and the headings shall be in three-inch type;

- (c) that the nett proceeds received by the council—
- (i) from the sale of immovable property;
 - (ii) from the granting of such prospecting rights, options, contracts and the alienation of rights to minerals, precious and base metals, and precious stones on town lands;
 - (iii) from any alienation or letting of land for the manufacture of bricks and tiles or for quarrying for any purpose;
 - (iv) arising from rights referred to in section *four* of the Town Lands Ordinance 1904 (Transvaal) or in respect of similar rights derived under any other law

shall be used for the redemption and extinction of debt incurred for capital purposes and provided further that where due provision has been made for the redemption of any debt such nett proceeds or any balance thereof shall be used for such capital expenditure as may be approved by the Administrator or where no debt exists such nett proceeds shall be used for such capital expenditure as the council on a report from the finance committee may direct;

- (d) that in selling or leasing any immovable property the council may, with the consent of the Administrator, make provision in the conditions of sale or lease as to the style, class or value of buildings to be erected thereon, and for

van die huurpag daarvan vir enige tydperk van meer as twintig jaar, sodanige besluit ook gepubliseer moet word deur 'n voldoende aantal duidelik sigbare plakkate te bevestig in of op of naby die grond wat vervreemd gaan word en sulke plakkate mag nie kleiner as dubbeldemi wees nie en die opskrif moet uit letters drie duim groot bestaan;

(c) dat die netto-opbrengs wat die raad ontvang het—

(i) uit die verkoop van onroerende eiendom;

(ii) uit die toekenning van sulke prospekteregte, opsies, kontrakte en die vervreemding van regte op minerale, edele en onedele metale, en edelgesteentes op dorpsgronde;

(iii) uit enige vervreemding of verhuur van grond vir die maak van stene en teëls of om daarop vir een of ander doel uit te grawe;

(iv) uit regte vermeld in artikel vier van die Transvaalse Ordonnansie van 1904 op Dorpsgronde, of uit dergelyke regte wat kragtens 'n ander wet verkry is,

aangewend moet word vir die delging en afflossing van skuld gemaak vir kapitaaldoeleindes, en verder met dien verstande dat waar behoorlike voorsiening gemaak is vir delging van enige skuld, sodanige netto-opbrengs of enige saldo daarvan aangewend moet word vir enige kapitaaluitgawe wat die Administrateur goedkeur, of waar daar geen skuld bestaan nie, moet sodanige netto-opbrengs aangewend word vir enige kapitaaluitgawe wat die raad uit hoofde van 'n verslag van die finansiële komitee gelas;

(d) dat by die verkoop of verhuur van enige onroerende eiendom, die raad, met toestemming van die Administrateur, in die voorwaardes van verkoop of verhuur voorsiening kan maak aangaande die boustyl, klas

Ord. No.
17 van
1939.

—
Artikel 79.

Ord. No.
17 of 1939.

Section 79.

restricting the use of such property solely to the purpose of residence or business, and for restricting the ownership or occupation thereof or both by Europeans, coloured persons, Asiatics or natives or persons of any one or more of such classes, and may insert in the title-deeds or leases of any such property the conditions necessary to give full force and effect to such provisions and restrictions;

- (19) subject to the provisions of sub-section (18) hereof and notwithstanding anything to the contrary in the Townships Act lease any land belonging to it for such periods and on such conditions as the council may deem fit;
- (20) subject to the provisions of the Townships Act establish townships on land the property of the council;
- (21) (a) subject to the provisions of any law relating to townships or the registration of agricultural holdings, lay out plots upon or otherwise sub-divide any land belonging to the council for the purposes of garden allotments, small holdings, or agricultural holdings;
- (b) subject to the provisions of sub-section (18) hereof, let, sell or otherwise alienate or dispose of any such allotments or holdings;
- (c) make, alter and revoke separate by-laws applicable only to agricultural holdings on any matter in respect whereof the council is empowered under this Ordinance or any proclamation issued thereunder to make by-laws;
- (22) (a) lay out building plots upon or otherwise sub-divide any land belonging to the council for the purpose of housing schemes for inhabitants of the municipality or for the purpose of factory, industrial business or workshop sites;

of waarde van geboue wat daarop opgerig word, en om die gebruik van sodanige eiendom uitsluitlik tot woon- of besigheidsdoeleindes te beperk, en om die eiendomsreg of bewoning daarvan of albei deur blankes, kleurlinge, Asiate of natuurlike of persone van een of meer van hierdie klasse te beperk, en in die eiendomsbewyse of huurkontrakte van enig sodanige gebou die voorwaardes kan invoeg wat nodig is om aan sulke voorwaardes en beperkings volle krag en uitvoering te gee;

**Ord. No.
17 van
1939.**

—
Artikel 79.

- (19) met inagneming van die bepalings van subartikel (18) hiervan en nieteenstaande andersluidende bepalings in die Dorpewet, enige grond wat aan hom behoort, verhuur vir tydperke en op voorwaardes wat die raad dienstig ag;
- (20) met inagneming van die bepalings van die Dorpewet, dorpe stig op grond wat die eiendom van die raad is;
- (21) (a) met inagneming van die bepalings van enige wet wat betrekking het op dorpe of die registrasie van landbouhoewes, persele aanlê op enige grond wat aan die raad behoort of dit op ander wyse onderverdeel, vir die doel van tuinpersele, kleinhoewes of landbouhoewes;
- (b) met inagneming van die bepalings van subartikel (18) hiervan, enige sulke persele of hoewes verhuur, verkoop of op ander wyse vervreemd of van die hand sit;
- (c) afsonderlike verordeninge opstel, verander en herroep alleen toepaslik op landbouhoewes oor enige saak ten opsigte waarvan die raad bevoegd is om kragtens hierdie Ordonnansie of enige proklamasie daaronder uitgevaardig, verordeninge op te stel;
- (22) (a) boupersele aanlê op enige grond wat aan die raad behoort of dit op ander wyse onderverdeel, vir die doel van woningskemas vir inwoners van die munisipaliteit of vir die doel van terreine vir fabriek, industrieë, besighede of werkplekke;

Ord. No.
7 of 1939.

Section 79.

- (b) subject to the provisions of sub-section (18) hereof, let, sell, donate or in any other way alienate or dispose of any such plots or sub-divisions of land and buildings thereon;
- (23) lay out on lands under its control either within or outside the municipality such areas for coloured persons as may be deemed desirable, provided that no such area shall be established within the area of jurisdiction of any other local authority without the consent of such local authority;
- (24) with the consent of the Administrator acquire by voluntary purchase, or hire any land, right of way, water-right or any other property or servitude within or without the municipality which may be necessary for the purposes of this Ordinance, provided that the Administrator's consent shall not be necessary where no consideration or merely nominal consideration passes in respect of such acquisition or hiring;
- (25) with the consent of the Administrator acquire any land for disposal by sale, lease, donation or otherwise and on such terms as the council may decide to any person for the purpose of carrying on thereon any work or trade of an offensive nature which the council is empowered to license;
- (26) establish, erect and maintain dipping tanks, and make charges in connexion therewith;
- (27) establish, erect and maintain public lavatories, closets and urinals, above or below ground, and make charges in connexion therewith;
- (28) subject to the approval of the Administrator—
- (a) erect and maintain dwelling-houses with their appurtenant outbuildings on plots or sub-divisions of land referred to in sub-section (22) and in areas mentioned in sub-section (23) hereof;
- (b) convert buildings into dwelling-houses and alter, enlarge, repair and improve the same;

- (b) met inagneming van die bepalings van subartikel (18) hiervan, enige sulke persele of onderverdelings van grond en geboue daarop verhuur, verkoop, skenk of op ander wyse vervreemd of van die hand sit;
- (23) op gronde onder sy beheer hetsy binne of buite die munisipaliteit enige gebiede aanlê vir kleurlinge wat wenslik geag word, met dien verstande dat geen sodanige gebied ingestel mag word binne die regsgebied van enige ander plaaslike bestuur sonder toestemming van sodanige plaaslike bestuur nie;
- (24) met toestemming van die Administrateur deur vrywillige aankoop of huur enige grond, reg-van-weg, waterreg, of enige ander eiendom of servituut binne of buite die munisipaliteit aanskaf, wat vir die doeleindes van hierdie Ordonnansie nodig mag wees, met dien verstande dat die toestemming van die Administrateur nie nodig is waar geen vergoeding of slegs nominale vergoeding gegee word vir sulke aanskaffing of huur nie;
- (25) met toestemming van die Administrateur enige grond aanskaf vir verkoop, verhuur, skenking of andersins en op voorwaardes wat die raad bepaal, aan enige persoon vir die doel om daarop enige werk of bedryf van 'n hinderlike aard wat die raad bevoegd is om te lisensieer, uit te oefen;
- (26) dipbakke oprig, bou en in stand hou, en in verband daarmee gelde hef;
- (27) publieke wasplekke, klosette en urinoirs bo of onder die grond, oprig, bou en in stand hou, en in verband daarmee gelde hef;
- (28) onderworpe aan die goedkeuring van die Administrateur—
- (a) woonhuise met daartoe behorende bygeboue bou en in stand hou op persele of onderverdelings van grond vermeld in subartikel (22) en in gebiede genoem in subartikel (23) hiervan;
- (b) geboue in woonhuise verander en hulle verbou, vergroot, repareer en verbeter;

**Ord. No.
17 van
1939.**
—
Artikel 79.

Ord. No.
17 of 1939.

Section 79.

- (c) make advances of money on the security of immovable property for the purpose of enabling persons resident in the municipality (including officers or servants of the council) to acquire land and/or to erect dwelling houses, and recover such advances with interest thereon by instalments, or otherwise as the council may in its discretion arrange with any person to whom an advance is made; provided that dwelling-houses proposed to be built by the council with borrowed money shall be built by contract after tenders have been invited;
- (29) establish, acquire, construct, equip and carry on either within or outside the municipality works for the manufacture of bricks and tiles dispose of and deal in the products of such works whether within or outside the municipality and do all such things as may be incidental to such manufacture;
- (30) establish, erect, maintain and carry on kaffir eating-houses;
- (31) pay the medical or funeral expenses of any person employed by the council who suffers injury or dies as the result of an accident arising out of or in the course of his employment or as a result of illness contracted in consequence of such employment;
- (32) (a) in cases where no pension, provident or benevolent fund has been established grant from its revenue pensions or gratuities to officers or servants of the council on their retirement from the council's service or otherwise, and to the widows or dependents of deceased officers and servants of the council;
- (b) maintain, contribute to and regulate any superannuation fund established under the provisions of sub-section (33) of section *seventy-nine* of Ordinance 11 of 1926;
- (33) incur all expenditure necessary for the carrying out of any purpose of this Ordinance or any amendment thereof which the council is authorized to carry out, or of any purpose not specially

- (c) voorskotte in geld met onroerende eiendom as sekuriteit verleen vir die doel om persone in die munisipaliteit woonagtig (met inbegrip van beamptes of dienaars van die raad) in staat te stel om grond aan te skaf en/of woonhuise op te rig, en sulke voorskotte met rente daarop paaientsemgewyse invorder, of op ander wyse al na die raad na goeddunke mag reël met enige persoon aan wie 'n voorskot verleen is; mits die woonhuise wat die raad voornemens is om te bou, per kontrak gebou word nadat tenders gevra is;
- (29) werke vir die vervaardiging van bakstene en teëls oprig, verkry, bou, uitrus en bestuur hetsy binne of buite die munisipaliteit, die produkte van sulke werke hetsy binne of buite die munisipaliteit van die hand sit of daarin handel dryf en alle dinge doen wat met sodanige vervaardiging gepaard gaan;
- (30) kaffereethuise oprig, bou, in stand hou en bestuur;
- (31) die mediese of begrafniskoste betaal van enige persoon in diens van die raad wat beserings opdoen of sterf ten gevolge van 'n ongeval wat hom oorkom tydens of as gevolg van sy werk of as gevolg van siekte opgedoen ten gevolge van sodanige diens;
- (32) (a) in gevalle waar geen pensioen-, voorsorgs- of weldadigheidsfonds ingestel is nie, uit sy inkomste pensioene of gratifikasies verleen aan beamptes of dienaars van die raad by aftreding uit die diens van die raad of andersins, en aan die weduwees of afhanklikes van oorlede beamptes en dienaars van die raad;
- (b) 'n pensioenfonds ingestel ingevolge die bepalings van subartikel (33) van artikel *nege-en-sewentig* van Ordonnansie No. 11 van 1926, in stand hou, daartoe bydra en reëlings tref in verband daarmee;
- (33) alle uitgawes aangaan wat nodig is vir die uitvoering van enige doel van hierdie Ordonnansie of enige wysiging daarvan, wat die raad gemagtig is om uit te voer, of van enige doel waarvoor

Ord. No.
17 van
1939.
—
Artikel 79.

Ord. No.
17 of 1939.

—
Section 79.

provided for in this Ordinance which the Administrator may determine to be a purpose incidental to the exercise by the council of its powers and duties under this Ordinance, including a reasonable amount of travelling and personal expenses of councillors and officers while on the business of the council:

- (34) grant to councillors passes entitling them to travel without payment on municipal vehicles providing public transport;
- (35) pay its subscription to the Transvaal Municipal Association and the reasonable travelling and personal expenses of its representatives incurred in attending meetings of any conference or of the executive committee of the said Association;
- (36) lay out and adorn any square or open space the property of or vested in the council under section *sixty-three* hereof by any architectural or other scheme of ornamentation including statues, fountains, or other structures;
- (37) establish, erect, and maintain public crematoria, mortuaries, and public weighing machines, and make such charges in connexion therewith as may be fixed by by-law;
- (38) acquire, equip, and maintain boats and boating establishments, and make charges in connexion therewith;
- (39) establish, erect, maintain, and carry on municipal slaughter-houses, and make charges in connexion therewith;
- (40) establish and maintain one or more fire brigades and ambulances, and make charges for the service of such brigades and ambulances and for water used at fires and contract with any neighbouring local authority for mutual assistance in case of fires and carry out the terms of any such contract;
- (41) purchase or hire or keep for public use stud animals, such as stallions, jack-asses, bulls, rams, boars, or he-goats, and make and regulate charges in connexion therewith;

in hierdie Ordonnansie nie spesiaal voorsiening gemaak is nie wat die Administrateur vasstel as 'n doel wat gepaard gaan met die uitoefening deur die raad van sy bevoegdhede en pligte kragtens hierdie Ordonnansie, met inbegrip van 'n redelike bedrag aan reiskoste en persoonlike onkoste van raadslede en beamptes terwyl hulle vir die raad werksaam is;

Ord. No.
17 van
1939.

—
Artikel 79.

- (34) aan raadslede passe verleen wat hulle die reg gee om kosteloos in munisipale voertuie bestem vir publieke vervoer, te reis;
- (35) sy ledegeld betaal aan die Transvaalse Munisipale Vereniging en die billike reis- en persoonlike onkoste van sy verteenwoordigers wat hulle aangaan om vergaderings van enige konferensie of van die uitvoerende komitee van die genoemde vereniging by te woon;
- (36) enige plein of oop ruimte wat aan die raad behoort of waarvan die eiendomsreg by die raad kragtens artikel *drie-en-sestig* hiervan berus, aanlê en versier deur enige boukundige of ander skema van versiering met inbegrip van standbeelde, fonteine of ander bouwerk;
- (37) publieke krematoriums, lykhuse en publieke weegmasjiene oprig, bou en in stand hou, en by verordening enige gelde in verband daarmee hef;
- (38) bote en bootinrigtings verkry, uitrus en in stand hou en in verband daarmee gelde hef;
- (39) munisipale slaghuise oprig, bou, in stand hou en bestuur en in verband daarmee gelde hef;
- (40) een of meer brandwre en ambulanse oprig en in stand hou en gelde hef vir die dienste van sulke brandwre en ambulanse en vir water gebruik by brande en 'n kontrak met 'n naburige plaaslike bestuur sluit vir onderlinge hulp in gevalle van brand, en aan die terme van sodanige kontrak uitvoering gee;
- (41) aantee/diere, soos hingste, donkie-hingste, bulle, ramme, beervarke of bokramme aankoop of huur of aanhou vir publieke gebruik en in verband daarmee gelde hef en bepaal;

Ord. No.
17 of 1939.

—
Section 79.

- (42) incur a reasonable amount of expenditure necessary for public entertainment;
- (43) (1) establish, acquire, erect, construct, maintain, assist, promote, and carry on—
- (a) public libraries, museums, theatres, lecture rooms, and lectures or performances in connection with such places;
 - (b) botanical and zoological gardens;
 - (c) public baths and wash-houses, and make charges in connexion therewith;
- (2) decide that the general management regulation and control of institutions mentioned in paragraphs (a) and (b) established by the council shall be vested in and exercised by such committee as such council may from time to time appoint the members whereof need not be members of the council anything to the contrary in this Ordinance notwithstanding;
- (44) establish, maintain, carry on, or contribute to bands for musical performances in public places or municipal halls, and generally provide musical entertainments in such places or halls, and make charges in connexion therewith;
- (45) establish, erect, construct, equip, and maintain boarding-houses or hostels attached to or in connexion with educational institutions;
- (46) by order in writing under the hand of the town clerk require the owner of any land abutting upon any public place within the municipality to do any of the following acts—
- (i) to remove or trim trees or hedges overhanging or encroaching on any street or other public place or growing at the corner of two streets, or to remove any obstacle or obstruction to visibility other than buildings or structures in respect of which the council requires a plan to be lodged under its building by-laws, where the council is of opinion that removal or trimming is necessary to prevent—
injury to any street or public place;

- (42) 'n redelike bedrag aan uitgawes maak wat nodig is vir publieke vermaaklikheid;
- (43) (1) (a) publieke biblioteke, museums, teaters, voorlesingskamers, en lesings of vertonings in verband met sulke plekke;
- (b) blom- en dieretuine;
- (c) publieke baddens en washuise;
- stig, verkry, oprig, bou, in stand hou, ondersteun, bevorder en bestuur en in verband daarmee gelde hef;
- (2) besluit dat die algemene bestuur, reëling en beheer van inrigtings genoem in paragrawe (a) en (b) deur die raad ingestel, oorgedra en uitgeoefen word op en deur 'n komitee wat die raad van tyd tot tyd benoem, waarvan die lede geen raadslede hoef te wees nie niteenstaande andersluidende bepalinge in hierdie Ordonnansie;
- (44) korpse vir musiekuitvoerings op publieke plekke of in munisipale sale oprig, in stand hou, bestuur of daartoe bydra, en in die algemeen musiekuitvoerings verskaf op sulke plekke of in sulke sale, en daarvoor gelde hef;
- (45) losies- of koshuise verbonde aan of in verband met onderwysinrigtings stig, oprig, bou, uitrus en in stand hou;
- (46) per skriftelike order wat deur die stads-klerk onderteken is, van die eienaar van enige grond wat grens aan enige publieke plek binne die munisipaliteit eis om enige van die volgende handelinge te verrig—
- (i) bome of heinings te verwyder of te snoei wat oor enige straat of ander publieke plek hang of daarop inbreuk maak of op die hoek van twee strate groei of enige versperring of iets wat die gesig verhoed, te verwyder behalwe geboue of ander strukture ten opsigte waarvan die raad verlang dat 'n plan kragtens sy bouvoordeninge ingelewer moet word, waar die raad van oordeel is dat verwydering of snoeiing nodig is tot voorkoming van—
- beskadiging van enige straat of publieke plek;

Ord. No.
17 van
1939.

—
Artikel 79.

Ord. No.
17 of 1939.

Section 79.

obstruction or danger to
traffic;

obstruction to any furrow,
ditch or drain belonging to
the street;

or to permit an uninterrupted
view necessary for the safety of
traffic approaching any inter-
section; provided that an owner
shall not be required to trim any
such trees or hedges to a height
of less than three feet from the
ground;

- (ii) to cut down and remove all ob-
structions to traffic or drainage
along the whole frontage of land
occupied or owned by him.

provided that—

- (a) Within ten days after service of
the order, such owner may apply
to the magistrate for institution
of an inquiry for the purpose of
determining whether the order
should or should not be set aside.
- (b) After due investigation, the
magistrate, whose decision shall
be final, shall determine whether
the order should or should not
be set aside, and in the former
case the order shall be deemed
to be void.
- (c) In the case of an order which is
not set aside as aforesaid, if the
owner fails to do any such act in
compliance therewith within one
month from the service thereof,
or where an inquiry has been
held by the magistrate as afore-
said; then within one month
after the date upon which the
magistrate's decision was given,
he shall be liable to a fine not
exceeding one pound (£1) for
every day thereafter during
which such failure continues and
the council may enter on the
land and do such act and recover
the cost from him.

belemmering van of gevaar vir
verkeer;

verstopping van enige voor,
sloot of riool wat tot die
straat behoort;

of tot verkryging van 'n onbe-
lemmerde uitsig nodig vir die
veiligheid van verkeer wat 'n
kruising nader; met dien ver-
stande dat van geen eienaar
vereis mag word om enige sulke
bome of heinings te snoei tot 'n
hoogte van minder as drie voet
van die grond nie;

- (ii) al die belemmerings vir die ver-
keer of verstopping van die rio-
lering langs die hele voorkant
van die grond wat hy bewoon of
wat sy eiendom is, af te kap en
te verwyder,

met dien verstande dat—

- (a) bedoelde eienaar binne tien dae
na diening van die order, by die
magistraat aansoek kan doen dat
'n ondersoek ingestel word om te
bepaal of die order al dan nie
opgehef behoort te word.
- (b) Na behoorlike ondersoek moet die
magistraat, wie se beslissing
finaal is, bepaal of die order al
dan nie opgehef behoort te word
en in eersgenoemde geval word
geag dat die order nietig is.
- (c) In die geval van 'n order wat nie,
soos voormeld, opgehef is nie,
staan die eienaar, as hy versuim
om enige sodanige handeling tot
nakoming daarvan te verrig
binne een maand vanaf diening
daarvan, of waar 'n ondersoek
deur die magistraat soos voor-
meld ingestel is, dan binne een
maand na die datum waarop die
beslissing van die magistraat
gegee is, bloot aan 'n boete van
hoogstens een pond (£1) vir
elke dag daarna waarop be-
doelde versuim voortduur, en
kan die raad die grond betree en
bedoelde handeling verrig en die
koste van hom invorder.

Ord. No.
17 van
1939.

—
Artikel 79.

Ord. No.
17 of 1939.

Section 79.

- (d) The said cost shall be a charge upon the land and may be recovered as rates are recoverable under the Local Authorities Rating Ordinance 1933 and any amendment thereof.
- (47) sell all by-products whether within or outside the municipality resulting from the carrying on of any works or undertakings which the council is authorized to carry on ;
- (48) promote and oppose legislation in the interest of the municipality ;
- (49) erect, construct, maintain and carry on advertising hoardings on property belonging to or vested in the Council and make charges in connection therewith ;
- (50) make, establish, acquire, conduct, maintain, work and carry on stone, clay and gravel pits and quarries within or outside the municipality and dispose of the products of such pits and quarries within or outside the municipality at such prices and charges as the council may by resolution from time to time fix and determine ;
- (51) establish, maintain, assist, promote, carry on and administer a bursary loan fund from which loans may be granted or advances made to approved students at any of the educational institutions mentioned in sub-section (17) subject to such conditions as may be prescribed by by-law ;
- (52) generally and in addition to the powers granted in this section, with the approval of the Administrator, do all things necessary or expedient for the proper carrying out of the powers and duties imposed by this Ordinance or any other law.

Save as in this Ordinance excepted all charges authorized by this section shall be regulated by by-law.

- (d) Bedoelde koste is 'n las op die grond en kan ingevorder word as belastinge invorderbaar kragtens die „Plaaslike-Bestuur-Belastingordonnansie, 1933”, en enige wysiging daarvan.
- (47) alle byprodukte hetsy binne of buite die munisipaliteit verkoop wat voortvloei uit die uitvoering van enige werke of ondernemings wat die raad gemagtig is om te bestuur;
- (48) wetgewing bevorder en teëgaan in die belang van die munisipaliteit;
- (49) advertensieborde oprig, maak, in stand hou en gebruik op eiendom wat aan die raad behoort of waarvan die eiendomsreg by die raad berus, en in verband daarmee koste hef;
- (50) steen-, klei- en gruisgate en -groewe binne of buite die munisipaliteit maak, oprig, verkry, bestuur, in stand hou, ontgin en voortsit en die voortbrengrsels van sulke gate en steengroewe verkoop vir gebruik binne of buite die munisipaliteit teen pryse en tariewe wat die raad van tyd tot tyd by besluit bepaal en vasstel;
- (51) 'n beursleningsfonds stig, in stand hou, ondersteun, bevorder, bestuur en beheer waaruit lenings of voorskotte aan goedgekeurde studente aan een of ander van die onderwysinrigtings vermeld in subartikel (17), toegeken kan word, behoudens die voorwaardes wat by verordening voorgeskryf word;
- (52) oor die algemeen en behalwe die bevoegdhede by hierdie artikel verleen, met goedkeuring van die Administrateur alle dinge doen wat nodig en dienstig is vir die behoorlike uitvoering van die bevoegdhede en pligte opgelê kragtens hierdie Ordonnansie of enige ander wet.

Ord. No.
17 van
1939.
—
Artikel 79.

Behalwe waar in hierdie Ordonnansie daarop 'n uitsondering gemaak is, moet alle heffings by hierdie artikel gemagtig, by verordening vasgestel word.

Ord. No. 17 of 1939. By-law powers.

80. The council may from time to time make, alter, and revoke by-laws for all or any of the following purposes, namely—

- (1) for regulating any of the things which the council is empowered under this Ordinance or any proclamation issued thereunder to do, establish, maintain, or carry on, and the charges to be made in respect thereof, except as regards pounds;
- (2) for regulating the proceedings of the council and the duties and privileges of their officers and servants, and preserving order at council meetings including the power to suspend and exclude a member who disregards the authority of the chair or wilfully obstructs the business of the council; and for prohibiting, restricting, and regulating the publication and disclosure of the council's documents and records and the proceedings of any committee of the council or a committee of the whole council, and for punishing by suspension a member of the council who is guilty of a breach thereof;
- (3) for establishing, maintaining, and compelling the use of any sanitary service which the council is authorized to carry out or regulate, or which may be established by virtue of any powers vested in the council for the removal and destruction of or otherwise dealing with night-soil, urine, slops, rubbish, carcasses of dead animals and refuse of all kinds and for fixing the charges to be made in respect thereof;
- (4) (a) for keeping public places clean and free from filth, rubbish, or refuse, and for prohibiting persons from throwing, dropping or depositing any filth, rubbish, glass, tins, paper, dead animals, waste or flushing water or other refuse, liquid or solid, on or in any street, road, bridge, thoroughfare, open space, vacant stand, vacant erf, spruit or water-course, or from causing or allowing any such liquid to flow into any such place and for regulating or prohibiting the bathing or washing of persons, animals, or things in any such place;

80. Die raad kan van tyd tot tyd verordeninge uitvaardig, verander en herroep vir alle of enige van die volgende doeleindes, naamlik—

Bevoegd-
hede insake
verorde-
ninge.

Ord. No.
17 van
1939.

- (1) om enige van die dinge te reël wat die raad kragtens hierdie Ordonnansie of enige proklamasie daaronder uitgevaardig, bevoegd is om te doen, op te rig, in stand te hou of te onderneem en om die gelde wat ten opsigte daarvan gehef word, behalwe wat skutte aangaan, te reël;
- (2) om die verrigtings van die raad en die pligte en voorregte van sy beamptes en dienaars te reël, en die orde op raadsvergaderings te handhaaf insluitende die bevoegdheid om 'n lid te skors en uit te sluit wat die gesag van die stoel minag of die werksaamhede van die raad moedswillig verhinder; en om die publikasie en openbaarmaking van die dokumente van die raad en die stukke en verrigtings van enige komitee van die raad of 'n komitee van die gehele raad te verbied, te beperk en te reël, en deur skorsing 'n lid van die raad te straf wat skuldig is aan 'n oortreding daarvan;
- (3) om enige gesondheidsdiens in te stel, in stand te hou en die gebruik daarvan te verplig, wat die raad gemagtig is om te bestuur of te reël, of wat mag ingestel word kragtens enige bevoegdhede aan die raad toegeken vir die verwydering of vernietiging van of op ander wyse handel met nagvuil, urine, vuilwater, afval, karkasse van dooie diere en vuilnis van enige aard en die koste vas te stel wat daarvoor gehef word;
- (4) (a) om openbare plekke van vuil, vuilnis of afval skoon te hou, en om persone te verbied om enige vuil, vuilnis, glas, blikke, papier, dooie diere, was- en vuilwater of ander vloebare of vaste afval op of in enige straat, pad, brug, deurgang, oop ruimte, vakante standplaas, vakante erf, spruit of waterloop te gooi, te laat val en te deponeer, of om enige sodanige vloeistof te laat afloop in enig sodanige plek, en die bad en was van persone, diere of dinge in enig sodanige plek te verbied of te reël;

Ord. No.
17 of 1939

—
Section 80.

- (b) for compelling owners and occupiers to keep their premises clean and free from filth, debris, rubbish, glass, paper, rags, tins, lumber, weeds or undergrowth which in the opinion of the council is unsightly or is likely to become a nuisance or injurious to health or to cause annoyance to inhabitants of the neighbourhood;
- (5) (a) for preventing the use or misuse and securing the closing of cesspools, and for compelling and regulating the provision, construction, position, screening, use, cleansing, and repair of, and for preventing damage to earth-closets, water-closets, privies, ashpits, ashbins, urinals, sinks, fixed baths and fixed basins, waste pipes, drains, and slop tanks in connexion with buildings;
- (b) for compelling on any premises the provision and suitable siting of closets for the exclusive use of Europeans and non-Europeans, respectively, employed or resident on the premises;
- (6) for the prohibition, removal or abatement and the prevention of recurrence of nuisances, for enabling the council to serve notices either upon the author of a nuisance or upon the owner or occupier of the premises on which the nuisance exists or has existed and is liable to recur; requiring the doing of such work (with or without specifying the nature thereof) within a reasonable time to be specified in the notice as is necessary for the removal or abatement and the prevention of recurrence of the nuisance and for providing that non-compliance with any such notice shall be an offence, and further for enabling the council to do such work at the expense of the person who has failed to comply with the notice, provided that where the nuisance arises from a want or defect of a structural character the notice shall be served on the owner of the premises; provided further that the by-laws may provide that, in any

- (b) om eienaars en bewoners te verplig om hulle eiendomme sindelik en vry te hou van vuil, afval, vuilnis, glas, papier, vodde, blikkies, rommel, onkruid of kreupelhout wat na oordeel van die raad onooglik is of bes moontlik 'n oorlas of nadelig kan word vir die gesondheid, of ergernis kan veroorsaak aan die bewoners van die buurte;
- (5) (a) om die gebruik of misbruik te voorkom en die sluiting te verseker van sinkputte, en die voorsiening, bou, ligging, afskorting, gebruik, skoonmaak en repareer van aardprivate, waterklosette, private, asputte, asbakke, urinoirs, bakke, vaste baddens en vaste wasbakke, vuilwaterpype, riole en vuilwatertenks in verband met geboue te verplig en te reël en skade daaraan te voorkom;
- (b) om op enige perseel die verskaffing, en die bou op 'n geskikte plek, van gemakhuisies vir die uitsluitlike gebruik van onderskeidelik blankes en nie-blankes wat op die perseel werk of woon, verpligtend te maak;
- (6) om oorlaste te verbied, verwyder of laat ophou en die herhaling daarvan te voorkom, om die raad in staat te stel om hetsy op die veroorsaker van 'n oorlas of op die eienaar of bewoner van die perseel waarop die oorlas bestaan, bestaan het en weer sou kan bestaan, kennisgewings te dien waarin gevorder word dat die werk (met of sonder 'n opgawe van die aard daarvan) wat nodig is om die oorlas te verwyder, laat ophou en te voorkom dat dit herhaal word, binne 'n redelike tyd wat in die kennisgewing gemeld word, gedoen moet word, en om voorsiening te maak dat die nie-nakoming van so'n kennisgewing 'n oortreding is, en voorts om die raad in staat te stel om sodanige werk te verrig op koste van die persoon wat versuim het om die kennisgewing na te kom, met dien verstande dat waar die oorlas ontstaan het uit 'n gebrek of fout van 'n boukundige aard, die kennisgewing op die eienaar van die perseel gedien moet word; met dien verstande verder dat die verordeninge kan bepaal dat, in enige geval waar

**Ord. No.
17 van
1939.**

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

case where it appears that a nuisance existing within a municipality is wholly or partly caused by some act or default outside the municipality, proceedings may be taken against any person in respect of such act or default in the same manner and with the same incidents and consequences as if the act or default were wholly inside the municipality;

- (7) for securing the proper construction of and regulating stables, cowsheds, animal kraals, fowl-houses and for preventing the keeping of any animals on premises which are not constructed in accordance with the council's by-laws or are so constructed or so situated that such animals if kept thereon are in the opinion of the council likely to cause a nuisance or injury to health, and for enabling the council or a committee thereof to prohibit the keeping of swine or any other animals on any premises which the medical officer of health certifies to be so situated as to be unfit for the purpose;
- (8) for prohibiting the erection of buildings or the conversion of existing buildings for use as stables or cowsheds for trading purposes in residential areas and for defining areas where such buildings may or may not be erected or used;
- (9) (a) for ascertaining the existence and cause of any nuisance arising from any drain, closet, cesspool, water supply, sink, trap, syphon, pipe, or other work or apparatus connected therewith, and for remedying the same and recovering the expenses incurred by the council in respect thereof, and to regulate the liability and penalty for nuisance in any yard or sanitary convenience used in common by the occupiers of two or more separate dwellings or by different tenants of the same building;
- (b) for regulating, controlling, or prohibiting the construction or use of septic tanks, vacuum tanks and filter installations or other works for the disposal of sewage on or from private property;

dit blyk dat 'n oorlas wat binne 'n munisipaliteit bestaan, geheel of gedeeltelik veroorsaak is deur een of ander handeling of versuim buite die munisipaliteit, geregtelike stappe gedoen kan word teen enige persoon ten opsigte van sodanige handeling of versuim, op dieselfde wyse en met dieselfde vestiging en gevolg asof die handeling of versuim heeltemal binne die munisipaliteit was;

**Ord. No.
17 van
1939.**

—
Artikel 80.

- (7) om die behoorlike bou van stalle, koeistalle, veekrale, hoenderhokke te verseker en dit te reël en om te belet dat diere aangehou word op persele wat nie gebou is ooreenkomstig die verordeninge van die raad nie of wat so gebou of geleë is dat as sulke diere daar gehou word hulle na mening van die raad waarskynlik 'n oorlas of skadelik vir die gesondheid sal wees, en om die raad of 'n komitee daarvan in staat te stel om te belet dat varke of enige ander diere gehou word op persele wat volgens verklaring van die geneeskundige gesondheidsbeampte so geleë is dat hulle vir die doel ongeskik is;
- (8) om die oprigting te verbied van geboue of die verandering van bestaende geboue vir gebruik as stalle of koeistalle vir handelsdoeleindes in woongebiede en gebiede aan te wys waar sulke geboue al of nie opgerig of gebruik mag word;
- (9) (a) om die bestaan en oorsaak te ondersoek van enige oorlas wat veroorsaak word deur rioler, private, sinkputte, watervoorrade, bakke, valle, hewels, pype, of ander werk of apparaat daarmee verbonde, om daarin verbetering aan te bring en die koste wat die raad in verband daarmee maak, in te vorder en om die aanspreeklikheid en straf vas te stel vir 'n oorlas in of op enige agterplaas of sanitêre gemak gesamentlik gebruik deur die bewoners van twee of meer verskillende geboue of deur verskillende huurders van dieselfde gebou;
- (b) om die bou of gebruik van septiese tenks, vakuüntenks en filtreerwerke of ander werke vir die afvoer van rioolvuil op of van private eiendom te reël, beheer of te verbied;

**Ord. No.
17 of 1939.**

Section 80.

- (10) for preserving and safeguarding the public health;
- (11) for preventing the outbreak and spread of infectious or contagious diseases, for declaring what diseases are notifiable for compelling the notification of such diseases for compelling the removal of persons suffering from any such disease to suitable hospitals or places of segregation and their detention and treatment therein where, in the opinion of the medical officer of health, such removal, detention and treatment are necessary either for the protection of the public health or by reason of the insufficiency or unsuitability of the patients' lodging or accommodation, for regulating and enforcing quarantine and the disinfection of persons, places or things, and for authorizing the seizure and detention and ensuring the destruction (when necessary in the opinion of the medical officer of health) of articles which are infected or have been exposed to the risk of infection, upon payment of compensation to the owner thereof, such amount to be fixed by agreement or arbitration;
- (12) for compelling the giving of any information or the production of any documentary or other evidence required for the purpose of tracing the source and preventing the spread of infection, for requiring the closing of schools or trade premises or places of public entertainment or any place where members of the public congregate which are suspected of being or are likely to become sources of infection, and for prohibiting persons who are or are suspected of being or are likely to become infected from carrying on any trade or business or engaging in any occupation which may cause the spread of an infectious or contagious disease;
- (13) for requiring any person arriving in the municipality within fifteen days of leaving any district infected or suspected of being infected with plague, cholera, or yellow fever or within fifteen days of landing in South Africa

- (10) om die volksgesondheid te handhaaf en te beskerm;
- (11) om die uitbreek en verspreiding van besmetlike of aansteeklike siektes te voorkom, om te verklaar watter siektes aangegee moet word, om die aangifte van sulke siektes verpligtend te maak, om die verwydering verpligtend te maak van persone wat lydende is aan enig sodanige siekte na geskikte hospitale of afsonderingsplekke en hulle aanhouding en behandeling daarin waar na oordeel van die geneeskundige gesondheidsbeampte sodanige verwydering, aanhouding en behandeling nodig is hetsy tot beskerming van die volksgesondheid of omrede van die ontoereikendheid of ondoelmatigheid van die losies- of woonplek van die pasiënt, om die kwarantyn en ontsmetting van persone, plekke of dinge te reël en toe te pas en om die inbeslagneming en aanhouding (waar na mening van die geneeskundige gesondheidsbeampte dit nodig is) van artikels wat besmet is of aan besmetting blootgestel was, te magtig en die vernietiging daarvan te verseker, teen betaling van vergoeding aan die eienaar daarvan, sodanige bedrag by ooreenkoms of arbitrasie vasgestel te word;
- (12) om die verstrekking van enige inligting of die oorlegging van enige dokumente of ander getuienis te verplig wat nodig is vir die doel om die bron van besmetting op te spoor en die verspreiding daarvan te voorkom, om die sluiting te vereis van skole of handelspersele of plekke van publieke vermaaklikheid of enige plek waar lede van die publiek byeenkom, waaromtrent vermoed word dat hulle bronne van besmetting is of mag word, en om persone wat besmet is of van wie vermoed word dat hulle besmet is of mag word, te verbied om enige beroep of besigheid uit te oefen of iets te doen wat die verspreiding van 'n besmetlike of aansteeklike siekte kan veroorsaak;
- (13) om enige persoon wat in die munisipaliteit aankom binne vyftien dae van vertrek uit enige distrik wat besmet is of na vermoede besmet is met pes, kolera of geelkoors of binne vyftien dae na hy

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

from any ship or aeroplane so infected or suspected of being so infected, or from any ship or aeroplane which has within ten days prior to his landing cleared from or touched at any port so infected or suspected of being so infected to report to the medical officer of health his name and place of residence within the municipality;

- (14) (a) for prohibiting and preventing the introduction into the municipality, the possession, sale or offering for sale for the purpose of human consumption or the handling (otherwise than for the purposes of destruction) of diseased animals, diseased meat, fish, or other articles of food or drink unfit for the use of man;
- (b) for authorizing the seizure and ensuring the destruction (when necessary in the opinion of the medical officer of health) of any meat, fish or other article of food or drink which is diseased, unsound, unwholesome or unfit for the use of man;
- (c) for permitting at the owner's risk such treatment in lieu of destruction of any diseased, unsound or unwholesome article of food as may render the same fit for the food of man;
- (d) for authorizing the seizure and ensuring the destruction of diseased animals when certified to be necessary by a veterinary surgeon employed or approved by the Union Department of Agriculture;
- (e) for ordering the detention pending examination or inquiry of animals or articles of food or drink;
- (f) for prescribing standard of composition, strength or quality, and for preventing the adulteration, misdescription or reduction below a prescribed or, where none has been prescribed, a proper standard and securing the sale in a pure state and in a condition which conforms with such standard of any article of food or drink; and
- (g) for authorizing the council by its officers or servants to inspect and examine any animal, article or package and to cut into any dead animal or any

in Suid-Afrika geland het van enige skip of vliegtuig aldus besmet of na vermoede besmet, of van enige skip of vliegtuig wat binne tien dae voor sy landing vertrek het uit of aangedoen het by enige hawe aldus besmet of na vermoede besmet, aan te sê dat hy by die geneeskundige gesondheidsbeampte sy naam en woonplaas binne die munisipaliteit moet opgee;

**Ord. No.
17 van
1939.**

—
Artikel 80.

- (14) (a) om die invoer in die munisipaliteit, die besit, verkoop of te koop aanbieding vir die doel van menslike gebruik of die hantering (behalwe vir die doel van vernietiging) te verbied en te belet van siek diere, siek vleis, vis of ander voedingstowwe of drank wat ongeskik vir menslike gebruik is;
- (b) om die inbeslagneming te magtig en die vernietiging te verseker (waar na mening van die geneeskundige gesondheidsbeampte dit nodig is) van enige vleis, vis of ander voedingstowwe of drank wat siek, ongesond, skadelik of ongeskik vir menslike gebruik is;
- (c) om op risiko van die eienaar die behandeling in plaas van vernietiging toe te staan van enige siek, ongesonde of skadelike voedingsartikel wat dit geskik mag maak vir menslike voedsel;
- (d) om die inbeslagneming te magtig en die vernietiging te verseker van siek diere wanneer 'n veearts in diens van of goedgekeur deur die Unie-departement van Landbou sertifiseer dat dit nodig is;
- (e) om die aanhouding, in afwagting van keuring of ondersoek, van diere of voedingsartikels of drank te gelas;
- (f) om standarde van samestelling, sterkte of kwaliteit voor te skrywe, en die vervalsing, onjuiste aanduiding of vermindering benede 'n voorgeskrewe of, indien geen voorgeskrewe is nie, 'n behoorlike standaard te verhoed en die verkoop in 'n suiwere toestand en in 'n toestand wat met sodanige standaard ooreenkom, van enige voedingstowwe of drank te verseker; en
- (g) om die raad te magtig om deur sy beamptes of dienaars enige dier, artikel of pakket te inspekteer en te ondersoek en in enige dooie dier of enige artikel

Ord. No.
17 of 1939.

Section 80.

- article or package and to purchase samples and requiring the sale of samples for the purposes of this subsection;
- (15) for prohibiting, regulating, inspecting, supervising and licensing noisome and offensive trades, and compelling residents to keep their premises free from offensive or unwholesome matter;
 - (16) for regulating, inspecting or supervising the work or trade of manufacturing flock from rags and for prohibiting the sale and use for the purpose of the manufacture of articles of unclean flock manufactured from rags and for requiring persons establishing or carrying on such work or trade to obtain a licence from the council for the purpose of so doing;
 - (17) for prohibiting, regulating, inspecting, supervising and licensing the work or trade of disinfection or fumigation by cyanide or other means and for penalizing persons who after notice thereto refuse without reasonable ground to vacate any room or rooms occupied by them in any building where fumigation by cyanide or other means is being carried out, and for the cancellation of licences granted to fumigators in cases where the licensee upon conviction for any offence has been proved to have been negligent, careless or incompetent in or at his work or trade aforesaid;
 - (18) for regulating and prohibiting the establishment or the carrying on of any trade, business, or calling which may, in the opinion of the council, be or be likely to become a source of serious nuisance, discomfort, or annoyance to the neighbourhood, provided that by-laws hereunder shall not extend to the prohibition of any trades or businesses lawfully established at the time of promulgation of the by-laws;
 - (19) for defining streets or areas within which shops, warehouses, factories, or business premises may not be erected or within which specified trades, businesses, or callings, or street trading may not be established or carried on, provided that by-laws hereunder shall not extend to shops, warehouses, factories or business premises erected or

- of pakket te sny, en om monsters te koop en die verkoop van monsters te vereis vir die doeleindes van hierdie subartikel;
- (15) om aanstootlike en hinderlike bedrywe te verbied, te reël, te inspekteer, toesig daaroor oor te hou, en te lisensieer, en inwoners te verplig om hul persele vry te hou van hinderlike of ongesonde stowwe;
- (16) om die werk of die bedryf van die vervaardiging van poetskatoen van vodde te reël, te inspekteer of toesig daaroor oor te hou en die verkoop en gebruik vir die doel van vervaardiging van artikels van ongesuiwerde katoen vervaardig van vodde te verbied en om persone wat sulke werk of bedryf oprig, uitoefen of bestuur aan te sê dat hulle vir daardie doel van die raad 'n lisensie moet verkry;
- (17) om die werk of bedryf van ontsmetting of beroking met sianied of ander middele te verbied, te reël, te inspekteer, toesig daaroor te hou en te lisensieer en persone te straf wat na kennisgewing daartoe sonder redelike grond weier om enige kamer of kamers deur hulle bewoon in enige gebou waar beroking deur sianied of ander middele verrig word, te ontruim en om lisensies verleen aan uitrokers in te trek in gevalle waar by veroordeling vir enige oortreding bewys is dat die gelisensieerde onversigtig, sorgeloos of onbekwaam was in of by sy werk of bedryf voormeld;
- (18) om die oprigting of uitoefening te reël en te verbied van enige bedryf, besigheid of beroep wat na oordeel van die raad 'n bron van ernstige oorlas, ongemak of ongerief vir die buurte is of kan word, met dien verstande dat verordeninge hieronder nie enige bedrywe of besighede wettiglik opgerig ten tyde van afkondiging van die verordeninge verbied nie;
- (19) om strate of gebiede te omskryf waarbinne winkels, pakhuse, fabriekke of besighedsgeboue nie opgerig mag word nie of waarbinne bepaalde bedrywe, besighede of beroepe of straathandel nie opgerig of uitgeoefen mag word nie, met dien verstande dat verordeninge hieronder nie van toepassing is op winkels,

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

- in course of erection or to trades or businesses lawfully established at the time of the promulgation of the by-laws;
- (20) (a) for regulating, inspecting, supervising and licensing all businesses, factories, and workshops which by reason of smoke, fumes, gases, dust, smell, noise, vibration, or other cause may be or become sources of danger, discomfort, or annoyance to the neighbourhood; for prescribing the conditions subject to compliance with which such businesses, factories, or workshops shall be carried on and for prohibiting the carrying on thereof unless the prescribed licences shall have first been obtained and the prescribed conditions complied with;
- (b) for compelling the covering of floors behind counters in shops with suitable material where in the opinion of the medical officer of health this is desirable in the interest of the health of employees;
- (c) for compelling, regulating and inspecting the provision of adequate rest room, washing and lavatory facilities in premises, other than factories as defined in the Factories Act 1918, according to the nature of the premises and the number of employees thereon;
- (21) (a) for regulating, inspecting, supervising and licensing the killing of cattle and other animals and the sale of butchers' meat, and for the establishment and localization of slaughter-houses and meat shops and their maintenance in a cleanly and proper state and for authorizing the entry on and inspection of slaughter-houses and meat shops and the cattle, carcasses, and meat therein and to regulate the entry of the police and the inspection of skins, and to provide for a minimum period for which skins must be kept and be available for inspection after the killing of any animals;
- (b) for prescribing the conditions subject to compliance with which any bread, cakes, pastries and confectionery (hereinafter in this paragraph referred to as bakery products) produced or prepared outside the municipality may be introduced, distributed, stored, sold or used

pakhuis, fabriek, of besigheidsgeboue gebou of in aanbou of die bedrywe of besighede wettiglik opgerig ten tyde van afkondiging van die verordeninge nie;

**Ord. No.
17 van
1939.**

—
Artikel 80.

- (20) (a) om alle besighede, fabriek en werkwinkels te reël, inspekteer, toesig daarvoor te hou en te lisensieer wat omrede rook, dampe, gasse, stof, reuk, geraas, trilling of ander oorsaak bronne van gevaar, ongerief, of ergernis vir die buurt is of kan word; om die voorwaardes voor te skrywe waarop sulke besighede, fabriek en werkplase gedryf moet word en die bestuur daarvan te verbied tensy die voorgeskrewe lisensies eers verkry is en aan die voorgeskrewe voorwaardes voldoen is;
- (b) om die bedekking met geskikte materiaal van vloere agter toonbanke in winkels waar dit na mening van die geneeskundige gesondheidsbeampte wenslik is in belang van die gesondheid van werknemers, verpligtend te maak;
- (c) om die verskaffing van 'n doeltreffende ruskamer, was- en toiletgeriewe op persele, behalwe fabriek soos omskryf in die Fabriekswet, 1918, volgens die aard van die persele en die aantal werknemers daarop, verpligtend te maak, te reël en te inspekteer;
- (21) (a) om die slag van vee en ander diere en die verkoop van slagtersvleis, te reël, inspekteer, toesig daarvoor te hou en te lisensieer en vir die oprigting en lokalisering van slaghuise en vleiswinkels en om te sorg dat hulle in 'n behoorlike en sindelike toestand gehou word, en om die betreding en inspeksie van slaghuise en vleiswinkels en die vee, karkasse en vleis daarin te magtig, en om betreding deur die polisie en die inspeksie van huide te reël en om voorsiening te maak vir 'n minimum tydperk wat huide gehou mag word en beskikbaar moet wees vir inspeksie nadat enige diere geslag is;
- (b) om voorwaardes voor te skrywe waarop enige brood, koek, gebak en suikergoed (hierna in hierdie paragraaf bakkeryprodukte genoem) buite die munisipaliteit geproduseer of berei, in die munisipaliteit ingevoer, versprei, gebêre, verkoop of gebruik mag word en om die

Ord. No.
17 of 1939.

—
Section 80.

within the municipality and for prohibiting the introduction, distribution, storage, sale or use within the municipality of such bakery products in respect of which such conditions are not complied with;

- (22) for regulating the use and management of municipal slaughter-houses and depots for the inspection of milk and dead meat and the making of charges in connexion therewith and for prohibiting the slaughtering of animals intended for the food of man elsewhere in the municipality than in municipal slaughter-houses, except in the case of animals which the occupier of any premises may slaughter for his own or his family's consumption;
- (23) (a) for inspecting, supervising, regulating and controlling, hotels, eating, boarding and lodging houses, bakeries, butchers' shops, grocers' shops, fresh produce dealers and all factories and places where articles of food or drink are manufactured or prepared for sale or use, or stored and sold and for fixing the fee or duty to be paid in respect of registration, inspection and supervision of any such business or trade;
- (b) for licensing such of the above trades or businesses as do not require a licence under the provisions of the Licences Consolidation Act 1925 or any amendment thereof, for prescribing the procedure to be followed in applications for such licences and for fixing the fee to be paid in respect of such licence, provided that in any case where the council issues a licence the fee charged shall include the fee or duty in respect of registration, inspection and supervision;
- (24) (a) for licensing, supervising and regulating purveyors of milk, and ice cream makers or vendors and for licensing, inspecting, supervising and regulating dairies, milkshops, and cowsheds; for regulating the conveyance and distribution and securing the identification of the source of milk or milk products distributed, offered for sale, or sold within the municipality; for prescribing the conditions subject to compli-

invoering, verspreiding, berging, verkoop of gebruik binne die munisipaliteit van sulke bakkerijprodukte ten opsigte waarvan aan sulke voorwaardes nie voldoen word nie, te verbied;

- (22) om die gebruik en bestuur te reël van munisipale slaghuise en dépôts vir die inspeksie van melk en geslagte vleis en in verband daarmee gelde te hef, en die slag te verbied van diere bestem vir menslike voedsel elders in die munisipaliteit as in munisipale slaghuise, behalwe wat diere betref wat die bewoner van enige perseel mag slag vir sy eie gebruik of van sy gesin;
- (23) (a) om hotelle, eet-, kos- en losieshuise, bakkerie, slagterye, kruidenierswinkels, winkels van handelaars in vars produkte en alle fabriek en plekke waar voedingsartikels of drank vir verkoop of gebruik vervaardig of berei word, of gebere en verkoop word, te inspekteer, toesig daaroor te hou, te reël en te beheer en om die bedrag of belasting wat betaal moet word ten opsigte van registrasie, en inspeksie van en toesig oor enige sodanige besigheid of bedryf vas te stel;
- (b) om enige van bogenoemde bedrywe of besighede te lisensieer waarvoor 'n lisensie kragtens die bepalings van die „Licenties Konsolidatie Wet”, 1925, of enige wysiging daarvan, nie nodig is nie, om die prosedure voor te skryf wat by aansoeke om sodanige lisensies gevolg moet word en om die lisensiegeld vas te stel ten opsigte van so'n lisensie wat betaal moet word, met dien verstande dat in enige geval waar die raad 'n lisensie uitreik, die lisensiegeld of belasting ten opsigte van registrasie, inspeksie en toesig inbegrepe is in die gevorderde bedrag;
- (24) (a) om melkleweransiers, roomysfabrikante of -verkopers te lisensieer, te reël en toesig oor hulle te hou en om melkerie, melkwinkels en koeistalle te inspekteer, te reël en toesig daaroor te hou; om die vervoer en aflewering te reël en om die aanwysing te verkry van die bron van melk en melkprodukte afgelewer, te koop aangebied of verkoop binne die munisipaliteit; om die voorwaardes voor te skryf waarop enige

**Ord. No.
17 van
1939.**

Artikel 80.

Ord. No.
17 of 1939.

Section 80.

ance with which any milk or milk products produced or prepared within or outside the municipality may be introduced, distributed, stored, sold or used within the municipality, and prohibiting the introduction, distribution, storage, sale, or use within the municipality of milk or milk products in respect of which such conditions are not complied with; for enabling the council to certify the quality of any milk and prohibiting the unauthorized use of any terms employed by the council in denoting such quality; for prohibiting the introduction, distribution, storage, sale, or use within the municipality of any milk or milk products from any source within or outside the municipality when it appears to the council or a committee thereof on the certificate of the medical officer of health that the consumption of such milk or milk products is likely to cause the outbreak or spread of disease;

(b) for prohibiting the purveyance of milk except from fixed premises within the municipality;

(25) for prohibiting the sale of tuberculous milk for providing for the veterinary inspection of milch cows within the municipality and for requiring from time to time in respect of any milch cow from which is obtained milk or from the milk of which is prepared any milk product for introduction, distribution, storage, sale, or use within the municipality the production of a certificate of a veterinary surgeon, approved by the Principal Veterinary Surgeon, Transvaal, showing that such cows have been tested by the tuberculin test and are free from tuberculosis; provided that such certificate shall not be required in respect of any milch cow unless there is reasonable ground for suspecting that such cow is infected with tuberculosis or has been in contact with cattle so infected;

(26) (a) for inspecting, supervising, regulating and controlling the various classes of refreshment shops (as defined in section *ninety*) and for making different

melk of melkprodukte geproduseer of berei binne of buite die munisipaliteit, ingevoer, versprei, bewaar, verkoop of binne die munisipaliteit gebruik mag word, en om die invoer, verspreiding, bewaring, verkoop of gebruik binne die munisipaliteit te verbied van melk of melkprodukte ten opsigte waarvan aan sulke voorwaardes nie voldoen word nie; om die raad in staat te stel om die kwaliteit van enige melk te sertifiseer en die nie-gemagtigde gebruik te verbied van enige terme deur die raad gebesig om sodanige kwaliteit aan te dui; om die invoer, verspreiding, bewaring, verkoop of gebruik binne die munisipaliteit te verbied van enige melk of melkprodukte uit enige bron binne of buite die munisipaliteit wanneer dit aan die raad of 'n komitee daarvan voorkom, volgens die sertifikaat van die geneeskundige gesondheidsbeampte, dat die verbruik van sodanige melk of melkprodukte waarskynlik die uitbreek of verspreiding van siekte kan veroorsaak;

- (b) om die lewering van melk te verbied behalwe vanuit sekere bepaalde persele binne die munisipaliteit;
- (25) om die verkoop van tuberkulêre melk te verbied, om voorsiening te maak vir die ondersoek deur 'n veearts van melkkoeie binne die munisipaliteit, en van tyd tot tyd te verlang dat ten opsigte van enige melkkoei waarvan melk verkry word of van wie se melk enige melkprodukt berei word vir invoer, aflewering, bewaring, verkoop of gebruik binne die munisipaliteit, 'n sertifikaat vertoon word van 'n veearts, goedgekeur deur die Hoofveearts, Transvaal, dat sulke koeie deur middel van die tuberkulineproef getoets is en dat hulle vry is van tuberkulose; met dien verstande dat bedoelde sertifikaat nie vereis mag word ten opsigte van enige melkkoei nie, tensy daar gegronde redes bestaan om te vermoed dat so'n koei met tuberkulose besmet is of in aanraking was met vee wat daarmee besmet was;
- (26) (a) om die verskillende soorte ververingswinkels (soos omskryf in artikel *negentig*) te inspekteer, te reël, te beheer en toesig daaroor te hou en om verskil-

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

regulations for such shops according to the class and volume of business carried on;

(b) for inspecting, supervising, regulating and controlling non-European refreshment shops (defined as aforesaid), for making different regulations for such shops according to the class and volume of business carried on and according to the race of persons frequenting such shops and for prohibiting the employment or presence of white females in such places or in any house part of which is licensed for such purpose, subject to the relaxation or removal of such last-mentioned restriction in the discretion of the council on any occasion;

(c) for prohibiting, regulating, licensing, inspecting and supervising non-European clubs outside native locations or similar associations, institutions or bodies subject to the restriction and relaxation or removal of the restriction mentioned in the preceding paragraph;

(27) (a) for restricting, regulating, supervising and controlling pedlars, hawkers and street vendors of articles of food and drink, including the prohibition of trading otherwise than in specified areas or at allocated stands or at specified times; where stands are allocated at which such trading is allowed to the exclusion of other places it shall be sufficient notice if notices are put up in such places;

(b) for regulating and controlling the sale in public places of live poultry and live animals including the construction and maintenance of vehicles and crates and the supply of food and water to poultry in transit;

(28) for regulating or preventing the washing of clothes on public or private premises and licensing and supervising persons for washing and laundry work for the inhabitants of the municipality provided that if the council so by resolution decides no fee shall be charged for a licence where washing and laundry work is carried on by or under the auspices of a religious or charitable institution, and for regulating and licensing (but without charging any fee therefor) premises or places

- lende regulasies vir sulke winkels op te stel volgens die klas en die omvang van die besigheid wat daarin gedoen word;
- (b) om verversingswinkels vir nie-blankes (omskryf soos voornoem) te inspekteer, te reël, te beheer en toesig daaroor te hou, om verskillende regulasies vir sodanige winkels op te stel volgens die klas en omvang van die besigheid wat daarin gedoen word en volgens die ras van persone wat sulke winkels besoek en om die indiensneming of aanwesigheid van wit vrouens te belet in sodanige plekke of in 'n huis waarvan gedeelte vir sodanige doel gelisensieer is, met dien verstande dat laasgenoemde beperking na goeëdunke van die raad by enige geleentheid versag of afgeskaf kan word;
- (c) om klubs vir nie-blankes buite naturelle lokasies of soortgelyke verenigings, inrigtings of liggame te belet, te reël, te lisensieer, te inspekteer en toesig daaroor te hou, onderworpe aan die beperking en versagting of afskaffing van die beperking genoem in voorgaande paragraaf;
- (27) (a) om venters, marskramers en straat-smouse in voedsel en drank te beperk, te reël, te beheer en toesig oor hulle te hou, asook om handeldrywe op ander plekke as bepaalde gebiede of op aangewese standplase of op bepaalde tye te verbied; waar standplase aangewys word waarop sodanige handeldrywe veroorloof word met uitsluiting van ander plekke, is dit genoegsame kennisgewing as kennisgewings by sulke plekke opgeplak word;
- (b) om die verkoop op publieke plekke van lewende pluimvee en lewende diere te reël en te beheer met inbegrip van die bou en onderhoud van voertuie en hokke en die verskaffing van voedsel en water aan pluimvee in transito;
- (28) om die was van klere op publieke of private persele te reël of te belet en om persone wat was- en strykwere verrig vir die inwoners van die munisipaliteit te lisensieer en toesig oor hulle te hou, met dien verstande dat as die raad dit by besluit bepaal, geen geld gehef word vir 'n lisensie waar was- en strykwere

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

- outside the municipality (hereinafter referred to as outside laundries) at which articles are washed for inhabitants of the municipality and for preventing the introduction into the municipality of any articles as aforesaid unless the outside laundries at which they were washed have been licensed by the council and for licensing and supervising (but without charging any fee therefor) persons for washing and laundry work at such outside laundries;
- (29) for prohibiting the use by white persons for dwelling purposes of premises or yards occupied by natives, Asiatics or coloured persons;
 - (30) for securing the prevention and destruction of rats and other vermin within the municipality and for enabling the council to set traps or to take other measures on any premises necessary for this purpose, and for prohibiting interference with such traps or other measures;
 - (31) for prohibiting or regulating the laying down and use of poison whether in public places or on private premises for the purpose of the destruction of animals or vermin and for charging fees for any inspection by the council's officers or servants in connexion therewith;
 - (32) for securing the prevention and destruction of locusts and other noxious insects within the municipality and for the prevention and abatement of agricultural pests and for the supply of poison and appliances for the aforesaid purposes;
 - (33) for the prevention and abatement of conditions permitting or favouring the breeding of mosquitoes or flies;
 - (34) for licensing, controlling, regulating and supervising crematoria and to discriminate between crematoria or portions of or places in crematoria on account of the race, creed or colour of persons using such crematoria or portions thereof;
 - (35) (a) for regulating the supply and distribution of any water under the control or management of the council, for

verrig word deur en onder beskerming van 'n godsdienstige of liefdadigheids-inrigting nie en om persele of plekke buite die munisipaliteit (hierna buitewasserye genoem) waar artikels gewas word vir inwoners van die munisipaliteit te reël en te lisensieer (dog sonder daarvoor enige gelde te hef) en om die invoer in die munisipaliteit te belet van enige van voornoemde artikels tensy die buitewasserye waarin hulle gewas was, deur die raad gelisensieer is en om persone vir was- en strykwerk by sulke buitewasserye te lisensieer en toesig oor hulle te hou (dog sonder daarvoor enige gelde te hef);

- (29) om die gebruik te verbied deur blanke persone vir woondoeleindes van eien-domme of agterplase bewoon deur natu-
relle, Asiate of kleurlinge;
- (30) om die voorkoming en uitroeiing te be-
werkstellig van rotte en ander onge-
dierte binne die munisipaliteit en om
die raad in staat te stel om valle te
plaas of ander maatreëls te neem op
enige perseel wat nodig vir hierdie doel
is, en om bemoeiing met sulke valle of
ander middele te belet;
- (31) om die neerlê en gebruik van vergif
hetsy in publieke plekke of op privaat
persele om diere of ongedierte uit te
roei, te verbied en te reël en om gelde
te hef vir enige inspeksie deur die
beamptes of dienaars van die raad in
verband daamee;
- (32) om die voorkoming en uitroeiing van
sprinkane en ander skadelike insekte
binne die munisipaliteit te bewerkstellig
en om landbouplae te voorkom en te
verminder en om gif en toestelle vir
voornoemde doeleindes te lewer;
- (33) vir die voorkoming en vermindering van
toestande wat die uitbroei van muskiete
of vlieë toelaat en bevorder;
- (34) om krematoriums te lisensieer, te be-
heer, te reël en toesig daaroor te hou
en te onderskei tussen krematoriums of
gedeeltes van of plekke in krematoriums
ten aansien van die ras, geloof of kleur
van persone wat sulke krematoriums of
gedeeltes daarvan gebruik;
- (35) (a) om die toevoer en verdeling van
water onder die beheer of bestuur van
die raad te reël, om gelde te hef vir die

**Ord. No.
17 van
1939.**

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

making charges for the use of water from water-furrows, and for compelling owners or occupiers to maintain in good order water-furrows traversing or abutting on their premises;

(b) for preventing the waste, undue consumption, misuse, or contamination of such water and for prescribing the size, nature, materials, workmanship and strength and the mode of arrangement, connection, disconnection, alteration and repair of pipes, meters, cocks, ferrules, valves, soil-pans, water-closets, baths, cisterns and other apparatus (in this paragraph referred to as "water fittings") to be used and for forbidding any arrangements and the use of any water-fittings which may allow or tend to waste, undue consumption, misuse, erroneous measurements or contamination;

- (36) for the provision by the council of water meters, for fixing charges for water according to meter which may vary according to area, nature of user or class of consumer and for determining the area in which such meters shall be installed and for compelling consumers of water to provide suitable places within their premises in which to fix such meters;
- (37) for preventing the pollution of any water which the inhabitants have a right to use;
- (38) for preventing the pollution of catchment areas, rivers, canals, springs, wells, reservoirs, filter beds, water purification or pumping works, tanks, cisterns, or other sources of water supply or storage the water wherein or wherefrom is used or is likely to be used by man within the municipality for drinking or domestic purposes;
- (39) for compelling the provision of a proper and sufficient water supply for every dwelling-house, school, store, factory, or workshop;
- (40) for compelling owners of premises which, in the opinion of the council, are not provided with a sufficient supply of good and wholesome water for drinking and domestic purposes to take such

gebruik van water uit watervore en om eienaars of bewoners te verplig om watervore wat hul persele kruis of daar-aan grens in goeie orde te hou;

**Ord. No.
17 van
1939.**

Artikel 80.

- (b) om die verkwisting, onbehoorlike verbruik, misbruik of verontreiniging van sulke water te voorkom en om die grootte, aard, materiaal, afwerking en sterkte en die wyse van inrigting, aansluiting, afsluiting, verandering en herstel van pype, meters, krane, ringe, kleppe, aftappanne, waterklosette, badde, waterbakke en ander toestelle (in hierdie paragraaf watertoebehore genoem) wat gebruik word, voor te skrywe en om enige reëlins en die gebruik van enige watertoebehore te belet waardeur verkwisting, onbehoorlike verbruik, misbruik, onjuiste afmeting of verontreiniging kan ontstaan;
- (36) vir die voorsiening deur die raad van watermeters, om gelde te hef vir water volgens meter wat volgens gebied, aard van gebruiker of klas verbruiker kan afwissel, en om die gebiede vas te stel waarin sulke meters geplaas moet word en om waterverbruikers te verplig om doelmatige plekke binne hulle persele te verskaf waar sulke meters geplaas kan word;
- (37) om die verontreiniging te voorkom van enige water waarop die inwoners reg van gebruik het;
- (38) om die verontreiniging te voorkom van opvangterreine, riviere, kanale, bronne, putte, reservoirs, filtreerbedde, watersuiwerings- of pompwerke, tenke, waterbakke, of ander bronne van watertoever of waterbewing waarin of waarvan die water gebruik word of waarskynlik gebruik mag word deur persone binne die munisipaliteit vir drink- of huishoudelike doeleindes;
- (39) om die verskaffing van 'n behoorlike en voldoende toevoer van water vir iedere woonhuis, skool, winkel, fabriek of werkplaas verpligtend te maak;
- (40) om eienare van persele wat na oordeel van die raad nie voorsien is nie van 'n voldoende toevoer van goeie en gesonde water vir drink- en huishoudelike doel-

Ord. No.
17 of 1939.

Section 80.

- a supply from any pipe or main belonging to the council or that is within reasonable distance of such premises;
- (41) for prohibiting subject to the payment of compensation in respect of existing boreholes or wells the use of water from, or the provision or sinking of, any borehole or well on any premises in cases where it can be proved to the satisfaction of the magistrate that such use, provision, or sinking prejudicially affects or diminishes or is likely so to affect or diminish any municipal water supply;
- (42) (a) for regulating the construction, alignment, height and elevation of all buildings or other structures and all parts thereof and all materials used therein and compelling the pulling down, removal, or rendering safe of all buildings, walls, bridges, earthworks, stoeps, verandahs, or other structures of an unsafe or dangerous character, or which have been allowed to fall into a dilapidated and ruinous condition, and for doing such work at the cost of the owner;
- (b) for prohibiting or regulating the erection or use of back-to-back tenements or houses and for ensuring sufficient air space and ventilation between houses and adequate through ventilation within houses;
- (43) (a) for prohibiting the owners or occupiers of any premises from allowing any wells or other excavations thereon to be in an unprotected or dangerous state, for compelling the fencing, filling in or covering over of wells or excavations which are in such a state and for doing such work and recovering the cost thereof;
- (b) for requiring all holes, wells, pits, excavations, ponds and the like in any premises not effectively fenced or enclosed to be filled in or to be adequately protected;
- (44) for regulating, controlling, or prohibiting the use and erection of any temporary or movable structures whether standing on wheels or otherwise, and for prohibiting or restricting the use of tents or similar structures for business or dwelling purposes;

eindes, te verplig om so'n toevoer te haal uit enige pyp of hoofleiding wat aan die raad behoort of wat binne 'n redelike afstand van so'n perseel is;

- (41) om, onderworpe aan die betaling van vergoeding vir bestaande boorgate of putte, die gebruik van water uit, of die voorsiening of grawe van enige boorgat of put op enige perseel te belet in gevalle waar ten genoeë van die magistraat bewys kan word dat sodanige gebruik, voorsiening of grawe enige munisipale watertoevoer benadeel of verminder of wellig kan benadeel of verminder;
- (42) (a) om die bou, rooilyn, hoogte en elevasie van alle geboue of ander bouwerk en alle dele daarvan en alle materiaal daarin gebruik te reël en die sloping, verwydering of veilig maak te verplig van alle geboue, mure, brûe, aardwerke, stoepe, verandas of ander bouwerk van 'n onveilige of gevaarlike aard, of wat toegelaat is om in 'n bouvallige of vervalte toestand te geraak, en om sodanige werk op koste van die eienaar uit te voer;
- (b) om die bou of gebruik van rug-aan-rug-huurwonings of -huise te verbied of te reël en om sorg te dra vir voldoende lugruimte en ventilasie tussen huise en voldoende kruisventilasie binne in die huise;
- (43) (a) om die eienare of bewoners van enige persele te verbied om toe te laat dat enige putte of ander uitgrawings daarop in 'n onbeskermd of gevaarlike toestand verkeer, om die omheining, opvulling of oordekking van putte of uitgrawings wat in so'n toestand verkeer te verplig en om sodanige werk uit te voer en die koste daarvan in te vorder;
- (b) om te eis dat alle gate, putte, kuile, uitgrawings, damme en dergelike dinge op enige perseel wat nie doelmatig omhein of afgesluit is nie, opgevol of voldoende beskerm word;
- (44) om die gebruik en oprigting van enige tydelike of verplaasbare bouwerk of dit op wiele staan of nie te reël, beheer of te verbied, en om die gebruik van tente of soortgelyke bouwerk vir besigheids- of woondoeleindes te verbied of te beperk;

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

- (45) for preventing the discharge of any guttering or down-pipes on to any foot-way, pavement or side-walk and securing, regulating, and controlling the laying down of pipes to carry any outflow therefrom to such gutter or drain as may be authorized or approved by the council for the purpose and for empowering the council to compel the owner of any premises from which such discharge takes place to lay down such pipes as the council may determine for carrying such outflow to such gutter or drain and for empowering the council to carry out any such works at the expense of the owner after notice has been given to him to do so and he has remained in default for a specified period after service of such notice;
- (46) for regulating the size or number of buildings which may be built on any erf or plot or portion thereof, for prescribing with due regard to the local conditions of different parts of the municipality the extent and disposition of the open space on private land to be provided and maintained in connexion with new buildings in order to secure proper visibility for traffic at street intersections, proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of land in the locality in which such buildings are erected and for prohibiting the erection of buildings on any open space so provided;
- (47) for preventing the erection of buildings on ground contaminated by any faecal, animal, or vegetable matter;
- (48) for requiring and regulating the lighting and cleansing of staircases and passages used in common by different tenants of the same building and the cleansing, drainage, and paving of courts, yards, and open spaces used in connexion with dwellings;
- (49) (a) for prescribing the frontage lines, securing the regularity of lines and level of buildings and of the architecture of buildings and the removal, alteration, and prevention of projections or obstructions in front of buildings;

- (45) om die afvoer te belet van enige geute of afvoerpype op enige voetpad, bestrating of sypad, en die aanleg te bewerkstellig, te reël en te beheer van pype om enige afvoer daarvan na 'n geut of riool te lei wat deur die raad vir die doel mag gemagtig of goedgekeur word, en om die raad te magtig om die eienaar van 'n perseel vanwaar sodanige afvoer plaasvind te verplig om enige pype aan te lê wat die raad mag bepaal vir die afvoer na sodanige geut of riool, en om die raad te magtig om enige sulke werke uit te voer op koste van die eienaar nadat aan hom kennis gegee is om dit te doen en hy versuim het om daaraan te voldoen vir 'n bepaalde tydperk na diening van so'n kennisgewing;
- (46) om die grootte van of aantal geboue wat op 'n erf of perseel of gedeelte daarvan opgerig kan word te reël, om met behoorlike inagneming van die plaaslike toestande van verskillende dele van die munisipaliteit die grootte en ligging voor te skrywe van die oop ruimtes op private grond wat verskaf en gehandhaaf moet word in verband met nuwe geboue ten einde behoorlike sigbaarheid vir verkeer by straatkruisings, behoorlike gesondheidstoestande, bevalligheid en gemak in verband met die aanleg en gebruik van grond in die buurte waarin sulke geboue opgerig is te verseker, en die oprigting van geboue op enige oop ruimte aldus verskaf, te verbied;
- (47) om die oprigting te belet van geboue op grond deurtrek van enige dierlike of menslike uitwerpsels;
- (48) om die verligting en reiniging van trappe en gange gesamentlik gebruik deur verskillende huurders van dieselfde gebou en die reiniging, dreinerings, en bestrating van binneplase, agterplase, en oop ruimtes gebruik in verband met woonhuise, te vereis en te reël;
- (49) (a) om die frontlyne voor te skryf, die reëlmatigheid van lyne en vlakke van geboue en van die boustyl van geboue en die verwydering, verandering en voorkoming van uitstekende dele of belemmerings aan die voorkant van geboue te verseker;

Ord. No.
17 van
1939.
 —
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

- (b) for compelling and regulating the provision of lifts for the delivery of goods in flats over four storeys in height or for the provision of lifts for the exclusive use of Europeans or non-Europeans respectively;
- (50) for enabling the council to prevent the alteration, erection or use of buildings the class or character of which are either in themselves or from the circumstances or nature of the locality in which they are placed, a disfigurement to the town or an annoyance to the inhabitants thereof;
- (51) (a) for prohibiting the erection of any building deemed by the council to be or be likely to be objectionable or dangerous by reason of either the nature and/or construction of the building itself, or the uses to which it is to be put, or its environment;
- (b) for enabling the council to prohibit and prevent erection of buildings of a dangerous, unsightly or objectionable character or of a class calculated to depreciate the values of surrounding properties;
- (52) for regulating or prohibiting the use as a dwelling of any building not erected for that purpose;
- (53) for enabling the council to prevent the sub-division or alteration of buildings or dwellings in such manner as may be calculated to be injurious to health or to depreciate properties in the locality or to cause annoyance to the inhabitants of the neighbourhood;
- (54) for prohibiting buildings or lands being put to uses calculated to depreciate neighbouring property or to interfere with the convenience or comfort of neighbouring occupiers;
- (55) for regulating, restricting, or prohibiting the erection of hoardings or fences or of dwellings or structures of wood or wood and iron or canvas;
- (56) for regulating the inspection of buildings and structures by the council and its officers, and for regulating the erection and use of scaffolding and hoarding

- (b) om die aanbring van hystoestelle vir die aflewering van goedere in flats wat hoër as vier verdiepings is, verpligtend te maak en te reël, of vir die aanbring van hystoestelle vir die uitsluitlike gebruik van onderskeidelik blankes en nie-blankes.
- (50) om die raad in staat te stel om die verandering, oprigting of gebruik van geboue te belet waarvan die klas of aard òf op hulself òf volgens die omstandighede of aard van die buurte waarin hulle geplaas is, 'n ontsiering is vir die stad of 'n hindernis vir die inwoners daarvan;
- (51) (a) om die oprigting te verbied van enige gebou wat na mening van die raad onaanneemlik of gevaarlik is, of wellig mag word, omrede òf van die aard en òf konstruksie van die gebou self, of die gebruik waarvoor dit bestem is, of sy omgewing;
- (b) om die raad in staat te stel om die oprigting te verbied en te verhinder van geboue wat van 'n gevaarlike, onooglike of aanstootlike aard is of van 'n klas wat daarop bereken is om die waarde van omliggende eiendomme te verminder;
- (52) om die gebruik as 'n woning van enige gebou wat nie vir daardie doel opgerig is nie, te reël of te verbied;
- (53) om die raad in staat te stel om die onderverdeling of verandering te voorkom van geboue of woonhuise op 'n wyse wat daarop bereken mag wees om nadelig vir die gesondheid te wees of eiendomme in die buurte in waarde te laat daal of ongerief aan die bewoners in die buurte te veroorsaak;
- (54) om te verbied dat geboue of grond gebruik word op 'n wyse wat daarop bereken is om aangrensende eiendom in waarde te laat daal of hinderlik te wees vir die gerief of gemak van naburige bewoners;
- (55) om die oprigting van skuttings of heinings of van woonhuise of bouwerke van hout of van hout en sink of seil, te reël, te beperk of te verbied;
- (56) om die inspeksie van geboue en bouwerk deur die raad en sy beamptes te reël, en die oprigting en gebruik van steierwerk

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

during the construction, demolition, repair, or alteration of any building, and for charging fees in connexion with any such boarding;

- (57) for regulating or prohibiting the use of underground rooms for human habitation or occupation;
- (58) for determining and regulating—
- (a) the material and structure of walls, foundations, roofs, chimneys, windows, guttering, down-piping, and all other parts of buildings, whether new or already existing, in order to secure stability sufficient height, light, and ventilation, and the proper carrying off of rain-water, as well as for the prevention of fires and for purposes of health;
 - (b) the sufficiency of the space about buildings in order to secure a free circulation of air and the proper ventilation of buildings;
 - (c) the closing of buildings or parts of buildings unfit for human habitation and for the prohibition of their use for habitation or occupation;
 - (d) adequate provision for the escape of the occupants of any building in the event of an outbreak of fire by way of ordinary or special doors, outside iron stairways, or other means, having regard to the size and use of the building;
- (59) (a) for the giving of notice and the deposit of plans and sections by persons wishing to construct or alter buildings before commencing any such work, and for the approval or otherwise of all plans and sections of any such buildings or alterations by the council, and for charging fees in connection therewith;
- (b) for compelling the owner of any building erected without an approved plan or plans having been lodged, to lodge plans if the building is otherwise in accordance with the by-laws in force in the municipality, and for providing that it shall be a continuing offence for so long as he shall fail to lodge such plan or plans after notice has been given to him so to do;

- en skuttings tydens die bou, sloping, reparasie, of verandering van enige gebou te reël en om gelde in verband met enig sodanige skutting te hef;
- (57) om die gebruik van ondergrondse kamers vir menslike bewoning of okkupasie te reël of te verbied;
- (58) (a) om die materiaal en bou van mure, fundamente, dakke, skoorstene, vensters, geute, afvoerpype, en alle ander dele van geboue, hetsy nuut of reeds bestaande, vas te stel en te reël, ten einde stewigheid, voldoende hoogte, lig en ventilasie en die behoorlike afvoer van reënwater, te verseker, asook om brande te voorkom en vir gesondheidsdoeleindes;
- (b) om die toereikendheid van die ruimte om geboue vas te stel en te reël ten einde 'n vrye omloop van lug en die behoorlike ventilasie van geboue te verseker;
- (c) om die sluiting van geboue of dele van geboue ongeskik vir menslike bewoning vas te stel en te reël en om te verbied dat hulle vir bewoning of okkupasie gebruik word;
- (d) om voldoende voorsiening vir die ont-koming van die bewoners aan enige gebou vas te stel en te reël in geval daar brand uitbreek by wyse van gewone of spesiale deure, yster-buitetrappe, of ander middele met inagneming van die grootte en gebruik van die gebou;
- (59) (a) om te reël dat kennis gegee en grond- en deursnyplanne ingedien word deur persone wat geboue wil oprig of verbou, voordat met so'n werk 'n aan-vang gemaak word, en dat die raad alle grond- en deursnyplanne van sulke geboue of verbouings, goed- of afkeur en dat geld in verband daarmee gehef word;
- (b) om die eienaar van 'n gebou, opgerig sonder dat 'n goedgekeurde plan of planne ingestuur is, te verplig om planne in te stuur, as die gebou andersins opgerig is ooreenkomstig die verordeninge wat in die munisipaliteit regs-geldig is, en om te bepaal dat die oortreding sal voortduur solank hy versuim om sodanige plan of planne in te stuur nadat hy kennis kegry het om dit te doen;

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

- (c) for requiring the owner of any building which in any respect does not comply with the by-laws to make such alterations and to do or cause to be done everything necessary to make such building comply and be in accordance with the by-laws and for providing that it shall be a continuing offence for so long as such owner fails to comply with such requirements after due notice specifying the requirements has been given to him;
- (d) for empowering the council to remove, alter or demolish any building which does not comply with the building by-laws at the expense of the owner;
- (e) for empowering the council to decide in its discretion in any particular case whether to enforce a by-law made under paragraph (c) or a by-law made under paragraph (d);
- (f) for preventing the occupation of any new or altered building until a certificate of the fitness thereof for habitation shall have been issued and signed by the medical officer of health;
- (60) for preventing the withdrawal, cancellation or alteration except with the consent of the council of any township plan which has been approved by the council, or the closing up of any streets, roads, or open spaces shown on such plan except with the like consent;
- (61) for preventing without the approval of the council or regulating the sub-division or cutting up of land or the sub-division of existing building lots into smaller areas, and for providing that no transfer of any such sub-division of land shall be registered in any deeds registry unless and until a certificate under the hand of the town clerk shall be produced to the registration officer that the council has approved of such sub-division; provided that by-laws hereunder shall not apply to the sub-division of land for the purpose of establishing a township thereon under the Townships Act;

- (c) om die eienaar van 'n gebou wat in een of ander opsig nie aan die verordeninge voldoen nie, aan te sê dat hy sodanige veranderings moet aanbring en dat hy alles wat nodig is moet doen of laat doen om so'n gebou te laat voldoen aan of in ooreenstemming te bring met die verordeninge, en om te bepaal dat die oortreding sal voortduur solank so'n eienaar versuim om aan sulke vereistes te voldoen nadat behoorlike kennisgewing waarin die vereistes vermeld word, aan hom gegee is;
- (d) om die raad te magtig om 'n gebou wat nie aan die bouverordeninge voldoen nie, op koste van die eienaar te verwyder, te verbou of te sloop;
- (e) om die raad te magtig om in een of ander besondere geval na goedvinde te besluit of hy 'n verordening kragtens paragraaf (c) of 'n verordening kragtens paragraaf (d) uitgevaardig, moet toepas;
- (f) om die betrekking van 'n nuwe of verboude gebou te belet totdat 'n sertifikaat van doelmatigheid daarvan vir bewoning deur die geneeskundige gesondheidsbeampte uitgereik en geteken is;
- (60) om die intrekking, opheffing of verandering, behalwe met toestemming van die raad, van enige dorpsplan wat deur die raad goedgekeur is, of die sluiting van enige strate, paaie of oop ruimtes aangedui op sodanige tekening behalwe met soortgelyke toestemming, te voorkom;
- (61) om die onderverdeling of opсны van grond of die onderverdeling van bestaande boupersele in kleiner stukke, te reël of sodanige onderverdeling of opсны sonder goedkeuring van die raad te voorkom, en om te bepaal dat geen transport van enig sodanige onderverdeling van grond in 'n Akteskantoor geregistreer mag word nie tensy en totdat 'n sertifikaat geteken deur die stads-klerk aan die registrasiebeampte vertoon word ten effekte dat die raad sodanige onderverdeling goedgekeur het; met dien verstande dat verordeninge hieronder nie toepaslik is nie op die onderverdeling van grond wat bestem is vir die oprigting van 'n dorp daarop kragtens die Dorpewet;

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

- (62) for providing for the due and proper care of the common pasture and other municipal land and for prohibiting or regulating grazing thereon and for prescribing the fees, if any, to be paid in respect of stock kept or depastured;
- (63) for regulating, restricting or prohibiting subject to the provisions of any Proclamation issued under the Game Ordinance of 1935, or any amendment thereof, the shooting and hunting of game during the open season on municipal lands and for charging fees to persons permitted to shoot or hunt game on such lands;
- (64) for regulating, restricting or prohibiting subject to the provisions of any Proclamation issued under the Fish Preservation Ordinance of 1921 or any amendment thereof, fishing during the open season in dams, water-courses, and other waters under the control of the council and for charging fees to persons permitted to fish therein;
- (65) for granting permits to make bricks or to dig and burn lime or dig or remove clay, gravel, peat, or turf, or to quarry or crush stone or cut firewood, brushwood, or grass upon municipal lands, and for prescribing the fees (if any) to be paid for the same;
- (66) for planting and preserving trees, flowers, and shrubs and for prohibiting or regulating and controlling the planting of trees in public places and for maintaining, cutting, or removing any such trees and preventing the removal or injury thereof;
- (67) for preventing or regulating and controlling the keeping of stallions, jackasses, bulls, rams, he-goats, boars, goats, swine, bees and of wild or dangerous animals within the municipality;
- (68) for regulating the width, curbing, paving, guttering, gravelling and cleansing of roads and streets;

- (62) om voorsiening te maak vir die behoorlike en deeglike sorg van die gemeenskaplike weiveld en ander munisipale grond en om weiding daarop te verbied of te reël, en om die gelde voor te skryf, indien enige, wat betaal moet word vir vee wat daarop gehou word of wei;
- (63) om met inagneming van die bepalings van enige proklamasie uitgevaardig kragtens die Wild-ordonnansie van 1935, of enige wysiging daarvan, die skiet en jag van wild gedurende die oop seisoen op munisipale grond te reël, te beperk of te verbied, en gelde te hef van persone wat toegelaat is om wild op bedoelde grond te skiet of te jag;
- (64) om met inagneming van die bepalings van enige proklamasie uitgevaardig kragtens die „Visbeskermings Ordonnansie” van 1921 of enige wysiging daarvan, visvangs te reël, te beperk of te verbied gedurende die oop seisoen in damme, waterlope en ander waters onder beheer van die raad en om gelde te hef van persone wat toegelaat is om daarin vis te vang;
- (65) om permitte te verleen vir die maak van bakstene, of vir die grawe en brand van kalk of vir die grawe of verwydering van klei, gruis of turf, of die grawe of breek van klip of die sny van brandhout, struikgewas of gras op munisipale gronde, en om gelde (indien enige) voor te skrywe wat daarvoor betaal moet word;
- (66) om bome, blomme en struike te plant en te beskerm en die plant van bome op publieke plekke te verbied, of te reël en te beheer, en om enige sulke bome te onderhou, af te kap of te verwyder en om die verwydering of beskadiging daarvan te voorkom;
- (67) om die aanhou van hingste, donkiehingste, bulle, ramme, bokramme, beervarke, bokke, varke, bye en van wilde of gevaarlike diere binne die munisipaliteit te voorkom of te reël en te beheer;
- (68) om die breedte, randstene, bestrating, geutaanleg, gruis en skoonmaak van paaie en strate te reël;

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

- (69) for regulating the traffic and preventing and removing obstructions in or on public places; for dealing with live stock and dead, diseased, or injured animals found in any public place, and for restricting and regulating the driving of live stock through streets or other public thoroughfares;
- (70) for regulating and controlling traffic, processions, and gatherings at in or on public places and for prohibiting or restricting the use of specified classes of vehicles or vehicles with specified types of wheels or tyres in certain streets or areas;
- (71) for preventing any person or vehicle from carrying or conveying any article, burden, or load so as to obstruct or incommode passengers, pedestrians or vehicles in any public place, and for preventing the wheeling of wheelbarrows, cycles, or other vehicles on any side-walk or foot-pavement except for the purpose of crossing the same to or from any house or building;
- (72) for preventing persons from congregating with others and so causing an obstruction in any public place except such as may be set apart for the purpose;
- (73) for regulating street trading and licensing and supervising street traders, for prohibiting or restricting street trading by persons under the age of fifteen years and for prohibiting the causing, procuring, or allowing of persons under such age to engage in street trading contrary to the provision of any by-laws;
- (74) for regulating, licensing, supervising, restricting or prohibiting the playing of musical instruments or singing or gramophoning or performing for profit in or on any public place;
- (75) (a) for regulating, supervising, and licensing porters, public carriers, carters, motor vehicle attendants, tram-cars, and public vehicles, and the drivers thereof, and for fixing the amount of licence fees to be paid, the charges and fare to be made by distance or by time within or outside the municipality and the number of

- (69) om die verkeer te reël en belemmerings in of op publieke plekke te voorkom en te verwyder; om te handel met lewend hawe en dooie, siek of beseerde diere wat op 'n publieke plek aangetref word en om die dryf van lewend hawe deur strate of ander publieke deurgange te beperk en te reël;
- (70) om die verkeer, optogte en byeenkomste by, op of in publieke plekke te reël en te beheer, en om die gebruik van bepaalde klasse voertuie of voertuie met bepaalde soorte wiele of bande in sekere strate of gebiede te verbied of te beperk;
- (71) om te voorkom dat enige persoon of voertuig enige artikel, las of lading op so'n manier dra of vervoer dat passasiere, voetgangers of voertuie in enige publieke plek daardeur belemmer of ontrief word, en te voorkom dat kruiswaens, rywiele of ander voertuie op enige sypad of voetpad gestoot word behalwe vir die doel om te kruis na of van enige huis of gebou;
- (72) om te voorkom dat persone met ander vergader en sodoende 'n belemmering veroorsaak op enige publieke plek behalwe dié wat vir die doel uitgehou mag wees;
- (73) om straathandel te reël en om straat-handelaars te lisensieer en toesig oor hulle te hou, om straathandel te verbied of te beperk deur persone onder die leeftyd van vyftien jaar en om te verbied dat persone onder daardie leeftyd oorgehaal, verkry of toegestaan word om op straat handel te drywe in stryd met die bepalings van enige verordeninge;
- (74) om die speel van musiekinstrumente of sing of grammofoonuitvoerings of vertonings vir wins in of op enige publieke plek te reël, lisensieer, toesig daaroor te hou, te beperk of te verbied;
- (75) (a) om kruiers, publieke draers, vragryers, motorvoertuig-oppassers, trems en publieke voertuie en die drywers daarvan, te reël, toesig daaroor te hou en te lisensieer, en om die bedrag van lisensiegelde wat betaal moet word vas te stel, asook die koste en reisgeld wat gevra moet word volgens afstand of tyd binne of buite die munisipaliteit en die

Ord. No.
17 van
1939.
—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

passengers and the weight, dimensions, and nature of the loads to be carried and for enabling the council to endorse, suspend, or cancel any such licence; and for making it an offence for any passenger in any public vehicle to fail or refuse to pay the legal fare on demand, or to injure or damage any such vehicle wilfully or negligently; and for compelling the provision and use in public vehicles of such taximeters as may be prescribed by by-law and for providing penalties in the event of such taximeters being found defective; for testing taximeters and making charges therefor and for providing in the interests of the safety of the public for the periodical examination by an authorized officer of the council of public vehicles and for prohibiting the use of any vehicle as a public vehicle unless a certificate of efficiency under the hand of such officer has first been obtained by the applicant for a licence or by a licensee and for charging a fee for each such certificate;

(b) for prohibiting, restricting, regulating and controlling the parking of vehicles other than motor vehicles in any public place or in any portion thereof, and the giving effect to such prohibition, restriction, regulation or control by orders made by notices and signs posted in or placed on any such road or portion thereof. Such orders shall be passed by resolution of the local authority but shall not require to be published in any manner other than by means of the said notices and signs;

(76) for regulating, supervising and licensing separate public vehicles for the use of white persons and of natives or Asiatics or other coloured persons respectively and restricting the use of such public vehicles to such persons;

(77) for regulating, restricting, supervising and licensing the use of bicycles, tricycles, road locomotives, and traction engines, within the municipality and for registering and stamping such vehicles; and for empowering the

getal passasiers en die gewig, afmetings en aard van die ladings wat vervoer word, en om die raad in staat te stel om enig sodanige lisensie te endosseer, te skors of in te trek; en om te bepaal dat dit vir enige passasier in enige publieke voertuig 'n oortreding is as hy versuim of weier om die wettige reisegeld op aanvraag te betaal, of as hy so'n voertuig opsetlik of deur agtelosigheid beskadig; en om die voorsiening en gebruik in publieke voertuie te verplig van die afstandmeters wat by verordening voorgeskrywe word en strawwe te bepaal waar sulke afstandmeters gebrekkig bevind word; om afstandmeters te toets en gelde daarvoor te hef en om vir die veiligheid van die publiek voorsiening te maak vir die periodieke ondersoek deur 'n gemagtigde beampte van die raad van publieke voertuie en die gebruik te verbied van enige voertuig as 'n publieke voertuig tensy 'n sertifikaat van geskiktheid geteken deur so'n beampte vooraf verkry is deur die applikant om 'n lisensie of deur 'n lisensiehouer en om vir elk so'n sertifikaat gelde te vra;

- (b) om die parkeer van voertuie behalwe motorvoertuie op 'n publieke plek of op 'n gedeelte daarvan te belet, te beperk, te reël en te beheer; en om aan so'n verbod, beperking, reëling of beheer uitvoering te gee deur die uitvaardiging van orders deur middel van kennisgewings en tekens opgeplak in of geplaas op so'n pad of gedeelte daarvan. Sulke orders moet by wyse van besluit van die plaaslike bestuur aangeneem word, maar hoef nie op 'n ander manier gepubliseer te word as deur middel van bedoelde kennisgewings en tekens nie;
- (76) om afsonderlike publieke voertuie vir die gebruik van blanke persone en van naturelle of Asiate of ander kleurlinge onderskeidelik te reël, toesig daaroor te hou en te lisensieer, en die gebruik van sulke publieke voertuie tot sulke persone te beperk;
- (77) om die gebruik van rywiele, driewielers, straatlokomotiewe, en treklokomotiewe binne die munisipaliteit te reël, te beperk, toesig daaroor te hou en te lisensieer, en om sulke voertuie te

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

council to prohibit the use of traction engines within the municipality or any portion thereof;

- (78) for licensing and supervising drivers of road locomotives within the municipality and for testing the efficiency of the applicants for such licences and prohibiting the driving of such vehicles by unlicensed persons and for enabling the council to endorse, suspend, or cancel any such licences;
- (79) for empowering the council to enter into reciprocity agreements with other councils whereby vehicles licensed in one municipality shall be recognized as licensed by the other contracting council, the licensing charge being the same in each such municipality; provided that where the boundaries of two or more municipalities are contiguous, a vehicle licence issued in one of such municipalities shall be recognized, in cases where the charges are the same, by the councils of such municipalities, and further provided that such licences shall be issued by the local authority of the municipality in which the applicant for any such licence resides;
- (80) for licensing and regulating all private vehicles belonging to persons resident within the municipality except perambulators (and the like), and motor vehicles;
- (81) for regulating and controlling the conveyance of meat or dead animals through or along any public streets or public thoroughfares;
- (82) for preventing the placing of articles on window sills or in any other position near any street in such a manner as is likely to cause danger or annoyance to passers-by;
- (83) for prohibiting or regulating, and for inspecting, supervising and licensing the erection of wires of any kind in, along, under, or over any street or thoroughfare; provided that such wires as may be erected for public purposes by the Postmaster-General or the Rail-

- registreer en te stempel; en om die raad te magtig om die gebruik van treklokomotiewe binne die munisipaliteit of enige gedeelte daarvan te verbied;
- (78) om drywers van straatlokomotiewe binne die munisipaliteit te lisensieer en toesig oor hulle te hou en om die bekwaamheid van die applikante om sulke lisensies te toets, en om die dryf van sulke voertuie deur ongelisensieerde persone te verbied en om die raad in staat te stel om enige sulke lisensies te endosseer, te skors, of in te trek;
- (79) om die raad te magtig om wedersydse ooreenkomste met ander rade aan te gaan waarby voertuie in een munisipaliteit gelisensieer deur die ander kontrakterende raad as gelisensieer erken sal word, mits die lisensiekoste in elk sodanige munisipaliteit dieselfde is; met dien verstande dat waar die grense van twee of meer munisipaliteite aan mekaar grens, 'n voertuiglisensie uitgereik in een van sulke munisipaliteite erken moet word, in gevalle waar die koste dieselfde is, deur die rade van sulke munisipaliteite, en met dien verstande verder dat sulke lisensies uitgereik moet word deur die plaaslike outoriteit van die munisipaliteit waarin die applikant vir enig sodanige lisensie woonagtig is;
- (80) om alle private voertuie wat behoort aan persone woonagtig binne die munisipaliteit behalwe kinderwaens (en dergelike voertuie) en motorvoertuie, te lisensieer en te reël;
- (81) om die vervoer van vleis of dooie diere deur of langs enige publieke strate of publieke deurgange te reël en te beheer;
- (82) om te voorkom dat voorwerpe op vensterkosyne of in enige ander posisie naby enige straat geplaas word, op 'n wyse dat dit wellig gevaar of hindernis vir verbygangers kan veroorsaak;
- (83) om die aanbring van drade van enige aard in, langs, onder of oor enige straat of deurgang te verbied of te reël, te inspekteer, toesig daaroor te hou en te lisensieer; met dien verstande dat drade wat vir publieke doeleindes deur die Posmeester-generaal of die Spoorweg-administrasie opgerig word, nie

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

way Administration shall not be prohibited or regulated and no licence shall be required in respect thereof;

- (84) for regulating, inspecting, supervising, restricting, prohibiting, and licensing the display of advertisements or advertising devices in or in view of any street for prohibiting advertisements, devices, or pictures which in the opinion of the council are indecent or suggestive of indecency or prejudicial to public morals from being so displayed and for preventing the display of advertisements or advertising devices in such places or in such manner or by such means as in the opinion of the council would be likely to affect injuriously the amenities of or to disfigure any neighbourhood;
- (85) for prohibiting, or regulating, and for inspecting, supervising and licensing the use and passage of advertising vans, sandwich boards, lanterns, flags, screens, or other movable advertising devices in or along any street or thoroughfare;
- (86) for preventing the disfiguring of the fronts of buildings or fences, and for prohibiting, inspecting, supervising and licensing the use, or regulating the size, description, and fixing of sign-boards, screens, private lamps, sun blinds, or other devices attached to or connected with any buildings or fences, by means of which any advertisements or notices of any kind may be displayed;
- (87) for regulating and controlling street decorations and for prohibiting, regulating, and controlling the erection and removal of temporary platforms, seats, and other structures for the use of the public at any meeting or entertainment, or for the accommodation of spectators at any procession, exhibition, ceremony or spectacular display of any kind;
- (88) (a) for regulating and restricting the conveyance, removal, transport, manufacture, storage, use, sale and handling of inflammable liquids and substances. Inflammable liquids or substance shall mean any inflammable liquid or substance having a true flash

- verbied of gereël mag word nie en dat geen lisensie daarvoor nodig sal wees nie;
- (84) om die vertoning van advertensies of advertensiemiddels in of sigbaar in enige straat te reël, te inspekteer, toesig daaroor te hou, te beperk, te verbied, en te lisensieer, om te belet dat advertensies, advertensiemiddels of afbeeldings wat na mening van die raad onweloweglik is of wat die gedagte aan onweloweglikheid opwek of nadelig vir die publieke sedes is, aldus vertoon word, en om te verhoed dat advertensies of advertensiemiddels op plekke of op 'n wyse of deur middels vertoon word wat na oordeel van die raad wellig die aanvalligheid van die buurte sou benadeel of dit sou ontsier;
- (85) om die gebruik en rondry van advertensiewaens, aankondigingsborde, lanterns, vlae, skerms of ander verplaasbare advertensieborde in of langs enige straat of deurgang te verbied, te reël, te inspekteer, toesig daaroor te hou en te lisensieer;
- (86) om die ontsiering van die voorkante van geboue of omheinings te verhoed, en om die grootte, omskrywing en aanbring van uithangborde, skerms, private lampe, sonblindings of ander dinge bevestig aan of in verband met enige geboue of omheinings, deur middel waarvan enige advertensies of kennisgewings van enige aard vertoon kan word te reël, en om die gebruik daarvan te verbied, inspekteer, lisensieer en toesig daaroor te hou;
- (87) om straatversierings te reël en te beheer en om die oprigting en verwydering van tydelike verhoë, sitplekke en ander bouwerk vir die gebruik van die publiek by enige vergadering of vermaaklikheid, of as sitplek vir toeskouers by enige optog, tentoonstelling, plegtigheid of kunsvetoning van enige aard te verbied, te reël en te beheer;
- (88) (a) om die vervoer, verwydering, fabrisering, opberging, gebruik, verkoop en hantering van ontvlambare vloeistowwe en materiaal te reël en te beperk. Ontvlambare vloeistowwe of materiaal beteken 'n ontvlambare vloeistof of materiaal wat 'n ware ontvlammings-

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

Section 80.

point below 150 degrees fahrenheit. The method of testing flash points shall be as determined by the Administrator;

(b) for prescribing the routes and speed by which and the days and times when explosives or inflammable liquids may be conveyed;

(c) for preventing the dangerous or mischievous use in public places of gunpowder or other combustibles;

(89) (a) for prohibiting or regulating collections of money in public places for charitable or other objects and for prohibiting the employment of any person under the age of sixteen years in any such collections;

(b) for regulating, restricting or prohibiting the playing of gramophones and the use of loud speakers or similar devices operated by electricity or otherwise for the purpose of advertising on or adjacent to any public place;

(c) for granting permission to use streets, pavements and sidewalks for the purpose of erecting thereon petrol pumps or devices for the supply of motor fuel oil air and water and for fixing a rent or charge for such use and the duration and conditions of such user;

(90) for establishing and regulating public markets and market dues, and for prohibiting the establishment of any market within the municipality without the permission of the council;

(91) subject to the provisions of any law relating to natives, Asiatics or coloured persons in urban areas for the setting apart for the exclusive use of natives or Asiatics or coloured persons or Europeans of any portion or portions of any municipal market place;

(92) subject to the provisions of Act No. 22 of 1925 or any amendment thereof for regulating public sales and for charging fees in connexion with public sales held on any public square or open space or in a public building;

punt onder 150 grade Fahrenheit besit. Die manier om ontvlammingspunte te toets word deur die Administrateur bepaal.

**Ord. No.
17 van
1939.**

—
Artikel 80.

- (b) om die roetes en snelheid voor te skrywe waarlangs en waarmee en die dae en tye wanneer ontplofbare stowwe of ontvlambare vloeistowwe vervoer mag word;
- (c) om die gevaarlike of moedswillige gebruik van buskruit of andere brandbare stowwe op publieke plekke te voorkom;
- (89) (a) om geldkollekte op publieke plekke vir liefdadigheids- of ander doeleindes te verbied of te reël, en om die gebruik van enigeen onder die leeftyd van sestien jaar by enige sulke kollekte te verbied;
- (b) om die speel van grammafone en die gebruik van luidsprekers of dergelike toestelle wat deur elektrisiteit of andersins in werking gebring word vir reklamedoeleindes, op of naby enige publieke plek te reël, te beperk of te verbied;
- (c) om vergunning te verleen tot die gebruik van strate, voet- en sypaaie vir oprigting daarop van petrolpompe of middels vir die verskaffing van motorbrandstof, olie, lug en water en om 'n huurgeld of heffing vir sodanige gebruik sowel as die duur en voorwaardes van voormelde gebruik te bepaal;
- (90) om publieke markte en markgelde in te stel en te reël, en om die instelling te verbied van enige mark binne die munisipaliteit sonder toestemming van die raad;
- (91) om onderworpe aan die bepalings van enige wet wat betrekking het op natuurlike, Asiate of kleurlinge in stedelike gebiede, vir die uitsluitende gebruik van natuurlike of Asiate of kleurlinge of Europeane enige gedeelte of gedeeltes van enige munisipale markplein uit te hou;
- (92) om met inagneming van die bepalings van Wet No. 22 van 1925, of enige wysiging daarvan, publieke verkopings te reël en gelde te hef in verband met publieke verkopings gehou op enige publieke plein of oop ruimte of in 'n publieke gebou;

Ord. No.
17 of 1939.

—
Section 80.

- (93) (a) for imposing a tax upon the keeping of dogs and for differentiation of such tax according to breed or sex and providing for the seizure, sale or destruction of ownerless or unclaimed dogs and of dogs in respect of which the tax has not been paid, and also for dealing with vicious, dangerous or diseased dogs and such as create disturbance by barking or otherwise, and prohibiting bitches in heat running loose in the street;
- (b) for licensing and controlling dog kennels in the municipality and for prohibiting such establishments in or adjacent to residential areas;
- (94) (a) for regulating the construction and maintenance of all installations for the supply of light, heat or power by means of electricity, gas or otherwise; and subject to the provisions of subsection (4) of section *eighty-three* for prescribing conditions under which advances of money or material may be made to owners of land for the purpose of enabling or assisting them in the installation of plain wiring electric or gas fittings and articles in or at their premises;
- (b) for prescribing conditions governing the hire of electric or gas fittings and articles to private consumers;
- (95) for regulating lighting with gas, electricity or otherwise;
- (96) for regulating and controlling the generation of acetylene gas, or other inflammable or explosive gas, and the construction and use of all apparatus connected therewith, and for preventing or regulating the storage of liquid acetylene, or carbide of calcium;
- (97) for preventing and extinguishing fires and compensating the owners of buildings removed in order to prevent the spread of fires, and for regulating fire brigades, and the charges which may be made for the services of such brigades and for the water used at fires;
- (98) for licensing, inspecting, supervising, controlling and regulating theatres, bioscopes, music halls, dance halls, public halls, concert rooms, public

- (93) (a) om 'n belasting te hef op die aanhou van honde en om onderskeid te maak in so'n belasting volgens ras of geslag en om voorsiening te maak vir die vang, verkoop of afmaking van honde sonder eienaar en van honde wat nie opgeëis word nie en honde waarvoor die belasting nie betaal is nie, en ook om te handel met kwaadaardige, gevaarlike of siek honde en honde wat die rus verstoer deur te blaf of op ander wyse, en te belet dat loopse tewe loop in die straat;
- (b) om hondehokke in die munisipaliteit te lisensieer en te beheer en om sulke inrigtings in of naas woonstreke te belet;
- (94) (a) om die konstruksie en onderhoud te reël van alle installasies vir die lewering van lig, warmte of krag deur middel van elektrisiteit, gas of andersins; en om onderworpe aan die bepalinge van subartikel (4) van artikel *drie-en-tagtig* voorwaardes voor te skrywe waarop voorskotte in geld of materiaal verleen kan word aan eienare van grond om hulle in staat te stel of behulpsaam te wees om gewone draadwerk, elektriese of gasteobehore en -artikels in of op hul persele te installeer;
- (b) om voorwaardes voor te skrywe vir die huur van elektriese of gasteobehore en -artikels aan private verbruikers;
- (95) tot reëling van verligting met gas, elektrisiteit of andersins;
- (96) om die opwekking van asetyleengas of ander ontvlambare of ontplofbare gas te reël en te beheer, asook die konstruksie en gebruik van alle toestelle wat daarmee in verband staan, en om die berging van vloeibare asetileen of kalsiumkarbid te voorkom of te reël;
- (97) om brande te voorkom en te blus en om die eienare van geboue wat die geboue moes ontruim ten einde die verspreiding van brande te voorkom, te vergoed, en om die brandweer en die gelde wat gehef word vir die dienste van so'n brandweer en die gebruik van water by brande te reël;
- (98) om teaters, bioskope, musieksale, danssale, publieke sale, konsertsale, publieke biljartkamers, en publieke

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

billiard rooms, and public bagatelle rooms and other places of public entertainment and for imposing conditions in any such licence restricting the days and hours during which the licensed premises may be kept open, and in the case of bioscopes, theatres, music halls, concert halls, and other places of public entertainment for any class or classes of non-Europeans, for prohibiting the employment or presence of white females in such places of public entertainment or in any house part of which is licensed for such purpose and on any occasion exempting in its discretion any such place from such last-mentioned restriction or prohibition or on any occasion, in its discretion, varying such restriction or prohibition;

- (99) for licensing, inspecting, supervising and regulating the use of cinematograph and bioscope apparatus and appliances and for licensing the operators thereof, and for testing the efficiency of applicants for such licences and for regulating or prohibiting the keeping or storing of raw celluloid and cinematograph film and for prescribing the conditions under which such inflammable substances may be kept or stored on any premises;
- (100) for establishing, regulating, inspecting, supervising and licensing public places of recreation;
- (101) for preventing, regulating or restricting the singing or performing professionally of persons under the age of sixteen years in any place of public entertainment or recreation;
- (102) for regulating, supervising and licensing wood-sawyers;
- (103) for regulating, supervising and controlling pawnbrokers; for requiring the deposit of security by any person applying for a certificate in respect of a pawnbroker's licence and for regulating the sales of unredeemed pledges;
- (104) for regulating, inspecting, supervising and controlling and, where any person carrying on such trade is not required to obtain a licence under the provisions

bakatelkamers en ander plekke van publieke vermaaklikheid te lisensieer, te inspekteer, te beheer, te reguleer en toesig daarvoor te hou en om voorwaardes vir enige sodanige lisensie te stel wat die dae en ure beperk wat die gelisensieerde eiendomme oopgehou mag word; en om in die geval van bioskope, teaters, musieksale, konsertsale en ander plekke van publieke vermaaklikheid vir enige klas of klasse van nie-blanke die indiensneming of aanwesigheid te verbied van blanke vroue in sulke plekke van publieke vermaaklikheid of in enige huis waarvan 'n gedeelte vir so'n doel gelisensieer is en om by enige geleentheid na goeëddunke so 'n plek van laasgenoemde beperking of verbod vry te stel of by enige geleentheid na goeëddunke sodanige beperking of verbod te wysig;

- (99) om die gebruik van kinematograaf- en bioskoopapparaat en -toestelle te lisensieer, te inspekteer, toesig daarvoor te hou en te reël en om die operateurs daarvan te lisensieer, die bekwaamheid van applikante om sulke lisensies te toets en om die bewaring of berging van onbewerkte selluloïed en kinematograaffilm te reël of te verbied en om die voorwaardes voor te skrywe waarop sulke ontvlambare stowwe op enige perseel bewaar of gebêre mag word;
- (100) om publieke ontspanningsplekke op te rig, te reël, te inspekteer, toesig daarvoor te hou en te lisensieer;
- (101) om te voorkom dat persone onder die leeftyd van sestien jaar op enige plek van publieke vermaaklikheid of ontspanning sing of professionele vertonings gee, of om dit te reël of te beperk;
- (102) om houtsaers te reël, te lisensieer en toesig oor hulle te hou;
- (103) om pandjieshouers te reël, te beheer en toesig oor hulle te hou; om 'n deposito te vorder as waarborg van enigeen wat om 'n sertifikaat vir 'n pandjieshouers-lisensie aansoek doen en om die verkoop van onopgeëiste pande te reël;
- (104) om die bedryf, besigheid of beroep van handelaars in, kopers en verkopers van tweedehandse goedere en ou-metaal met inbegrip van bottels, sakke, bene,

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

- of the Licences Consolidation Act 1925, licensing the trade, business or occupation of dealers in, buyers and sellers of second-hand goods and scrap metals including bottles, sacks, bones, paraffin and other tins and compelling dealers in scrap metals to keep books showing all purchases of such metals and prohibiting such purchases under a fixed weight and unless such dealers are satisfied that the sellers are *bona fide* owners of such metals;
- (105) for regulating, supervising and controlling cycle dealers, manufacturers and repairers;
- (106) for regulating, inspecting, supervising and licensing Turkish baths physical culture gymnasiums, swimming baths and bathing establishments and for prohibiting and regulating bathing in any open piece of water within the municipality;
- (107) for regulating, inspecting, supervising and licensing boating establishments and for licensing boats whether kept for hire or otherwise, and for regulating the use of and fixing the number of persons to be carried in such boats;
- (108) for regulating, supervising and controlling undertakers;
- (109) for protecting from damage or interference any municipal works or property situated or being in under or over any public or other place within the municipality;
- (110) for prohibiting, restricting or regulating the quarrying or excavation of stone, lime, clay or other material on any premises;
- (111) for preserving and protecting wild animals and wild birds, their nests and eggs within the municipality;
- (112) for prohibiting, restricting, and regulating the keeping of any wild animal or creature which has an inherent propensity to attack human beings or the keeping whereof is likely to become a nuisance or injurious to health or is fraught with danger to the inhabitants of the neighbourhood;

paraffien- en ander blikke te reël, te inspekteer, te beheer, toesig daaroor te hou en, waar iemand wat so'n bedryf uitoefen nie verplig is om kragtens die bepalinge van die „Licenties Konsolidatie-wet”, 1925, 'n lisensie uit te neem nie, te lisensieer en om handelaars in ou-metaal te dwing om boek te hou van alle aankope van ou-metaal, en om sodanige aankope onder 'n vasgestelde gewig te verbied en tensy sulke handelaars oortuig is dat die verkopers die *bona fide* eienaars van sodanige metaal is;

Ord. No.
17 van
1939.
—
Artikel 80.

- (105) om rywielhandelaars, -fabrikante en -reparateurs te reël, te beheer en toesig oor hulle te hou;
- (106) om Turkse baddens, liggaamsoefening-gimnasiums, swembaddens en badinrigtings te reël, te inspekteer, te lisensieer en toesig daaroor te hou en om die baai in enige oop stuk water binne die munisipaliteit te verbied en te reël;
- (107) om bootinrigtings te reël, te inspekteer, toesig daaroor te hou en te lisensieer en om bote, hetsy gehou vir verhuur of andersins, te lisensieer, en om die gebruik van en bepaling van die aantal persone wat in sulke bote mag vaar, te reël;
- (108) om lykbesorgers te reël, te beheer en toesig oor hulle te hou;
- (109) om enige munisipale werke of eiendom geleë òf in òf onder òf oor enige publieke of ander plek binne die munisipaliteit teen beskadiging of bemoeiing te beskerm;
- (110) om die uitgrawe of delf van klip, kalk, klei of ander materiaal op enige eiendom te verbied, te beperk of te reël;
- (111) om wilde diere en wilde voëls, hulle neste en eiers binne die munisipaliteit te bewaar en te beskerm;
- (112) om die aanhou van 'n wilde dier of ander lewende ding, wat van natuur die neiging het om die mens aan te val of die aanhou waarvan moontlikerwyse tot oorlas of nadeel vir die gesondheid kan strek of gepaard kan gaan met gevaar vir die inwoners van die omgewing, te verbied, te beperk en te reël;

Ord. No.
17 of 1939.

Section 80.

- (113) for preserving public decency, for prohibiting the sale or exhibition of indecent literature, pictures and devices and for prohibiting the sale or exhibition of pictures and devices of the nude;
- (114) for prohibiting or restricting the public exhibition by bioscope, cinematograph, magic lantern, or other mechanism, medium, or agency, or the public exhibition by tableaux, living pictures, bill posters, advertisements, or other illustration publicly displayed, of any prize fight or any other pugilistic contest, or incident or incidents therein, or any such exhibition or representation or illustration as is contrary to good morals or public policy;
- (115) for prohibiting or restricting the public exhibition within the municipality of monstrosities, freaks of nature, or any abnormal person or animal which in the opinion of the council it is undesirable to be publicly exhibited;
- (116) for prohibiting mendicancy in any public place;
- (117) for licensing, regulating and supervising cobblers;
- (118) for regulating, supervising and licensing market agents;
- (119) except where otherwise provided for fixing a fee not exceeding two shillings for each and every certificate issued by the council under this or under any other Ordinance;
- (120) for regulating and licensing market gardens and for preventing and restricting the use by owners, occupiers or cultivators of such gardens of fresh animal manure provided that no fee may be charged by the council for any such licence;
- (121) for controlling areas laid out for coloured persons under sub-section (23) of section *seventy-nine* and the occupation of residential and business sites therein and for prescribing the charges payable in respect of such occupation and generally for the good rule and government of such area;

- (113) vir die handhawing van die openbare welvoeglikheid, om die verkoop of uitstalling te verbied van onwelvoeglike literatuur, skilderye en uitvindings en om die verkoop of uitstalling van prente en uitvindings met naakte figure te verbied;
- (114) om die publieke vertoning te verbied of te beperk deur middel van die bioskoop, kinematograaf, towerlantern of ander meganisme of middel, of die publieke vertoning deur middel van tablo's, lewende beelde, aanplakbiljette, advertensies of ander afbeelding publiek tentoongestel, van enige prysgeveg, of enige ander vuisgeveg of voorval of voorvalle daarby betrokke, of enig sodanige vertoning of voorstelling of afbeelding wat in stryd is met die goeie sedes of die openbare beleid;
- (115) om die publieke vertoning te verbied of te beperk binne die munisipaliteit van monsters, natuurgedrogte, of enige abnormale persoon of dier waarvan die publieke vertoning na oordeel van die raad ongewens is;
- (116) om bedelary op enige publieke plek te verbied;
- (117) om skoenlappers te lisensieer, te reël en toesig oor hulle te hou;
- (118) om markagente te reël, te lisensieer en toesig oor hulle te hou;
- (119) om behalwe waar anders bepaal, gelde van hoogstens twee sjielings vas te stel vir elke sertifikaat wat kragtens hierdie of enige ander Ordonnansie deur die raad uitgereik word;
- (120) om groetetuine te reël en te lisensieer en om die gebruik deur eienaars, bewoners of verbouers van sulke tuine van vars diermis te voorkom en te beperk met dien verstande dat die raad geen lisensiegeld vir so'n lisensie kan hef nie;
- (121) vir die beheer van gebiede wat kragtens subartikel (23) van artikel *nege-ensewentig* vir kleurlinge aangelê is en die okkupasie van woon- en besigheidsterreine daarin en vir die vasstelling van koste betaalbaar ten opsigte van sodanige okkupasie en oor die algemeen vir die deeglike beheer en bestuur van so'n gebied;

Ord. No.
17 van
1939.

—
Artikel 80.

Ord. No.
17 of 1939.

—
Section 80.

- (122) except where otherwise provided or fixed in this Ordinance or any other law for fixing the licence moneys payable in respect of any matter, business, trade or occupation which the council is authorized to license or the fees and duties payable in respect of any matter, business, trade or occupation which the council is authorized to supervise, regulate and control;
- (123) for prohibiting the keeping of any pin tables, slot machines or similar devices on any premises to which the public have access, provided that no such prohibition shall apply to any machine or device which is used solely for the *bona fide* sale of any article or commodity wherein the purchase price is paid by means of a coin or token inserted in the said machine or device;
- (124) for prescribing the manner in which any notice may be given or any document may be served;
- (125) generally for the good rule and government of the municipality.

No such by-law shall be inconsistent with, contrary or repugnant to the provisions of this Ordinance or any other law in force within the municipality.

PART II.—WORKS.

Works for
the supply
of water.

81. The council may—

- (1) establish, acquire, construct, equip, and carry on, within or outside the municipality, works for supplying water to the inhabitants of the municipality and (with the consent of the Administrator) to persons resident outside the municipality, and make such charges and impose such conditions of service for the supply of water as may be fixed by by-law or regulation; provided that before commencing to establish, acquire or construct such works the council shall obtain the consent of the Administrator;

- (122) om behalwe waar anders bepaal of vasgestel in hierdie Ordonnansie of enige ander wet, die lisensiegelde vas te stel wat betaalbaar is ten opsigte van enige saak, besigheid, bedryf of beroep wat die raad gemagtig is om te lisensieer of die heffings en belastings vas te stel wat betaalbaar is ten opsigte van enige saak, besigheid, bedryf of beroep waaroor die raad gemagtig is om toesig te hou of wat hy gemagtig is om te reël en te beheer;
- (123) om die aanhou van enige spykertafels, muntoutomate of dergelike toestelle op enige persele waartoe die publiek toegang het, te belet, met dien verstande dat so'n verbod nie van toepassing is nie op enige masjien of toestel wat uitsluitend gebruik word vir die *bona fide* verkoop van enige artikel of handelsartikel waarby die koopprys betaal word deur middel van 'n muntstuk of 'n skyf voorstellende die koopprys wat in genoemde masjien of toestel geplaas word;
- (124) om die wyse waarop 'n kennisgewing gegee of 'n dokument gedien kan word, voor te skryf;
- (125) oor die algemeen vir die goeie beheer en bestuur van die munisipaliteit.

Ord. No.
17 van
1939.

—
Artikel 80.

Geen sodanige verordening mag in stryd of onbestaanbaar wees met die bepalings van hierdie Ordonnansie of enige ander wet van krag binne die munisipaliteit nie.

DEEL II.—WERKE.

81. Die raad kan—

- (1) werke oprig, verkry, bou, uitrus en bestuur binne of buite die munisipaliteit, vir die lewering van water aan die inwoners van die munisipaliteit en (met toestemming van die Administrateur) aan persone woonagtig buite die munisipaliteit, en by wyse van verordening of regulasie koste hef en diensvoorwaardes vasstel vir die lewering van water; met dien verstande dat die raad, alvorens hy met die oprigting, verkryging of bou van sulke werke begin, die toestemming van die Administrateur moet verkry;

Werke vir
die lewering
van water.

Ord. No.
17 of 1939.

—
Section 81.

- (2) excavate, construct, and lay down within the municipality water-courses, water-furrows, water-pipes, conduits, sluices, drains, dams, reservoirs, and other works for supplying, storing, and leading water, and close, alter, or divert any of such works as may from time to time be necessary in the opinion of the council; provided that if the council close or divert any work for the supply of water and thereby any owner of private property is deprived of a water supply to which his property has been hitherto by law or right entitled, he may lodge an objection with the council and thereupon the council shall not proceed with the closing or diversion unless the consent of the Administrator has been first obtained;
- (3) whenever necessary carry any water-furrows through and across any private property, provided that compensation be made by the council for any damage done thereby, the amount of such compensation in default of agreement being determined by arbitration in manner provided by the Municipalities Powers of Expropriation Ordinance, 1903 or any amendment thereof;
- (4) make advances to the owner of any land of money or material for the purpose of enabling him to instal a water supply on his premises from municipal mains under such conditions as may be approved by the council. The provisions of sub-sections (2) to (6) of section *one hundred and forty-two* hereof shall *mutatis mutandis* apply to any advances made under this sub-section.

Supply of
water to
private
premises.

82. In any municipality the council of which carries on works for the supply of water to the inhabitants thereof no person shall construct any works for the supply of water to any premises without first obtaining from the council permission in writing to construct such works; provided however that such permission shall be granted by the council in all cases where the council is not itself willing and able to give a proper and sufficient supply of water to any premises at such price as may be fixed in its by-laws or approved by the Administrator, and provided further that

- (2) binne die munisipaliteit waterlope, watervore, waterpype, leidings, sluisse, riole, damme, reservoirs en ander werke vir die lewering, bewaring, en lei van water uitgrawe, bou en aanlê, en enige werke wat van tyd tot tyd na mening van die raad nodig mag wees, sluit, verander of verlê; met dien verstande dat as die raad enige werk vir die lewering van water sluit of verlê, en enige eienaar van private eiendom daardeur van water beroof word waarop sy eiendom tot dusver volgens wet of reg geregtig was, hy by die raad 'n beswaar kan indien, en die raad mag daarop nie met die sluiting of verlegging voortgaan totdat die toestemming van die Administrateur eers verkry is nie;
- (3) wanneer nodig enige watervore deur en oor enige private eiendom lê, met dien verstande dat die raad vergoeding moet gee vir enige skade daardeur aangerig, en die bedrag van sodanige vergoeding moet by gemis aan 'n ooreenkoms, deur arbitrasie vasgestel word op die wyse bepaal in die „Municipalities Powers of Expropriation Ordinance, 1903”, of enige wysiging daarvan;
- (4) voorskotte toestaan aan die eienaar van enige grond in geld of materiaal om hom in staat te stel om 'n watervoorraad op sy perseel aan te lê uit munisipale hoofleidings op voorwaardes wat die raad goedkeur. Die bepalings van subartikels (2) tot (6) van artikel *honderd twee-en-veertig* hiervan is *mutatis mutandis* van toepassing op enige voorskotte kragtens hierdie subartikel verleen.

82. In enige munisipaliteit waarvan die raad werke onderneem vir die lewering van water aan die inwoners daarvan, mag niemand enige werke oprig vir die lewering van water na enige perseel sonder om vooraf van die raad skriftelike vergunning te kry om sulke werke op te rig; met dien verstande egter dat sodanige vergunning deur die raad in alle gevalle verleen moet word waar die raad self nie geneë en in staat is nie om 'n behoorlike en voldoende aanvoer van water te lewer aan enige perseel teen die prys wat in sy verordeninge vasgestel of deur die Administrateur goedgekeur word, en met dien verstande verder

Ord. No.
17 van
1939.
—
Artikel 81.

Lewering
van water
aan private
persele.

Ord. No.
17 of 1939.

Section 82.

nothing in this section shall prohibit the owner of any premises from constructing thereon any works for the supply of water to such premises.

Works for
supply of
light, heat,
and power.

83. (1) Subject to the provisions of section *thirty-eight* of the Electricity Act No. 42 of 1922 or any amendment thereof, the council may establish, acquire, construct, equip, and carry on, within or outside the municipality, works for supplying light, heat, and power, and may supply electricity and gas for all purposes for which the same can be used, to or in respect of any land, building, or premises within or outside the municipality, and may make such charges and impose such conditions of supply as may be fixed by by-law or regulation; provided that before commencing to establish, acquire, or construct such works the council shall obtain the consent of the Administrator.

(2) A council, having established electric light or gas works under sub-section (1) hereof, may subject to the provisions of the Electricity Act, 1922 or any amendment thereof—

- (a) supply electricity or gas to any corporation, company or person carrying on business or residing beyond the municipality with the consent of the local authority, if any, of the area in which the supply is given, and the provisions of this Ordinance as to the supply of electricity or gas to the inhabitants of the municipality shall, so far as may be applicable, extend and apply to the case of such supply beyond the municipality;
- (b) contract with the council of any adjoining municipality to supply electricity or gas to such council upon such terms and conditions as may be mutually agreed upon;

(3) (a) The council may sell (including sale against payment by instalments) electric lines, electric and gas fittings, apparatus or appliances to private consumers under conditions to be approved by the Administrator. The provisions of sub-sections (2) to (5) of section *one hundred and forty-two* hereof shall *mutatis mutandis* apply to any sales made under this section.

dat geen bepaling in hierdie artikel die eienaar van enige perseel belet om daarop enige werke vir die lewering van water aan so'n perseel te onderneem nie.

Ord. No.
17 van
1939.

Artikel 82.

83. (1) Onderworpe aan die bepalings van artikel *agt-en-dertig* van die „Elektrisiteit Wet”, No. 42 van 1922, of enige wysiging daarvan, kan die raad binne of buite die munisipaliteit werke oprig, verkry, bou, uitrus en bestuur vir die lewering van lig, hitte, en krag, en kan elektrisiteit en gas lewer vir alle doeleindes waarvoor dit gebruik kan word na en ten opsigte van enige grond, gebou of perseel binne of buite die munisipaliteit, en kan daarvoor enige gelde hef en leweringsvoorwaardes stel wat by verordening of regulasie bepaal word; met dien verstande dat alvorens die raad met die oprigting, verkryging of bou van sulke werke 'n aanvang maak, hy die toestemming van die Administrateur moet verkry.

Werke vir
die lewering
van lig,
hitte en
krag.

(2) 'n Raad wat elektrisiteits- of gaswerke kragtens subartikel (1) hiervan opgerig het, kan met inagneming van die bepalings van die „Elektrisiteit Wet, 1922”, of enige wysiging daarvan—

- (a) elektrisiteit of gas lewer aan enige korporasie, maatskappy of persoon wat besigheid dryf of woonagtig is buite die munisipaliteit met toestemming van die plaaslike bestuur, as daar een is, van die gebied waarin die elektrisiteit gelewer word, en die bepalings van hierdie Ordonnansie aangaande die lewering van elektrisiteit of gas aan die inwoners van die munisipaliteit is dan, vir sover hulle toepaslik mag wees, ook van toepassing in die geval van sodanige lewering buite die munisipaliteit;
- (b) met die raad van 'n aangrensende munisipaliteit 'n kontrak aangaan vir die lewering van elektrisiteit of gas aan sodanige raad op voorwaardes waaromtrent onderling ooreengekom word.

(3) (a) Die raad kan elektriese lyne, elektriese en gasmonterings-, -apparaat of -toestelle verkoop (met inbegrip van verkoop teen betaling paaielementsgewyse) aan private verbruikers op voorwaardes wat deur die Administrateur goedgekeur moet word. Die bepalings van subartikel (2) tot (5) van artikel *honderd twee-en-veertig* hiervan is dan *mutatis mutandis* van toepassing op enige verkopingskragtens hierdie artikel.

Ord. No.
17 of 1939.

Section 83.

(b) The council may let electric or gas fittings and articles to private consumers for use in or at their premises.

(4) The council may make advances of money to any owner of land or consumer of electrical energy or gas within or without the municipality for the purpose of enabling or assisting him in the installation of plain wiring, electric or gas fittings and articles in or at his premises provided that any one advance hereunder shall not exceed one hundred pounds (£100) without the sanction of the Administrator; such sum to include the cost of the connection to the council's mains and every expense in connection therewith. The provisions of sub-sections (2) to (6) of section *one hundred and forty-two* hereof shall *mutatis mutandis* apply to advances made under this sub-section provided that the provisions of sub-section (3) of the said section shall not apply in the case of any such consumer who is not the owner of the land or premises in respect of which any advance was made.

To lay
pipes and
wires in
public
places and
private -
property.

84. The council may—

- (a) do all things necessary for the laying of main and branch wires and lines of pipes to convey electric current, gas, or water underneath and over public places, and connect such wires or pipes with any premises at the request of the owners or occupiers thereof;
- (b) after giving thirty days' notice in writing to the owner, lessee, or occupier of their intention, carry mains, pipes, wires and cables through, across, under or over any private land, within or outside the municipality, making compensation for any damage done, the amount of compensation in default of agreement to be determined by arbitration in manner provided by the Municipalities Powers of Expropriation Ordinance, 1903, or any amendment thereof, and the council may cause such mains, pipes, wires, and cables to be laid, altered, deepened, covered, over-erected, and maintained within or outside the municipality, provided that if any owner, lessee, or occupier of land outside the municipality object to such work the provi-

(b) Die raad kan elektriese of gasmonterings en -artikels aan private verbruikers verhuur vir gebruik in of op hul persele.

Ord. No.
17 van
1939.

Artikel 83.

(4) Die raad kan geldelike voorskotte verleen aan 'n grondeienaar of aan 'n verbruiker van elektriese krag of gas binne of buite die munisipaliteit om hom in staat te stel of te help om gewone draadwerk, elektriese of gasmonterings en -artikels in of op sy perseel te installeer, met dien verstande dat geen enkele voorskot kragtens hierdie bepalings meer as honderd pond (£100) mag bedra sonder toestemming van die Administrateur nie; sodanige bedrag moet die koste van aansluiting op die hoofleidings van die raad en alle onkoste in verband daarmee insluit. Die bepalings van subartikels (2) tot (6) van artikel *honderd twee-en-veertig* hiervan is *mutatis mutandis* van toepassing op voorskotte kragtens hierdie subartikel verleen, met dien verstande dat die bepalings van subartikel (3) van genoemde artikel nie van toepassing is in die geval van 'n verbruiker wat geen eienaar is van die grond of perseel ten opsigte waarvan 'n voorskot verleen was nie.

84. Die raad kan—

(a) alle dinge doen wat nodig is om hoof- en takdrade en pyplyne aan te lê om elektriese stroom, gas of water onderdeur en bo-oor publieke plekke te gelei, en sulke drade of pype aansluit op enige perseel op versoek van die eienare of bewoners daarvan;

Aanleg van
pype en
drade
op publieke
plekke en
private
eiendom.

(b) nadat hy dertig dae vooraf van sy voorneme skriftelike kennis gegee het aan die eienaar, huurder of bewoner, hoofleidings, pype, drade en kables deur, oor, onder of bo-oor enige private grond binne of buite die munisipaliteit gelei, maar moet vergoeding gee vir enige skade toegebring, waarvan die bedrag by gemis aan ooreenkoms, vasgestel moet word deur arbitrasie op die wyse bepaal in die „Municipal Powers of Expropriation Ordinance, 1903”, of enige wysiging daarvan, en die raad kan sulke hoofleidings, pype, drade en kables laat lê, verander, dieper lê, oordek, daarbo plaas, en in stand hou binne of buite die munisipaliteit, met dien verstande dat indien enige eienaar, huurder, of bewoner van grond buite die munisipaliteit beswaar maak teen

Ord. No.
17 of 1939.

Section 84.

sions of sections *one hundred and thirty-eight* and *one hundred and thirty-nine* shall *mutatis mutandis* apply.

Vesting of
pipes,
wires, etc.,
in council.
Council's
right of
access
inspection,
etc.

85. All mains, pipes, wires or cables laid by or on behalf and at the expense of the council or which are under its control shall be vested in the council and the council or any persons duly authorized by it shall at all times have a right of access to private property for purposes of inspection, maintenance, alteration, or repair of such mains, pipes, wires, or cables, and may do all things necessary to uncover and expose such mains, pipes, wires or cables, for the purposes of such inspection, maintenance, alteration, or repair; provided that the council shall repair all damage caused by the exercise of its powers under this section.

Power of
entry into
premises
supplied.

86. Any officer appointed thereto by the council may at all reasonable times enter any premises to which electricity, gas, or water is or has been supplied by the council, in order to inspect the pipes, electric wires, lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity, gas, or water belonging to the council, or for the purpose of ascertaining the quantity of electricity, gas, or water consumed or supplied, or whenever a supply of electricity, gas, or water is no longer required, or whenever the council is authorized to take away and cut off the supply of electricity, gas, or water from any premises, or for the purpose of removing any pipes, electric wires, lines, meters, accumulators, fittings, works, or apparatus belonging to the council, all damage caused by such entry, inspection, or removal being made good by the council.

Power to
cut off
supply.

87. If any person neglect to pay any charge for electricity, gas, or water or any other sum due to the council in respect of the supply thereof or in respect of any advances made under sub-section (4) of section *eighty-three* of this Ordinance, it may cut off such supply, and for that purpose may cut or disconnect any pipe, electric wire, line, or other work through which the electricity, gas, or water may be supplied, and may, until such charge or other sum together with the cost incurred

sodanige werk, die bepalinge van artikels *honderd agt-en-dertig* en *honderd nege-en-dertig mutatis mutandis* van toepassing is.

Ord. No.
17 van
1939.

—
Artikel 84.

85. Die eiendomsreg van alle hoofleidings, pype, drade of kables wat aangelê is deur of namens en op koste van die raad of wat onder sy beheer staan, berus by die raad en die raad of enige persone behoorlik deur die raad gemagtig, het te alle tye 'n reg van toegang tot private eiendom vir doeleindes van inspeksie, instandhouding, verandering of reparasie van sulke hoofleidings, pype, drade of kables, en kan alle dinge doen wat nodig is om sulke hoofleidings, pype, drade of kables oop te maak en oop te lê vir die doel van sodanige inspeksie, instandhouding, verandering of reparasie; met dien verstande dat die raad alle skade veroorsaak deur die uitoefening van sy bevoegdhede kragtens hierdie artikel, moet herstel.

Eiendoms-
reg van
pype,
drade,
ens., berus
by Raad.
Raad se
reg van
toegang,
inspeksie,
ens.

86. Enige beampte daartoe deur die raad benoem, kan te alle redelike tye enige perseel betree waaraan elektrisiteit, gas of water deur die raad gelewer is of was, om die pype, elektriese drade, lyne, meters, akkumulators, monterings, werke en apparaat vir die lewering van elektrisiteit, gas of water wat aan die raad behoort, te inspekteer, of om die hoeveelheid elektrisiteit, gas of water verbruik of gelewer, op te neem, of wanneer 'n lewering van elektrisiteit, gas of water nie langer verlang word nie, of wanneer die raad gemagtig is om die aanvoer van elektrisiteit, gas of water na enige eiendom weg te neem en af te sluit, of om enige pype, elektriese drade, lyne, meters, akkumulators, monterings, werke of apparaat wat aan die raad behoort, te verwyder; alle skade veroorsaak deur sodanige betreding, inspeksie, of verwydering moet deur die raad vergoed word.

Reg van
toegang
tot eien-
dom waar-
aan dienste
gelewer is.

87. Indien enige persoon nalaat om enige koste te betaal vir die lewering van elektrisiteit, gas of water of enige ander som aan die raad verskuldig vir die lewering daarvan, of ten opsigte van enige voorskotte verleen kragtens subartikel (4) van artikel *drie-en-tagtig* van hierdie Ordonnansie, dan kan die raad sodanige aanvoer afsluit, en kan vir daardie doel enige pyp, elektriese draad, lyn, of ander werk waardeur die elektrisiteit, gas of water aangevoer word, afsny of afsluit, en kan, tot-

Reg om
aanvoer
af te sny.

Ord. No.
17 of 1939.

Section 87.

by the council in cutting off such supply of electricity, gas, or water, is fully paid but no longer, discontinue the supply thereof to such person.

Penalty for
injuring
pipes or
wires

88. Any person who by negligence cuts or injures or with malicious intent cuts, injures or interferes with any wire, line, pipe, meter or other work used for the conveyance or measurement of electricity, gas or water and vested in the council as aforesaid, shall be guilty of an offence and liable upon conviction to make good the damage done by such injury, or to a fine not exceeding one hundred pounds, or to be imprisoned with or without hard labour without the option of a fine, for a period not exceeding two years.

CHAPTER VII.

PROVISIONS AS TO LICENCES AND BY-LAWS.

PART I.—LICENCES.

Licensing
procedure.

89. (1) The council may appoint committees for the purpose of hearing any application for a licence [including an application for a certificate under the provisions of the Licences (Control) Ordinance, 1931, or any amendment thereof] or may itself sit to hear such applications, and the mayor or the chairman of any committee so appointed as the case may be shall have power to summon any applicant for or any objector to the grant of a licence (by writing under his hand served on such person) to give evidence at any sitting of the council or a committee held for the purpose of hearing the application for such licence or to produce books or documents at such sitting and any such person refusing or omitting without sufficient cause to attend and give evidence or to produce books or documents in his possession or under his control as required by such summons shall be guilty of an offence against this Ordinance; provided always that every person summoned under this section to give evidence or produce books and documents shall be entitled to all the privileges to which a witness summoned to give evidence or produce books or documents before the Supreme Court is entitled.

dat sulke koste of ander som tesame met die koste deur die raad gemaak deur sodanige aanvoer van elektrisiteit, gas of water af te sluit, ten volle betaal is dog nie langer nie, ophou met die lewering daarvan aan so'n persoon.

Ord. No.
17 van
1939.

—
Artikel 87.

88. Iemand wat enige draad, lyn, meter of ander werk gebruik vir die geleiding of meet van elektrisiteit, gas of water en wat by die raad berus soos voormeld, deur nalatigheid sny of beskadig of met opset sny, beskadig of hom daarmee bemoei, is skuldig aan 'n oortreding en staan by veroordeling bloot aan vergoeding vir die skade veroorsaak deur sodanige beskadiging, of aan 'n boete van hoogstens honderd pond, of aan gevangenisstraf met of sonder harde arbeid sonder die keuse van 'n boete, vir 'n tydperk van hoogstens twee jaar.

Straf vir
beskadiging
van pype
of draade.

HOOFSTUK VII.

BEPALINGS BETREFFENDE LISENSIES EN VERORDENINGE.

DEEL I.—LISENSIES.

89. (1) Die raad kan komitees benoem om enige aansoek te verhoor om 'n lisensie [met inbegrip van 'n aansoek om 'n sertikaat ingevolge die bepalings van die Lisensies (Kontrole) Ordonnansie, 1931, of 'n wysiging daarvan] of kan self sitting neem om sulke aansoeke te verhoor, en die burgemeester of die voorsitter van enige aldus benoemde komitee, al na die geval, is bevoegd om enige applikant om of enige beswaarmaker teen die verlening van 'n lisensie (deur 'n skrywe deur hom geteken en gedien op so'n persoon) te dagvaar om getuienis af te lê op enige sitting van die raad of 'n komitee wat gehou word vir die doel om die aansoek om so'n lisensie te behandel, of om op so'n sitting boeke of dokumente te toon en enig sodanige persoon wat weier of versuim om sonder voldoende rede teenwoordig te wees en getuienis af te lê of om boeke en dokumente in sy besit of onder sy beheer oor te lê soos in so'n dagvaarding vereis, is skuldig aan 'n oortreding van hierdie Ordonnansie; steeds met dien verstande dat iedere persoon wat kragtens hierdie artikel gedagvaar word om getuienis af te lê of om boeke of dokumente oor te lê, geregtig is op alle voorregte waarop 'n getuie gedagvaar om getuienis af te lê of boeke of dokumente oor te lê voor die Hooggeregshof, geregtig is.

Prosedure
insake
lisensie-
sitting.

Ord. No.
17 of 1939.

Section 89.

(2) All witnesses giving evidence before the council or a committee at the hearing of any application for such licences shall give evidence on oath which may be administered by the mayor or the councillor presiding.

(3) Any witness who shall after being duly sworn wilfully give false evidence at the hearing of any such application concerning the subject-matter of inquiry shall be guilty of perjury and shall be liable to be prosecuted and punished according to law.

(4) The council or the committee may cause any deposition taken before it on oath at the hearing of any such application to be taken down in writing and signed by the deponent and shall authenticate it by the signature of the mayor or councillor presiding as the case may be as having been taken at such hearing and every such deposition so taken down and authenticated shall on production and until the contrary is proved be deemed and taken to be good evidence in a prosecution for perjury.

Power of
council to
refuse
licences.

90. (1) The Council shall have a discretion to grant or refuse a licence for any matter, trade, occupation or business which it has power to licence, provided that the Administrator may if he is satisfied that any licence has been refused solely on the ground that there are already a sufficient number of trades, occupations or businesses of the class in respect of which the licence is sought within a particular area, direct the Council to issue a licence to the applicant, and the Council shall thereupon issue such licence to the applicant.

(2) A council or committee may grant a conditional authority for any licence where premises in respect of which such licence is sought are not yet erected or, if already erected, require additions or alterations, subject to the following provisions:—

(a) The provisions of this Chapter shall apply *mutatis mutandis* to the grant or refusal of a conditional authority for a licence;

(b) The grantee of such conditional authority shall be entitled to the issue of a licence at any time within a period of six months from the grant thereof, or within such extended period as the

(2) Alle getuies wat getuienis voor die raad of 'n komitee affê by die verhoor van enige aansoek om sulke lisensies, moet getuienis affê onder eed wat afgeneem kan word deur die burgemeester of voorsittende raadslid.

(3) Enige getuie wat nadat hy behoorlik ingesweer is, moedswillig valse getuienis affê by die verhoor van enig sodanige aansoek betreffende die onderwerp van die ondersoek, is skuldig aan meened en stel hom bloot aan vervolging en straf volgens wet.

(4) Die raad of die komitee kan enige verklaring wat voor hulle onder eed afgelê word by die verhoor van so'n aansoek, skriftelik laat aanteken en deur die aflegger laat teken, en dit moet gewaarmerk word met die handtekening van die burgemeester of voorsittende raadslid, al na die geval, ten effekte dat dit by so'n verhoor afgeneem is en ieder sodanige verklaring aldus afgeneem en gewaarmerk, word by oorlegging en tensy die teendeel bewys word, as goeie getuienis in 'n vervolging weens meened geag en aangeneem.

90. (1) Die Raad kan na goeddunke 'n lisensie vir 'n saak, bedryf, beroep of besigheid wat dit geregtig is om te lisensieer, toestaan of weier, met dien verstande dat as die Administrateur oortuig is dat 'n lisensie ge-weier is alleen op grond van die feit dat daar reeds 'n voldoende getal van die soort bedrywe, beroepe of besighede ten aansien waarvan 'n lisensie gevra word in 'n bepaalde gebied is, hy die Raad opdrag kan gee om 'n lisensie aan die applikant uit te reik en die Raad moet dan die bedoelde lisensie aan die applikant uitreik.

Bevoegdheid van raad om lisensies te weier.

(2) 'n Raad of komitee kan voorwaardelik magtiging verleen vir 'n lisensie wanneer persele ten opsigte waarvan sodanige lisensie aangevra word, nog nie opgetrek is nie, of, indien reeds opgetrek, verbou of daaraan aangebou moet word, onderworpe aan die volgende bepalings:—

- (a) Die bepalings van hierdie hoofstuk is *mutatis mutandis* van toepassing op die verlening of weiering van 'n voorwaardelike magtiging vir 'n lisensie.
- (b) Die persoon aan wie sodanige voorwaardelike magtiging verleen word, is geregtig op die uitreiking van 'n lisensie te eniger tyd binne 'n tydperk van ses maande vanaf die verlening daarvan, of binne die verlengde tydperk wat die

Ord. No.
17 van
1939.

—
Artikel 89.

Ord. No.
17 of 1939.

—
Section 90.

council or committee may allow, on satisfying the council or committee that the premises have been suitably completed or altered.

(3) The council shall not grant a certificate under the provisions of the Licences (Control) Ordinance, 1931, in respect of a refreshment shop unless—

- (a) such shop is carried on exclusively for the sale of any or all of the following articles, namely, food or refreshment for consumption in such shop, bread, fruit, sweets, confectionery, mineral waters and other bottled beverages, ice cream, tobacco, cigars, cigarettes, matches, flowers and vegetables, and
- (b) such shop is carried on in a room or rooms having no internal means of communication with any other shop, room or place in which goods other than those enumerated in paragraph (a) above are kept for the purpose of sale;

provided that this sub-section shall not apply to a refreshment shop which is closed for business not later than the normal hours prescribed for the closing of shops by section *three* of the Shop Hours Ordinance, 1923, or any amendment thereof, in which case it shall be an offence if any such shop remains open beyond such normal closing hours.

For the purposes of this sub-section the expression "refreshment shop" shall mean and include a restaurant, tearoom, café, confectionery, soda fountain, fruiterer's and greengrocer's shop.

Power of
council to
refuse to
licence
certain
premises
and traders

91. The council may refuse a licence or renewal thereof, as the case may be, in respect of any premises as a theatre, music hall, dance hall, public hall, concert room, or other place of amusement or to licence any person as a driver of a public vehicle, street trader or person carrying on the trade of fumigation on any of the grounds mentioned in the last preceding section, and also on any one or more of the following grounds:—

- (a) that the applicant has failed to produce satisfactory evidence of good character;

raad of komitee toestaan, as hy ten genoë van die raad of komitee bewys dat die persele behoorlik voltooi of verbou is.

Ord. No.
17 van
1939.

—
Artikel 90.

(3) Die raad mag geen sertifikaat kragtens die bepalings van die „Lisensies (Kontrole) Ordonnansie, 1931”, ten opsigte van ’n verversingswinkel uitreik nie, tensy—

- (a) so’n winkel uitsluitend bestuur word vir die verkoop van enige of alle van ondergenoemde artikels, naamlik, voedsel of verversings vir verbruik in so’n winkel, brood, vrugte, lekker- en suikergoed, mineraalwater en ander botteldranke, roomys, tabak, sigare, sigarette, vuurhoutjies, blomme en groente, en
- (b) so’n winkel gedryf word in ’n kamer of in kamers wat van binne geen verbinding het nie met enige ander winkel, kamer of plek waarin goedere behalwe dié vermeld in paragraaf (a) hierbo, vir die doel van verkoop, gehou word;

met dien verstande dat hierdie subartikel nie van toepassing is nie op ’n verversingswinkel wat vir besigheid gesluit word nie later as die gewone ure voorgeskryf vir die sluiting van winkels in artikel *drie* van die „Winkellure Ordonnansie, 1923”, of enige wysiging daarvan nie, in watter geval dit ’n oortreding is as so’n winkel oop bly na sulke gewone sluitingsure.

Vir die doeleindes van hierdie subartikel beteken die uitdrukking „verversingswinkel” en omvat dit ’n restaurant, teekamer, kafee, suikergoedwinkel, koeldrankwinkel, en vrugte- of groentewinkel.

91. Die raad kan ’n lisensie of hernuwing daarvan, na gelang van die geval, weier vir enige perseel vir gebruik as ’n teater, musieksaal, danssaal, publieke saal, konsertsaal, of ander plek van vermaaklikheid of om enige persoon te lisensieer as ’n drywer van ’n publieke voertuig, straathandelaar, of ’n persoon wat die bedryf uitoefen van ontsmetter, op enige van die gronde genoem in die laasvooraangaande artikel, en ook op een of ander van die volgende gronde—

- (a) dat die applikant in gebreke gebly het om bevredigende bewys van goeie gedrag te lewer;

Bevoegdheid van raad om te weier om sekere persele en handelaars te lisensieer.

Ord. No.
17 of 1939.

Section 91.

- (b) that the premises in respect of which a licence is sought or any adjacent premises owned or occupied by the applicant are frequented by persons of bad character;
- (c) that the granting of such licence would be contrary to the public interest;
- (d) that the business is conducted in an unclean and insanitary manner, or in a manner inimical to public health;

provided however that the granting of any licence or the refusal of the council to grant any licence on any of the grounds herein stated shall be subject to the same appeal as is provided in the preceding section.

Power of
council to
grant
certain
licences
upon
certain
conditions.

92. The council may in respect of a licence which it may grant under its by-laws—

- (a) impose conditions prohibiting or restricting the employment on premises, where articles of food and drink are sold, of females under the age of sixteen years, or the employment on such premises of females after eight o'clock at night;
- (b) impose conditions as to the persons who by reason of their condition of life, habits or health shall be restricted in or prohibited from the preparation or handling of such articles of food and drink in connexion with any such trade or business as aforesaid;
- (c) impose conditions prohibiting the employment in the licensee's business of any person who has within the preceding three years been convicted three times of contravening a law, by-law, or regulation in force in any municipality as regards the conduct of the trade for which the licence is granted;
- (d) impose conditions prohibiting the licensee, his servants, or any other person from residing in any shop or premises in on or from which is carried on any such trade or business as aforesaid;

- (b) dat die perseel waarvoor 'n lisensie verlang word of enige aangrensende eiendom in die besit of bewoon deur die applikant, besoek word deur persone van slegte karakter;
- (c) dat die verlening van so'n lisensie in stryd sou wees met die publieke belang;
- (d) dat die besigheid gedryf word op 'n onreine en onhigiëniese wyse of op 'n manier wat skadelik vir die volks-gesondheid is;

Ord. No.
17 van
1939.

—
Artikel 91.

met dien verstande egter dat die verlening van enige lisensie of die weiering van die raad om enige lisensie toe te staan op enige van die gronde hierin genoem, onderworpe is aan dieselfde appèl as in die voorafgaande artikel bepaal.

92. Die raad kan ten opsigte van 'n Bevoegdheid van raad om sekere lisensies op sekere voorwaardes toe te staan. lisensie wat hy kragtens sy verordeninge mag toestaan—

- (a) voorwaardes stel wat die indiensneming op persele waar voedingsmiddele of drank verkoop word, van vrouspersone onder die leeftyd van sestien jaar of die gebruik op sulke persele van vrouspersone na agtuur saans, verbied of beperk;
- (b) voorwaardes stel wat betref die persone wat omrede hulle lewensomstandighede, gewoontes of gesondheid beperk moet word by of uitgesluit moet word van die bereiding of hantering van sulke voedingsmiddele en drank in verband met enige bedryf of besigheid voormeld;
- (c) voorwaardes stel waarby die indiensneming in die besigheid van die lisensiehouer verbied word van enige persoon wat binne die voorafgaande drie jaar driemaal skuldig bevind was van 'n oortreding van 'n wet, verordening, of regulasie van krag in enige munisipaliteit wat betref die bestuur van die bedryf waarvoor die lisensie verleen word;
- (d) voorwaardes stel waarby die lisensiehouer, sy dienaars, of enige ander persoon verbied word om in enige winkel of op enige perseel te woon waarin, waarop of waaruit enige bedryf of besigheid voormeld, uitgeoefen word;

Ord. No.
17 of 1939.

—
Section 92.

- (e) impose conditions defining and limiting the class of business to be carried on, in the premises in or on which the applicant intends to carry on his trade or business or conditions in respect of such premises;
- (f) impose any other conditions which may be prescribed by by-law;

provided that the conditions imposed by the council under this section shall be clearly endorsed upon the licence and the licensee shall sign a duplicate of the form of licence containing such conditions. The council shall retain the duplicate so endorsed and signed and the same shall, when produced before any court of law, be *prima facie* evidence of the conditions imposed; any breach by a licensee of any condition imposed in respect of his licence under this section shall be deemed to be an offence against this Ordinance.

Power of council to refuse certain licences at discretion.

93. Anything to the contrary in this Ordinance notwithstanding, the council may, in its discretion refuse to grant licences to the hauler of any jinricksha or to the driver of any road locomotive, traction engine, tramcar, or public vehicle or to any applicant for a licence who is medically or physically unfit or who has failed to pass any test of efficiency or to deposit any security prescribed by by-law.

Penalty on conviction for contravention of law or council's by-laws relating to licences

94. On the conviction of any person holding a trade licence granted by the council for any contravention of the Liquor Act, No. 30 of 1928, or any amendment thereof or for contravening the law or the council's by-laws either in the conduct of such trade or on the premises on which such trade is carried on or for breach of the lawful conditions upon which such licence was granted, the magistrate's court before which such person was convicted may upon application made within seven days after such conviction either on behalf of the council or of the Attorney-General of the Province endorse, suspend, or cancel his licence and order that no new licence to carry on such trade within the same municipality be granted to such person for a period not exceeding two years from the date of the cancellation, and thereupon such person shall become disqualified to hold a licence during the period of

- (e) voorwaardes stel waarby die soort besigheid omskryf of beperk word wat uitgeoefen sal word in of op die perseel waar die applikant voornemens is om sy bedryf of besigheid uit te oefen of voorwaardes ten aansien van so'n perseel;
- (f) enige ander voorwaardes stel wat by verordening voorgeskryf word;

Ord. No.
17 van
1939.

—
Artikel 92.

met dien verstande dat die voorwaardes deur die raad kragtens hierdie artikel opgelê, duidelik vermeld moet word op die lisensie en die lisensiehouer 'n duplikaat van die lisensievorm wat sulke voorwaardes bevat, teken. Die raad behou die aldus geëndosseerde en getekende duplikaat en wanneer dit voor enige gereghof vertoon word, is dit *prima facie* bewys van die opgelegde voorwaardes; enige oortreding deur 'n lisensiehouer van die opgelegde voorwaardes ten opsigte van sy lisensie kragtens hierdie artikel, word 'n oortreding van hierdie Ordonnansie geag.

93. Nieteenstaande teenoorgestelde bepalings in hierdie Ordonnansie, kan die raad na goeddunke weier om lisensies te verleen aan die trekker van enige riksja of aan die drywer van enige straatlokomotief, treklokomotief, trem, of publieke voertuig, of aan enige applikant om 'n lisensie wat medies of liggaamlik ongeskik is of wat nie in 'n bekwaamheidstoets kan slaag nie of geen waarborg deur verordening voorgeskryf, verskaf het nie.

Bevoegdheid van raad om sekerlissensies na goeddunke te weier.

94. By skuldigbevinding van enige persoon in die besit van 'n handelsslisensie deur die raad verleen, aan enige oortreding van die Drankwet, No. 30 van 1928, of enige wysiging daarvan, of weens oortreding van die wet of die verordeninge van die raad hetsy in die bestuur van so'n bedryf of op die perseel waarop so'n bedryf uitgeoefen word, of weens oortreding van die wettige voorwaardes waarop so'n lisensie verleen was, kan die magistraatshof waarvoor so'n persoon skuldig bevind was, op aansoek gedoen binne sewe dae na sodanige skuldigbevinding hetsy namens die raad of namens die Prokureur-generaal van die Provinsie, sy lisensie endosseer, skors of intrek, en gelas dat geen nuwe lisensie vir die uitoefening van so'n bedryf binne dieselfde munisipaliteit aan so'n persoon verleen word vir 'n tydperk van

Straf by skuldigbevinding weens oortreding van wet of verordeninge van raad wat betrekking het op lisensies.

Ord. No.
17 of 1939.

—
Section 94.

suspension or cancellation; provided that if a trade licence granted to any company or partnership or to any person on behalf of a company or partnership is cancelled or suspended, any disqualification to hold a licence which may be imposed hereunder may be attached either to such company or partnership or to any person who under any law was responsible for the offence in respect of which the order of suspension or cancellation is made, or both to the company or partnership, and such person as the magistrate's court making the order may determine.

Licensing
of offensive
trades.

95. (1) No person shall carry on within the municipality a malt factory or the work of a knacker or of blood boiling, bone boiling, soap boiling, tripe boiling or cleaning, tallow melting, fat melting, or fat extracting, fellmongering, skin storing, skin curing, blood drying, gut scraping, fishmongering, fish frying, leather dressing, tanning, glue-making, size-making, charcoal burning, brick-burning or lime-burning, manure making, manure storing, bone storing, or any other work or trade of an offensive nature which, with the sanction of the Administrator, the council may add to the above list, without having first obtained from the council a licence for the purpose.

(2) Any person who shall carry on any such work or trade without having obtained the necessary licence from the council shall be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding two pounds for every day during which such offence shall continue after notice to cease such offensive work or trade has been served on such person by the council by personal delivery or by registered post or by leaving the same at his office, place of business or dwelling.

(3) Before considering any application for any such licence as is mentioned in this section the council may require the applicant to pay the cost of advertising full particulars of his application in such a manner and for such period as the council may think fit.

(4) The council may refuse to grant any such licence as is mentioned in this section on any of the grounds mentioned in section *ninety*

hoogstens twee jaar van die datum van intrekking nie, en daarop word so'n persoon onbevoegd om 'n lisensie te besit gedurende die tydperk van skorsing of intrekking; met dien verstande dat indien 'n handelslisensie verleen aan enige persoon ten behoeve van 'n maatskappy of vennootskap, ingetrek of geskors word, enige onbevoegdheid om 'n lisensie te hou wat hieronder verklaar mag word, toegepas kan word òf op so'n maatskappy of vennootskap òf op enigeen wat kragtens enige wet verantwoordelik was vir die oortreding ten opsigte waarvan die order van skorsing of intrekking gemaak word, òf op beide die maatskappy of vennootskap en so'n persoon, al na die magistraatshof wat die order uitvaardig, mag bepaal.

Ord. No.
17 van
1939.
—
Artikel 94.

95. (1) Niemand mag binne die munisipaliteit 'n moutfabriek of die werk van vilder of van bloedkook, benekook, seepkook, afvalkook of -krap, hardevetsmelt, vetsmelt, of vetuitkook, velkoper, velleberger, vellebereider, bloeddroommaak, vedelaar, vishandelaar, visbakker, leerbereider, looier, gommaker, lymkoker, houtskoolbrander, steenbakker of kalkbrander, mismaker, misberger, beneberger, of enige ander werk of bedryf van 'n hinderlike aard uitoeven wat, met toestemming van die Administrateur, die raad mag toevoeg aan bowestaande lys, sonder dat hy vooraf van die raad 'n lisensie vir die doel verkry het nie.

Lisensiering
van hinderlike
bedrywe.

(2) Enige persoon wat enig sodanige werk of bedryf uitoeven sonder dat hy die nodige lisensie van die raad verkry het, staan bloot aan 'n boete van hoogstens vyftig pond en aan 'n verdere boete van hoogstens twee pond vir iedere dag wat so'n oortreding voortduur nadat 'n kennisgewing om so'n hinderlike werk of bedryf te staak op so'n persoon deur die raad gedien is deur persoonlike aflewering of per geregistreerde brief of deur dit te laat by sy kantoor, besigheid of woonhuis.

(3) Alvorens die raad enige aansoek om 'n lisensie soos in hierdie artikel genoem, oorweeg, kan hy van die applikant vereis om die koste te betaal van die adverteer van volledige besonderhede van sy aansoek op 'n wyse en vir 'n tydperk wat die raad goedvind.

(4) Die raad kan weier om 'n lisensie soos in hierdie artikel genoem, te verleen op enige van die gronde genoem in artikel *neëntig*

Ord. No.
17 of 1939.

—
Section 95.

of this Ordinance and also on any one or more of the following grounds, namely—

- (a) that the premises used or proposed to be used by the applicant for the work or trade for which the licence is sought are unsuitable for the purpose;
- (b) that the methods adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases, or smells arising from such work or trade are not efficient;

provided however that the refusal of the council to grant any licence on any of the grounds herein stated shall be subject to the same appeal as is provided in section *ninety*.

PART II.—BY-LAWS.

How
by-laws to
be made.

96. No by-law shall be made or amended which shall include revocation by the council until a copy of the proposed by-law or amendment be deposited at the office of the council for inspection by any person at all reasonable times, and a notice be published in the *Provincial Gazette* and in a newspaper circulating in the municipality and affixed to the principal door of the council's offices, or on the principal notice board twenty-one days prior to the meeting of the council held for the purpose of making such by-law or amendment setting forth its general purport and stating that a copy of the same is open to inspection as aforesaid.

Procedure
to be
followed in
case of
by-laws
affecting
any mining
company.

97. Where any proposed by-law affects any mining company in respect of the management of its mining operations or the control of the property on which such operations are carried on, the following procedure shall be followed:

- (a) the proposed by-law as passed shall be transmitted by the council to all the companies engaged in mining operations within the municipality, or to any association representative of such companies;
- (b) if any such company or association desires to object to such by-law on the ground that the interests of any mining company would be unduly prejudiced thereby it shall transmit to the council a statement of its objections within a

van hierdie Ordonnansie en ook op enigeen of meer van die volgende gronde, naamlik—

- (a) dat die eiendom gebruik of bestem vir gebruik deur die applikant vir die werk of bedryf waarvoor die lisensie verlang word, vir die doel ongeskik is;
- (b) dat die metodes gevolg of wat volgens voorneme gevolg sal word deur die applikant om te voorkom dat skadelike of hinderlike dampe, gasse, of reuke uit sodanige werk of bedryf ontstaan, nie toereikend is nie;

met dien verstande egter dat die weiering van die raad om enige lisensie toe te staan op enige van die hieringenoemde gronde onderworpe is aan dieselfde appèl as wat bepaal word in voornoemde artikel *neëntig*.

DEEL II.—VERORDENINGE.

96. Geen verordening mag deur die raad opgestel of gewysig word nie, wat herroeping deur die raad behels, totdat 'n kopie van die voorgestelde verordening of wysiging op die kantoor van die raad geplaas is ter insage van enige persoon op alle redelike tye, en 'n kennisgewing gepubliseer is in die *Offisiële Koerant van die Provinsie Transvaal* en in 'n nuusblad wat in die munisipaliteit sirkuleer en aangebring is op die hoofdeur van die kantoor van die raad of op die hoof-aankondigingsbord een-en-twintig dae voor die vergadering van die raad gehou vir die doel om so'n verordening of wysiging op te stel met vermelding van die algemene strekking daarvan en van die feit dat 'n kopie daarvan soos voormeld ter insage lê.

Hoe verordeninge opgestel moet word.

97. Waar enige voorgestelde verordening enige mynmaatskappy raak met betrekking tot die bestuur van sy mynwerkzaamhede of die beheer oor die eiendom waarop sulke werkzaamhede verrig word, moet die volgende prosedure gevolg word:—

Prosedure wat gevolg moet word in geval van verordeninge wat enige mynmaatskappy raak.

- (a) die raad moet die voorgestelde verordening, soos aangeneem, stuur aan alle maatskappye wat mynwerkzaamhede binne die munisipaliteit verrig, of aan enige vereniging wat sulke maatskappye verteenwoordig;
- (b) as so'n maatskappy of vereniging besewaar wil aanteken teen so'n verordening op grond daarvan dat die belange van enige mynmaatskappy daardeur onredelik benadeel sou word, dan moet hy aan die raad 'n uiteensetting stuur

Ord. No.
17 van
1939.

Artikel 95.

Ord. No.
17 of 1939.

Section 97.

period of fourteen days from the date on which the by-law was received by it from the council;

- (c) on receipt of such statement within the time specified the council shall, in submitting the by-law to the Administrator for approval transmit for the consideration of the Administrator a copy of such statement together with a statement of the observations (if any) which it may desire to make thereon;
- (d) the Administrator shall refer the proposed by-law together with the statement hereinbefore mentioned to the Minister of Mines for report before approving or rejecting it;
- (e) the foregoing procedure shall be followed in any case where in the course of the discussion upon any by-law by the council a motion shall be proposed and seconded that it be so dealt with.

Submission of draft by-law for approval of Administrator.

98. After any by-law has been made or amended by the council, such by-law or the amendment thereof shall be submitted to the Administrator who before approving it shall satisfy himself that the provisions of sections *ninety-six* and *ninety-seven* have been complied with, and that the provisions of the by-law are not inconsistent with, contrary, or repugnant to the provisions of this Ordinance or any law or regulation in force within the municipality.

Power of Administrator to approve or reject by-law when submitted.

99. The Administrator may approve, alter or reject any by-law or amendment as he may think fit.

Town Clerk to submit copies of minutes concerning draft by-laws to Administrator.

100. Together with copies of all by-laws or amendments of by-laws submitted for the approval of the Administrator under the last preceding section the town clerk shall submit to the Administrator—

- (a) a copy of the minutes of the meeting of the council at which the by-law or amendment was adopted;

van sy besware binne 'n tydperk van veertien dae van die datum waarop die maatskappy die verordening van die raad ontvang het;

- (c) by ontvangs van so'n uiteensetting binne die voorgeskrewe tyd moet die raad, by voorlegging van die verordening aan die Administrateur vir goedkeuring, aan die Administrateur vir oorweging 'n kopie stuur van sodanige uiteensetting tesame met 'n uiteensetting van die opmerkings (indien enige) wat die raad daarvoor wil maak;
- (d) die Administrateur verwys die voorgestelde verordening tesaam met gemelde uiteensettings vir rapport na die Minister van Mynwese alvorens hy dit goed- of afkeur;
- (e) voormelde prosedure moet gevolg word in enige geval waar in die loop van die bespreking oor enige verordening deur die raad, 'n mosie voorgestel en gesekondeer word dat daarmee aldus gehandel moet word.

98. Nadat enige verordening deur die raad opgestel of gewysig is, moet sodanige verordening of die wysiging daarvan aan die Administrateur voorgelê word wat, alvorens hy dit goedkeur, hom moet oortuig dat aan die bepalings van artikels *ses-en-neëntig* en *sewe-en-neëntig* voldoen is en dat die bepalings van die verordening nie in stryd is met die bepalings van hierdie Ordonnansie of enige wet of regulasie binne die munisipaliteit van krag nie.

99. Die Administrateur kan enige verordening of wysiging na goeddunke goedkeur, verander of afkeur.

100. Die stadsklerk moet, tesame met kopieë van alle verordeninge of wysigings van verordeninge wat aan die Administrateur kragtens die laasvooraangaande artikel, vir goedkeuring voorgelê word, die volgende aan die Administrateur voorlê:—

- (a) 'n Kopie van die notule van die vergadering van die raad waarop die verordening of wysiging aangeneem was;

Ord. No.
17 van
1939.

—
Artikel 97.

Indiening van ontwerpverordening vir goedkeuring van Administrateur.

Bevoegdheid van Administrateur om verordening goed of af te keur wanneer ingedien.

Stadsklerk moet kopieë van notule betreffende ontwerpverordeninge aan Administrateur voorlê.

Ord. No.
17 of 1939.
—
Section 100.

- (b) a certificate by the town clerk that the provisions of section *ninety-six* and, where necessary, of section *ninety-seven* have been complied with;
- (c) copies of any objections against the adoption of the by-law or amendment that may have been lodged, in writing, with the town clerk, or, if none have been lodged, a statement to that effect.

Promul-
gation
by-laws
approved.

101. Upon the approval by the Administrator of a by-law, or an amendment thereof by the council (with or without alterations and amendments made by the Administrator), the Administrator shall cause a copy of the by-law or amendment so approved to be transmitted to the town clerk, and a copy of the by-law or amendment so approved shall be published by the Administrator by a notice in the *Provincial Gazette* and by the town clerk by a notice affixed either to the principal door of the offices of the council or to the municipal notice board, and signed by the mayor or two councillors and by the town clerk. The Administrator may from time to time make charges for publishing in the *Provincial Gazette* any such by-law or amendment or any regulations under section *twenty-three* (3) of the Natives (Urban Areas) Act, 1923, as amended, or any amendment of such regulations provided that such charges shall not exceed six shillings per inch across the page (double column). All charges made hereunder shall upon demand be paid to the Administrator by the council concerned.

Such by-law or amendment thereof shall have the force of law within the municipality from and after the date of its publication in the *Provincial Gazette* unless expressly otherwise provided in the notice under which it is published.

Proof of
publication
of by-law.

102. A copy of the *Provincial Gazette* containing a notice publishing any by-law or amendment thereof under the provisions of the last preceding section shall on production in all legal proceedings, until the contrary is proved, be evidence that such by-law or amendment thereof has the force of law within

- (b) 'n sertifikaat deur die stadsklerk dat aan die bepalings van artikel *ses-en-neëntig* en, waar nodig, van artikel *sewe-en-neëntig* voldoen is;
- (c) kopieë van enige besware teen die aanneming van die verordeninge of wysiging wat skriftelik by die stadsklerk ingedien is, of, as geen ingedien is nie, 'n verklaring te dien effekte.

Ord. No.
17 van
1939.

—
Artikel 100.

101. Na goedkeuring deur die Administrateur van 'n verordening, of 'n wysiging daarvan deur die raad (met of sonder veranderings en wysigings deur die Administrateur aangebring) moet die Administrateur 'n kopie van die verordening of wysiging aldus goedgekeur aan die stadsklerk laat stuur, en die Administrateur moet 'n kopie van die verordening of wysiging aldus goedgekeur publiseer by wyse van kennisgewing in die *Offisiële Koerant van die Provinsie Transvaal* en die stadsklerk by wyse van kennisgewing aangeplak hetsy op die hoofdeur van die kantoor van die raad of op die munisipale aankondigingsbord, en geteken deur die burgemeester of twee raadslede en deur die stadsklerk. Die Administrateur kan van tyd tot tyd gelde hef vir die publikasie in die *Offisiële Koerant van die Provinsie Transvaal* van enige sodanige verordening of wysiging of enige regulasies kragtens artikel *drie-en-twintig* (3) van die „Naturellen (Stadsgebieden) Wet, 1923”, soos gewysig, of enige wysiging van sulke regulasies, met dien verstande dat sulke heffings nie meer as ses sjielings per duim dwarsoor die bladsy (dubbelkolom) mag bedra nie. Alle gelde wat kragtens hierdie artikel gehef word, moet op aanvraag deur die betrokke raad aan die Administrateur betaal word.

Afkondiging van goedgekeurde verordeninge.

Sodanige verordening of wysiging daarvan het krag van wet binne die munisipaliteit van en na die datum van sy publikasie in die *Offisiële Koerant van die Provinsie Transvaal* tensy daar uitdruklik anders bepaal word in die kennisgewing waaronder dit gepubliseer word.

102. 'n Kopie van die *Offisiële Koerant van die Provinsie Transvaal* bevattende 'n kennisgewing waarby enige verordening of wysiging daarvan gepubliseer word kragtens die bepalings van die laasvoorafgaande artikel is, by oorlegging in alle regsgedinge, tot die teendeel bewys word, bewys dat so'n verordening

Bewys van publikasie van verordeninge.

Ord. No.
17 of 1939.

the municipality in respect of which it has been made and approved as aforesaid.

Section 102.

By-laws open to inspection and copies obtainable.

103. Copies of the *Provincial Gazette* containing by-laws and amendments thereof approved by the Administrator as aforesaid and of all regulations and amendments thereof shall be open to inspection at the offices of the council at all reasonable hours.

It shall be the duty of the town clerk upon application, and upon payment of such sum as may be determined by the council (not exceeding threepence for every hundred words contained in such by-law or regulation or ten shillings in all), to furnish any person with a copy of every such by-law, regulation or amendment.

Power of Administrator to revoke by-laws.

104. The Administrator may in his discretion at any time after having given the council concerned reasonable notice and his reasons therefor and after having heard such council revoke, alter, or amend any by-law, and such revocation shall be notified to the council by the Administrator who shall in addition publish a notice in the *Provincial Gazette* and in a newspaper (if any) circulating in the municipality, notifying such revocation, alteration, or amendment and the council shall cause a notice thereof to be affixed to the principal door of the magistrate's court-house and to the offices of the council.

Power to impose penalties for breach of by-laws.

105. Any by-law may provide a fine or other penalties for any breach thereof, and may also provide for different fines or other penalties in case of successive or continuous breaches, but no fine shall exceed fifty pounds. Any such by-law may further provide that in addition to such fine, any expense incurred by the council in consequence of a breach of any by-law or in the execution of any work directed by any by-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

Penalties where not otherwise provided.

106. All offences against any regulation or by-law in force in the municipality shall be deemed to be offences against this Ordinance and every person guilty of such an offence or

of wysiging daarvan krag van wet het binne die munisipaliteit ten opsigte waarvan dit opgestel en goedgekeur is soos voornoem.

103. Eksemplare van die *Offisiële Koerant van die Provinsie Transvaal* bevattende verordeninge en wysigings daarvan deur die Administrateur goedgekeur soos voormeld, en van alle regulasies en wysigings daarvan moet ter insage lê op die kantoor van die raad op alle redelike ure.

Verordeninge lê ter insage en eksemplare daarvan is verkrygbaar.

Ord. No.
17 van
1939.

Artikel 102.

Die stadsklerk is verplig om op aansoek en teen betaling van die som wat die raad mag vasstel (hoogstens drie pennies vir elke honderd woorde waaruit so'n verordening of regulasie bestaan of altesame tien sjielings), enige persoon te voorsien van 'n eksemplaar van ieder sodanige verordening, regulasie of wysiging.

104. Die Administrateur kan na goeddunde te eniger tyd na hy die betrokke raad redelik kennis en sy redes daarvoor gegee het en na hy so'n raad aangehoor het, enige verordening herroep, verander of wysig, en so'n herroeping moet deur die Administrateur aan die raad meegedeel word en hy moet bowendien 'n kennisgewing publiseer in die *Offisiële Koerant van die Provinsie Transvaal* en in 'n nuusblad (as daar een is) wat in die munisipaliteit sirkuleer wat so'n herroeping, verandering of wysiging aankondig, en die raad moet 'n kennisgewing daarvan laat aanplak op die hoofdeur van die magistratuurshof en by die kantoor van die raad.

Bevoegdheid van Administrateur om verordeninge te herroep.

105. Enige verordening kan 'n boete of ander strawwe voorskryf vir enige oortreding daarvan, en kan ook verskillende boetes of ander strawwe voorskryf in geval van agtereenvolgende of voortdurende oortredings, dog geen boete mag meer as vyftig pond bedra nie. Enig sodanige verordening kan verder bepaal dat behalwe so'n boete, enige onkoste deur die raad beloop as gevolg van 'n oortreding van enige verordening of by die uitvoering van enige werk wat in opdrag van enige verordening deur enige persoon uitgevoer moes word en nie deur hom uitgevoer is nie, betaal moet word deur die persoon wat so'n oortreding begaan of versuim om sodanige werk uit te voer.

Bevoegdheid om strawwe op te lê vir oortreding van verordeninge.

106. Alle oortredings van enige regulasie of verordening van krag in die munisipaliteit, word geag as oortredings van hierdie Ordon-

Strawwe waar nie anders bepaal nie.

Ord. No.
17 of 1939.

—
Section 106.

of a contravention of any of the provisions of this Ordinance shall for every such offence, be liable to the penalty expressly imposed by the regulation or by-law or by this Ordinance, and if no penalty be imposed then to a fine not exceeding ten pounds.

Recovery
of fines.

107. All fines or other moneys payable in respect of any offence against this Ordinance, or any regulation, or any by-law, may be recovered before any court of competent jurisdiction.

Default of
payment
of fine.

108. Save as in this Ordinance is otherwise expressly provided, whenever any fine shall have been imposed under the provisions of this Ordinance or of any regulation, or of any by-law, and the person convicted shall not forthwith pay the same, the court imposing the fine may direct that such person be imprisoned with or without hard labour for a period not exceeding one month, if the fine imposed do not exceed five pounds, or for a period not exceeding three months if the fine imposed exceed five pounds, and such person shall be imprisoned as aforesaid unless he shall sooner pay such fine.

Application
of fines and
defrayment
of cost of
prosecu-
tion.

109. Every fine recovered for an offence against a by-law or regulation or for any other offence against this Ordinance or any bail forfeited for the failure of any person charged with such offence to appear to answer such charge, shall be paid into the revenue of the council; provided that the magistrate convicting in all cases of contraventions of by-laws or regulations may in addition to any fine or other penalty prescribed order the defendant to pay such costs as he may consider reasonable.

Obstructing
officers
of the
council.

110. The following persons shall be liable to a fine not exceeding ten pounds or to imprisonment with or without hard labour without the option of a fine for a period not exceeding three months—

- (1) any person who wilfully obstructs any councillor or any person duly employed by the council in the execution of his duty;

nansie, en ieder persoon skuldig aan so'n oortreding of aan 'n oortreding van enige van die bepalings van hierdie Ordonnansie, staan vir ieder sodanige oortreding bloot aan die straf uitdruklik bepaal in die regulasie of verordening of in hierdie Ordonnansie en as geen straf bepaal is nie, dan aan 'n boete van hoogstens tien pond.

Ord. No.
17 van
1939.

—
Artikel 106.

107. Alle boetes of ander gelde betaalbaar Invoordering van boetes. ten opsigte van enige oortreding van hierdie Ordonnansie, of van enige regulasie, of enige verordening, kan ingevorderd word voor enige hof met bevoegde regsrag.

108. Behalwe soos in hierdie Ordonnansie Wanbetaling van boetes. anders uitdruklik bepaal word, kan, wanneer enige boete opgelê is kragtens die bepalings van hierdie Ordonnansie of van enige regulasies, of van enige verordening, en die veroordeelde persoon die boete nie terstond betaal nie, die hof wat die boete oplê gelas dat so'n persoon in die gevangenis gesit moet word met of sonder harde arbeid vir 'n tydperk van hoogstens een maand, as die opgelegde boete nie meer as vyf pond bedra nie of vir 'n tydperk van hoogstens drie maande as die boete meer as vyf pond bedra, en so'n persoon word opgesluit soos voornoem tensy hy sodanige boete vroeër betaal.

109. Iedere boete ingevorderd vir 'n oortreding van 'n verordening of regulasie of vir enige ander oortreding van hierdie Ordonnansie of enige borgstelling verbeurd verklaar Aanwending van boetes en bestryding van vervolgingskoste. weens versuim van enige persoon beskuldig van so'n oortreding, om te verskyn om so'n beskuldiging te weêrlê, moet gestort word in die inkomste van die raad; met dien verstande dat die magistraat wat persone skuldig vind in alle gevalle van oortredings van verordeninge of regulasies die beskuldigde, benewens enige boete of ander straf bepaal, kan gelas om enige koste te betaal wat hy redelik ag.

110. Die volgende persone staan bloot aan 'n boete van hoogstens tien pond of aan gevangenisstraf met of sonder harde arbeid Belemmering van beamptes van die raad. sonder die keuse van 'n boete vir 'n tydperk van hoogstens drie maande—

- (1) enige persoon wat opsetlik enige raadslid of enige persoon behoortlik in diens van die raad, in die uitoefening van sy plig verhinder;

Ord. No.
17 of 1939.

Section 110.

- (2) any occupier of premises who prevents the owner of such premises from complying with any lawful requirement of the council;
- (3) any occupier of premises who on demand refuses, or wilfully omits to disclose, or wilfully misstates his own name or the name of the owner of such premises;
- (4) any person who refuses to answer to the best of his ability or knowingly makes false answers to inquiries made by the medical officer of health or any sanitary inspector specially authorized by him in writing for the purpose of discovering cases of any infectious disease or possible sources of infection of any such disease.

Council's
power to
prosecute.

111. The council may by any person authorized thereto in writing under the hand of the mayor or town clerk prosecute summarily in the magistrate's court for all offences against this Ordinance or any by-law or regulation; and the provisions of any law relating to prosecutions by private persons in such court shall apply to all such prosecutions.

Persons
making
complaints
of
nuisances.

112. Any person aggrieved by the existence of a nuisance under this Ordinance or any by-law or regulation made under this Ordinance on any premises within the area of jurisdiction of a local authority may give notice thereof to the local authority concerned and if the said local authority fails within a reasonable time to cause such nuisance to be removed, such person may himself cause any necessary notice to be given to the owner or occupier of the premises on which the nuisance exists and may thereafter make a complaint to the magistrate of the existence of the said nuisance and the provisions of section *one hundred and twenty-eight* of the Public Health Act, 1919 shall apply *mutatis mutandis* to the said complaint.

Provision
for affixing
to premises
notice *re*
conviction
for sale or
possession
of diseased
animal or
unsound
food.

113. Where any person is convicted for a second time within a period of twelve months of having contravened a by-law by selling or exposing for sale or depositing for the purpose of sale or of preparation for sale or having in his possession any animal or article (whether liquid or solid) intended for human consumption which is diseased or unsound or unwholesome or unfit for human consumption, the magistrate may, if he thinks fit, and finds

- (2) enige bewoner van 'n perseel wat die eienaar van so'n perseel verhinder om te voldoen aan enige wettige vereiste van die raad;
- (3) enige bewoner van eiendom wat op aanvraag weier, of opsetlik nalaat om sy eie naam of die naam van die eienaar van so'n perseel op te gee of opsetlik 'n onjuiste naam opgee;
- (4) enige persoon wat weier om na sy beste vermoë te antwoord of opsetlik valse antwoorde gee op navrae gedoen deur die geneeskundige gesondheidsbeampte of enige gesondheidsinspekteur spesiaal deur hom skriftelik gemagtig, vir die doel om gevalle van enige besmetlike siekte of moontlike bronne van besmetting van enig sodanige siekte op te spoor.

Ord. No.
17 van
1939.

—
Artikel 110.

111. Die raad kan deur enige persoon skriftelik daartoe gemagtig onder die hand van die burgemeester of stadsklerk sonder vorm van proses in die magistraatshof vervolgvir alle oortredings van hierdie Ordonnansie of enige verordening of regulasie; en die bepaling van enige wet wat betrekking het op vervolgings deur private persone in so'n hof is op al sulke vervolgings van toepassing.

Reg van
raad om
te vervolgv.

112. Iemand wat meen dat hy benadeel word deur die bestaan van 'n oorlas kragtens hierdie Ordonnansie of 'n verordening of regulasie opgestel ingevolge hierdie Ordonnansie op enige perseel binne die regsgebied van 'n plaaslike bestuur, kan die betrokke plaaslike bestuur in kennis stel daarvan, en as hierdie liggaam versuim om binne 'n redelike tyd aan so'n oorlas stop te laat sit, kan so'n persoon self die nodige kennisgewing laat gee aan die eienaar of bewoner van die perseel waarop die oorlas bestaan, en kan hy daarna by die magistraat gaan kla oor die bestaan van bedoelde oorlas, en die bepaling van artikel *honderd agt-en-twintig* van die „Volksgezondheidswet, 1919”, is *mutatis mutandis* van toepassing op genoemde klagte.

Persone
wat kla oor
oorlaste.

113. Waar enige persoon vir 'n tweede maal skuldig bevind is binne 'n tydperk van twaalf maande aan 'n oortreding van 'n verordening deurdat hy enige dier of artikel (hetsy vloeibaar of solied) bestem vir menslike gebruik, wat siek of ongesond of ongeskik vir menslike gebruik is, verkoop of vir verkoop blootgelê of vir verkoop geplaas of vir verkoop berei of in sy besit gehad het, kan die magistraat as hy dit dienstig ag en bevind

Bepaling
vir aan-
bring op
perseel
van kennis-
gewing
insake
skuldig-
bevinding
aan ver-
koop of
besit van
siek diere
of onge-
sonde voed-
sel.

Ord. No.
17 of 1939.

—
Section 113.

that such person knowingly or wilfully committed both offences, in addition to inflicting any other penalty order that a notice of the facts be affixed in such form and manner and for such period not exceeding twenty-one days as may be specified in the order to any premises occupied by such person and that the person do pay the costs of such affixing; and if any person obstructs the fixing of such notice or removes, defaces, or conceals the notice while affixed during the said period he shall for each offence be liable to a fine not exceeding ten pounds (£10).

CHAPTER VIII.

VILLAGE COUNCILS.

PART I.—CONSTITUTION OF VILLAGE COUNCILS.

Constitu-
tion of
village
councils.

114. (1) The village councils lawfully established under any prior Ordinance and mentioned in the Fourth Schedule to this Ordinance, shall be deemed to be village councils constituted under this Ordinance, with jurisdiction over the areas existing and defined as at such commencement and the provisions of section *eight* of this Ordinance shall *mutatis mutandis* apply to such councils.

(2) For the purpose of establishing a village council for any other town, village, or area (not being a municipality), or for establishing a village council in the place of a town council or health committee for any area, or for exercising in respect of a village council such other powers as are conferred by section *nine* of this Ordinance, the provisions of sections *nine* to *fourteen* inclusive of this Ordinance shall *mutatis mutandis* apply.

(3) The provisions of paragraph (b) of section *seven* shall apply *mutatis mutandis* to every village council constituted under this Ordinance.

(4) Whenever the Administrator shall under the Municipal Elections Ordinance, 1927, or any amendment thereof, increase or decrease the number of councillors of any village council, he may, in consultation with the council concerned, order all such steps to

dat so'n persoon wetens of moedswillig albei oortredings begaan het, benewens enige ander straf op te lê, gelas dat 'n kennisgewing van die feite aangebring word in 'n vorm en op 'n wyse en vir 'n tydperk van hoogstens een-en-twintig dae wat in die order vermeld word, op enige perseel wat so'n persoon bewoon, en dat die persoon die koste van sodanige aanplakking moet betaal; en as enige persoon die aanplakking van so'n kennisgewing verhinder of die kennisgewing verwyder, onleesbaar maak of verberg terwyl dit gedurende genoemde tydperk aangeplak is, dan staan hy vir iedere oortreding bloot aan 'n boete van hoogstens tien pond (£10).

Ord. No.
17 van
1939.

—
Artikel 113.

HOOFSTUK VIII.

DORPSRADE.

DEEL I.—SAMESTELLING VAN DORPSRADE.

114. (1) Die dorpsrade wettiglik ingestel Samestelling van dorpsrade. kragtens 'n vorige Ordonnansie en vermeld in die Vierde Bylae van hierdie Ordonnansie, word as dorpsrade geag wat saamgestel is ingevolge hierdie Ordonnansie met regsbevoegdheid oor die gebiede wat bestaan het en omskryf was by sodanige inwerkingtreding en die bepalings van artikel *agt* van hierdie Ordonnansie is *mutatis mutandis* van toepassing op sulke rade.

(2) Vir die doel om 'n dorpsraad in te stel vir enige ander stad, dorp of gebied (wat geen munisipaliteit is nie), of om 'n dorpsraad in te stel in die plek van 'n stadsraad of gesondheidskomitee vir enige gebied, of om ten opsigte van 'n dorpsraad van die ander bevoegdhede uit te oefen wat deur artikel *nege* van hierdie Ordonnansie toegeken word, is die bepalings van artikels *nege* tot en met *veertien* van hierdie Ordonnansie *mutatis mutandis* van toepassing.

(3) Die bepalings van paragraaf (*b*) van artikel *sewe* is *mutatis mutandis* van toepassing op elke dorpsraad saamgestel kragtens hierdie Ordonnansie.

(4) Wanneer die Administrateur, kragtens die „Munisipale Verkiesings Ordonnansie”, 1927, of enige wysiging daarvan, die aantal raadslede van enige dorpsraad vermeerder of verminder, kan hy, in oorleg met die betrokke dorpsraad, gelas dat alle stappe gedoen word

Ord. No.
17 of 1939.
—
Section 114.

be taken as he may deem necessary or desirable in connection with the retirement or duration of office of councillors so that the intent and purpose of the said Ordinance may have effect.

Incorporation of village councils.

115. Every village council constituted under this Ordinance shall, under the name of the village council of....., be a body corporate with perpetual succession, and shall by such name be capable in law of suing and being sued, of purchasing, holding, and alienating land, and generally of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and any other law affecting such village council.

Election Chairman.

116. (1) At the first meeting of the council held after every annual election of councillors, or at the first meeting of the council of any newly constituted municipality and thereafter at the first meeting of the council thereof after every annual election of councillors, the councillors present shall elect one councillor to be the chairman who shall forthwith enter upon his office and continue therein until his successor he appointed after the next ensuing annual election of councillors unless his office be sooner vacated; and on any election of the chairman of the council the chairman of the meeting, if a member of the council, shall have a deliberative vote only; provided that if the office of the outgoing chairman has been vacated by reason of the expiry of his period of office as councillor he shall nevertheless preside at the meeting until the chairman and deputy-chairman of the council shall be elected; but the quorum required to be present at such meeting shall be deemed to be exclusive and not inclusive of such outgoing chairman who shall not be entitled to any vote.

(2) In the event of the office of the chairman being vacated otherwise than by the expiry of the period for which he was elected as councillor, a successor shall, at the meeting next but one of the council held after the vacancy, be chosen by the councillors from amongst themselves, and such successor shall forthwith enter upon his office and serve as the chairman of the council for the remainder of the period for which the vacating chairman was elected; provided that if a chairman of the council for any reason be not elected at a meeting as

wat hy nodig of wenslik ag in verband met die aftreding of ampsduur van raadslede sodat die strekking en doel van genoemde Ordonnansie van krag kan wees.

Ord. No.
17 van
1939.

—
Artikel 114.

115. Iedere dorpsraad ingestel kragtens hierdie Ordonnansie is, onder die naam van dorpsraad van.....
'n liggaam met regs persoonlikheid en ewigdurende opvolging, en besit die regsbevoegdheid om onder so'n naam eisend en verwerend op te tree, grond aan te koop, te hou en te vervreem, en kan oor die algemeen enige handeling in die sake doen en verrig wat liggame met regs persoonlikheid ingevolge die reg mag doen en verrig, onderworpe aan die bepalings van hierdie Ordonnansie en enige ander wet wat so'n dorpsraad raak.

Inlywing
van dorps-
rade.

116. (1) Op die eerste raadsvergadering gehou na elke jaarlikse verkiesing van raadslede, of op die eerste raadsvergadering van 'n pas-ingestelde munisipaliteit en daarna op die eerste raadsvergadering daarvan na iedere jaarlikse verkiesing van raadslede, moet die aanwesige raadslede een raadslid tot voorsitter kies, en hy moet sy amp onverwyld aanvaar en dit bly behou totdat sy opvolger benoem word na die eersvolgende jaarlikse verkiesing van raadslede, tensy sy pos vroeër vakant raak; en by 'n verkiesing van die voorsitter van die raad, het die voorsitter van die vergadering, as hy 'n raadslid is, alleen 'n beraadslagende stem; met dien verstande dat as die setel van die aftredende voorsitter ontroom is uit hoofde van verloop van sy dienstyd as raadslid, hy nietemin die voorsitterstoel op die vergadering moet inneem totdat die voorsitter en adjunk-voorsitter van die raad gekies is; maar by die kworum wat op so'n vergadering aanwesig moet wees, moet die aftredende voorsitter nie inbegrepe wees nie en mag hy ook nie 'n stem uitbring nie.

Verkiesing
van voor-
sitter.

(2) Ingeval die voorsittersamp vakant raak anders as deur verloop van die dienstyd waarvoor die voorsitter as raadslid gekies was, moet 'n opvolger op die tweede raadsvergadering wat na ontstaan van die vakature plaasvind, deur die raadslede onder hulle geleedere gekies word, en sodanige opvolger moet sy amp onverwyld aanvaar en as voorsitter van die raad optree vir die orige deel van die tydperk waarvoor die aftredende voorsitter gekies was; met dien verstande dat as 'n voorsitter van die raad om die een of ander rede nie op 'n vergadering gekies word nie soos in

Ord. No.
17 of 1939.

—
Section 116.

prescribed in this section he may be elected at the first ordinary meeting of the council held thereafter or at a special meeting called for the purpose.

Circumstances in which election determined by lot.

117. On the election of a chairman under the provisions of the last preceding section, should the number of votes duly cast be found to be equal for any two or more candidates the election shall be determined by lot.

Deputy-chairman of council.

118. (1) A deputy-chairman of the council shall be elected from time to time, subject *mutatis mutandis* to the provisions of the last two preceding sections, and such deputy-chairman shall whenever it shall be necessary owing to the death, resignation, absence, illness, or incapacity of the chairman do all acts which the chairman as such may do. The fact of the death, resignation, absence, illness, or incapacity of the chairman shall be notified by the town clerk to the first meeting of the council held after such death, resignation, absence, illness, or incapacity has happened or commenced, and be recorded in the council's minutes. Such record shall be sufficient authority for all acts done by the deputy-chairman which the chairman as such may do, from the date of the death or resignation, or the commencement of the absence, illness, or incapacity of the chairman until a new chairman shall be appointed or the chairman shall resume his duties.

(2) At every meeting of the council of such a municipality the chairman if present shall preside and in the event of his absence the deputy-chairman and if neither the chairman nor deputy-chairman be present at any meeting, then the councillors present shall elect a temporary chairman from among themselves who shall in the absence of the chairman and deputy-chairman preside at such meeting, and if it shall appear to the council at such meeting that the chairman and deputy-chairman are both absent from the municipality, or are for any other reason incapable of acting, the council may by resolution confer on the temporary chairman elected as aforesaid, full authority to do all acts which the chairman as such may do, until either the chairman or deputy-chairman is again able to act.

hierdie artikel voorgeskryf, hy gekies kan word op die eerste gewone raadsvergadering wat daarna gehou word of op 'n spesiale vergadering vir die doel belê.

Ord. No.
17 van
1939.

117. By die verkiesing van 'n voorsitter Omstandig-
hede waar-
onder ver-
kiesing
deur loting
beslis word. kragtens die bepalings van die laasvooraangaande artikel, moet, as bevind word dat die aantal stemme uitgebring op enige twee of meer kandidate gelyk is, die verkiesing deur loting beslis word.

—
Artikel 116.

118. (1) Van tyd tot tyd moet 'n adjunk-voorsitter van die raad gekies word, onderworpe *mutatis mutandis* aan die bepalings van die laaste twee vooraangaande artikels, en so'n adjunk-voorsitter moet wanneer dit nodig is weens die oorlyde, bedanking, afwesigheid, siekte, of onbekwaamheid van die voorsitter, alle handeling verrig wat die voorsitter as sodanig mag verrig. Die feit van die oorlyde, bedanking, afwesigheid, siekte of onbekwaamheid van die voorsitter moet deur die stads-klerk gerapporteer word op die eerste vergadering van die raad gehou nadat so'n oorlyde, bedanking, afwesigheid, siekte of onbekwaamheid plaasgevind of begin het, en moet in die notule van die raad opgeneem word. So'n aantekening is voldoende magtiging vir alle handeling verrig deur die adjunk-voorsitter wat die voorsitter as sodanig mag verrig, van die datum van oorlyde of bedanking, of die aanvang van die afwesigheid, siekte, of onbekwaamheid van die voorsitter, totdat 'n nuwe voorsitter benoem is of die voorsitter diens hervat het. Adjunk-
voorsitter
van raad.

(2) Op iedere vergadering van die raad van so'n munisipaliteit moet die voorsitter, as hy teenwoordig is, die voorsitterstoel inneem, en in geval van sy afwesigheid die adjunk-voorsitter, en indien nog die voorsitter nog die adjunk-voorsitter op enige vergadering teenwoordig is, dan moet die aanwesige raadslede onder hul geledere 'n tydelike voorsitter kies wat by afwesigheid van die voorsitter en adjunk-voorsitter op so'n vergadering die voorsitterstoel moet inneem, en as dit die raad op so'n vergadering voorkom dat die voorsitter en adjunk-voorsitter albei van die munisipaliteit afwesig is, of om enige ander rede nie in staat is om op te tree nie, kan die raad by besluit die tydelike voorsitter gekies soos voormeld, met volle gesag bekleed om alle handeling te verrig wat die voorsitter as sodanig mag verrig, totdat of die voorsitter of die adjunk-voorsitter weer in staat is om op te tree.

Ord. No.
17 of 1939.

PART II.—POWERS AND DUTIES OF VILLAGE
COUNCILS.

General
and special
powers.

119. With the exception of section *seventy-seven*, the provisions of Chapters III, IV, V, VI, VII and Part I of Chapter X shall be and are hereby applied to the village council of any municipality constituted under section *one hundred and fourteen*, provided that a village council shall not necessarily appoint a medical officer of health unless so required by the Minister under section *twelve* (1) of the Public Health Act, 1919; provided further that where no medical officer of health is appointed the Secretary for Public Health of the Union may inspect personally or by a deputy appointed by him in writing to see that the public health by-laws or regulations or any regulations made by the Administrator under section *one hundred and twenty* hereof or made under the Public Health Act, 1919, or any amendment thereof are carried out.

Regulations
by Adminis-
trator.

120. The Administrator may from time to time make, alter and rescind regulations applicable to any municipality for which a village council is constituted—

- (a) Wherever he is of the opinion that it is in the public interest so to do and after consultation with the village council concerned on any matter relating to public health in regard to which the council is empowered under section *one hundred and nineteen* to make by-laws;
- (b) on any other matter upon which such council is empowered as aforesaid but upon which the said council has failed to make by-laws, or having made by-laws, to obtain the approval of the Administrator thereto.

It shall be lawful for the Administrator from time to time by notice in the *Gazette* to apply, with such amendments as may be deemed necessary, any existing public health regulations in respect of any village council or councils to any additional village council or councils without republishing such regulations.

DEEL II.—BEVOEGDHEDE EN PLIGTE VAN
DORPSRADE.Ord. No.
17 van
1939.

119. Met uitsondering van artikel *sewe-en-sewentig* is en word die bepalings van Hoofstukke III, IV, V, VI en VII en Deel I van Hoofstuk X hierby toegepas op die dorpsraad van enige munisipaliteit ingestel kragtens artikel *honderd-en-veertien*, met dien verstande dat 'n dorpsraad nie noodsaaklikerwyse 'n geneeskundige gesondheidsbeampte moet benoem nie tensy die Minister dit verlang kragtens artikel *twaalf* (1) van die „Volksgezondheidswet, 1919”; met dien verstande verder dat waar geen geneeskundige gesondheidsbeampte benoem word nie, die Sekretaris van Volksgezondheid van die Unie persoonlik of deur 'n plaasvanger deur hom skriftelik benoem, mag nagaan of aan die openbare gesondheidsverordeninge of regulasies of enige regulasies deur die Administrateur opgestel kragtens artikel *honderd-en-twintig* hiervan of opgestel kragtens die „Volksgezondheidswet, 1919”, of enige wysiging daarvan, voldoen word.

Algemene
en spesiale
bevoegd-
hede.

120. Die Administrateur kan van tyd tot tyd regulasies opstel, wysig en herroep wat van toepassing is op 'n munisipaliteit waarvoor 'n dorpsraad saamgestel is—

Regulasies
deur
Adminis-
trateur.

- (a) Waar hy van oordeel is dat dit in die openbare belang is om sulks te doen en na oorleg met die betrokke dorpsraad oor enige saak wat betrekking het op die openbare gesondheid ten opsigte waarvan die raad kragtens artikel *honderd-en-negentien* bevoegd is om verordeninge op te stel;
- (b) oor enige ander saak waarvoor so'n raad bevoegd is soos voornoem dog waarvoor genoemde raad versuim het om verordeninge op te stel, of nadat verordeninge opgestel is, om die goedkeuring van die Administrateur daarvoor te verkry.

Die Administrateur het die bevoegdheid om van tyd tot tyd by kennisgewing in die *Offisiële Koerant*, enige bestaande openbare gesondheidsregulasies ten opsigte van 'n dorpsraad of -rade, met enige wysigings wat nodig geag word, toe te pas op enige addisionele dorpsraad of -rade sonder om sulke regulasies weer te publiseer.

Ord. No.
17 of 1939.

Term
"mayor"
to be read
as
"chairman"
and
"deputy-
mayor" as
"deputy-
chairman".

121. In Chapters III, IV, V and VII applied under section *one hundred and nineteen* the term "mayor" shall be read as "chairman," and the term "deputy-mayor" shall be read as "deputy-chairman."

Application
and non-
application
of certain
other laws
to village
councils.

122. (1) The Municipalities Powers of Expropriation Ordinance 1903 or any amendment thereof (hereinafter in this paragraph referred to as the Expropriation Ordinance) shall not apply to Village Councils except that the provisions of sections *nine* to *twelve* inclusive of such Ordinance shall apply in the case of any arbitration proceedings in connexion with any works which may be undertaken by a village council under sections *eighty-one* and *eighty-four* of this Ordinance, provided that the Administrator may, upon the application of any village council, apply to such village council the Expropriation Ordinance for any specific purpose laid down in such Ordinance.

(2) The provisions of the Town Lands Ordinance, 1904 and any amendment thereof shall apply *mutatis mutandis* to all village councils constituted under this Ordinance.

CHAPTER IX.

HEALTH COMMITTEES.

Constitu-
tion and
Powers of
Health
Commit-
tees.

123. (1) The committees constituted under the provisions of any prior Ordinance and mentioned in the Fifth Schedule to this Ordinance shall from the commencement of this Ordinance be constituted health committees under this Ordinance with jurisdiction over the areas existing and defined as at such commencement.

(2) Every health committee constituted under this Ordinance shall under the name of the health committee of be a body corporate with perpetual succession, and shall by such name be capable in law of suing and being sued, of purchasing, holding and alienating land, and generally of doing and performing such acts and things as bodies

121. In Hoofstukke III, IV, V en VII toegepas kragtens artikel *honderd-en-negentien* moet die uitdrukking „burgemeester” gelees word as „voorsitter” en die uitdrukking „onderburgemeester” as „adjunk-voorsitter”.

Uitdrukking „burgemeester” moet gelees word as „voorsitter” en „onderburgemeester” as „adjunk-voorsitter”.

Ord. No.
17 van
1939.

122. (1) Die „Municipalities Powers of Expropriation Ordinance, 1903”, of enige wysiging daarvan (hierna in hierdie paragraaf die Onteieningsordonnansie genoem) is nie van toepassing op dorpsrade nie, behalwe dat die bepalings van artikels *nege* tot en met *twaaif* van bedoelde Ordonnansie van toepassing is in die geval van enige arbitrasiegeding in verband met enige werke wat deur 'n dorpsraad onderneem word kragtens artikels *een-en-tagtig* en *vier-en-tagtig* van hierdie Ordonnansie, met dien verstande dat die Administrateur op aansoek van enige dorpsraad, op so'n dorpsraad die Onteieningsordonnansie mag toepas vir enige besondere doel bepaal in bedoelde Ordonnansie.

Toepassing en nie-toepassing van sekere ander wette op dorpsrade.

(2) Die bepalings van die „Town Lands Ordinance, 1904”, en enige wysiging daarvan, is *mutatis mutandis* van toepassing op alle dorpsrade ingestel kragtens hierdie Ordonnansie.

HOOFSTUK IX.

GESONDHEIDSKOMITEES.

123. (1) Die komitees kragtens die bepalings van 'n vorige Ordonnansie ingestel en genoem in die Vyfde Bylae van hierdie Ordonnansie, is vanaf die inwerkingtreding van hierdie Ordonnansie ingestel as gesondheidskomitees kragtens hierdie Ordonnansie met regsbevoegdheid oor die gebiede wat ten tyde van sodanige inwerkingtreding bestaan het en omskryf was.

Samestelling en bevoegdheid van gesondheidskomitees.

(2) Iedere gesondheidskomitee ingestel kragtens hierdie Ordonnansie is onder die naam van die gesondheidskomitee van 'n liggaam met regs-persoonlikheid en ewigdurende opvolging, en besit die regsbevoegdheid om onder so'n naam eisend en verwerend op te tree, grond te koop, te hou en te vervreem, en oor die algemeen enige handeling en sake te doen en verrig wat

Ord. No.
17 of 1939.

Section 123.

corporate may by law do and perform, subject to the provisions of this Ordinance and any other law affecting such health committee.

(3) The members of every health committee reconstituted hereunder shall remain in office under the provisions of the proclamation constituting it or any amendment thereof providing for the appointment or election of its members until the Administrator shall by proclamation in the *Provincial Gazette* prescribe that the members of any such committee shall be otherwise elected or appointed, or that any such committee shall be otherwise constituted under this Ordinance.

(4) The following provisions of this Ordinance shall be and are hereby applied *mutatis mutandis* to every health committee constituted under this Ordinance, namely, sub-section (b) of section *seven*, sections *thirty-four, thirty-six, thirty-seven, forty-one, forty-nine, fifty, fifty-one, fifty-six, fifty-seven, fifty-nine* to *sixty-one* inclusive, sub-section (5) of section *sixty-two*, sections *sixty-three* to *sixty-nine* inclusive, *seventy-one* to *seventy-three* inclusive, *seventy-nine*, sub-section (1) of section *one hundred and twenty-two* and sub-sections (3), (7), (11) and (12) of section *one-hundred and thirty-one*.

Establishment and disestablishment of Health Committees.

124. (1) The Administrator may from time to time, by proclamation in the *Provincial Gazette*, constitute in such manner as he shall think fit for any town, village or other area a committee to be called a health committee, and such committee, shall, subject to the provisions of this Ordinance, be charged with the maintenance of the health of the inhabitants for the area for which it is appointed and with such other functions, powers and duties as are prescribed in this chapter.

(2) Any health committee established under this Ordinance shall for the purposes of the Townships Act be deemed to be a municipal council, and—

(i) it shall be lawful for the Governor-General to transfer to such committee:—

(a) town lands subject to the provisions of the Town Lands Ordinance, 1904 or any amendment thereof;

liggame met regs persoonlikheid volgens die reg kan doen en verrig, onderworpe aan die bepalings van hierdie Ordonnansie en enige ander wet wat so'n gesondheidskomitee raak.

(3) Die lede van iedere gesondheidskomitee wat kragtens hierdie Ordonnansie weer saamgestel is, behou hul amp kragtens die bepalings van die proklamasie of enige wysiging daarvan waarby dit saamgestel is waarin voorsiening gemaak word vir die benoeming of verkiesing van sy lede totdat die Administrateur by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* voorskryf dat die lede van so'n komitee op 'n ander wyse verkies of benoem moet word, of dat enig sodanige komitee andersins kragtens hierdie Ordonnansie saamgestel moet word.

(4) Ondergenoemde bepalings van hierdie Ordonnansie word hierby *mutatis mutandis* toegepas op elke gesondheidskomitee saamgestel kragtens hierdie Ordonnansie, naamlik subartikel (b) van artikel *sewe*, artikels *vier-en-dertig*, *ses-en-dertig*, *sewe-en-dertig*, *een-en-veertig*, *nege-en-veertig*, *vyftig*, *een-en-vyftig*, *ses-en-vyftig*, *sewe-en-vyftig*, *nege-en-vyftig* tot en met *een-en-sestig*, subartikel (5) van artikel *twee-en-sestig*, artikels *drie-en-sestig* tot en met *nege-en-sestig*, *een-en-sewentig* tot en met *drie-en-sewentig*, *nege-en-sewentig*, subartikel (1) van artikel *honderd twee-en-twintig* en subartikels (3), (7), (11) en (12) van artikel *honderd een-en-dertig*.

124. (1) Die Administrateur kan van tyd tot tyd by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* op so'n wyse as hy dienstig ag, vir enige stad, dorp, of ander gebied 'n komitee instel, wat 'n gesondheidskomitee genoem moet word, en so'n komitee is, onderworpe aan die bepalings van hierdie Ordonnansie, belas met die handhawing van die gesondheid van die inwoners vir die gebied waarvoor dit ingestel word en met enige ander funksies, bevoegdhede en pligte wat in hierdie hoofstuk voorgeskryf word.

(2) Enige gesondheidskomitee ingestel kragtens hierdie Ordonnansie word vir die doeleindes van die Dorpewet 'n munisipale raad geag en—

(i) die Goewerneur-generaal is geregtig om op naam van sodanige komitee te transporteer—

(a) dorpsgronde onderworpe aan die bepalings van die „Town Lands Ordinance, 1904”, of enige wysiging daarvan;

Ord. No.
17 van
1939.

—
Artikel 123.

Ord. No.
17 of 1939.

Section 124.

- (b) any lands or lots mentioned in section *twenty-four* of the Townships and Townplanning Ordinance, 1931;
- (c) any other land registered in the name of the Government;
- (ii) in the case of any township approved under the Townships Act there shall vest in such committee the *dominium* in the streets, squares and open spaces shown on the general plan of such township.

(3) The Administrator may increase, alter, or diminish the area of jurisdiction of any health committee, and may at any time on due cause being shown abolish and disestablish such committee, and, for the purpose of effecting the abolition or disestablishment, the Administrator may make such order in writing under his hand as may be necessary, and such order shall have the force of law and be binding on all parties in any manner concerned.

(4) Should the Administrator at any time disestablish or abolish a health committee under the provisions of sub-section (3) of this section, he may appoint a person or persons to wind up the affairs of such health committee and may prescribe the powers, duties and functions and the procedure to be followed by such person or persons. Any credit balance in favour of such health committee after payment of all liabilities shall be paid into the Provincial Revenue Fund. Any person appointed under the provisions of this sub-section may be remunerated in manner prescribed by the Administrator.

Election or
appointment
of
members of
Health
Commit-
tees.

125. The Administrator may by proclamation in the *Provincial Gazette*—

- (a) declare that the mode of election of a health committee and the qualifications as voters for the election of its members shall be as provided by the Municipal Elections Ordinance, 1927, or any amendment thereof for the election of village councils and the qualifications as voters for elections of village councils; or
- (b) prescribe some other mode of election of a health committee and other qualifications as voters for the election of its members; or

(b) enige grond of persele genoem in artikel *vier-en-twintig* van die Dorpe- en Dorpsaanleg-Ordonnansie, 1931;

(c) enige ander grond geregistreer op naam van die Goewerment;

(ii) in die geval van enige dorp goedgekeur kragtens die Dorpewet, berus die *dominium* oor die strate, pleine en oop ruimtes, aangetoon op die algemene kaart van so'n dorp, by sodanige komitee.

(3) Die Administrateur kan die regsgebied van enige gesondheidskomitee vergroot, verander of inperk en kan te eniger tyd om gegronde redes so'n komitee afskaf en ophef, en, die Administrateur kan om die afskaffing of opheffing te bewerkstellig enige nodige order onder sy hand uitvaardig, en so'n order het dan krag van wet en is bindend vir alle partye wat op enige wyse daarby betrokke is.

(4) As die Administrateur kragtens die bepalings van subartikel (3) van hierdie artikel 'n gesondheidskomitee te eniger tyd ophef of afskaf, kan hy 'n persoon of persone benoem om die aangeleenthede van so'n gesondheidskomitee af te sluit en kan hy die bevoegdhede, pligte, funksies en prosedure voorskryf wat so'n persoon of persone moet uitvoer en volg. Nadat alle skulde afbetaal is, moet die batige saldo van so'n gesondheidskomitee gestort word in die Provinsiale Inkomstefonds. Iemand wat kragtens die bepalings van hierdie subartikel benoem word, kan besoldig word op die wyse voorgeskryf deur die Administrateur.

125. Die Administrateur kan by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal*—

- Verkiesing of benoeming van lede van gesondheidskomitees.
- (a) verklaar dat die wyse van verkiesing van 'n gesondheidskomitee en die kwalifikasies van kiesers vir die verkiesing van sy lede moet geskied soos bepaal in die „Munisipale Verkiesings-ordonnansie,” 1927, of wysiging daarvan vir die verkiesing van dorpsrade en die kwalifikasie van kiesers vir verkiesing van dorpsrade; of
- (b) 'n ander wyse van verkiesing van 'n gesondheidskomitee, en ander kwalifikasies vir kiesers vir die verkiesing van sy lede voorskryf; of

Ord. No.
17 van
1939.

Artikel 124.

Ord. No.
17 of 1939.

—
Section 125.

- (c) direct that the members of a health committee shall be appointed by himself, and shall not necessarily be persons resident within the area of jurisdiction of such health committee;
- (d) prescribe the circumstances under which members shall vacate their seats on health committees:

Provided that no person who is not a Union national shall be appointed or elected as a member of any health committee.

This provision shall however not apply to any such person who at the coming into operation of this Ordinance has served for a period exceeding 5 years as a member of a health committee.

Regulations.

126. (1) The Administrator may from time to time make, alter, and rescind regulations for any health committee and for the area for which such committee is constituted in respect of the following matters, namely—

- (a) for any or all of the purposes mentioned in section *eighty* and in sub-sections (3), (10), (11) and (12) of section *one hundred and thirty-two* and for applying *mutatis mutandis* to the committee's area of jurisdiction either wholly or in part Part II of Chapter VI and Part I of Chapter VII of this Ordinance;
- (b) for imposing upon the members of the committee any or all of the duties, obligations and liabilities imposed under this Ordinance upon the councillors of a municipality;
- (c) for regulating the appointment, duties and privileges of the committee's officers and servants;
- (d) for regulating the finances of the committee and for requiring payment by the committee—
 - (i) of all expenses incurred in connexion with the nominations and elections of members of the committee, and
 - (ii) of the cost of publishing in the *Provincial Gazette* any regulations made under this section or under any other law at such rate as may be prescribed by the

- (c) las gee dat die lede van 'n gesondheidskomitee deur homself benoem moet word en nie noodwendig persone moet wees wat binne die regsgebied van so'n gesondheidskomitee woonagtig is nie;
- (d) die omstandighede waaronder lede hul setels op gesondheidskomitees moet ontruim, voorskryf;

Ord. No.
17 van
1939.

—
Artikel 125.

met dien verstande dat iemand wat geen Unie-staatsburger is, nie benoem of gekies mag word tot lid van 'n gesondheidskomitee nie.

Hierdie bepaling is egter nie van toepassing op enige sodanige persoon wat by die inwerkingtreeding van hierdie Ordonnansie vir 'n tydperk van meer as vyf jaar as lid van 'n gesondheidskomitee gedien het nie.

126. (1) Die Administrateur kan van tyd tot tyd regulasies opstel, verander en intrek vir enige gesondheidskomitee en vir die gebied waarvoor so'n komitee ingestel word ten opsigte van die volgende sake, naamlik—

- (a) vir alle of enige doeleindes genoem in artikel *tagtig* en in subartikels (3), (10), (11) en (12) van artikel *honderd twee-en-dertig* en vir toepassing *mutatis mutandis* op die regsgebied van die komitee, of geheel of gedeeltelik van Deel II van Hoofstuk VI en van Deel I van Hoofstuk VII van hierdie Ordonnansie;
- (b) vir oplegging aan die lede van die komitee van enige of alle van die pligte, verpligtings en aanspreeklikhede kragtens hierdie Ordonnansie aan raadslede van 'n munisipaliteit opgelê;
- (c) vir reëling van die benoeming, pligte en voorregte van die beampptes en dienaars van die komitee;
- (d) vir reëling van die geldmiddele van die komitee en vir vordering van betaling deur die komitee—
- (i) van alle onkoste beloop in verband met die nominasie en verkiesing van lede van die komitee, en
- (ii) van die koste van publikasie in die *Offisiële Koerant van die Provinsie Transvaal* van enige regulasies opgestel kragtens hierdie artikel of kragtens enige ander wet teen 'n tarief wat die

Ord. No.
17 of 1939.

Administrator not exceeding six shillings per inch across the page (double column).

Section 126.

(2) The provisions of sections *one hundred and three*, and *one hundred and five to one hundred and twelve* hereof inclusive shall *mutatis mutandis* apply to the regulations aforesaid as if such regulations were by-laws, such committees were councils of municipalities, and the areas for which they were appointed were municipalities.

Revenues
of Health
Commit-
tees.

127. The revenues of a health committee shall consist of—

- (a) all fees, duties, taxes and charges under the regulations made by the Administrator;
- (b) all fines imposed by a competent court and forfeited bail bonds for the contravention of such regulations, or the regulations for towns confirmed by First Volksraad Resolution Article 1256, dated 18th September, 1899, or of the provisions of this Ordinance;
- (c) all rates levied by the committee under the provisions of the Local Authorities Rating Ordinance, 1933 and any amendment thereof;
- (d) all other fees, moneys or charges recoverable by the committee or to which the committee is entitled under this Ordinance or under any other law.

Borrowing
powers.

128. A health committee may—

- (1) obtain advances from any bank by way of overdraft in such amounts and on such conditions as the Administrator may approve;
- (2) from time to time raise loans in such amounts and on such conditions as may be approved by the Administrator. The security for any loan raised by a health committee under this section shall be the security mentioned in section *fifty-two* for loans raised by municipal councils, and for the purposes of recovering any such loan or instalments thereof or interest thereon, the provisions of such section shall *mutatis mutandis* apply.

Administrateur voorskrywe van hoogstens ses sjielings per duim dwarsoor die bladsy (dubbel-kolom);

Ord. No.
17 van
1939.

Artikel 126.

(2) Die bepalings van artikels *honderd-en-drie* en *honderd-en-vyf* tot en met *honderd-en-twaalf* hiervan is *mutatis mutandis* van toepassing op die regulasies voornoem asof daardie regulasies verordeninge was, daardie komitees rade van munisipaliteite was, en die gebiede waarvoor hulle benoem was, munisipaliteite was.

127. Die inkomste van 'n gesondheids-komitee bestaan uit—

- (a) alle gelde, belastings en heffings kragtens die regulasies, opgelê deur die Administrateur;
- (b) alle boetes opgelê deur 'n bevoegde hof en verbeurdverklaarde borggelde vir oortreding van sulke regulasies, of die regulasies vir stede bevestig by Besluit van Eerste Volksraad Artikel 1256, van 18 September 1899, of van die bepalings van hierdie Ordonnansie;
- (c) alle belastings gehef deur die komitee kragtens die bepalings van die „Plaaslike - Bestuur - Belastingordonnansie”, 1933, en enige wysiging daarvan;
- (d) alle ander gelde of heffings invorderbaar deur die komitee of waarop die komitee geregtig is kragtens hierdie Ordonnansie of kragtens enige ander wet.

Inkomste
van
gesond-
heids-
komitee.

128. 'n Gesondheidskomitee kan—

- (1) voorskotte verkry van enige bank by wyse van oortrekking tot bedrae en op voorwaardes wat die Administrateur goedkeur;
- (2) van tyd tot tyd lenings aangaan tot bedrae en op voorwaardes wat die Administrateur goedkeur. Die sekuriteit vir enige lening aangegaan deur 'n gesondheidskomitee kragtens hierdie artikel, moet die sekuriteit wees genoem in artikel *twee-en-vyftig* vir lenings aangegaan deur munisipale rade, en vir die doel van invordering van enige sodanige lening of paaiemente daarvan of rente daarop, is die bepalings van daardie artikel *mutatis mutandis* van toepassing.

Leningsbe-
voegdhede.

Ord. No.
17 of 1939.

Agree-
ments by
Health
Commit-
tees in
regard to
services
or works.

129. (1) A health committee may, with the consent of the Administrator, enter into an agreement with any neighbouring town or village council or health committee for the performance by such council or committee of any service or work within the area of jurisdiction and for the use and benefit of the inhabitants of the area or portion of the area under the jurisdiction of the health committee, which the said council or committee is, or may be empowered under and subject to the provisions of this Ordinance to undertake within the area of its own jurisdiction.

(2) Notwithstanding anything in this Ordinance or in any other law contained, any such council may, subject to the consent of the Administrator being obtained as aforesaid, enter into such agreement with any neighbouring health committee.

(3) Where any agreement made and approved as aforesaid involves any special tax or rate being imposed on owners of property within the area of jurisdiction of a health committee or portion thereof the Administrator may, by proclamation in the *Provincial Gazette*, declare that for the purpose of imposing and collecting such tax or rate the said area shall for such purposes only, be deemed to be under the jurisdiction of such council or committee supplying the agreed service or work and that all the provisions of this Ordinance and of the Local Authorities Rating Ordinance, 1933 and any amendment thereof which are, or may become, applicable within the municipality shall, for such purposes, be applicable within the said area of jurisdiction of a health committee or portion thereof; provided that the Administrator shall not exercise the powers of this section unless—

(a) The said committee shall have served upon every such owner whose address can after reasonable inquiry be ascertained a written notice containing full particulars of the proposed agreement, the nature of the service which it is proposed to give to him, and the approximate amount of the rates, taxes, or charges and the period over which they will be levied by such council if effect be given to the said agreement;

129. (1) 'n Gesondheidskomitee kan met toestemming van die Administrateur, 'n ooreenkoms aangaan met enige naburige stads- of dorpsraad of gesondheidskomitee vir die uitvoering van enige diens of werk binne die regsgebied en vir die gebruik en tot voordeel van die bewoners van die gebied of gedeelte van die gebied onder die regsbevoegdheid van die gesondheidskomitee, wat genoemde raad of komitee bevoegd is of bevoegd mag verklaar word om kragtens die bepaling van hierdie Ordonnansie te onderneem, binne die gebied van sy eie regsbevoegdheid.

Ooreenkoms deur gesondheidskomitees omtrent dienste of werke.

Ord. No.
17 van
1939.

(2) Nieteenstaande enige bepalinge in hierdie Ordonnansie of enige ander wet, mag enig sodanige raad, mits die toestemming van die Administrateur verkry word soos voormeld, so 'n ooreenkoms met 'n naburige gesondheidskomitee aangaan.

(3) Waar enige ooreenkoms aangegaan en goedgekeur soos voormeld, gepaard gaan met die heffing van enige spesiale belasting van eienare van eiendom binne die regsgebied van 'n gesondheidskomitee of gedeelte daarvan, kan die Administrateur by wyse van proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* verklaar dat vir die doel van heffing en invordering van so 'n belasting, genoemde gebied slegs vir sulke doeleindes onder die regsbevoegdheid geag word van so 'n raad of komitee wat die diens of werk volgens ooreenkoms verskaf en dat alle bepalinge van hierdie Ordonnansie en van die „Plaaslike - Bestuur - Belastingordonnansie,” 1933, en enige wysiging daarvan, wat binne die munisipaliteit toepaslik is of mag word vir sulke doeleindes, toepaslik is binne genoemde regsgebied van 'n gesondheidskomitee of gedeelte daarvan; met dien verstande dat die Administrateur die bevoegdheid van hierdie artikel nie mag uitoefen nie tensy:—

- (a) Genoemde komitee op ieder sodanige eienaar wie se adres na redelike navraag opgespoor kan word, 'n skriftelike kennisgewing gedien het met volledige besonderhede van die voorgestelde ooreenkoms, die aard van die diens wat voorgestel word om aan hom te verleen, en die benaderde bedrag van die belasting of heffing en die tydperk waarvoor dit gehef sal word deur so 'n raad as uitvoering aan bedoelde ooreenkoms gegee word;

Ord. No.
17 of 1939.

Section 129.

(b) not less than two-thirds of such owners within eight weeks of the date of the serving of such notice shall have collectively petitioned the Administrator to exercise such powers.

(4) Any such owner mentioned in sub-section (3) above, may lodge with the Administrator written objection to the exercise by the Administrator of such powers, and the Administrator shall thereupon take such steps as may to him seem necessary to investigate any such objection.

(5) After due inquiry into any objection made under the provision of the last preceding sub-section the Administrator may exercise the powers of this section, and may make such modifications in the application to any particular area of the proposed agreement as he may think fit, or may refuse to exercise such powers; provided that the Administrator shall not exercise such powers unless the consent of two-thirds of such owners has been obtained to the proposed agreement in the manner herein provided.

CHAPTER X.

SPECIAL POWERS OF TOWN COUNCILS.

PART I.—CERTAIN SPECIAL PROVISIONS.

Application
of Chapter.

130. The provisions of this chapter and any amendments thereof shall be and are hereby assigned to every town council constituted or hereafter constituted under this Ordinance.

Other
special
powers for
town
councils.

131. The council may do any of the following things, namely—

- (1) establish, erect, construct, equip, and maintain, either within or outside the municipality, hospitals, whether permanent or temporary, for the reception of patients suffering from infectious diseases, make charges for treatment in such hospitals, and provide treatment for indigent patients who are inhabitants of such municipality free of charge;
- (2) establish, maintain, carry on, an art gallery, and acquire works of art for preservation therein;

- (b) minstens twee-derdes van sulke eienare binne agt weke van die datum van die-ning van so'n kennisgewing gesamentlik die Administrateur versoek het om sulke bevoegdhede uit te oefen.

Ord. No.
17 van
1939.

—
Artikel 129.

(4) Enige eienaar soos vermeld in sub-artikel (3) hierbo, kan by die Administrateur skriftelik beswaar indien teen die uitoefening deur die Administrateur van sulke bevoegdhede, en die Administrateur moet daarop enige stappe doen wat hy nodig ag om so'n beswaar te ondersoek.

(5) Na behoorlike ondersoek na enige beswaar gemaak kragtens die bepaling van die laasvoorafgaande subartikel, kan die Administrateur die bevoegdhede van hierdie artikel uitoefen en enige veranderings in die toepassing van die voorgestelde ooreenkoms op enige bepaalde gebied maak wat hy dienstig ag, of weier om sulke bevoegdhede uit te oefen; met dien verstande dat die Administrateur sulke bevoegdhede nie mag uitoefen nie tensy die toestemming van twee-derdes van sulke eienare verkry is tot die voorgestelde ooreenkoms op die wyse soos hierin bepaal.

HOOFTUK X.

SPESIALE BEVOEGDHEDE VAN STADSRADE.

DEEL I.—SEKERE SPESIALE BEPALINGS.

130. Die bepaling van hierdie hoofstuk en enige wysigings daarvan word hierby toegewys Toepassing van hoofstuk. aan iedere stadsraad ingestel of hierna ingestel kragtens hierdie Ordonnansie.

131. Die raad kan enige van die volgende dinge doen, naamlik— Ander spesiale bevoegdhede vir stadsrade.

- (1) hospitale stig, oprig, bou, uitrus, en in stand hou, hetsy binne of buite die munisipaliteit, hetsy permanent of tydelik, vir die opname van pasiënte wat lydende is aan besmetlike siektes, gelde hef vir behandeling in sulke hospitale, en kostelose behandeling verskaf vir behoeftege pasiënte wat inwoners van so'n munisipaliteit is;
- (2) 'n kunsgalery oprig, in stand hou en bestuur, en kunswerke aanskaf vir bewaring daarin;

Ord. No.
17 of 1939.

—
Section 131.

- (3) establish and maintain public monuments or make grants of money towards the establishment or maintenance thereof;
- (4) (a) establish, acquire, erect, construct, equip and carry on cold storage works, depots for the inspection of milk and meat and milk-testing stations and make charges in connexion therewith;
(b) make and sell ice;
- (5) establish, acquire, construct, maintain, and carry on within the municipality a service of motor omnibuses or other vehicles drawn or propelled by animal, mechanical or electrical power for the carriage of passengers and parcels, and make charges for or in connexion with such service and in connexion with any such service enter into agreements with any person or corporation for the establishment, acquisition, construction, laying down, equipment, maintenance, working, and guaranteeing of the capital cost and interest on the capital cost of such establishment, etc., and may exercise such powers either alone or in conjunction with another or other municipalities, persons, corporations or authorities; provided that this subsection shall not apply to tramways; and provided further that any council may exercise the powers by this subsection conferred in any area beyond the municipality with the consent of the local authority, if any, of such area or if there be no local authority in such area, then with the consent of the Administrator;
- (6) take a census of the inhabitants of the municipality and contribute to the cost of any such census when taken by any other authority;
- (7) enter into any contract or contracts with any town council, village council, health committee, or with any corporation, or company, person or persons, to secure or further the carrying out outside the municipality of any work or undertaking which may be within the powers of the council;
- (8) establish, acquire, erect, construct, equip, maintain, and carry on laundries and make charges in connexion therewith;

- (3) volksmonumente oprig en in stand hou of geld toeken vir die oprigting of instandhouding daarvan;
- (4) (a) koelkamers, dépôts vir die keuring van melk en vleis en melkproefstasies stig, verkry, oprig, bou, uitrus en bestuur, en in verband daarmee gelde hef;
- (b) ys maak en verkoop;
- (5) 'n diens van motoromnibusse of ander voertuie getrek of voortbeweeg deur dierlike, meganiese of elektriese krag vir die vervoer van passasiers en pakette, instel, aanskaf, oprig, in stand hou en bestuur binne die munisipaliteit en gelde hef vir of in verband met sodanige diens, en in verband met enig sodanige diens ooreenkomste aangaan met enige persoon of korporasie vir die oprigting, verkryging, bou, aanleg, uitrusting, onderhoud, eksploitasie en die stel van waarborg vir die kapitaalkoste van sodanige oprigting, ens., en kan sulke bevoegdhede uitoefen, hetsy alleen of tesame met een of meer ander munisipaliteite, persone, korporasies of owerhede; met dien verstande dat hierdie subartikel nie van toepassing is op tremweë nie; en met dien verstande verder dat enige raad die bevoegdhede by hierdie subartikel toegeken, mag uitoefen in enige gebied buite die munisipaliteit met toestemming van die plaaslike bestuur, as daar een is, van so'n gebied, of as daar geen plaaslike bestuur in so'n gebied bestaan nie, dan met toestemming van die Administrateur;
- (6) 'n telling hou van die inwoners van die munisipaliteit en bydra tot die koste van enig sodanige telling wanneer dit deur enige ander owerheid gehou word;
- (7) enige kontrak of kontrakte aangaan met enige stadsraad, dorpsraad, gesondheidskomitee, of met enige korporasie of maatskappy, persoon of persone om die uitvoering van enige werk of onderneming buite die munisipaliteit wat binne die bevoegdhede van die raad lê, te bewerkstellig en te bevorder;
- (8) wasserye vestig, verkry, oprig, bou, uitrus, in stand hou en bestuur en in verband daarmee gelde hef;

Ord. No.
17 van
1939.
Artikel 131.
—

Ord. No.
17 of 1939.

—
Section 131.

- (9) establish, erect, construct, equip, maintain and carry on steam disinfecting stations;
- (10) (a) at the request of the owner of any land or premises situated within the limits of the municipality, construct and pave with concrete blocks or flat hewn or other stones or in such other manner or form and of such breadth as the council may think fit, either by its own servants or through contractors, a footway along the side of any street abutting upon the land or premises of any such owner, and recover from such owner the expenses or any portion thereof incurred in such work, including a reasonable charge for supervision, and if the work is undertaken by the council without the interposition of a contractor, in addition recover charges for the use of tools and plant;
- (b) advance to the owner of any land or premises the amount of any expenses incurred or to be incurred by him in the construction or paving of any such footway on or in respect of such land or premises;
- (c) the provisions of sub-sections (2) to (5) of section *one hundred and forty-two* of this Ordinance shall apply to any footways constructed by the council or by the owner of any land or premises under this sub-section;
- (11) (a) advertise and give publicity to the attractions and advantages of the municipality and district;
- (b) contribute to any organisation (approved by the Administrator) established for collecting and collating information in regard to the amenities and advantages of the Union of South Africa or any part thereof whether commercial, historical, scenic, recreational, curative or climatic and for disseminating that information within or outside the said Union;
- (12) divert, straighten, define, and canalize the course of any stream, spruit or water-course within the municipality after giving notice and making compensation to any owner or occupier of land or any rights or servitudes attaching to land abutting on such course as

- (9) stoom-ontsmettingstasies vestig, oprig, bou, in stand hou en bestuur;
- (10) (a) op versoek van die eienaar van enige grond of perseel geleë binne die grense van die munisipaliteit, 'n voetpad langs die kant van enige straat wat grens aan die grond of perseel van so'n eienaar maak en bestraat met betonblokke of vlak gekapte of ander klippe of op 'n ander wyse of in 'n ander vorm en van 'n breedte wat die raad dienstig ag, hetsy deur sy eie dienaars of deur kontraktante, en op so'n eienaar die koste of 'n deel daarvan van so'n werk verhaal, met inbegrip van 'n redelike bedrag vir toesig, en as die werk deur die raad onderneem word sonder tussenkoms van 'n kontraktant, ook die koste verhaal vir die gebruik van gereedskap en uitrusting;
- (b) aan die eienaar van enige grond of perseel die bedrag voorskiet van enige onkoste deur hom beloop of wat deur hom beloop sal word vir die bou of bestrating van enig sodanige voetpad op of ten opsigte van sodanige grond of perseel;
- (c) die bepalinge van subartikels (2) tot (5) van artikel *honderd twee-en-veertig* van hierdie Ordonnansie is van toepassing op enige voetpaaie gebou deur die raad of deur die eienaar van enige grond of perseel kragtens hierdie subartikel;
- (11) (a) die aantreklikhede en voordele van die munisipaliteit en distrik adverteer en wêreldkundig maak;
- (b) bydra tot enige organisasie (deur die Administrateur goedgekeur) wat ingestel is vir die insameling en vergelyking van gegewens omtrent die aantreklikhede en voordele van die Unie van Suid-Afrika of enige deel daarvan, betreffende die handel, geskiedenis, natuurskoon, ontspanning, genesing of klimaat en vir die verspreiding van bedoelde gegewens binne of buite genoemde Unie;
- (12) die loop van enige stroom, spruit, of waterloop binne die munisipaliteit verlê, regmaak, omskrywe en kanaliseer nadat die raad kennis gegee en vergoeding toegeken het aan enige eienaar of bewoner van grond of enige regte of servitude verbonde aan grond wat grens

Ord. No.
17 van
1939.

—
Artikel 131.

Ord. No.
17 of 1939.
—
Section 131.

existing and as proposed in manner provided by Part II of the Municipalities Powers of Expropriation Ordinance, 1903 or any amendment thereof; provided that in settling any compensation payable by the council hereunder the enhanced or improved value immediate or prospective which shall accrue to any such land by reason of the carrying out of the said purposes or any of them shall be taken into account;

(13) establish, erect, construct, maintain and carry on or assist institutions or clinics for the care and welfare of newly-born infants and make provision for suitable instruction being imparted to expectant mothers and mothers of such infants and make charges in connexion therewith;

(14) (a) establish, maintain, assist, promote and carry on and if deemed desirable or necessary contribute to a fund or funds for the purpose of indemnifying owners of carcasses or of portions of carcasses condemned at the municipal abattoir for such diseases as may be specified by the council; provided that the council shall have power to reject or refuse to insure animals brought from any area or farm known to be infected or brought or sent in by any person known to deal in infected or diseased animals;

(b) require for the purpose of this subsection the owners of animals brought to the municipal abattoir to contribute to such fund or funds according to the scale of contributions from time to time in force and which scale of contributions the council is hereby authorized to make, alter, vary and revoke from time to time as it may determine; and

(c) take all such steps as it may deem necessary or desirable for the purpose of giving full and complete effect to the provisions of this sub-section including the power to make, alter, vary and revoke rules or regulations in respect of the control of such fund or funds;

aan so'n loop soos dit bestaan en soos voorgestel op die wyse bepaal in Deel II van die „Municipalities Powers of Expropriation Ordinance, 1903”, of enige wysiging daarvan; met dien verstande dat by die vasstelling van enige vergoeding hieronder deur die raad betaalbaar, die verhoogde of verbeterde waarde onmiddellik of toekomstig wat aan sulke grond sal toekom deur die uitvoering van die genoemde doeleindes of enige daarvan, in aanmerking geneem moet word;

Ord. No.
17 van
1939.

—
Artikel 131

- (13) inrigtings of klinieke vir die sorg en welvaart van pasgebore kinders stig, oprig, bou, in stand hou en bestuur of hulp daaraan verleen en voorsiening maak vir doelmatige onderrig aan aanstaande moeders en moeders van sulke kinders en in verband daarmee gelde hef;
- (14) (a) 'n fonds of fondse stig, in stand hou, ondersteun, bevorder en bestuur en as dit wenslik of noodsaaklik geag word, daartoe bydra, vir die doel om eienare van karkasse of van gedeeltes van karkasse afgekeur in die munisipale abattoir weens siektes wat die raad bepaal, daarvoor te vergoed; met dien verstande dat die raad bevoegd is om diere wat ingebring is van enige gebied of plaas waarvan bekend is dat dit besmet is of ingebring of ingestuur is deur enige persoon van wie bekend is dat hy handel dryf in besmette of siek diere af te wys of om te weier om hulle te verseker;
- (b) vir die doel van hierdie subartikel van die eienare van diere wat na die munisipale abattoir gebring word, vereis om by te dra tot sodanige fonds of fondse volgens die skaal van bydrae van tyd tot tyd van krag, en die raad word hierby gemagtig om so'n skaal van bydrae op te stel, te verander, te wysig en in te trek, al na hy bepaal; en
- (c) alle stappe doen wat hy nodig of wenslik ag om volle en algehele uitvoering te gee aan die bepalings van hierdie subartikel, insluitende die bevoegdheid om voorskrifte of regulasies aangaande die beheer van so'n fonds of fondse op te stel, te verander, te wysig en in te trek;

Ord. No.
17 of 1939.

—
Section 131.

- (15) subject to the provisions of the Aviation Act, 1923, or any amendment thereof, establish, erect, construct, maintain and carry on aerodromes either within or outside, or partly within and partly outside the limits of the municipality, either by itself or jointly with any other council and if with any other council, then upon such terms as such councils may by written contract agree.

In the event of any council entering into any such contract, it shall—

- (a) notwithstanding anything to the contrary contained in this Ordinance, be and it is hereby empowered—

- (i) to delegate its powers to erect, construct, maintain, supervise and carry on the said aerodrome to a joint committee composed of representatives of the respective contracting parties; to fix the number of such joint committee, and to determine what its quorum shall be;
- (ii) to elect from its own body representatives on the said joint committee;
- (iii) to make provision for the method of appointment of the Chairman of the joint committee who may or may not be one of the representatives of the contracting parties, and to determine whether or not such chairman shall be entitled to exercise a casting vote,

provided always that no expenditure shall be incurred by such joint committee unless provision has been made therefor and a detailed estimate submitted to the finance committee of each council having representation on such joint committee and approved by each such council;

- (15) behoudens die bepalings van die „Luchtvaartwet, 1923”, of enige wysiging daarvan, vliegbane daarstel, oprig, bou, in stand hou en bestuur hetsy binne of buite, of gedeeltelik binne en gedeeltelik buite die grens van die munisipaliteit, hetsy afsonderlik of gesamentlik met ’n ander raad, en indien met ’n ander raad, dan op die voorwaardes waaromtrent bedoelde rade by skriftelike kontrak ooreenkom.

Ingeval ’n raad sodanige kontrak aangaan, word hy—

- (a) ongeag enige teenstrydige bepaling in hierdie Ordonnansie, hierby gemagtig—

- (i) om sy bevoegdheid vir die oprigting, bou, instandhouding, toesig, en bestuur van genoemde vliegbaan op te dra aan ’n gesamentlike komitee bestaande uit verteenwoordigers van die respektiewe kontrakterende partye; om die ledetal van bedoelde gesamentlike komitee vas te stel, en om te bepaal uit hoeveel lede die kworum moet bestaan;
- (ii) om uit sy eie geledere verteenwoordigers op genoemde gesamentlike komitee te kies;
- (iii) om voorsiening te maak vir die metode van benoeming van die voorsitter van die gesamentlike komitee wat een van die verteenwoordigers van die kontrakterende partye kan wees of nie, en om te bepaal of sodanige voorsitter op ’n beslissende stem geregtig sal wees of nie,

steeds met dien verstande dat sodanige gesamentlike komitee geen onkoste mag maak nie tensy daar voorsiening voor gemaak is en ’n volledige begroting ingedien is by die finansiële komitee van elke raad wat verteenwoordig is op sodanige gesamentlike komitee en goedgekeur is deur elk sodanige raad;

Ord. No.
17 van
1939.

—
Artikel 131.

Ord. No.
17 of 1939.

—
Section 131.

(b) notwithstanding anything to the contrary contained in the Local Authorities Rating Ordinance, 1933, or any amendment thereof be and it is hereby empowered to remit either wholly or in part, any rate or rates which have or may at any time become due from any other council in respect of any interest in land (as defined in the said Ordinance) owned or held by such other council in or in connection with any aerodrome jointly controlled as aforesaid;

(16) subject to the provisions of the Radio Act, 1926, and of the Broadcasting Act, 1936, establish, erect, construct, maintain and carry on wireless broadcasting stations and enter into contracts for the hire of apparatus and for listening-in.

Further
special
by-law
powers for
town
councils.

132. The council may, from time to time, make, alter, and revoke by-laws for all or any of the following purposes, namely—

- (1) for maintaining and regulating any service of motor omnibuses or other vehicles, drawn or propelled by animal, mechanical, or electrical power, which may be established by the council;
- (2) for regulating the manufacture of chemicals;
- (3) for regulating, supervising and controlling barbers and hairdressers and barbers' and hairdressers' shops and for licensing any such barbers or hairdressers or barbers' or hairdressers' shops as do not require a licence under the provisions of the Licences Consolidation Act, 1925, as amended;
- (4) for granting licences (but without charging any fee therefor) to private hospitals and nursing homes and for regulating such hospitals and nursing homes;
- (5) subject to the provisions of the Medical, Dental and Pharmacy Act, 1928, and of the Public Health Act No. 36 of 1919, and of any regulations in force under the said Acts or any amendments thereof for regulating and supervising the practice of midwives and for prohibiting the practice of midwifery by persons other than registered midwives;

(b) ongeag enige teenstydige bepaling in die „Plaaslike-Bestuur-Belasting-ordonnansie,” 1933, of enige wysiging daarvan, hierby gemagtig om, hetsy geheel of gedeeltelik, enige belasting of belasting kwyd te skeld wat 'n ander raad te eniger tyd skuldig is of word ten opsigte van enige belang in grond (soos omskryf in genoemde Ordonnansie) wat sodanige ander raad besit of hou in of in verband met 'n vliegbaan wat gesamentlik beheer word soos voormeld;

(16) onderworpe aan die bepalings van die „Radio Wet, 1926”, en van die Uitsaaiwet, 1936, uitsaaistaties daarstel, oprig, bou, in stand hou en bestuur en kontrakte aangaan vir die huur van toestelle en vir inluister.

132. Die raad kan van tyd tot tyd verordeninge opstel, verander en intrek vir alle of enige van die volgende doeleindes, naamlik—

Verdere spesiale verordening—betoegedheid vir stadsrade.

- (1) om enige diens van motoromnibusse of ander voertuie, getrek of voortbeweeg deur dierlike, meganiese of elektriese krag, wat deur die raad ingestel mag word, in stand te hou en te reël;
- (2) om die vervaardiging van chemikalieë te reël;
- (3) om barbiers en haarsnyers en barbiers- en haarsnyerswinkels te reël, te beheer en toesig daarvoor te hou en om barbiers of haarsnyers of barbiers- of haarsnyerswinkels wat kragtens die bepalings van die „Licenties Konsolidatie Wet, 1925”, soos gewysig, geen lisensie nodig het nie, te lisensieer;
- (4) om lisensies te verleen (dog sonder daarvoor enige gelde te hef) aan private hospitale en verpleeginrigtings en om sulke hospitale en verpleeginrigtings te reël;
- (5) om met inagneming van die bepalings van die Wet op Geneeshere, Tandartse en Aptekers, 1928, en van die „Volksgezondheidswet,” (No. 36 van 1919, en van enige regulasies van krag ingevolge genoemde wette, of enige wysiging daarvan, die praktyk van vroedvroue te reël en toesig daarvoor te hou en om die praktyk van vroedvroue te verbied deur ander persone as geregistreeerde vroedvroue;

Ord. No.
17 van
1939.

—
Artikel 131.

Ord. No.
17 of 1939.

—
Section 132.

- (6) for regulating and controlling the use of public baths, wash-houses and laundries established by the council and for confining or restricting the separate use of such establishments to white persons or to natives or Asiatics or other classes of persons respectively;
- (7) for regulating the taking by the council of any census of the inhabitants of the municipality, defining the duties of census officers appointed by the council, compelling the giving of information required for the purpose of such census, and prohibiting the divulging of such information;
- (8) for granting to plumbers and drain-layers licences (but without charging any fee therefor) authorizing them to carry out—
- (a) plumbing or drain-laying work for the installation, alteration or repair of any system of drainage connected or intended to be connected with any municipal sewer, and/or
- (b) drain-laying or drainage work (other than storm-water drainage) for draining soiled or waste water;
- for regulating such plumbers and drain-layers, and prohibiting the carrying out of any such work by any unlicensed person; provided that—
- (c) the council may refuse to grant a licence to any person to carry out any plumbing or drain-laying work on the following ground in addition to the grounds mentioned in section *ninety*, namely, that the applicant is not competent to carry out plumbing or drain-laying work in a proper and workmanlike manner; provided that the refusal of the council to grant a licence on the ground herein stated shall be subject to the same appeal as is provided in the said section;
- (d) the council may further cancel any such licence granted to any plumber or drain-layer if it is satisfied that he has done any such plumbing or drain-laying work in a negligent or unworkmanlike manner to the

- (6) om die gebruik te reël en te beheer van publieke baaie, washuise en wasserye opgerig deur die raad en om die afsonderlike gebruik van sulke inrigtings respektiewelik tot blanke persone of tot naturelle of Asiate of ander klasse persone te bepaal en te beperk;
- (7) om die hou deur die raad van enige telling van die inwoners van die munisipaliteit te reël, om die pligte van tellingsbeamptes deur die raad benoem vas te stel, die verstrekking van inligting vir die doeleindes van so'n telling te verplig, en om die openbaarmaking van sulke inligting te verbied;
- (8) om aan loodgieters en rioolleggers lisensies te verleen (dog sonder daarvoor geld te hef) wat hulle magtig om die werk te verrig van—
- (a) loodgiet of rioolaanleg vir die installasie, verandering of reparasie van enige rioolstelsel aangesluit of bestem om aangesluit te word op enige munispale riool, en/of
- (b) rioolaanleg of rioleringswerk (behalwe stormwaterriolering) vir uitvoer van oortollige of vuilwater; om sulke loodgieters en rioolleggers te reël, en om die uitvoer te verbied van enig sodanige werk deur enige ongelisensieerde persoon; met dien verstande dat—
- (c) die raad mag weier om 'n lisensie toe te staan aan enige persoon om enige loodgieters- of rioolleggerswerk te verrig om die volgende rede behalwe die redes genoem in artikel *neëntig*, naamlik, dat die applikant nie bekwaam is om loodgieters- of rioolleggerswerk op 'n behoorlike en vakkundige wyse uit te voer nie; met dien verstande dat die weiering van die raad om 'n lisensie te verleen om die hieringenoemde rede, onderworpe is aan dieselfde appèl as in genoemde artikel bepaal;
- (d) die raad kan verder enig sodanige lisensie verleen aan enige loodgieter of rioollegger, intrek, as die raad oortuig is dat hy enige sodanige loodgieterswerk of rioolleggerswerk op 'n slordige of onvakkundige wyse tot nadeel van enige per-

Ord. No.
17 van
1939.

—
Artikel 132.

Ord. No.
17 of 1939.
—
Section 132.

injury of any person or property or contrary to any of the council's by-laws; provided that prior to such cancellation the person whose licence it is proposed to cancel shall be afforded an opportunity of appearing before a committee of the council and being heard in his own defence;

- (9) for granting to electricians licences (but without charging any fee therefor) authorizing them to carry out electrical wiring or other work for the installation, alteration, or repair of any system of wiring connected or intended to be connected with any municipal works for the supply or distribution of power, for regulating such electricians and for prohibiting the carrying out of any such work by any unlicensed person; provided that the provisions of paragraphs (c) and (d) of sub-section (8) shall apply *mutatis mutandis* in respect of such licences;
- (10) subject to the provisions of Act No. 22 of 1925 or any amendment thereof for licensing, controlling, inspecting, supervising and regulating places used for the purpose of selling publicly, or exposing for public sale any cattle, horses, sheep, goats, pigs, poultry, or other live stock; for licensing persons to conduct such sales on municipal markets or at places other than municipal markets and for requiring the deposit of security by an applicant for such licence;
- (11) for compelling and regulating the submission to the council of all meat or dead animals intended for human consumption which may be conveyed or transported into the municipal area by the owners or consignees of the same, and at their expense, in order that such meat or dead animals may be inspected or passed by the council, for regulating the branding or stamping of such meat or dead animals and for preventing the sale or use of such meat or dead animals for human consumption until the same have been inspected and passed by the

soon of eiendom of in stryd met enige van die verordeninge van die raad verrig het; met dien verstande dat voor so'n intrekking die persoon wie se lisensie ingetrek gaan word, 'n kans gegee moet word om voor 'n komitee van die raad te verskyn en hom te verdedig;

Ord. No.
17 van
1939.

—
Artikel 132.

- (9) om lisensies aan elektrisiëns te verleen (dog sonder daarvoor enige geld te hef), waarby hulle gemagtig word om elektriese draadwerk of ander werk te verrig vir die installasie, verandering of reparasie van enige stelsel van draadwerk aangesluit of bestem om aangesluit te word op enige munisipale werke vir die lewering of aanvoer van krag; om sulke elektrisiëns te reël en om die uitvoer van enige sulke werk deur enige ongelisensieerde persoon te verbied; met dien verstande dat die bepalings van paragrawe (c) en (d) van subartikel (8) *mutatis mutandis* van toepassing is op sulke lisensies;
- (10) om onderworpe aan die bepalings van Wet No. 22 van 1925, of enige wysiging daarvan, plekke gebruik vir die publieke verkoop of vir die vertoning vir publieke verkoop van enige vee, perde, skape, bokke, varke, pluimvee of ander lewende hawe te lisensieer, te beheer, te inspekteer, te reël en toesig daaroor te hou; om persone te lisensieer om sulke verkopings te hou op munisipale markte of op ander plekke as munisipale markte en om van 'n aplikant om so'n lisensie te vereis om 'n deposito van waarborg te verstrek;
- (11) om die vertoning aan die raad van alle vleis of geslagte diere bestem vir menslike verbruik wat in die munisipale gebied gebring of vervoer word deur die eienare of ontvangers daarvan, en op hulle koste, te verplig en te reël, sodat sulke vleis of geslagte diere deur die raad geïnspekteer of goedgekeur kan word, om die brandmerk of stempel van sulke vleis of geslagte diere te reël en om die verkoop of gebruik te belet van sulke vleis of geslagte diere bestem vir menslike verbruik totdat dit deur die raad geïnspekteer en goedgekeur is en

Ord. No.
17 of 1939.

—
Section 132.

- council and for fixing the fees to be paid in respect of any such inspection, branding or stamping;
- (12) for prohibiting the introduction into the municipality of any carcass other than game or of any butcher's meat slaughtered outside the municipality, except when accompanied by such undetached viscera organs or other portions of the carcass and in the case of pigs the head also as the council may specify, or by a medical or veterinary certificate that such carcass or meat and the viscera belonging thereto have been duly inspected at the time of slaughter and found free from disease; for prohibiting the introduction into the municipality of any unfrozen carcass (other than game) or unfrozen butcher's meat of animals slaughtered outside the municipality unless such animals were slaughtered at places approved by the council or a committee thereof; for specifying the conditions on which such approval may be granted or withdrawn and for limiting its duration; provided that this and the preceding sub-section shall not apply to meat or dead animals which may be conveyed or transported into the municipality by any person or the servant of any person for consumption by such person or his household;
- (13) (a) for regulating the construction by any owner of land at his expense of a footway along the side of any street abutting on his land, and the paving of such footway with concrete blocks or flat hewn or other stones, or in any other way, and for regulating the construction and paving by the council at such owner's expense of such footway;
- (b) for fixing the charges which may be made for the construction and paving by the council of any such footway; any charges so fixed shall for all purposes be deemed to be charges for services by the Council and shall be recoverable as such;
- (14) subject to the provisions of the Aviation Act, 1923, or any amendment thereof for maintaining, regulating, supervising and carrying on aerodromes and for fixing charges and fees to be made

om die gelde vas te stel wat betaal moet word ten opsigte van sodanige inspeksie, brandmerk of stempel;

- (12) die inbring in die munisipaliteit van enige karkas, behalwe wild, of van enige slagtersvleis geslag buite die munisipaliteit te verbied, behalwe wanneer vergesel van die nie-verwyderde buikorgane of ander gedeeltes van die karkas, en in die geval van varke, ook die kop, wat die raad mag voorskryf, of van 'n sertifikaat van 'n geneesheer of veearts dat sodanige karkas of vleis en die buikorgane wat daartoe behoort, behoorlik geïnspekteer was ten tyde van die slag en vry van siekte bevind was; om die inbring in die munisipaliteit van enig onbevrore karkas (behalwe wild) of onbevrore slagtersvleis van diere geslag buite die munisipaliteit te verbied, tensy sulke diere geslag was op plekke goedgekeur deur die raad of 'n komitee daarvan; om die voorwaardes voor te skryf waarop sodanige goedkeuring verleen of ingetrek mag word en om die duur daarvan te beperk; met dien verstande dat hierdie en die voorafgaande subartikel nie van toepassing is nie op vleis of geslagte diere wat in die munisipaliteit gebring of vervoer mag word deur enige persoon of die bediende van enige persoon vir gebruik deur so'n persoon of sy huisgesin;
- (13) (a) die bou te reël deur enige eienaar van grond op sy koste van 'n voetpad langs die kant van enige straat wat aan sy grond grens, en die bestrating van so'n voetpad met betonblokke of vlak of ander klipplate, of op enige andere wyse, en om die bou en bestrating van so'n voetpad deur die raad op koste van so'n eienaar te reël;
- (b) om die gelde te bepaal wat gevra mag word vir die bou en bestrating van enig sodanige voetpad deur die raad; enige aldus bepaalde koste word vir alle doeleindes beskou as koste vir dienste deur die raad gelewer en is as sodanig invorderbaar;
- (14) om met inagneming van die bepalinge van die „Luchtvaartwet, 1923”, of enige wysiging daarvan, vliegbane in stand te hou, te reël, te bestuur en toe-sig daaroor te hou en om gelde vas te

Ord. No.
17 van
1939.

—
Artikel 132.

Ord. No.
17 of 1939.

—
Section 132.

and levied in respect thereof and in connexion with the conduct thereof (including charges for admission thereto), provided that the powers hereunder may be exercised by a council either separately or jointly with other councils and whether or not such aerodromes are situate within the area of jurisdiction of such council or councils.

No such by-law shall be inconsistent with, contrary or repugnant to the provisions of this Ordinance or any other law in force within the municipality.

PART II.—SEWERAGE AND DRAINAGE WORKS.

Power to
undertake
sewerage
and
drainage.

133. (1) The council may erect, construct, equip, and carry out sewerage or drainage works within or outside the municipality; provided that the council shall not commence to erect or construct sewerage works without the consent of the Administrator.

(2) With the consent of the Administrator the council may contract in writing with any person outside the municipality or with the council of any other municipality or municipalities to receive into its sewers the sewage of such person, municipality or municipalities and to dispose of the same at any sewage farm or sewage disposal works established by the council upon such terms as may by such contract be agreed and may carry out all such work and do all such things as may be required for the due performance of such contract.

(3) With the consent of the Administrator two or more councils may, upon such terms as such councils may by written contract agree, jointly erect, construct, equip and carry out sewerage or drainage works either within or outside the municipality under the jurisdiction of any such councils, and may jointly establish, maintain and carry on any sewage farm or sewage disposal works, in accordance with the provisions of section *one hundred and thirty-six* that may be necessary or advisable for the requirements of the said municipalities.

(4) In the event of any council entering into any contract such as is referred to in sub-section (3) hereof, such council shall—

stel wat gehêf moet word ten opsigte daarvan en in verband met die bestuur daarvan (met inbegrip van koste van toegang daartoe), met dien verstande dat die bevoegdheids hieronder, uitgeoefen kan word deur 'n raad hetsy afsonderlik of gesamentlik met ander rade of sodanige vliegbane binne die regsgebied van sodanige raad of rade is of nie.

Ord. No.
17 van
1939.

—
Artikel 132.

Geen sodanige verordening mag onbestaanbaar of in stryd wees met die bepalings van hierdie Ordonnansie of enige ander wet binne die munisipaliteit van krag nie.

DEEL II.—RIOLERINGS- EN DREINERINGSWERKE.

133. (1) Die raad kan riolerings- of dreineringswerke binne en buite die munisipaliteit oprig, bou, uitrus en uitvoer; met dien verstande dat die raad met die oprigting of bou van rioleringswerke nie 'n aanvang mag maak sonder toestemming van die Administrateur nie.

Bevoegdheid om riolerings- en dreineringswerke te onderneem.

(2) Die raad kan met toestemming van die Administrateur 'n skriftelike kontrak met enige persoon buite die munisipaliteit of met die raad van enige ander munisipaliteit of munisipaliteite aangaan om in sy riole die rioolvuil van sodanige persoon, munisipaliteit of munisipaliteite te ontvang en daarvoor te beskik by enige rioolplaas of rioolvuil-werke deur die raad opgerig op voorwaardes waaromtrent in sodanige kontrak ooreengekom word, en kan alle werk uitvoer en alle dinge doen wat nodig is om behoorlike uitvoering aan bedoelde kontrak te gee.

(3) Twee of meer rade kan met toestemming van die Administrateur op voorwaardes waaromtrent sulke rade by skriftelike kontrak ooreenkom, gesamentlik riolerings- of dreineringswerke binne of buite die munisipaliteit onder die regsbevoegdheid van enige sodanige munisipale rade oprig, bou, uitrus en uitvoer, en kan ooreenkomstig die bepalings van artikel *honderd ses-en-dertig* gesamentlik enige rioolplaas of rioolvuil-werke wat nodig of wenslik mag wees vir die vereistes van genoemde munisipaliteite, oprig, in stand hou en bestuur.

(4) Ingeval 'n raad 'n kontrak aangaan van die aard bedoel in subartikel (3) hiervan, word en is sodanige raad hierby gemagtig om—

Ord. No.
17 of 1939.

—
Section 133.

(a) notwithstanding anything to the contrary contained in this Ordinance be and it is hereby empowered:—

- (i) By agreement with the other contracting council or councils to appoint a joint committee composed of members of the respective contracting councils, to fix the number of such joint committee and to determine what its quorum shall be.
 - (ii) To elect from its own body representatives on the said joint committee.
 - (iii) By agreement with the other contracting council or councils to make provision for the appointment of a chairman of the said joint committee who may or may not be a member of any of the contracting councils, to determine the method of appointment of such chairman and to determine whether or not such chairman shall be entitled to vote and/or to exercise a casting vote.
 - (iv) To delegate its powers to erect, construct, equip, carry out and maintain the said sewerage or drainage works and to establish, maintain and carry on the said sewage farm or sewage disposal works to such joint committee, provided always that no expenditure shall be incurred by such joint committee unless provision has been made therefor and a detailed estimate submitted to the finance committee of each council represented on such joint committee and approved by each such council;
- (b) notwithstanding anything to the contrary contained in the Local Authorities Rating Ordinance, 1933, or any amendment thereof, be and it is hereby empowered to remit either wholly or in part, any rate or rates which have or may at any time become due from any

(a) nieteenstaande andersluidende bepalinge in hierdie Ordonnansie:—

- (i) By ooreenkoms met die ander kontrakterende raad of rade 'n gesamentlike komitee te benoem bestaande uit lede van die onderskeie kontrakterende rade om die ledetal van sodanige gesamentlike komitee vas te stel, asook uit hoeveel lede die kworum daarvan moet bestaan.
- (ii) Uit sy eie geledere verteenwoordigers op voormelde gesamentlike komitee te kies.
- (iii) By ooreenkoms met die ander kontrakterende raad of rade voorsiening te maak vir die benoeming van 'n voorsitter van voormelde gesamentlike komitee wat nie noodwendig 'n lid van enige van die kontrakterende rade hoef te wees nie, om die wyse van benoeming van sodanige voorsitter vas te stel en om te bepaal of sodanige voorsitter al dan nie geregig sal wees om te stem en/of 'n beslissende stem uit te bring.
- (iv) Sy bevoegdhede om voormelde riolerings- of dreineringswerke op te rig, te bou, uit te rus, uit te voer en in stand te hou en om voormelde rioolplaas of rioolvuilwerke op te rig, in stand te hou en te bestuur, aan sodanige gesamentlike komitee oor te dra, steeds met dien verstande dat geen uitgawe deur so'n gesamentlike komitee aangegaan mag word nie tensy voorsiening daarvoor gemaak en 'n uitvoerige begroting aan die finansiële komitee van elke raad wat op so'n gesamentlike komitee verteenwoordig is, voorgelê en deur so'n raad goedgekeur is;

(b) nieteenstaande andersluidende bepalinge in die „Plaaslike-Bestuur-Belastingordonnansie,” 1933, of enige wysiging daarvan, geheel of gedeeltelik enige belasting of belastinge kwyt te skeld wat verskuldig mag wees of te eniger tyd mag word deur enige ander raad ten aansien van enige belang in

Ord. No.
17 van
1939.

—
Artikel 133.

Ord. No.
17 of 1939.

—
Section 133.

other council in respect of any interest in land (as defined in the said Ordinance) owned or held by such other council in or in connection with any sewerage or drainage works or sewage farm or sewage disposal works jointly controlled as aforesaid.

(5) The provisions of sections *one hundred and thirty-four* to *one hundred and forty-three* inclusive shall *mutatis mutandis* apply whenever anything is done or is proposed to be done or any work is carried out or is proposed to be carried out under the provisions of sub-sections (2) and (3) of this section. None of the councils concerned nor any other person shall be liable for any nuisance or damage which is the inevitable consequence of the proper and ordinary conduct of any sewage farm or sewage disposal works established, maintained or carried on in order to give effect to any contracts referred to in the said sub-sections. Any notice which the council is required to give under any of the said sections shall be a joint notice given by the councils concerned; any notice which is required to be served on the town clerk shall be served on the town clerk of each of the municipalities concerned; and any consent which any person is required to obtain under the provisions of section *one hundred and forty* shall be the consent of each of the councils concerned.

Provisions
as to
carrying
out
sewerage
and
drainage
works.

134. For the purpose of carrying out any drainage or sewerage works the council may—

- (a) cause such sewers, drains, and pipes to be made, laid, altered, deepened, covered over, and maintained either within, or (subject to the provisions of sections *one hundred and thirty-seven*, *one hundred and thirty-eight*, and *one hundred and thirty nine*) outside the municipality as may be necessary for effectually disposing of the sewage of or draining the municipality or any portion thereof, or for effectually carrying out any contract which may have been entered into under the provisions of sub-section (2) or sub-section (3) of section *one hundred and thirty-three*, and from time to time cause to be made and maintained all such reservoirs, sluices, engines, ventilating shafts, and other works as may be necessary for cleansing and ventilating such sewers, drains, and pipes;

grond (soos in genoemde Ordonnansie omskryf) wat aan sodanige ander raad behoort of deur hom gehou word in of in verband met enige riolerings- of dreineringswerke of rioolplaas of rioolvuil-werke wat gesamentlik, soos voor-noem, beheer word.

Ord. No.
17 van
1939.

—
Artikel 133.

(5) Die bepalings van artikels *honderd vier-en-dertig* tot en met *honderd drie-en-veertig* is *mutatis mutandis* van toepassing in gevalle waar enigiets gedoen word of bestem is om gedoen te word of waar enige werk uitgevoer word of bestem is om uitgevoer te word ingevolge die bepalings van subartikels (2) en (3) van hierdie artikel. Geen van die betrokke rade of iemand anders is aanspreeklik vir enige oorlas of skade wat die onvermydelike gevolg is van die behoorlike en gewone bestuur van enige rioolplaas of rioolvuil-werke wat oopgerig is, of in stand gehou of bestuur word ten einde uitvoering te gee aan enige kontrakte genoem in voormelde subartikels. Enige kennisgewing wat die raad ingevolge enige van genoemde subartikels moet gee, moet 'n gesamentlike kennisgewing van die betrokke rade wees; enige kennisgewing wat op die stadsklerk gedien moet word, moet gedien word op die stadsklerk van elk van die betrokke munisipaliteite, en enige toestemming wat enigeen ingevolge die bepalings van artikel *honderd-en-veertig* moet verkry, moet die toestemming van elk van die betrokke rade wees.

134. Vir die doel om enige dreinerings- of rioleringswerke uit te voer kan die raad—

- (a) rirole, afvoerleidings en pype laat maak, lê, verander, dieper maak, oordek en in stand hou, hetsy binne of (onderworpe aan die bepalings van artikels *honderd sewe-en-dertig*, *honderd agt-en-dertig* en *honderd nege-en-dertig*) buite die munisipaliteit wat nodig is vir die doelmatige afvoer van die rioolvuil of dreinerings van die munisipaliteit of enige gedeelte daarvan of vir die doeltreffende uitvoering van enige kontrak wat aangegaan is ingevolge die bepalings van subartikel (2) of subartikel (3) van artikel *honderd drie-en-dertig* en van tyd tot tyd alle reservoirs, sluisse, masjiene, lugkokers, en ander werke laat maak en in stand hou, wat nodig is vir die reiniging en ventilasie van sulke rirole, afvoerleidings en pype;

Bepalings
aangaande
die uit-
voering
van rirole-
rings- en
dreine-
ringswerke

Ord. No.
17 of 1939.

Section 134.

- (b) carry such sewers, drains or pipes through across, or under any public road, street, square, or open space, or any place laid out as or intended for a public road, street, square, or open place either within or outside the municipality, without paying compensation and, after giving reasonable notice in writing to the owner or occupier of their intention, perform the same acts in respect of any land within or (subject to the provisions of sections *one hundred and thirty-seven* to *one hundred and thirty-nine* inclusive) outside the municipality on making compensation for any damage done, the amount whereof, if not mutually agreed upon, being determined by arbitration in manner provided by the Municipalities Powers of Expropriation Ordinance 1903 or any amendment thereof, provided that, in determining any compensation payable by the council hereunder the existence of any sanitary passage through or over which the council has a right of access to any private land or building for the purpose of sanitary service and which right the council may be willing to surrender, shall be taken into account;
- (c) from time to time alter, enlarge, divert, discontinue, close up, remove or destroy any sewers, drains, or pipes under the control of the council;
- (d) within, or (subject to the provisions of sections *one hundred and thirty-seven* to *one hundred and thirty-nine* inclusive) outside the municipality construct any works for the purpose of receiving, storing, disinfecting, purifying, distributing, or otherwise disposing of any sewage or drainage;
- (e) in any case, where owing to the contour of the ground or for other reasons, it is difficult to connect for sewerage purposes any premises within the municipality direct with a public sewer maintained by the council, the council may subject to the provisions of sub-section (b) of this section make connexions with and utilize any private drain on private ground so as to connect such premises with any public sewer; provided that upon such connexion being

- (b) sulke rirole, afvoerleidings of pype laat lê deur, oor of onder enige publieke pad, straat, plein, of oop ruimte of enige plek aangelê as of bestem vir 'n publieke pad, straat, plein of oop ruimte hetsy binne of buite die munisipaliteit, sonder vergoeding te betaal, en na redelike skriftelike kennis gegee is aan die eienaar of bewoner van sy voorneme, dieselfde handeling verrig ten opsigte van enige grond binne of (onderworpe aan die bepalings van genoemde artikels *honderd sewe-en-dertig* tot en met *honderd nege-en-dertig*) buite die munisipaliteit teen vergoeding vir enige skade veroorsaak, waarvan die bedrag, indien daaromtrent nie onderling ooreengekom word nie, bepaal moet word by arbitrasie op die wyse bepaal in die „Municipalities Powers of Expropriation Ordinance, 1903”, of enige wysiging daarvan, met dien verstande dat, by die vasstelling van enige vergoeding betaalbaar deur die raad hieronder, die bestaan van enige sanitêre deurgang deur of waaroor die raad 'n reg van toegang het tot enige private grond of gebou vir die doel van sanitêre diens en watter reg die raad bereid mag wees om af te staan, in aanmerking geneem moet word;
- (c) van tyd tot tyd enige rirole, afvoerleidings of pype onder beheer van die raad verander, vergroot, verlê, afsluit, toeluit, verwyder of vernietig;
- (d) binne, of (onderworpe aan die bepalings van artikels *honderd sewe-en-dertig* tot en met *honderd nege-en-dertig*) buite die munisipaliteit enige werke aanlê om rioolvuil of dreineervuil op te vang, te bewaar, te ontsmet, te suiwer, af te voer of op ander wyse daarvoor te beskik;
- (e) in enige geval waar, weens die ligging van die grond of om ander redes, dit moeilik is om enige perseel binne die munisipaliteit direk aan te sluit vir rioleringsdoeleindes op 'n publieke riool deur die raad in stand gehou, onderworpe aan die bepalings van subartikel (b) van hierdie artikel aansluitings maak op en gebruik maak van enige private afvoerleiding op private grond ten einde sodanige perseel op

Ord. No.
17 van
1939.

—
Artikel 134.

Ord. No.
17 of 1939.

Section 134.

made the said drain with which connexion is so made shall, from the point of such connexion to the point of junction with the public sewer, be considered and used as a combined or joint drain, and the cost of construction, repair and maintenance of such combined or joint drain shall, so far as the same shall not fall to be borne by the council, be paid and borne by the owners of premises respectively served thereby, in such proportions as the council shall from time to time adjust and settle.

Vesting of
sewers in
council and
right of
access
thereto.

135. (1) All sewers, drains, pipes, ventilating shafts or other conveniences for the disposal of sewage or drainage, constructed by or which are under the control of the council except such as may be constructed on private land for the owner thereof under the provisions of section *one hundred and forty-two* shall be vested in the council, and the council, or any other persons duly authorized by it, shall at all times have a right of access to private property for purposes of inspection, maintenance, alteration, or repair of such sewers, pipes, shafts, and other conveniences, and may do all things necessary to uncover and expose such sewers, drains, pipes, ventilating shafts, or other conveniences for the purpose of such inspection, maintenance, alteration and repair, provided that the council shall repair all damage caused by such entry and inspection.

(2) Whenever sewerage or drainage works are carried out by two or more councils jointly under the provisions of sub-section (3) of section *one hundred and thirty-three* the contract between the councils concerned shall state in which council or councils the property or any portion thereof referred to in sub-section (1) of this section shall vest and such property shall be so vested; and the rights conferred upon the council by this section shall be exercised by the said councils jointly.

Sewage
farms.

136. The council may maintain and carry on any sewage farm or sewage disposal works established at the commencement of this Ordinance, the establishment of which has

enige publieke riool aan te sluit; met dien verstande dat as so'n aansluiting gemaak word, genoemde riool waarop 'n aansluiting aldus gemaak word, van die punt van sodanige aansluiting tot by die punt van aansluiting op die publieke riool, beskou en gebruik moet word as 'n gesamentlike of onderlinge riool, en die koste van aanleg, reparasie en instandhouding van so'n gesamentlike of onderlinge riool moet, vir sover dit nie deur die raad gedra moet word nie, betaal en gedra word deur die eienare van persele wat daarop aangesluit is, in die verhouding wat die raad van tyd tot tyd reël en vasstel.

Ord. No.
17 van
1939.

—
Artikel 134.

135. (1) Die eiendomsreg van die rirole, Eiendomsreg van rirole berus by raad en reg van toegang daartoe. afvoerleidings, pype, lugkokers, of ander geriewe vir die afvoer van rioolvuil of dreineringsvuil aangebring deur of wat onder beheer staan van die raad, behalwe wat gebou word op private grond vir die eienaar daarvan krachtens die bepalings van artikel *honderd twee-en-veertig*, berus by die raad, en die raad of enige ander persone behoortlik deur die raad gemagtig, het op alle tye reg van toegang tot private eiendom om sulke rirole, pype, kokers en ander geriewe te inspekteer, in stand te hou, te verander of te repareer, en kan alle dinge doen wat nodig is om sulke rirole, afvoerleidings, pype, lugkokers of ander geriewe oop te maak en bloot te lê vir die doel van sodanige inspeksie, instandhouding, verandering en reparasie, met dien verstande dat die raad alle skade veroorsaak deur sodanige betreding en inspeksie moet herstel.

(2) Wanneer riolerings- of dreineringswerke gesamentlik deur twee of meer rade in gevolge die bepalings van subartikel (3) van artikel *honderd drie-en-dertig* uitgevoer word, moet die kontrak tussen die betrokke rade vermeld by watter raad of rade die eiendomsreg van die eiendom of enige gedeelte daarvan bedoel in subartikel (1) van hierdie artikel, moet berus, en die eiendomsreg van sodanige eiendom berus dan dienooreenkomstig; en die regte waarmee die raad by hierdie artikel bekleed word, word dan deur gemelde rade gesamentlik uitgeoefen.

136. Die raad mag enige rioolplaas of riool- Rioolplaase. vuil-werke opgerig by die inwerkingtreding van hierdie Ordonnansie, waarvan die oprigting toegestaan is deur 'n order uitgevaardig

Ord. No.
17 of 1939.

—
Section 136.

been allowed by an order made under section *thirty* of the Municipalities Powers of Expropriation Ordinance, 1903, and may establish subject to the consent of the Administrator and maintain and carry on any such sewage farms or sewage disposal works either within or subject to the provisions of sections *one hundred and thirty-seven*, *one hundred and thirty-eight* and *one hundred and thirty-nine*, outside the municipality, as may be necessary or advisable for the requirements of the municipality or which may be necessary or advisable for the carrying out of any contract which may have been entered into under the provisions of sub-section (2) or sub-section (3) of section *one hundred and thirty-three* and may either let any lands used as a sewage farm to tenants or may farm the same and dispose of the produce thereof within or outside the municipality and neither the council nor any other person shall be liable for any nuisance or damage which is the inevitable consequence of the proper and ordinary conduct of any sewage farm or sewage disposal works established, maintained, or carried on under the provisions of this section.

Notice
before
commenc-
ing any
sewerage
works out-
side
municipal
limits.

137. The council shall, at least thirty days before commencing outside the municipality the construction or extension of any sewer or any other work for sewerage purposes, give notice of the intended work by advertisement in one or more local newspapers circulating in the area in which the work is to be done or if there be no such newspaper, then in one or more newspapers circulating in the municipality. Such notice shall describe the nature of the intended work, and shall state the intended terminuses thereof, and particulars of the roads, streets, squares, open spaces, and other land (if any) through, across, under, or on which the work is to be done, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees and occupiers of the land and on the local authority (if any) having the care of such roads, streets, squares, or open spaces.

Notice of
objection
by owner.

138. If any such owner, lessee, or occupier, or any such local authority, or any other person who would be affected by the intended work, objects to such work and serves written notice of objection on the Administrator and

kragtens artikel *dertig* van die „Municipalities Powers of Expropriation Ordinance, 1903”, in stand hou en bestuur, en kan met toestemming van die Administrateur enige rioolplase of rioolvuil-werke oprig en hulle in stand hou en bestuur binne, of onderworpe aan die bepalings van artikels *honderd sewe-en-dertig*, *honderd agt-en-dertig* en *honderd nege-en-dertig* buite die munisipaliteit, wat nodig of raadsaam is vir die vereistes van die munisipaliteit of wat nodig of raadsaam is vir die uitvoering van enige kontrak wat aangegaan is ingevolge die bepalings van subartikel (2) of subartikel (3) van artikel *honderd drie-en-dertig*, en kan òf enige grond gebruik as 'n rioolplaas, verhuur aan huurders òf die grond bewerk en die produkte daarvan van die hand sit binne of buite die munisipaliteit, en nog die raad nog enige ander persoon is aanspreeklik vir enige oorlas of skade wat die onvermydelike gevolg is van die behoorlike en gewone bestuur van enige rioolplaas of rioolvuil-werke opgerig, in stand gehou of bestuur kragtens die bepalings van hierdie artikel.

Ord. No.
17 van
1939.

—
Artikel 136.

137. Die raad moet minstens dertig dae voor hy buite die munisipaliteit met die bou of uitbreiding van enige riool of enige ander werk vir rioleringsdoeleindes, 'n aanvang maak, kennis gee van die voorgenome werk by wyse van 'n advertensie in een of meer plaaslike nuusblaai wat sirkuleer in die gebied waarin die werk verrig gaan word of, as daar nie so'n nuusblad bestaan nie, dan in een of meer nuusblaai wat in die munisipaliteit sirkuleer. So'n kennisgewing moet die aard van die voorgenome werk beskryf en moet die voorgestelde eindpunte daarvan vermeld, asook besonderhede van die paaie, strate, pleine, oop ruimtes en ander grond (as daar is) waardeer, waaroor, waaronder of waarop die werk verrig sal word, en moet 'n plek meld waar 'n tekening van die voorgenome werk op alle redelike ure ter insage sal lê; 'n kopie van so'n kennisgewing moet gedien word op die eienare of vermeende eienare, huurders of vermeende huurders en bewoners van die grond en op die plaaslike bestuur (as daar een is) wat die sorg het oor sulke paaie, strate, pleine of oop ruimtes.

Kennis-
gewing
voor aan-
vang van
enige riolerings-
werke buite
munisipale
grense.

138. As enig sodanige eienaar, huurder of bewoner, of enig sodanige plaaslike bestuur, of enige ander persoon wat deur die voorgenome werk geraak sou wees, teen sodanige werk beswaar maak en 'n skriftelike kennis-

Kennis-
gewing
van
beswaar
deur
eienaar.

Ord. No.
17 of 1939.

Section 138.

on the town clerk at any time within the said period of thirty days, then the intended work shall not be commenced without the consent of the Administrator, unless such objection is withdrawn.

Inquiry by
Adminis-
trator and
action
thereon.

139. The Administrator may appoint any person or persons to make an inquiry into the propriety of the intended work and the objections thereto, and to report to him on the matter, and on receiving the report of such person or persons, the Administrator may make an order, disallowing the intended work or allowing it with such modifications (if any) as he may deem necessary.

Offences
and
penalties.

140. Any person who without the previous consent in writing of the council shall—

- (a) erect or cause to be erected any building or other structure over any sewer, drain, or pipe vested in or constructed under the authority of the council; or
- (b) excavate, open up, or remove, or cause to be excavated, opened up, or removed, the ground under or near to any such sewer, drain or pipe; or
- (c) make or cause to be made any opening into such sewer, drain, or pipe, for the purpose of discharging sewage or drainage into the same or otherwise; or
- (d) injure or destroy or cause to be injured or destroyed any such sewers, drains, or pipes or any works or things in connection therewith,

shall be guilty of an offence and liable to a fine not exceeding fifty pounds, and the council may alter, demolish, or otherwise deal with as it may think fit any building or structure so erected, fill in, and make good any such damage, or close any such opening into a sewer, drain, or pipe, and the expenses so incurred shall together with such fine be recoverable from the offender in any competent court.

Charges for
use of
sewers.

141. (a) The council may divide the users of the council's drains or sewers or sewerage works into various classes and may by by-law fix the charges which may be made in respect of such users or classes of users and frame different charges for each class. Such charges

gewing van beswaar op die Administrateur en op die stadsklerk dien te eniger tyd binne genoemde tydperk van dertig dae, dan mag daar met die voorgename werk nie 'n begin gemaak word sonder toestemming van die Administrateur nie, tensy so'n beswaar teruggetrek word.

Ord. No.
17 van
1939.

—
Artikel 138.

139. Die Administrateur kan enige persoon of persone benoem om ondersoek in te stel na die gepastheid van die voorgename werk en die besware daarteen, en aan hom oor die saak te rapporteer, en by ontvangs van die rapport van sodanige persoon of persone, kan die Administrateur 'n order uitvaardig waarby die voorgename werk afgekeur word of dit goedgekeur word met enige wysigings (as daar is) wat hy nodig ag.

Ondersoek
deur
Admini-
strateur
en optrede
daarop.

140. Enige persoon wat sonder voorafgaande skriftelike toestemming van die raad—

Oortredings
en strawwe.

- (a) enige gebou of ander bouwerk oprig of laat oprig oor enige riool, afvoerleiding, of pyp waarvan die eiendomsreg by die raad berus of wat op gesag van die raad aangebring is; of
- (b) die grond onder of naby enig sodanige riool, afvoerleiding of pyp uitgraaf, oopmaak of verwyder of laat uitgraaf, oopmaak of verwyder; of
- (c) enige opening maak of laat maak in so'n riool, afvoerleiding of pyp met die doel om rioolvuil of dreineringsvuil daarin af te voer of andersins; of
- (d) enige sulke rirole, afvoerleidings of pype of enige werke of dinge in verband daarmee beskadig of verniel of laat beskadig of verniel,

is skuldig aan 'n oortreding en staan bloot aan 'n boete van hoogstens vyftig pond, en die raad kan na goeddunke enige gebou of bouwerk aldus opgerig, verander, sloop of op ander wyse daarmee handel, enig sodanige skade opvul en regmaak, of enig sodanige opening in 'n riool, afvoerleiding of pyp sluit, en die onkoste aldus gemaak is dan tesame met sodanige boete, op die skuldige in enige bevoegde hof verhaalbaar.

141. (a) Die raad kan die gebruikers van sy afvoerleidings of rirole of rioleringswerke in verskillende klasse verdeel en die koste wat hef mag word ten opsigte van sulke gebruikers of klasse gebruikers, by verordening bepaal en verskillende tariewe vir elke klas

Koste vir
gebruik
van rirole.

Ord. No.
17 of 1939.

—
Section 141.

shall for all purposes be deemed to be charges for sanitary services and shall be recoverable in accordance with the provisions of sections *forty-nine* and *fifty*.

(b) Where any erf, stand or lot or other area with or without any improvements is, or in the opinion of the Council can be, connected to any drain or sewer and sewerage works which has been constructed by the Council, the owner of such erf, stand or lot or other area shall be deemed to be a user and may be charged such fees in respect of the said drain or sewer as may by by-law be fixed by the council in terms of paragraph (a) of this section.

Power to execute drainage works on private land or premises or to make advances therefor.

142. (1) The council may in its discretion—

- (a) carry out either by its own servants, or through contractors, any work in connection with the installation or improvement of a drainage or sewerage system on any land or premises, and the connection of such land or premises with the council's drains or sewers, and recover from the owner of such land or premises the expenses incurred in such work, including a reasonable charge for supervision and, if the work is undertaken by the council without the interposition of a contractor, may in addition recover charges for the use of tools and plant; or
- (b) advance to the owner of any land or premises the amount of any expenses incurred or to be incurred by him in the execution of any such drainage or sewerage work on such land or premises, including, with the consent of the Administrator, the amount of any expenses incurred or to be incurred by him for the installation of baths, lavatory basins, sinks, and similar fittings connected or to be connected to any such drainage or sewerage works.

(2) The council may agree to accept payment of such expenses and repayment of such advances in such instalments, at such times and on such conditions as may to the council appear reasonable, together with interest thereon at the rate of six per centum per

vasstel. Sulke koste moet vir alle doeleindes geag word as koste in verband met saniteitsdienste en is ooreenkomstig die bepalings van artikels *nege-en-veertig* en *vyftig* invorderbaar.

(b) Waar 'n erf, standplaas of perseel of ander terrein met of sonder verbeterings aangesluit is, of na mening van die raad aangesluit kan word op 'n afvoerleiding of riool en rioleringswerke wat deur die raad aangelê is, word die eienaar van so'n erf, standplaas, of perseel of ander terrein geag as 'n gebruiker, en kan hom die bedrae in verband met genoemde afvoerleiding of riool ten koste gelê word wat by verordening kragtens paragraaf (a) van hierdie artikel deur die raad vasgestel word.

Ord. No
17 van
1939.

—
Artikel 141.

142. (1) Die raad kan na goedvinde—

(a) hetsy deur sy eie dienaars of deur kontraktante enige werk in verband met die aanleg of verbetering van 'n dreinerings- of rioleringsstelsel op enige grond of perseel uitvoer asook die aansluiting van sodanige grond of perseel op die afvoerleidings of rirole van die raad, en van die eienaar van sodanige grond of perseel die onkoste invorder wat by sodanige werk beloop is, insluitende 'n redelike bedrag vir toesig, en, as die werk deur die raad onderneem word sonder tussenkoms van 'n kontraktant, kan hy ook die koste vir die gebruik van gereedskap en werktuie invorder; of

Bevoegdheid om dreineringswerke te verrig op private grond of eiendom of om daarvoor voorskotte te verleen.

(b) aan die eienaar van enige grond of perseel die bedrag van enige onkoste voorskiet wat deur hom gemaak is of gemaak sal word vir die uitvoering van enige sulke dreinerings- of rioleringswerk op sodanige grond of perseel, en met die toestemming van die Administrateur, die bedrag van enige onkoste wat deur hom gemaak is of gemaak sal word vir die installasie van baddens, waskamerbakke, wasbakke en soortgelyke uitrusting wat aangeskaf is of aangeskaf sal word in verband met voormelde dreinerings- of rioleringswerk.

(2) Die raad kan instem om betaling van sulke onkoste en terugbetaling van sulke voorskotte in paaiemente aan te neem, op tye en op voorwaardes wat die raad billik ag, tesame met rente daarop teen ses persent per jaar

Ord. No.
17 of 1939.

—
Section 142.

annum (which shall be charged from the date when the works are completed or the advances are made), on such amount as remains for the time being outstanding; provided that, where the council shall advance any amounts from moneys borrowed at a rate of interest equal to or more than six per centum per annum, the council may fix the interest payable by the owner at a rate equal to the rate of interest paid by the council for the moneys so borrowed by it plus an additional rate of interest of one per centum per annum. The amount of interest payable in terms hereof shall be fixed by the council in an agreement with the owner, and shall not be subject to any alteration during the currency of the said agreement, notwithstanding any subsequent variation in the rate of interest that may be charged against the council for moneys borrowed by it.

(3) Such expenses and advances other than advances as mentioned in the second proviso to sub-section (1) of section *fifty* of this Ordinance, together with interest thereon shall be a charge upon the land or premises in respect of which the same are incurred or made, and shall be paid to the council by the owner thereof for the time being and the instalments thereof as they fall due shall be recoverable from the present or any future owner of the land or premises in any competent court.

(4) The council shall keep at the municipal offices a register of all expenses incurred and advances made under this section, and shall show in such register the total amounts thereof, the instalments in which the same are payable, the land or premises in respect of which the same have been incurred or made, and the balances for the time being outstanding and shall keep such register open at all reasonable times to the inspection of any person, free of charge; such register and any extract therefrom certified by the town clerk or other person authorized by the council shall in any proceedings for the recovery of such expenses, advances, or interest thereon or any instalments thereof, be *prima facie* evidence of the matters contained therein.

(5) Nothing in this section shall limit or affect the power of the council to execute any work which the council is, by law or under any by-law in force in the municipality,

(wat belas moet word van die datum waarop die werke voltooi of die voorskotte gemaak word) op die bedrag wat dan uitstaande is; met dien verstande dat waar die raad enige bedrae voorskiet uit gelde geleen teen 'n rentekoers gelyk aan of hoër as ses persent per jaar, die raad die rente betaalbaar deur die eienaar mag bepaal op 'n voet gelyk aan die rentekoers betaal deur die raad vir die aldus geleende gelde plus 'n ekstra rentekoers van een persent per jaar. Die bedrag van rente betaalbaar hieronder moet deur die raad vasgestel word in 'n ooreenkoms met die eienaar, en is nie onderhewig nie aan enige verandering gedurende die duur van sodanige ooreenkoms, niteenstaande enige latere verandering in die rentekoers wat teen die raad in rekening gebring mag word op gelde deur hom geleen.

Ord. No.
17 van
1939.
—
Artikel 142.

(3) Sulke onkoste en voorskotte, met die uitsondering van die voorskotte genoem in die tweede voorbehoudsbepaling van subartikel (1) van artikel *vyftig* van hierdie Ordonnansie, tesame met rente daarop is 'n las op die grond of perseel ten opsigte waarvan hulle aangegaan of verleen is, en moet aan die raad betaal word deur die persoon wat asdan eienaar daarvan is, en die paaielemente daarvan is namate hulle verskuldig word, op die teenswoordige of enige toekomstige eienaar van die grond of perseel in enige bevoegde hof verhaalbaar.

(4) Die raad moet op die munisipale kantore 'n register aanhou van alle onkoste gemaak en voorskotte verleen kragtens hierdie artikel, en moet in hierdie register die volle bedrae daarvan, die paaielemente waarin hulle betaalbaar is, die grond of perseel ten opsigte waarvan hulle gemaak of verleen is, en die saldo's asdan uitstaande, aantoon, en so'n register is op alle redelike tye kosteloos ter insage van enige persoon; so'n register en enige uittreksel daaruit gewaarmerk deur die stadsklerk of ander persoon deur die raad gemagtig, is in enige regsding vir die invordering van sulke onkoste, voorskotte of rente daarop of enige paaielemente daarvan, *prima facie* bewys van die sake daarin vervat.

(5) Geen bepaling van hierdie artikel beperk of raak die bevoegdheid van die raad om enige werk uit te voer wat die raad, by wet of kragtens enige verordening in die munisipaliteit van krag, bevoegd is om uit te voer of

Ord. No.
17 of 1939.

Section 142

empowered to execute or to recover the cost of executing such work from any person who is liable therefor.

(6) In the event of the land or premises in respect of which an advance under this section has been made being hypothecated under a mortgage bond, the Council shall give fourteen days' notice in writing to the mortgagee of its intention to make such advance.

By-laws for
sewerage
and
drainage.

143. The council may, from time to time make, alter, and revoke by-laws for all or any of the following purposes, namely:—

- (a) For regulating sewerage or drainage and for compelling the construction and connexion at the owner's expense of private drains with public drains, sewers, or pipes, and for regulating the construction by the council at the owner's expense of all house drains, in so far as they connect with and extend from the main sewer to the boundary of the property concerned;
- (b) for regulating the giving of notice and the deposit of plans and sections by persons intending to carry out any sewerage or drainage work on any land or premises and the approval or disapproval thereof by the council and the removal or alteration of any sewerage or drainage work begun or done in contravention of any by-law and for the charging of fees for the examination of such plans;
- (c) generally for carrying out the powers and authorities conferred upon the council by the last preceding section.

No such by-law shall be inconsistent with, contrary, or repugnant to the provisions of this Ordinance or of any other law in force within the municipality.

PART III.—OTHER WORKS.

Power to
undertake
tramways.

144. The council may—

- (a) establish, acquire, construct, lay down, equip, maintain, and work tramways with or without rails within the municipality or beyond its limits, and make charges in connexion therewith, and in connexion with any tramways beyond the limits of the municipality may enter into agreement with any person or corporation for the establishment,

om die koste van uitvoering van sodanige werk op enige persoon wat daarvoor aanspreeklik is, te verhaal nie.

(6) Ingeval die grond of perseel ten opsigte waarvan 'n voorskot kragtens hierdie artikel gemaak is, onder 'n akte van verband geplaas word, gee die raad skriftelike kennis van veertien dae aan die verbandgewer van sy voorneme om sodanige voorskot te maak.

143. Die raad kan van tyd tot tyd verordeninge opstel, verander en intrek vir alle of enige van die volgende doeleindes, naamlik—

Verordeninge insake riolering en dreinerings.

- (a) om riolering of dreinerings te reël en om die aanleg en aansluiting op koste van die eienaar van private rioleringe of publieke rioleringe, afvoerleidings of pype te verplig, en om die aanleg deur die raad op koste van die eienaar van alle huisafvoerleidings, te reël in sover hulle aansluit met die hoofriolering en van die hoofriolering tot die grens van die betrokke eiendom loop;
- (b) om kennisgewing en indiening van tekenings en deursnedes deur persone wat van plan is om enige riolerings- of dreineringswerk op enige grond of perseel uit te voer en die goedkeuring of afkeuring daarvan deur die raad en die verwydering of verandering van enige riolerings- of dreineringswerk waarmee begin is of wat uitgevoer is in stryd met enige verordening, te reël en om gelde te hef vir die nagaan van sulke tekenings;
- (c) oor die algemeen om die bevoegdheids- en gesag uit te oefen waarmee die raad by laasvooraangaande artikel bekleed word.

Geen sodanige verordening mag onbestaanbaar of in stryd wees met die bepalings van hierdie Ordonnansie of enige ander wet binne die munisipaliteit van krag nie.

DEEL III.—ANDER WERKE.

144. Die raad kan—

- (a) tremweë met of sonder spore binne of buite die grense van die munisipaliteit oprig, verkry, bou, aanlê, uitrus, in stand hou en bestuur, en in verband daarmee gelde hef, en kan in verband met enige tremweë buite die grense van die munisipaliteit 'n ooreenkoms aangaan met enige persoon of korporasie vir die oprigting, verkryging, bou,

Mag om tremweë te onderneem.

Ord. No.
17 van
1939.

—
Artikel 142.

Ord. No.
17 of 1939.

Section 144.

acquisition, construction, laying down, equipment, maintenance, working and guaranteeing of the capital cost, and interest on the capital cost of such undertaking and may exercise such powers either alone or in conjunction with another or other municipalities, persons, corporations, or authorities;

- (b) establish and maintain, in connection with any tramways worked by the council, a service for the carriage and delivery of parcels within the municipality and make charges for such service under such by-laws and conditions as may be approved by the Administrator;

provided that before commencing to establish, acquire, or construct tramways the council shall obtain the consent of the Administrator.

Special
assessment
for tram-
ways in
outside
districts.

145. The capital cost of construction as hereinafter defined, and any loss that may be incurred in working any line of tramway outside an area, which the Administrator may declare and define by proclamation in the *Provincial Gazette* to be an inner tramway area, shall be deemed to be abnormal or extraordinary expenditure, within the meaning of section *twenty-three* of the Local Authorities Rating Ordinance, 1933 or any amendment thereof, incurred in respect of a particular area served by such tramway and lying outside such inner area; and the council may, with respect to such capital cost and loss in working (if any), exercise all the powers conferred by the said Ordinance or amendment thereof. The capital cost of construction aforesaid shall include the cost of tracks, and tramways, levelling or making up roads where the track has to be excavated or raised, electrical bonding, overhead or other power construction along such tracks, and any necessary sites for terminuses and car stations.

Certain
conditions
precedent
before
council can
construct
tramways.

146. The following provisions shall apply to the construction of any tramway in respect of which a special rate is proposed to be levied under the last preceding section:

- (1) The council before entering upon the construction of any such tramway shall—

- (a) pass a resolution by a majority of existing councillors at a meeting of

aanleg, uitrusting, en bestuur daarvan en vir die waarborg van die kapitaalkoste en rente op die kapitaalkoste van so'n onderneming, en kan sulke bevoegdhede uitoefen, hetsy alleen of gesamentlik met 'n ander of meer munisipaliteite, persone, korporasies, of owerhede;

- (b) in verband met enige tremweë deur die raad bestuur, 'n diens instel en in stand hou vir die vervoer en aflewering van pakkette binne die munisipaliteit, en gelde hef vir so'n diens kragtens verordeninge en op voorwaardes wat die Administrateur goedkeur;

met dien verstande dat voordat die raad oorgaan tot die oprigting, verkryging of aanleg van tremweë, hy die toestemming van die Administrateur moet verkry.

145. Die kapitaalkoste van aanleg soos hierna omskrywe, en enige verlies wat mag voortvloei uit die eksploitasie van enige tremlyn buite 'n gebied, wat die Administrateur by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* tot 'n binne-tremweggebied mag verklaar en omskrywe, word beskou as abnormale of buitengewone uitgawe vir die doeleindes van artikel *drie-en-twintig* van die „Plaaslike-Bestuur-Belastingordonnansie, 1933”, of enige wysiging daarvan, beloop ten opsigte van 'n bepaalde gebied bedien deur so'n tremweg en geleë buite so'n binnegebied; en die raad kan, ten opsigte van sulke kapitaalkoste en verlies op eksploitasie (as daar is), al die bevoegdhede uitoefen wat deur genoemde Ordonnansie of wysiging daarvan toegeken word. In voornoemde kapitaalkoste van aanleg is inbegrepe die koste van tremlyne en tremweë, gelykmaak of bou van paaie waar die lyn uitgegrawe of opgehoog moet word, elektriese verbinding, bogrondse of andere kragaanleg langs sodanige lyne, en enige terreine wat nodig is vir eindpunte en tremloodse.

146. Die volgende bepalings is toepaslik op die aanleg van enige tremweg ten opsigte waarvan die voorneme bestaan om 'n spesiale belasting kragtens die laasvooraangaande artikel te hef:

- (1) Voordat die raad met die aanleg van so'n tremweg 'n begin maak, moet hy—
(a) 'n besluit neem deur 'n meerderheid van bestaande raadslede op 'n ver-

Ord. No.
17 van
1939.
—
Artikel 144.

Spesiale
aanslag
vir trem-
weë in
buite-
distrikte.

Sekere
voor-
waardes
wat voor-
aangaan
voordat
raad trem-
weë kan
nlê.

Ord. No.
17 of 1939.

Section 146.

the council held not less than fourteen days after notice shall have been given at a meeting of the council of an intention to move for the construction of such tramway;

- (b) publish daily in six issues of each of two or more newspapers circulating in the municipality an advertisement describing shortly the line of tramway which it is proposed to construct, stating the area in which the council proposes to levy special rates under the powers of the last preceding section, and the proportions (if any) according to which it is proposed that such special rates should be imposed, and naming a place where a plan of the proposed tramway and of such area may be seen at all reasonable hours.
- (2) If any person upon whom any liability in respect of the said proposed special rates would fall objects to the construction of any such tramway, or to the imposition of any such special rate, or to the proportion according to which it is proposed to impose the same, or to the exclusion of any other property from the area proposed to be specially rated, and serves written notice of such objection on the council and on the Administrator at any time within fourteen days after the last publication of the advertisement mentioned in subsection (1) the council shall not be entitled to proceed with the construction of any such tramway without the sanction of the Administrator unless such objection be withdrawn.
- (3) The Administrator may, on the application of the council and on due proof of the proper advertisement having been published, appoint a person or persons to make an inquiry into the propriety of the proposed undertaking and the objection thereto, and to report to the Administrator on the matters with respect to which such inquiry was directed, and on receiving such report, the Administrator may make an order

gadering van die raad gehou minstens veertien dae nadat kennis gegee is op 'n vergadering van die raad van 'n voorneme om die aanleg van so'n tremweg voor te stel;

Ord. No.
17 van
1939.

—
Artikel 146.

- (b) daaglik in ses uitgawes van elk van twee of meer nuusblaie wat in die munisipaliteit sirkuleer, 'n advertensie publiseer met 'n kort beskrywing van die tremlyn wat die raad voornemens is om aan te lê, met vermelding van die gebied waarin die raad voornemens is om spesiale belastinge te hef kragtens die bevoegdhede van die laasvooraangaande artikel, en die verhouding (as daar is) waarvolgens voorgestel word dat sulke spesiale belastinge opgelê behoort te word, en met vermelding van die plek waar 'n tekening van die voorgestelde tremweg en van sodanige gebied op alle redelike tye ter insage lê.
- (2) As iemand op wie 'n las ten opsigte van genoemde voorgestelde spesiale belasting sou val, beswaar maak teen die aanleg van enig sodanige tremweg, of teen die oplegging van enig sodanige spesiale belasting of teen die verhouding waarvolgens voorgestel word om die belasting op te lê, of teen die uitsluiting van enige ander eiendom van die gebied wat volgens voorneme spesiaal belasting gaan word, en skriftelike kennisgewing van so'n beswaar op die raad en die Administrateur dien te eniger tyd binne veertien dae na die laaste publikasie van die advertensie genoem in subartikel (1), dan is die raad nie geregtig om aan te gaan met die aanleg van enig sodanige tremweg sonder die toestemming van die Administrateur nie, tensy so'n beswaar teruggetrek word.
- (3) Die Administrateur kan op aansoek van die raad en nadat behoorlik bewys gelewer is dat die advertensie behoorlik gepubliseer was, 'n persoon of persone benoem om ondersoek in te stel na die gepastheid van die voorgestelde onderneming en die beswaar daarteen, en aan die Administrateur te rapporteer oor die sake in verband waarmee so'n ondersoek opgedra was, en by ontvangs van so'n rapport, kan die Administra-

Ord. No.
17 of 1939.

—
Section 146.

empowering the council to proceed with the construction of such tramway in the manner proposed by the council, or subject to such conditions and modifications as he may think fit or may refuse to sanction such construction or undertaking.

Special tramway rates shall be imposed on value of rateable property, less deduction for value of buildings.

147. Notwithstanding anything contained in the Local Authorities Rating Ordinance, 1933, or any amendment thereof, the council shall, for the purpose of any special rate which it may decide to impose with respect to the capital cost of constructing and any loss that may be incurred in working any line of tramway, deduct from the value of the rateable property on which such rate is to be imposed as appearing in the valuation roll, such part thereof as represents the value of buildings, and impose such rate on the value of such property, subject to such deduction as aforesaid, instead of on the full value thereof.

If owners of two-thirds in value of property liable to be specially rated in respect of proposed tramway petition for abandonment of council's proposals, council may not proceed.

148. If at any time within the period allowed under section *one hundred and forty-six* for serving notice of objection on the council with reference to the construction of any tramway and to the special rate proposed in respect thereof, the owners of two-thirds of the rateable property on which it is proposed to impose such special rate (such two-thirds being reckoned by value according to the values in the valuation roll for the time being in force but subject to the deduction in the preceding section mentioned) shall sign and cause to be transmitted to the town clerk a petition to the council, praying that the council's proposals for the construction of such tramway, and that the imposition of special rates as set forth in the advertisement with reference thereto be entirely abandoned, the council shall not proceed further therewith but the same shall forthwith be abandoned, and the council shall not again initiate proceedings under the said section with regard to the construction of such tramway, until after the expiry of a period of six months from the date when such petition for abandonment is received by the town clerk.

teur 'n order uitvaardig waarby die raad gemagtig word om met die aanleg van so'n tremweg voort te gaan op die wyse deur die raad voorgestel, of onderworpe aan enige voorwaardes en wysigings wat hy dienstig ag, of hy kan weier om sodanige aanleg of onderneming goed te keur.

Ord. No.
17 van
1939.

—
Artikel 146.

147. Nieteenstaande die bepalinge van die „Plaaslike-Bestuur-Belastingordonnansie, 1933”, of enige wysiging daarvan, moet die raad, vir die doel van enige spesiale belasting wat hy mag besluit om op te lê ten opsigte van die kapitaalkoste van aanleg en enige verlies wat mag ontstaan uit die eksploitasie van enige tremlyn, van die waarde van die belastbare eiendom waarop so'n belasting opgelê sal word soos dit voorkom op die waarderingslys, die deel daarvan aftrek wat die waarde van geboue verteenwoordig, en sodanige belasting oplê op die waarde van sodanige eiendom, onderworpe aan sodanige aftrekking soos voormeld, in plaas van op die volle waarde daarvan.

Spesiale tremweg-belasting word opgelê op waarde van belastbare eiendom min korting vir waarde van geboue.

148. As te eniger tyd binne die tydperk toegestaan kragtens artikel *honderd ses-en-veertig* vir diening van kennisgewing van beswaar aan die raad met betrekking tot die aanleg van enige tremweg en tot die spesiale belasting wat voorgestel word ten opsigte daarvan, die eienare van twee-derdes van die belastbare eiendom waarop die raad van plan is om so'n spesiale belasting op te lê (sulke twee-derdes gereken te word volgens waarde ingevolge die waardes op die waarderingslys asdan van krag dog onderworpe aan die aftrekking genoem in die voorafgaande artikel) 'n petisie teken en by die stadsklerk laat indien waarin gevra word dat die voorstelle van die raad vir die aanleg van so'n tremweg, en dat die heffing van spesiale belasting soos vermeld in die advertensie wat daarop betrekking het, heeltemal opgegee moet word, dan mag die raad nie verder daarmee voortgaan nie dog die plan moet terstond laat vaar word, en die raad mag dan nie weer kragtens genoemde artikel stappe doen nie wat die aanleg van so'n tremweg aangaan, tot na verloop van 'n tydperk van ses maande vanaf die datum waarop so'n petisie om van die voorstel af te stap, deur die stadsklerk ontvang word.

As eienare van twee-derdes in waarde van eiendom wat aan spesiale belasting blootstaan ten opsigte van voorgestelde tremweg aansoek doen vir opgee van voorstelle van raad, dan mag raad nie daarmee voortgaan nie.

Ord. No.
17 of 1939.

Excess of
special
rates over
capital cost
of con-
structing
tramway
to be
refunded or
remitted.

149. If it shall appear that the amount received or to be received by way of special rates imposed with respect to the capital cost of constructing any line of tramway (as defined by section *one hundred and forty-five*), is in excess of such capital cost, the council shall refund to persons who have paid such rates, or remit in favour of persons liable to pay the same, a proportionate part thereof, so that the total amount received or to be received by the council by way of such special rates may be approximately equal to the capital cost of constructing such line of tramway. If any question shall arise as to the amount of any refund due from the council under this section, the person claiming such refund may apply to the Administrator to determine such question, and his decision thereon shall be final.

Power to
establish
cemeteries
outside the
municipali-
ty and
tramways
in
connexion
therewith.

150. The council may, subject to the approval of the Administrator, establish and maintain cemeteries outside the municipality, and establish, maintain, and work tramways to serve such cemeteries, and it shall have the same power of making by-laws for any such cemetery and tramway and of making charges in connexion therewith as it would have, if the same were within the municipality, and any by-laws relating to cemeteries or tramways may, by resolution of the council, be applied to any cemetery or tramway established under this section, and shall come into force on the date stated in a notice published in the *Provincial Gazette*.

Tramway
by-laws.

151. The council may, from time to time, make, alter, and revoke by-laws for all or any of the following purposes—

- (a) for regulating the use of any tramways established, acquired, or worked by the council and the method of working such tramways including the running of privately hired tramcars thereon and for regulating the charges to be made in connection with the use of the council's tramcars, provided that if it so decides, the council may regulate such charges by resolution of the council and not by by-law;

Ord. No.
17 van
1939.

149. As dit blyk dat die bedrag wat ontvang is of ontvang sal word aan spesiale belasting opgelê ten opsigte van die kapitaalkoste van aanleg van enige tremlyn (soos omskrywe in artikel *honderd vyf-en-veertig*) meer is as sodanige kapitaalkoste, moet die raad aan die persone wat sodanige belasting betaal het, 'n eweredige deel daarvan terugbetaal, of aan persone wat aan betaling daarvan onderhewig is 'n eweredige deel daarvan kwytsekeld, sodat die volle bedrag wat ontvang is of ontvang sal word deur die raad aan sodanige spesiale belasting naasteby gelyk sal wees aan die kapitaalkoste van aanleg van so'n tremlyn. As daar enige geskil ontstaan omtrent die bedrag van enige terugbetaling wat deur die raad kragtens hierdie artikel verskuldig is, dan kan die persoon wat sodanige terugbetaling vorder, by die Administrateur aansoek doen om sodanige geskil te besleg, en sy beslissing daarvoor is dan finaal.

Oorskryding van spesiale belasting op kapitaalkoste van aanleg van tremweg word terugbetaal of kwytgeseeld.

150. Die raad kan onderworpe aan die goedkeuring van die Administrateur, begraafplase buite die munisipaliteit oprig en in stand hou, en tremweë aanlê, in stand hou en bestuur ten behoeve van sulke begraafplase, en hy besit dieselfde bevoegdheid om verordeninge op te stel vir so'n begraafplaas en tremweg en om gelde in verband daarmee te hef as hy sou hê as hulle binne die munisipaliteit was, en enige verordeninge wat betrekking het op begraafplase of tremweë kan by besluit van die raad, toegepas word op enige begraafplaas of tremweg opgerig kragtens hierdie artikel en tree in werking op die datum vermeld in 'n kennisgewing gepubliseer in die *Offisiële Koerant van die Provinsie*.

Bevoegdheid om begraafplase buite die munisipaliteit en tremweg in verband daarmee op te rig.

151. Die raad kan van tyd tot tyd verordeninge opstel, verander, en intrek vir alle of enige van die volgende doeleindes—

Tremwegverordeninge.

- (a) om die gebruik van enige tremweë opgerig, verkry, of geëksploiteer deur die raad te reël, asook die wyse van eksplorasie van sulke tremweë, insluitende die gebruik van privaat gehuurde tremwaens daarop, en om die koste vas te stel in verband met die gebruik van die tremwaens van die raad, met dien verstande dat as hy daartoe besluit, die raad sodanige koste by besluit van die raad kan vasstel en nie by verordening nie;

Ord. No.
17 of 1939.

—
Section 151.

- (b) for appointing separate tramcars for the use of white persons and of natives or Asiatics or other coloured persons respectively and restricting the use of such cars to such persons and prohibiting the use of any tramcars by persons who are not respectably dressed or well conducted;
- (c) for regulating the conditions of service and duties of persons employed by the council in working tramways, and for imposing fines (by means of stoppages of pay) on such persons for negligence, dereliction of duty, or other offences prejudicial to the good and proper working of the tramway system;
- (d) for regulating the disposal of unclaimed articles or goods found in the tramway premises and tramcars of the council.
- (e) generally for the good and efficient working of such tramways and the service in connection therewith.

No such by-law shall be inconsistent with, contrary, or repugnant to the provisions of this Ordinance or of any other law in force within the municipality.

Special
water
rates.

152. The capital cost of providing or laying any new water mains required for the purpose of supplying water to any land or premises within the municipality, which are not connected with any existing mains, shall be deemed to be abnormal or extraordinary expenditure within the meaning of section *twenty-three* of the Local Authorities Rating Ordinance, 1933 or any amendment thereof, incurred in respect of any particular area served or intended to be served by any such new water mains, whether the same are laid within or without such area, and the council may, with respect to such capital cost, exercise all the powers conferred by the said Ordinance or any amendment thereof.

Any special rate imposed under this section shall be called "a special water rate" and all the provisions contained in this Ordinance with regard to the construction by the council of any tramway in respect of which a special

- (b) om afsonderlike tremwaens vir die gebruik van onderskeidelik blanke persone en van naturelle of Asiatische of ander kleurlinge vas te stel en om die gebruik van sulke waens tot sulke persone te beperk en om die gebruik van enige tremwaens te verbied deur persone wat nie fatsoenlik gekleed is of wat hulle nie behoorlik gedra nie;
- (c) om die diensvoorwaardes en pligte te reël van persone in diens van die raad by die bestuur van tremweë, en om boetes op te lê (deur inhouding van loon) aan sulke persone weens agtelosigheid, pligsversaking, of ander oortredings nadelig vir die goeie en behoorlike bestuur van die tremwegstelsel;
- (d) om die beskikking oor onopgevoerde voorwerpe of goedere wat in die tremgeboue en tremwaens van die raad agtergelaat is, te reël;
- (e) oor die algemeen vir die goeie en doeltreffende bestuur van sulke tremweë en die diens in verband daarmee.

Ord. No.
17 van
1939.

—
Artikel 151.

Geen sodanige verordening mag onbestaanbaar of in stryd wees met die bepalings van hierdie Ordonnansie of enige ander wet binne die munisipaliteit van krag nie.

152. Die kapitaalkoste van die voorsiening van aanleg van enige nuwe hoofwaterleidings wat nodig is om water te lewer aan enige grond of perseel binne die munisipaliteit, wat nie op enige bestaande hoofleidings aansluit is nie, word beskou as abnormale of buitengewone uitgawe vir die doeleindes van artikel *drie-en-twintig* van die „Plaaslike-Bestuur-Belastingordonnansie, 1933”, of enige wysiging daarvan, behoort ten opsigte van enige bepaalde gebied wat bedien word of wat volgens voorneme bedien sal word deur enige sulke nuwe hoofwaterleiding, of hulle nou ook binne of buite so'n gebied gelê word, en die raad kan, met betrekking tot sulke kapitaalkoste, al die bevoegdhede uitoefen by genoemde Ordonnansie of enige wysiging daarvan toegeken.

Enige spesiale belasting opgelê kragtens hierdie artikel word 'n „spesiale waterbelasting” genoem en al die bepalings vervat in hierdie Ordonnansie met betrekking tot die aanleg deur die raad van enige tremweg ten

Ord. No.
17 of 1939.

Section 152.

rate is proposed to be levied, and to the imposition, remission, or refunding of such rate, shall apply *mutatis mutandis* to the providing and laying of any new water mains in respect of which a "special water rate" is proposed to be levied, and to the imposition, remission, or refunding of any "special water rate".

CHAPTER XI.

GENERAL.

PART I.—POWERS OF ADMINISTRATOR IN LOCAL AUTHORITY'S DEFAULT OR IN EMERGENCY.

Adminis-
trator's
powers of
nomination
in certain
circum-
stances:

153. (1) (a) Pending the first election of councillors for any newly constituted municipality the Administrator may, for the purposes of this Ordinance, by proclamation in the *Provincial Gazette*, nominate and appoint such number of fit and proper persons as he shall select, not being less than five nor more than seven, to form a council with jurisdiction over any area which, under the said Ordinance—

(i) has been constituted a new municipality for the first time, or

(ii) has been severed from a municipality (of which it originally formed a part) and constituted a separate municipality.

(b) Every such nominated council shall exercise all or any of the powers and authorities and shall carry out the duties conferred or imposed on a council by this Ordinance or under any other law subject to the obligations attaching to the exercise thereof.

(c) The persons so nominated and appointed may or may not be persons resident within the municipality.

(d) Notwithstanding anything to the contrary in any law contained the period of office of every such nominated council shall be from the date of the proclamation aforesaid until the date upon which a council shall be elected for the municipality in manner provided in

opsigte waarvan die heffing van 'n spesiale belasting voorgestel word, en tot die oplegging, kwytstelling of terugbetaling van so 'n belasting is *mutatis mutandis* van toepassing op die voorsiening en aanleg van enige nuwe hoofwaterleidings met betrekking waartoe die heffing van 'n „spesiale waterbelasting” voorgestel word en op die oplegging, kwytstelling of terugbetaling van enige „spesiale waterbelasting”.

Ord. No.
17 van
1939.

Artikel 152.

HOOFTUK XI.

ALGEMEEN.

DEEL I.—BEVOEGDHEDE VAN ADMINISTRATEUR BY VERSUIM VAN PLAASLIKE BE- STUUR OF IN DRINGENDE GEVALLE.

153. (1) (a) Tot tyd en wyl die eerste ver- Admini-
strateur
se reg van
nominasie
onder
sekere om-
standig-
hede. kiesing van raadslede vir enige pas-ingestelde munisipaliteit plaasvind, kan die Administrateur vir die doeleindes van hierdie Ordonnansie, by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* 'n aantal bekwame en behoorlike persone nomineer en benoem wat hy uitkies, wat nie minder as vyf of meer as sewe is nie, om 'n stadsraad te vorm met regsbevoegdheid oor enige gebied wat kragtens genoemde Ordonnansie—

- (i) vir die eerste maal as 'n nuwe munisipaliteit ingestel is;
- (ii) van 'n munisipaliteit (waarvan dit oorspronklik deel uitgemaak het) afgestig en as 'n afsonderlike munisipaliteit ingestel is.

(b) Ieder sodanige genomineerde raad oefen alle of enige van die bevoegdhede en magte uit en vervul die pligte wat aan 'n raad toegeken of opgelê word by hierdie Ordonnansie of kragtens enige ander wet onderworpe aan die verpligtings wat aan die uitoefening daarvan verbonde is.

(c) Die aldus genomineerde en benoemde persone hoef nie noodwendig persone te wees wat binne die munisipaliteit woonagtig is nie.

(d) Nieteenstaande andersluidende bepalinge in enige wet vervat, is die ampstydperk van ieder sodanige genomineerde raad van die datum van voornoemde proklamasie tot die datum waarop 'n raad vir die munisipaliteit verkies word op die wyse bepaal in

Ord. No.
17 of 1939.

—
Section 153.

any law providing for the holding of a first election of a council unless the appointment of any person shall have been previously cancelled by the Administrator. Every such nominated council shall be dissolved upon such latter date.

(e) Notwithstanding anything to the contrary in this Ordinance contained, whenever any area has been severed from a municipality and constituted a separate municipality as aforesaid, the Administrator may by proclamation in the *Provincial Gazette* declare that all by-laws and regulations which at the date of such severance were operative in the area shall notwithstanding such severance have the same force and effect in the said separate municipality, as if promulgated under the law for such separate municipality until altered or amended under the provisions of this Ordinance.

(2) If any local authority shall at any time neglect to hold a meeting for the space of ninety days, the Administrator may dissolve such local authority and nominate and appoint by proclamation in the *Provincial Gazette* such number of fit and proper persons as he shall select, not being less than five nor more than seven, to form such local authority for the purposes of this Ordinance, and every such nominated local authority shall be competent to exercise and is hereby required to exercise all and singular, the powers and authorities vested under this Ordinance in the local authority which has been so dissolved, provided that—

(a) the persons so nominated and appointed need not be persons resident within the area of jurisdiction of such local authority;

(b) every nominated local authority shall notwithstanding anything to the contrary contained in this Ordinance or any law providing for the election of such local authority, continue to sit until it be dissolved by proclamation of the Administrator in the *Provincial Gazette*, and prior to such dissolution a local authority shall be elected for the area aforesaid at such date as may be notified by the Administrator, and

enige wet wat voorsiening maak vir die hou van 'n eerste verkiesing van 'n stadsraad tensy die Administrateur die benoeming van enige persoon op 'n vroeër datum ingetrek het. Ieder sodanige genomineerde raad word op sodanige laasgenoemde datum ontbind.

Ord. No.
17 van
1939.

—
Artikel 153.

(e) Nieteenstaande andersluidende bepalinge in hierdie Ordonnansie vervat, kan die Administrateur wanneer enige gebied van 'n munisipaliteit afgestig en as 'n afsonderlike munisipaliteit ingestel is soos voormeld, by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* verklaar dat alle verordeninge en regulasies wat op datum van sodanige afstigting in die gebied van krag was, nieteenstaande sodanige afstigting van dieselfde krag in die afgeskeie munisipaliteit sal wees asof hulle afgekondig is kragtens die wet vir sodanige afgestigte munisipaliteit, totdat hulle verander of gewysig is kragtens die bepalings van hierdie Ordonnansie.

(2) As enige plaaslike bestuur te eniger tyd versuim om 'n vergadering te hou vir die tydperk van neëntig dae, dan kan die Administrateur so'n plaaslike bestuur ontbind en by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* 'n aantal bekwame en behoorlike persone nomineer en benoem wat hy uitkies, wat nie minder as vyf of meer as sewe is nie, om sodanige plaaslike bestuur vir die doeleindes van hierdie Ordonnansie uit te maak, en ieder sodanige genomineerde plaaslike bestuur is dan bevoegd en word hierby gelas om alle en enige van die bevoegdhede en magte uit te oefen waarmee die plaaslike bestuur wat aldus ontbind is, bekleed is, met dien verstande dat—

- (a) die aldus genomineerde en benoemde persone nie persone hoef te wees wat woonagtig is binne die regsgebied van so'n plaaslike bestuur nie;
- (b) iedere genomineerde plaaslike bestuur, nieteenstaande andersluidende bepalinge in hierdie Ordonnansie vervat of in enige wet wat voorsiening maak vir die verkiesing van so'n plaaslike bestuur, sitting bly hou totdat dit by proklamasie van die Administrateur in die *Offisiële Koerant van die Provinsie Transvaal* ontbind word, en voor sodanige ontbinding moet 'n plaaslike bestuur verkies word vir voornoemde gebied op die datum wat die Administrateur bekendmaak, en op die wyse

Ord. No.
17 of 1939.

Section 153.

in manner provided in this Ordinance or any law providing for the holding of a first election of a local authority.

Health
Officer for
the Union
may enter
upon and
inspect all
premises.

154. For the purpose of making such inquiries and investigations into matters relating to public health as he may deem expedient to inquire into, any officer of the Department of Public Health of the Union (hereinafter in this Ordinance referred to as the Department), deputed thereto by the Minister, shall have and is hereby given, for any area of jurisdiction of a local authority, all such powers of inspection and entry as are by this Ordinance conferred on a town council and on the officers of a town council.

Sanitary
control of
surface and
under-
ground
mine
workings.

155. (1) It shall be the duty of a local authority if so required by the Administrator, to appoint some person duly qualified in sanitary work and approved by the Minister, to make regular and systematic inspections of the underground and surface workings of any mine within the area of jurisdiction of such local authority. The person appointed shall, for the purpose of duties in connexion with such inspection, be styled a "mines sanitation inspector" and shall comply with such requests in connexion with the inspection of underground and surface workings of mines within the said area as may be made by or with the authority of any officer of the Department, deputed thereto by the Minister. It shall be the duty of such inspector to take cognizance of any law with regard to the sanitation of underground and surface workings of mines or any regulations made or instructions issued thereunder, and to report to the local authority, to any officer of the Department, deputed thereto by the Minister, and to any other public officer whose duty it is to enforce the observance of any such law, regulations, or instructions, any breach of or failure to comply with the same, and so far as he may be empowered to do so by such officer of the Department or other public officer aforesaid, to take all steps necessary to enforce the observance of and compliance with the provisions of the said law, regulations, or instructions.

in hierdie Ordonnansie bepaal of enige wet wat voorsiening maak vir die hou van 'n eerste verkiesing van 'n plaaslike bestuur.

Ord. No.
17 van
1939.

Artikel 153.

154. Met die doel om enige navraag en ondersoek te doen in verband met sake wat betrekking het op volksgesondheid wat hy dienstig mag ag om te ondersoek, het en word hierby gegee aan enige amptenaar van die Departement van Volksgesondheid van die Unie (hierna in hierdie Ordonnansie die Departement genoem), daartoe belas deur die Minister, alle regte van inspeksie en betreding, vir enige regsgebied van 'n plaaslike bestuur, wat by hierdie Ordonnansie toegeken word aan 'n stadsraad en aan die beamptes van 'n stadsraad.

Gesondheids-beampte vir die Unie kan alle persone betree en inspekteer.

155. (1) 'n Plaaslike bestuur is verplig om, as die Administrateur dit verlang, een of ander persoon behoorlik gekwalifiseer in sanitêre werk en goedgekeur deur die Minister, te benoem om gereelde en planmatige inspeksies te hou van die onder- en bogrondse werksaamhede van enige myn binne die regsgebied van so'n plaaslike bestuur. Die benoemde persoon sal, vir die doel van pligte in verband met so'n inspeksie, 'n „myngesondheidsinspekteur” genoem word en moet voldoen aan enige versoeke in verband met die inspeksie van onder- en bogrondse werksaamhede van myne binne genoemde gebied wat gedoen mag word deur of met magtiging van enige beampte van die Departement wat daartoe deur die Minister belas is. Dit is die plig van so'n inspekteur om hom op die hoogte te stel van enige wet wat betrekking het op die toepassing van gesondheidsmaatreëls van onder- en bogrondse werksaamhede van myne of van enige regulasies of instruksies daar- onder uitgevaardig, en om kennis te gee aan die plaaslike bestuur, aan enige beampte van die Departement daartoe deur die Minister gelas, en aan enige ander staatsamptenaar wie se plig dit is om die nakoming van enig sodanige wet, regulasies, of instruksies toe te pas, van enige oortreding daarvan of versuim om daaraan te voldoen, en vir sover hy daartoe gemagtig is deur so'n beampte van die Departement of ander voornoemde staatsamptenaar, alle stappe te doen wat nodig is om die nakoming van en voldoening aan die bepalings van genoemde wet, regulasies of instruksies te verplig.

Sanitêre beheer oor bo- en ondergrondse mynwerksaamhede.

Ord. No.
17 of 1939.

Section 155.

(2) Where an inspector is appointed under this section, the local authority shall not prosecute any person or partnership or company for any breach of by-laws or regulations made in respect of the sanitation of underground or surface workings of mines under the provisions of this Ordinance, unless the local authority shall first have obtained the consent of any officer of the Department, deputed thereto by the Minister, to undertake such prosecution.

(3) A mines sanitation inspector appointed under this section shall not be removed from his office by the local authority without the approval of the Minister.

(4) This section shall not apply to any local authority which has appointed a person, certified by the medical officer of health of such authority to be duly qualified in sanitary work, to carry out the duties hereby assigned to a mines sanitation inspector, and thereafter continues to employ to carry out such duties a person so certified, unless it shall appear to the Minister after due inquiry by a person appointed for the purpose that such duties are not being efficiently carried out in the area of jurisdiction of such authority; provided that the local authority shall be entitled to receive fourteen days' notice of an inquiry proposed to be held under this sub-section, and to be heard by the person appointed to conduct such inquiry.

Power of
Adminis-
trator
where local
authority
defaults in
matters of
public
health.

156. If any local authority shall fail to do or carry out any work or thing which it is or may be empowered under this Ordinance or any amendment thereof, to do or carry out, or shall fail to make, alter, revoke or enforce any by-laws or regulations on any matters upon which it is empowered under this Ordinance to make, alter, revoke, and enforce by-laws or regulations, and such failure on the part of a local authority constitutes, in the opinion of any officer of the Department, deputed thereto by the Minister, a danger and menace to the health of the public within

(2) Waar 'n inspekteur kragtens hierdie artikel benoem is, mag die plaaslike bestuur geen persoon of vennootskap of maatskappy vervolg nie vir enige oortreding van verordeninge of regulasies uitgevaardig ten opsigte van die gesondheidsmaatreëls van onder- of bogrondse werksaamhede van myne kragtens die bepalinge van hierdie Ordonnansie, tensy die plaaslike bestuur vooraf die toestemming verkry het van enige beamppte van die Departement daartoe deur die Minister gelas, om sodanige vervolging in te stel.

(3) 'n Myngesondheidsinspekteur benoem kragtens hierdie artikel mag nie deur die plaaslike bestuur uit sy amp onthef word sonder die goedkeuring van die Minister nie.

(4) Hierdie artikel is nie van toepassing nie op enige plaaslike bestuur wat 'n persoon benoem het, wat deur die geneeskundige gesondheidsbeampte van so'n bestuur gesertifiseer as iemand wat behoorlik gekwalifiseer is in gesondheidswerk, om die pligte te vervul hierby opgedra aan 'n myngesondheidsinspekteur, en daarna voortgaan om 'n aldus gesertifiseerde persoon in diens te hou om sodanige pligte te vervul, tensy na behoorlike ondersoek deur 'n persoon vir die doel benoem, dit die Minister voorkom dat sodanige pligte nie behoorlik vervul word in die regsgebied van so'n plaaslike bestuur nie, met dien verstande dat die plaaslike bestuur geregtig is op veertien dae kennisgewing vooraf van 'n ondersoek wat volgens voorneme kragtens hierdie subartikel gehou sal word, en verhoor te word deur die persoon benoem om so'n ondersoek te hou.

156. As enige plaaslike bestuur in gebreke bly om enige werk of ding te verrig of uit te voer wat hy kragtens hierdie Ordonnansie of enige wysiging daarvan bevoegd is of mag word om te verrig of uit te voer, of versuim om enige verordening of regulasies op te stel, te verander, in te trek of toe te pas, met betrekking tot enige sake waarvoor hy kragtens hierdie Ordonnansie bevoegd is om verordeninge op te stel, te verander, in te trek en toe te pas, en so'n versuim deur 'n plaaslike bestuur na mening van enige beamppte van die Departement daartoe deur die Minister gelas, 'n gevaar en bedreiging oplewer vir die gesondheid van die publiek binne of buite sy regsgebied, dan kan die Administrateur van die nalatige plaaslike bestuur verlang om

Bevoegdheid van Administrateur waar plaaslike bestuur in gebreke bly in aangeleenthede van volksgesondheid.

Ord. No.
17 van
1939.

—
Artikel 155.

Ord. No.
17 of 1939.

—
Section 156.

or without its area of jurisdiction, the Administrator may give notice to the local authority in default, requiring it to take measures within its powers under this Ordinance or any amendment thereof, to abate and remove such danger; and if such local authority fail to take and properly carry out the required measures, the Administrator, on satisfying himself that the local authority has so failed without reasonable cause, may—

- (a) proclaim such regulations as may be necessary to abate and remove such danger, which regulations shall, until repealed by the Administrator, thereupon have the force and effect of law within the area of jurisdiction of the said local authority;
- (b) authorize any person or persons to do or carry out any work or things and to expend such sum in so doing or carrying out works or things as to him may seem necessary provided that any money expended by the Administrator under this section shall be recoverable by the Administrator from the local authority on the order of any competent court in like manner as if the sum so expended was a loan secured on the property and revenues of the local authority under the provisions of section *fifty-two*; provided further that, in the case of a local authority for whose area of jurisdiction the provisions of the Local Authorities Rating Ordinance 1933 or any amendment thereof do not apply, the Administrator may proclaim that the provisions of that Ordinance or amendment thereof shall apply for the purposes of assessing property within the area of jurisdiction of the said local authority, and of levying assessment rates on such property of such amount and for such period as shall produce a sum equivalent to the expenditure incurred by the Administrator under and for the purposes of this section; in default of the said local authority the Administrator may cause such assessment to be made, levied and collected in all respects as such local authority is empowered to do.

maatreëls te neem binne sy bevoegdhede kragtens hierdie Ordonnansie of enige wysiging daarvan om so'n gevaar te verminder en te verwyder; en as so'n plaaslike bestuur versuim om die vereiste maatreëls te neem en behoorlik uit te voer, kan die Administrateur, nadat hy hom oortuig het dat die plaaslike bestuur aldus sonder redelike oorsaak nalatig was—

Ord. No.
17 van
1939.
—
Artikel 156.

- (a) enige regulasies wat nodig is om so'n gevaar te verminder en te verwyder, uitvaardig, en sulke regulasies het dan, totdat hulle deur die Administrateur herroep word, krag van wet binne die regsgebied van genoemde plaaslike bestuur;
- (b) enige persoon of persone magtig om enige werke of dinge te verrig of uit te voer en om in die verrigting of uitvoering van werke of dinge enige bedrag te spandeer wat hy noodsaaklik ag, met dien verstande dat enige gelde deur die Administrateur kragtens hierdie artikel gespandeer, deur die Administrateur van die plaaslike bestuur ingevorder kan word op las van enige bevoegde hof op dieselfde wyse asof die bedrag aldus gespandeer, 'n lening was wat gesluit is teen die eiendom en inkomste van die plaaslike bestuur kragtens die bepaling van artikel *twee-en-vyftig*; met dien verstande verder dat in die geval van 'n plaaslike bestuur op wie se regsgebied die bepaling van die „Plaaslike-Bestuur-Belastingordonnansie, 1933”, of enige wysiging daarvan, nie toepaslik is nie, die Administrateur kan proklameer dat die bepaling van daardie Ordonnansie of wysiging daarvan van toepassing is vir die doel om eiendom aan te slaan binne die regsgebied van genoemde plaaslike bestuur, en om eiendomsbelasting te hef op sodanige eiendom tot so'n bedrag en vir so'n tydperk as wat 'n bedrag sal opbring gelyk aan die uitgawe deur die Administrateur beloop kragtens en vir die doeleindes van hierdie artikel; in gebreke van genoemde plaaslike bestuur kan die Administrateur sodanige belasting laat betaal, hef en invorder in alle opsigte op dieselfde wyse wat sodanige plaaslike bestuur gemagtig is om te doen.

Ord. No.
17 of 1939.

PART II.—RECONSTITUTION OF LOCAL
AUTHORITIES.

Provision
as to acts
done before
passing of
Ordinance.

157. Where any acts have been done, notices given, or proceedings taken before the commencement of this Ordinance in accordance with the provisions of any law thereby repealed, and such acts, notices, or proceedings would if done, given, or taken after such commencement have been properly done, given, or taken, under this Ordinance, such acts, notices, and proceedings shall be deemed to have been done, given, or taken under this Ordinance.

Trans-
ference of
liabilities
and rights

158. Whenever the council of any municipality or a health committee constituted under any law repealed by this Ordinance shall come under the operation of this Ordinance, the following provisions shall apply—

- (1) All creditors of such council or committee shall have the same rights and remedies as if the law under which such rights and remedies were conferred had not been repealed;
- (2) all works and undertakings authorized to be executed, all rights, liabilities, and engagements existing, and all actions, suits, and legal proceedings pending by or against or in respect of such council or committee, shall be vested in, attached to, and be enforced, carried on, and prosecuted by or against the local authority constituted under this Ordinance, and no such action, suit, or proceeding shall abate or be discontinued or be prejudicially affected by the operation of this Ordinance;
- (3) all moneys due, or payable to, or recoverable by such council or committee shall be vested in and recoverable by the local authority constituted by this Ordinance;
- (4) all property movable and immovable vested in or belonging to such council or committee or to which such council or committee was entitled at the commencement of this Ordinance, and all assets and claims to which such council

DEEL II.—HERINSTELLING VAN PLAASLIKE
BESTURE.

Ord. No.
17 van
1939.

157. Waar enige handelinge verrig, kennisgewings gedien, of vervolgings ingestel was voor die inwerkingtreding van hierdie Ordonnansie ooreenkomstig die bepalings van enige wet daarby herroep, en sodanige handelinge, kennisgewings of vervolgings, indien verrig, gedien of ingestel na so'n aanvang, behoorlik verrig, gedien of ingestel sou gewees het kragtens hierdie Ordonnansie, word geag dat sulke handelinge, kennisgewings en vervolgings verrig, gedien en ingestel is kragtens hierdie Ordonnansie.

Bepaling
insake
handelinge
verrig voor
aanvang
van Ordon-
nansie.

158. Wanneer die raad van enige munisipaliteit of 'n gesondheidskomitee ingestel kragtens enige wet deur hierdie Ordonnansie herroep, aan hierdie Ordonnansie onderhewig word, dan is die volgende bepalings van toepassing:—

Oordrag
van
verpligtings
en regte.

- (1) Alle skuldeisers van so'n raad of komitee het dieselfde regte en regs middels asof die wet waaronder sodanige regte en regsmiddels verleen was, nie ingetrek was nie;
- (2) die plaaslike bestuur wat kragtens hierdie Ordonnansie ingestel word, moet alle werke en ondernemings waarvan die uitvoering gemagtig is, uitvoer, alle bestaande regte, verpligtings en verbintenisse oorneem en alle aksies, regsgedinge en regsvervolgings ahangig ten opsigte van so'n raad of komitee, voortsit en aanvaar, en geen sodanige aksie, regsgeding of regsvervolging mag verval of opgegee of benadeel word deur die inwerkingtreding van hierdie Ordonnansie nie;
- (3) alle gelde verskuldig of betaalbaar aan of invorderbaar deur sodanige raad of komitee moet toekom aan en invorderbaar wees deur die plaaslike bestuur kragtens hierdie Ordonnansie ingestel;
- (4) alle roerende en onroerende eiendom, waarvan die eiendomsreg by sodanige raad of komitee berus of wat aan sodanige raad of komitee behoort of waarop sodanige raad of komitee by die inwerkingtreding van hierdie Ordonnansie geregtig was, en alle bate en vorderings waarop sodanige raad of komitee by sodanige inwerkingtreding

Ord. No.
17 of 1939.

—
Section 158.

or committee was entitled at such commencement shall be vested in and belong to the local authority constituted under this Ordinance;

- (5) all valuation or assessment rolls lawfully compiled by any such council under the provisions of the Local Authorities Rating Ordinance, 1933 or any amendment thereof, shall continue in use (under the provisions of the said Ordinance or any amendment thereof) in respect of the municipality for which a council is constituted under this Ordinance;
- (6) all privileges, powers, jurisdiction, and duties conferred or imposed on any such council or committee by any law, regulation, or by-law in force within the area of jurisdiction of such council or committee at the commencement of this Ordinance, and not repealed by this Ordinance, shall until the said law, regulation, or by-law be repealed under the provisions of any other law or of this Ordinance, be retained by the local authority constituted under this Ordinance in place of such council and committee.

Procedure
for uniting
local
authorities.

159. Notwithstanding anything to the contrary in any law contained the Administrator whenever he shall exercise the powers conferred upon him by sub-section (4) of section *nine* of this Ordinance of uniting any two or more townships, villages, municipalities or areas under the jurisdiction of different classes of local authorities so as to form one municipality may—

- (1) by Proclamation in the *Provincial Gazette* name and determine the local authority under whose jurisdiction the united municipality shall be placed (hereinafter in this sub-section referred to as the principal local authority) and thereupon the principal local authority shall be and become the successor for all purposes of every other local authority whose area has been placed under the jurisdiction of the principal local authority and the following provisions shall apply—

geregtig was, moet aan die plaaslike bestuur wat kragtens hierdie Ordonnansie ingestel is, behoort en die eiendomsreg daarvan sal by sodanige bestuur berus;

- (5) alle waarderings- of aanslaglyste wettiglik deur enig sodanige raad opgestel kragtens die bepalings van die „ Plaaslike - Bestuur - Belastingordonnansie, 1933 ’’, of enige wysiging daarvan, moet in gebruik bly (kragtens die bepalings van genoemde Ordonnansie of enige wysiging daarvan) vir die munisipaliteit waarvoor ’n raad kragtens hierdie Ordonnansie ingestel is;
- (6) alle voorregte, bevoegdhede, regsrag, en pligte toegeken of opgelê aan enig sodanige raad of komitee, by enige wet, regulasie, of verordening van krag binne die regsgebied van so’n raad of komitee by die inwerkingtreding van hierdie Ordonnansie en nie deur hierdie Ordonnansie herroep nie, moet totdat genoemde wet, regulasie, of verordening kragtens die bepalings van enige ander wet of hierdie Ordonnansie herroep word, behou word deur die plaaslike bestuur ingestel kragtens hierdie Ordonnansie in die plek van sodanige raad of komitee.

159. Nieteenstaande andersluidende bepalings in enige wet kan die Administrateur by die uitoefening van die bevoegdhede hom verleen by subartikel (4) van artikel *nege* van hierdie Ordonnansie aangaande die vereniging van enige twee of meer stede, dorpe, munisipaliteite of gebiede onder die regsbevoegdheid van verskillende soorte plaaslike besture waardeur een munisipaliteit gevorm word—

Procedure vir die vereniging van plaaslike besture.

- (1) by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* die plaaslike bestuur aanwys en vasstel onder wies regsbevoegdheid die verenigde munisipaliteit geplaas moet word (hierna in hierdie subartikel die vernaamste plaaslike bestuur genoem) en daarna is en word die vernaamste plaaslike bestuur die opvolger vir alle doeleindes van elke ander plaaslike bestuur wies gebied onder die regsbevoegdheid van die vernaamste plaaslike bestuur geplaas is, en is onderstaande bepalings van toepassing:—

Ord. No.
17 van
1939.

—
Artikel 158.

Ord. No.
17 of 1939.

—
Section 159.

- (a) all creditors of any local authority shall have the same rights and remedies against the principal local authority as they possessed or were entitled to prior to the date of the said uniting;
- (b) all works and undertakings authorized to be executed, all rights, liabilities and engagements existing, and all actions, suits and legal proceedings or prosecutions pending by or against or in respect of any local authority as at the said date shall as and from such date be executed, vested in, attached to and be enforced, carried on and prosecuted by or against the principal local authority and no such action, suit, proceeding or prosecution shall abate or be discontinued or be prejudicially affected by reason of the said uniting;
- (c) all rates, charges and debts whatsoever owing, due or payable to or recoverable by any local authority as at the said date shall be vested in, payable to and recoverable by the principal local authority and all valuation or assessment rolls lawfully compiled by any local authority under the provisions of any Local Authorities Rating Ordinance, or any amendment thereof and in force at the said date shall continue in force and use in the respective areas within the area of jurisdiction of the principal local authority to which the same respectively apply until such time as the same shall be lawfully amended or new rolls shall be lawfully compiled by the principal local authority within the period prescribed under the provisions of any Rating Ordinance in respect of the rolls of the area of the principal local authority prior to the said date;
- (d) all property movable and immovable vested in or belonging to any local authority or to which such local authority was entitled at the said date and all claims to which

- (a) alle skuldeisers van 'n plaaslike bestuur het dieselfde regte en regs-middels teen die vernaamste plaaslike bestuur as hulle voor die datum van genoemde vereniging besit het of waartoe hulle geregtig was;
- (b) die vernaamste plaaslike bestuur moet vanaf genoemde datum alle werke en ondernemings, vir die uitvoering waarvan magtiging verleen is, uitvoer, alle bestaande regte, verpligtings en verbintenisse oorneem en alle aksies, regsgedinge en regsvervolgings op sodanige datum aanhangig ten opsigte van enige plaaslike bestuur voortsit of aanvaar, en uit hoofde van genoemde vereniging mag geen sodanige aksie, regsgeding of regsvervolging verval of opgegee of benadeel word nie;
- (c) alle belastings, gelde, en skulde op genoemde datum uitstaande, verskuldig of betaalbaar aan of invorderbaar deur 'n plaaslike bestuur moet berus by, betaal word aan en ingevorder word deur die vernaamste plaaslike bestuur en alle waarderings- of aanslaglyste wat 'n plaaslike bestuur wettiglik saamgestel het ingevolge die bepalings van enige „Plaaslike-Bestuur - Belastingsordonnansie”, of enige wysiging daarvan, en van krag op genoemde datum, bly van krag en in gebruik in die onderskeie gebiede binne die regsgebied van die vernaamste plaaslike bestuur waarop hulle respektiewelik van toepassing is, totdat hulle wetlik gewysig word of die vernaamste plaaslike bestuur nuwe lyste wettig saamstel binne die tydperk voorgeskryf kragtens die bepalings van enige Belastingsordonnansie ten opsigte van die lyste van die gebied van die vernaamste plaaslike bestuur voor genoemde datum;
- (d) alle roerende en onroerende eiendom waarvan die eiendomsreg by 'n plaaslike bestuur berus of wat daaraan behoort of waartoe sodanige plaaslike bestuur op genoemde tydstip geregtig was, en alle vor-

Ord. No.
17 van
1939.
—
Artikel 159.

Ord. No.
17 of 1939.

—
Section 159.

such local authority was entitled at the said date shall as and from such date be vested in and belong to the principal local authority and the Registrar of Deeds and any other official charged with the registration of documents affecting title to property shall upon the application of the town clerk of the principal local authority and production of the necessary title deeds or other documents insert the name of the principal local authority in place of the name of the other local authority in all registers under his control and endorse the transfer and vesting hereby effected on all title deeds, or other documents affecting title to property and on all bonds and other hypothecations filed of record in his office and do all things necessary to record and give full effect to the provisions of this subsection;

(e) all privileges, powers, jurisdiction and duties conferred or imposed on any local authority by any law, regulation or by-law in force within the area of jurisdiction of such local authority shall as from the said date and until the said law, regulation or by-law be lawfully repealed, amended or altered under the provisions of any other law or of this Ordinance be retained, attached to, enforced, carried out and performed by the principal local authority subject always, however to the provisions of any order issued by the Administrator in terms of this section;

(2) make an order on any or all of the following matters—

(a) subject to such conditions as he may deem fit to impose the continued operation within any specified area or areas of any or all of the by-laws or regulations in force in any such area or areas immediately

derings waartoe sodanige plaaslike bestuur op genoemde datum geregtig was, moet vanaf sodanige datum aan die vernaamste plaaslike bestuur behoort en die eiendomsreg daarvan moet by genoemde bestuur berus, en die Registrateur van Aktes en enige ander amptenaar belas met die registrasie van dokumente wat betrekking het op eiendomsbewys, moet op aansoek van die stadsklerk van die vernaamste plaaslike bestuur en by oorlegging van die vereiste transportaktes of ander dokumente, die naam van die ander plaaslike bestuur in alle registers onder sy beheer, vervang deur die naam van die vernaamste plaaslike bestuur en die betrokke oordrag en eiendomsreg aanteken op alle transportaktes of ander dokumente wat betrekking het op eiendomsbewys en op alle verbandaktes en ander hipoteke op sy kantoor, en alles doen wat nodig is vir registrasie en om uitvoering te gee aan die voorskrifte van hierdie subartikel;

Ord. No.
17 van
1939.

—
Artikel 159.

- (e) alle voorregte, bevoegdhede, regs- mag en pligte aan 'n plaaslike bestuur toegeken of opgelê by wet, regulasie of verordening van krag binne die regsgebied van sodanige plaaslike bestuur moet vanaf genoemde datum totdat voornoemde wet, regulasie of verordening, kragtens die bepalings van enige ander wet of hierdie Ordonnansie wetlik herroep, gewysig of verander is, deur die vernaamste plaaslike bestuur behou, toegepas, gehandhaaf, uitgevoer en verrig word maar behoudens die voorskrifte van enige order wat die Administrateur kragtens hierdie subartikel uitgevaardig het.
- (2) 'n Order uitvaardig in verband met een of meer van onderstaande aangeleenthede:—
- (a) Die onafgebroke toepassing, met inagneming van sodanige voorwaardes as hy raadsaam ag, van een of meer van die verordeninge of regulasies van krag in enige ge-

Ord. No.
17 of 1939.
—
Section 159.

prior to incorporation within the united municipality for any specified period or until repealed, altered or amended by the principal local authority;

- (b) during any period not exceeding three years from the date of the uniting of such several areas so as to form one municipality the levying of differential assessment rates in the several areas or the application of such rates to such areas or any particular area subject to limitations;
- (c) the expenditure of revenues raised in any particular area for the benefit, purposes and services of that area only;
- (d) the carrying out of the terms of any agreement entered into in regard to the taking over of employees by the principal local authority;
- (e) generally any other matter or thing which he may, in his discretion, approve as being necessary or expedient for bringing about the uniting of any areas so as to form one municipality.

Existing by-laws and regulations. **160.** (1) The by-laws and regulations made in respect of the area of jurisdiction of any local authority under any law repealed by this Ordinance shall from the commencement of this Ordinance be of the same force and effect within such area as if they had been made under this Ordinance; provided that such by-laws and regulations be within the powers in this Ordinance conferred; and provided, further, that any such by-laws or regulations which have been validly made and promulgated under the provisions of any law repealed by this Ordinance and which are not authorised by the powers conferred by this Ordinance shall nevertheless and notwithstanding the provisions of this Ordinance remain of full force and effect for a period

spesifiseerde gebied of gebiede, op sodanige gebied of gebiede onmiddellik voor inlywing in die verenigde munisipaliteit vir 'n bepaalde tydperk of totdat die vernaamste plaaslike bestuur hulle herroep, verander of wysig;

- (b) die heffing van differensiële eiendomsbelastings in die onderskeie gebiede of die toepassing van sodanige belastings, met beperkings, op sodanige gebiede of enige besondere gebied gedurende 'n tydperk van hoogstens drie jaar vanaf die datum van die vereniging van sodanige onderskeie gebiede ten einde een munisipaliteit te vorm;
- (c) die aanwending van inkomste ingevorder in 'n besondere gebied alleen ten voordele en vir die doeleindes en dienste van sodanige gebied;
- (d) die uitvoering van die voorwaardes van enige ooreenkoms aangegaan in verband met die oorname van die beamptes deur die vernaamste plaaslike bestuur;
- (e) oor die algemeen enige ander saak of aangeleentheid wat hy na oordeel goedkeur as nodig of dienstig om die vereniging van gebiede teweeg te bring ten einde een munisipaliteit te vorm.

Ord. No.
17 van
1939.

—
Artikel 159.

160. (1) Die verordeninge en regulasies opgestel met betrekking tot die regsgebied van enige plaaslike bestuur kragtens enige wet deur hierdie Ordonnansie herroep, is van die inwerkingtreding van hierdie Ordonnansie van dieselfde krag binne so'n gebied asof hulle kragtens hierdie Ordonnansie opgestel was; met dien verstande dat sulke verordeninge en regulasies val binne die bevoegdhede in hierdie Ordonnansie toegeken en verder met dien verstande dat enige van sodanige verordeninge of regulasies wat wettiglik opgestel en uitgevaardig is ingevolge die bepaling van enige wet herroep by hierdie Ordonnansie en nie gemagtig word deur die bevoegdhede verleen by hierdie Ordonnansie nie, ondanks en nie-teenstaande die bepaling van hierdie Ordonnansie van volle krag moet bly vir 'n tydperk van twaalf maande vanaf die inwerkingtreding

Bestaande
verorden-
inge en
regulasies.

Ord. No.
17 of 1939.

—
Section 160.

of twelve months from the date of the commencement of this Ordinance or until replaced by by-laws or regulations made and promulgated under the provisions of this Ordinance whichever is the shorter period.

(2) If any such by-law or regulation be *ultra vires* the law under which it was made, it shall nevertheless be upheld if it be within the powers in this Ordinance conferred.

PART III.—MISCELLANEOUS.

Copy of this Ordinance to be open for inspection.

161. It shall be the duty of the town clerk, in the case of a town or village council, or of the clerk to the committee in the case of a health committee, to keep open for inspection by any person at all reasonable times in the offices of the local authority, a true copy of so much of this Ordinance as is from time to time applicable within the area of jurisdiction of the local authority.

Administrator to be furnished with reports, etc.

162. (1) The local authority shall furnish the Administrator with a certified copy of any record or minute of its proceedings, or of the proceedings of any committee appointed by the local authority, or of a record of any accounts of the local authority, or such reports, statistics and documents as the Administrator may from time to time require.

(2) Minutes of the proceedings of each meeting of the local authority or of a committee thereof shall be forwarded by the local authority to the Administrator within ten days from the date on which such minutes were confirmed as prescribed in this Ordinance or in any by-law or regulation thereunder.

(3) It shall be the duty of every local authority to forward to the Administrator a copy of the annual report referred to in subsection (2) of section *one hundred and thirty-one* of the Public Health Act, 1919 or any amendment thereof.

Persons offending against order or notice under this Ordinance to be deemed guilty of offence against Ordinance.

163. Where any matter or thing is by this Ordinance, or by any order or notice made and published under the authority thereof, directed or forbidden to be done, or where any authority is given by this Ordinance to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such act so directed to be done remains undone, or such act so forbidden to be

van hierdie Ordonnansie of totdat hulle vervang word deur verordeninge of regulasies opgestel en uitgevaardig ingevolge die bepalinge van hierdie Ordonnansie, wat ook al die kortste tydperk is.

Ord. No.
17 van
1939.

—
Artikel 160.

(2) As enig sodanige verordening of regulasie *ultra vires* die wet is waaronder dit opgestel was, dan moet dit nietemin gehandhaaf word as dit binne die bevoegdhede is wat in hierdie Ordonnansie toegeken word.

DEEL III.—ALLERLEI.

161. Die stadsklerk, in die geval van 'n Kopie van hierdie Ordonnansie moet ter insage lê. stads- of dorpsraad, of die klerk van die komitee, in die geval van 'n gesondheidskomitee, is verplig om op alle redelike tye in die kantoor van die plaaslike bestuur 'n ware kopie van so veel van hierdie Ordonnansie as wat van tyd tot tyd van toepassing is binne die regsgebied van die plaaslike bestuur, vir enige persoon ter insage te laat lê.

162. (1) Die plaaslike bestuur moet die Administrateur voorsien van 'n gesertifiseerde kopie van enige verslag of notule van sy verrigtings, of van die verrigtings van enige komitee deur die plaaslike bestuur benoem, of van 'n staat van alle rekenings van die plaaslike bestuur, of enige rapporte, statistiek en dokumente wat die Administrateur van tyd tot tyd verlang.

(2) Die plaaslike bestuur moet notule van elke vergadering van 'n plaaslike bestuur of van 'n komitee daarvan binne tien dae na die datum waarop sodanige notule goedgekeur was soos bepaal in hierdie Ordonnansie of in enige verordening of regulasie daaronder, aan die Administrateur stuur.

(3) Iedere plaaslike bestuur is verplig om aan die Administrateur 'n kopie te stuur van die jaarverslag vermeld in subartikel (2) van artikel *honderd een-en-dertig* van die „Volksgezondheidswet, 1919”, of enige wysiging daarvan.

163. Waar die verrigting van enige saak of ding deur hierdie Ordonnansie of deur enige order of kennisgewing uitgevaardig en gepubliseer uit krag daarvan, gelas of belet word, of waar enige magtiging by hierdie Ordonnansie verleen word aan enige persoon om die verrigting van enige saak of ding te gelas of die verrigting van enige saak of ding te belet, en sodanige handeling waarvan die Oortreders van order of kennisgewing kragtens hierdie Ordonnansie word skuldig geag aan oortreding van Ordonnansie.

Ord. No.
17 of 1939.
—
Section 163.

done is done, in every such case every person offending against such direction or prohibition shall be guilty of an offence against this Ordinance.

Regulations
made by
the Ad-
ministrator.

164. Any regulations which the Administrator is by this Ordinance empowered to make—

- (1) may provide penalties for the breach thereof in such manner and to the same extent as is allowed under the provisions of this Ordinance in the case of penalties for breach of by-laws;
- (2) may be made applicable to any one or more local authorities, and regulations made by the Administrator for one local authority may be varied in their provisions and made applicable to any other local authority, provided that nothing in this section contained shall empower the Administrator to make any regulations for a health committee, which the provisions of Chapter IX of this Ordinance do not empower him to make for such committee;
- (3) shall have the force and effect of law within the area in respect of which they are made upon publication in the *Provincial Gazette* or upon such other date as the Administrator may fix and notify in the *Provincial Gazette* to be the date upon which the said regulation shall have the force and effect of law within the said area;
- (4) may be amended, altered, and rescinded by publication of a notice in the *Provincial Gazette* in like manner as in sub-section (3) of this section is provided.

No such regulation shall be inconsistent with, contrary, or repugnant to the provisions of this Ordinance or of any other law in force within the area of jurisdiction of the local authority.

Provision
for earlier
notification
of births.

165. (1) In the case of every child born in the municipalities of Pretoria, Johannesburg, Germiston and Boksburg or in any other municipality to which the Administrator may

verrigting aldus gelas word, bly ongedaan of sodanige handeling van waarvan die verrigting aldus verbied word, word gedoen, dan is in iedere geval iedere persoon wat so'n bevel of verbod oortree, skuldig aan 'n oortreding van hierdie Ordonnansie.

Ord. No.
17 van
1939.

—
Artikel 163.

164. Enige regulasies wat die Administrateur by hierdie Ordonnansie bevoegd is om op te stel—

Regulasies
deur
Adminis-
trateur
opgestel.

- (1) kan strawwe bepaal vir oortreding daarvan op sulke wyse en in dieselfde mate as wat toegestaan word kragtens die bepalings van hierdie Ordonnansie in die geval van strawwe vir oortreding van verordeninge;
- (2) kan van toepassing gemaak word op een of meer plaaslike besture, en regulasies deur die Administrateur opgestel vir een plaaslike bestuur kan verander word wat die bepalings daarvan aangaan en toepaslik gemaak word op enige ander plaaslike bestuur, met dien verstande dat niks in hierdie artikel vervat die Administrateur bevoegdheid verleen om enige regulasies vir 'n gesondheidskomitee op te stel nie, wat die bepalings van Hoofstuk IX van hierdie Ordonnansie hom nie magtig om vir so'n komitee op te stel nie;
- (3) het krag van wet binne die gebied waarvoor hulle opgestel is na publikasie in die *Offisiële Koerant van die Provinsie Transvaal* of op 'n ander datum wat die Administrateur bepaal en in die *Offisiële Koerant van die Provinsie Transvaal* bekendmaak as die datum waarop genoemde regulasies krag van wet het binne genoemde gebied;
- (4) kan gewysig, verander en herroep word deur publikasie van 'n kennisgewing in die *Offisiële Koerant van die Provinsie Transvaal* op dieselfde wyse as bepaal in subartikel (3) van hierdie artikel.

Geen sodanige regulasie mag onbestaanbaar of in stryd wees met die bepalings van hierdie Ordonnansie of van enige ander wet van krag binne die regsgebied van die plaaslike bestuur nie.

165. (1) In die geval van iedere kind ge- Bepaling
bore in die munisipaliteite van Pretoria, vir vroeër
Johannesburg, Germiston en Boksburg, of in aangifte
enige ander munisipaliteit waarop die Admi- van
geboortes.

Ord. No.
17 of 1939.

Section 165.

by proclamation in the *Provincial Gazette* apply the provisions of this section it shall be the duty of the father of the child if he is actually residing in the house where the birth takes place at the time of its occurrence and of any person in attendance upon the mother at the time of, or within six hours after, the birth to give notice in writing of the birth to the medical officer of health in manner provided by this section.

(2) Notice under this section shall be given by posting within thirty-six hours after the birth a prepaid letter or post card addressed to the medical officer of health at his office giving the necessary information of the birth, or by delivering a written notice of the birth at the office of the medical officer within the same time; and the council shall supply without charge addressed and stamped post cards containing the form of notice to any medical practitioner or midwife residing or practising in the municipality who applies for the same.

(3) Any person who fails to give notice of a birth in accordance with this section shall be liable to a fine not exceeding five pounds (£5); provided that a person shall not be liable to a fine under this provision if he satisfies the court that he or she had reasonable grounds for believing that notice had been duly given by some other person.

(4) The notification required to be made under this Ordinance shall be in addition to and not in substitution for the requirements of any law relating to the registration of births; and any district or assistant district registrar of births and deaths whose district or any part thereof is situate within the municipality shall at all reasonable times have access to notices of births received by the medical officer of health under this Ordinance or to any book in which those notices may be recorded, for the purpose of obtaining information concerning births which may have occurred in his district.

(5) This section shall apply to any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

nistrateur by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* die bepalings van hierdie artikel mag toepas, is dit die plig van die vader van die kind, as hy werklik in die huis woon waarin die geboorte plaasvind ten tyde van die gebeurtenis en van enige ander persoon wat die moeder verpleeg ten tyde van, of binne ses uur, na die geboorte om skriftelik van die geboorte kennis te gee aan die geneeskundige gesondheidsbeampte op die wyse in hierdie artikel bepaal.

(2) Die kennisgewing kragtens hierdie artikel moet geskied deur binne ses-en-dertig uur na die geboorte 'n gefrankeerde brief of poskaart gerig aan die geneeskundige gesondheidsbeampte op sy kantoor per pos te stuur met vermelding van die nodige informasie aangaande die geboorte, of deur 'n skriftelike kennisgewing af te lewer op die kantoor van die geneeskundige beampte binne dieselfde tyd; en die raad moet kosteloos geadresseerde en gefrankeerde poskaarte bevattende die vorm van kennisgewing verstrek aan enige geneesheer of vroedvrou wat woon of praktiseer in die munisipaliteit en daarom aansoek doen.

(3) Enige persoon wat versuim om kennis te gee van 'n geboorte in ooreenstemming met hierdie artikel, staan bloot aan 'n boete van hoogstens vyf pond (£5); met dien verstande dat niemand aan 'n boete kragtens hierdie bepalings blootstaan nie as hy die hof bewys dat hy of sy redelike gronde gehad het vir die veronderstelling dat iemand anders behoorlik kennis gegee het.

(4) Die kennisgewing wat kragtens hierdie Ordonnansie moet geskied, is benewens en nie in die plek nie van die voorskrifte van enige wet wat betrekking het op die registrasie van geboortes; en enige distriks- of assistent-distriksregistrateur van geboortes en sterfgevallen wie se distrik of enige deel daarvan binne die munisipaliteit geleë is, moet op alle redelike tye toegang hê tot kennisgewings van geboortes ontvang deur die geneeskundige gesondheidsbeampte kragtens hierdie Ordonnansie, of tot enige boek waarin hierdie kennisgewings opgeteken word, met die doel om informasie te verkry aangaande geboortes wat in sy distrik plaasgevind het.

(5) Hierdie artikel is toepaslik op enige kind wat uit sy moeder voortgekom het na verloop van die agt-en-twintigste week van swangerskap, hetsy lewend of dood.

Ord. No.
17 van
1939.
—
Artikel 165.

Ord. No.
17 of 1939.

Qualifi-
cation of
sanitary
inspectors.

166. Except in special cases approved by the Minister no person shall be permanently appointed by any local authority as sanitary inspector after the commencement of this Ordinance unless he be a certified sanitary inspector as defined by sub-section (2) of section *fourteen* of the Public Health Act, 1919 or any amendment thereof.

Powers of
local
authorities
relating to
unsound
food.

167. (1) The medical officer of health or any veterinary surgeon or any sanitary inspector approved for the purpose of this section by the local authority may at all reasonable times enter any premises within the area of jurisdiction of the local authority or search any cart or vehicle, or any barrow, basket, sack, bag, receptacle or parcel, in order to inspect and examine and he may inspect and examine—

- (a) any animal, alive or dead, intended for human consumption which is exposed for sale, or deposited in any place or is in course of transmission for the purpose of sale, or of preparation for sale or for the purpose of being supplied by an employer to his employees; and
- (b) any article, whether solid or liquid, intended for human consumption and sold or exposed for sale, or deposited in any place or in course of transmission for the purpose of sale or for the purpose of being supplied by an employer to his employees;

the medical officer of health or veterinary surgeon or sanitary inspector may seize and carry away by himself or with assistance any such animal or article which in his opinion is diseased or unsound or unfit for human consumption, and may detain for a reasonable time pending examination and inquiry any animal or article which is suspected of being diseased or unsound or unfit for human consumption.

A medical officer of health or any veterinary surgeon or any sanitary inspector approved as aforesaid may cut into any dead animal or article of food for the purpose of any examination under this section.

Any European member of a police force lawfully established in the Province shall have power to search carts or vehicles, or

166. Behalwe in spesiale gevalle deur die Minister goedgekeur, mag niemand na die inwerktrading van hierdie Ordonnansie deur enige plaaslike bestuur permanent as gesondheidsinspekteur aangestel word nie tensy hy 'n gesertifiseerde gesondheidsinspekteur is soos omskrywe in subartikel (2) van artikel *veertien* van die „Volksgezondheidswet, 1919”, of enige wysiging daarvan.

Kwalifikasie van gesondheidsinspekteurs.

Ord. No.
17 van
1939.

167. (1) Die geneeskundige gesondheidsbeampte of enige veearts of enige gesondheidsinspekteur goedgekeur vir die doel van hierdie artikel deur die plaaslike bestuur, kan op alle redelike tye enige perseel binne die regsgebied van die plaaslike bestuur betree, of enige kar of voertuig of enige kruiwa, mandjie, sak, draagbak of pakket deursoek, ten einde—

Bevoegdheid van plaaslike bestuur met betrekking tot ongesonde voedsel.

- (a) enige dier, lewend of dood, bestem vir menslike verbruik, wat te koop uitgestal is, of op enige plek geplaas, of wat oorgebring word vir die doel van verkoop, of van bereiding vir verkoop, of om deur 'n werkgewer aan sy bediendes gegee te word; en
- (b) enige artikel, hetsy solied of vloeibaar, bestem vir menslike verbruik en wat verkoop of te koop uitgestal word, of op enige plek geplaas of wat oorgebring word vir die doel van verkoop of van bereiding vir verkoop of om deur 'n werkgewer aan sy bediendes gegee te word,

te inspekteer en te ondersoek, en hy mag dit inspekteer en ondersoek; die geneeskundige gesondheidsbeampte of veearts of gesondheidsinspekteur kan persoonlik of met behulp van iemand anders so'n dier of artikel wat na sy mening siek of ongesond of ongeskik vir menslik verbruik is, in beslag neem en saam neem, en enige dier of artikel wat vermoedelik siek of ongesond of ongeskik vir menslike verbruik is vir 'n redelike tyd in afwagting van keuring en ondersoek, aanhou.

'n Geneeskundige gesondheidsbeampte of enige veearts of enige gesondheidsinspekteur goedgekeur soos voormeld, kan in enige dooie dier of voedingsartikel sny vir die doel van enige ondersoek kragtens hierdie artikel.

Enige blanke lid van 'n polisiemag wettiglik in die Provinsie gevestig, het die reg om karre of voertuie, of kruiwaens, mandjies,

Ord. No.
17 of 1939.
—
Section 167.

barrows, baskets, sacks, bags receptacles or parcels; and to assist generally in executing and enforcing this section.

(2) (a) The medical officer of health or where there is no medical officer of health a sanitary inspector acting with the approval of a district surgeon or other registered medical practitioner, may by writing under his hand order any animal or article which has been or is liable to be seized under this section to be destroyed or so disposed of as to prevent it from being exposed for sale or used for human consumption; provided that before making such order in respect of any living animal the medical officer of health or sanitary inspector, unless he is himself a qualified veterinary surgeon, shall obtain a certificate from a qualified veterinary surgeon if available that such animal is suffering from a disease the nature of which shall be specified in such certificate, and where such veterinary surgeon is not available may act as aforesaid on the authority of the magistrate.

(b) A veterinary surgeon approved as aforesaid may by writing under his hand order any living animal or any carcass or butcher's meat which has been or is liable to be seized under this section to be destroyed or so disposed of as to prevent it being exposed for sale or used for human consumption.

(3) (a) The person to whom any animal or article which has been or is liable to be seized under this section belongs or did belong at the time of sale or exposure for sale, or deposit or transmission for the purpose of sale, or of preparation for sale, or for the purpose of being supplied by an employer to his employees, shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment not exceeding three months, for every animal, or article, or if the article consists of fruit, vegetables, corn bread or flour, for every parcel thereof so seized, unless he proves that he and the person acting on his behalf (if any) did not know and could not with reasonable care have known, that it was in such a condition, or, at the discretion of the court, if it finds that he has knowingly and wilfully committed the offence he shall be

sakke, draagbakke of pakkette deur te soek; en om in die algemeen mee te werk tot die uitvoering en toepassing van hierdie artikel.

Ord. No.
17 van
1939.

Artikel 167.

(2) (a) Die geneeskundige gesondheidsbeampte of waar daar geen geneeskundige gesondheidsbeampte is nie, 'n gesondheidsinspekteur wat optree met goedkeuring van 'n distrikgeneesheer of ander geregistreerde geneesheer, kan skriftelik onder sy hand gelas dat enige dier of artikel wat in beslag geneem is of kan word kragtens hierdie artikel, vernietig of so behandel word dat voorkom word dat dit te koop uitgestal of vir menslike verbruik gebruik word; met dien verstande dat die geneeskundige gesondheidsbeampte of gesondheidsinspekteur voordat hy so'n order uitvaardig ten opsigte van enige lewende dier, tensy hy self 'n gekwalifiseerde veearts is, 'n sertifikaat moet verkry van 'n gekwalifiseerde veearts, indien beskikbaar, dat so'n dier lydende is aan 'n siekte waarvan die aard in so'n sertifikaat vermeld moet word, en waar so'n veearts nie beskikbaar is nie, kan hy soos vermeld op gesag van die magistraat optree.

(b) 'n Veearts goedgekeur soos voormeld, kan skriftelik onder sy hand gelas dat enige lewende dier of enige karkas of slagtersvleis wat in beslag geneem is of kan word kragtens hierdie artikel, vernietig of op sodanige wyse behandel word dat voorkom word dat dit te koop uitgestal of vir menslike verbruik gebruik word.

(3) (a) Die persoon aan wie enige dier of artikel wat kragtens hierdie artikel in beslag geneem is of kan word, behoort of behoort het ten tyde van verkoop of uitstalling vir verkoop of berging of oorbringing vir die doel van verkoop, of van bereiding vir verkoop, of om deur 'n werkgewer aan sy bediendes gegee te word, staan bloot aan 'n boete van hoogstens vyftig pond of by wanbetaling aan gevangenisstraf van hoogstens drie maande, vir ieder dier of artikel, of as die artikel uit vrugte, groente, koringbrood of -meel bestaan, vir iedere pakket daarvan aldus in beslag geneem, tensy hy bewys dat hy en die persoon wat vir hom optree (as daar so iemand is) nie geweet het en met redelike sorg nie kon geweet het nie, dat dit in so'n toestand verkeer het, of hy staan, na goedduke van die hof as dit bevind dat hy opsetlik en moedswillig die oortreding begaan

Ord. No.
17 of 1939.
—
Section 167.

liable without the infliction of a fine to imprisonment for a term of not more than three months with or without hard labour and also to pay all expenses caused by the seizure, detention or disposal of such animal or article.

(b) The storing of any animal or article which has been or is liable to be seized under this section shall be deemed to be *prima facie* evidence of its exposure for sale, or deposit, or transmission for the purpose of sale, or of preparation for sale or for the purpose of being supplied by an employer to his employees.

(4) Where a person convicted of an offence under this section has been within twelve months previously convicted of an offence under this section, the magistrate may, if he thinks fit, and finds that the offender knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such form and manner and for such period not exceeding twenty-one days as the magistrate may order, to any premises occupied by that person, and that the person do pay the costs of such affixing, and if any person obstructs the affixing of such notice, or removes, defaces, or conceals the notice while affixed during the said period, he shall for each offence be liable to a fine not exceeding five pounds or in default of payment to imprisonment not exceeding fourteen days.

(5) If the occupier of a licensed slaughter-house is convicted of an offence under this section the magistrate convicting him may cancel the licence for such slaughter-house.

(6) If any person obstructs a medical officer, veterinary surgeon, or sanitary inspector, approved as aforesaid, in the performance of his duty under this section he shall, where the magistrate is satisfied that the obstruction was with the intent to prevent the discovery of an offence under this section, or that the accused has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any fine authorized by this Ordinance for such obstruction.

het, sonder oplegging van 'n boete bloot aan gevangenisstraf vir 'n tydperk van hoogstens drie maande met of sonder harde arbeid en ook aan betaling van alle onkoste veroorsaak deur die inbeslagneming en aanhouding van of beskikking oor sodanige dier of artikel.

Ord. No.
17 van
1939.

—
Artikel 167.

(b) Die berging van 'n dier of artikel wat kragtens hierdie artikel in beslag geneem is of kan word, word beskou as *prima facie*-bewys van die uitstalling vir verkoop, of berging of oorbringing vir die doel van verkoop, of van bereiding vir verkoop daarvan, of dat dit deur 'n werkgewer bestem is om aan sy bediendes gegee te word.

(4) Waar 'n persoon wat skuldig bevind is aan 'n oortreding kragtens hierdie artikel, binne die voorafgaande twaalf maande skuldig bevind was aan 'n oortreding van hierdie artikel, kan die magistraat na goeddunke en as hy bevind dat die oortreder albei sodanige oortredings opsetlik en moedswillig begaan het, gelas dat 'n kennisgewing van die feite in 'n vorm en op 'n wyse en vir 'n tydperk van hoogstens een-en-twintig dae wat die magistraat mag gelas, aangeplak word op enige perseel deur daardie persoon bewoon, en dat die persoon die koste van so'n aanplakking moet betaal, en as enige persoon die aanplakking van so'n kennisgewing verhinder of die kennisgewing verwyder, onleesbaar maak of versteek terwyl dit gedurende genoemde tydperk aangeplak is, dan staan hy vir elke oortreding bloot aan 'n boete van hoogstens vyf pond of by wanbetaling aan gevangenisstraf vir 'n tydperk van hoogstens veertien dae.

(5) As die bewoner van 'n gelisensieerde slaghuis skuldig bevind word aan 'n oortreding van hierdie artikel, kan die magistraat wat hom skuldig bevind, die lisensie vir so'n slaghuis intrek.

(6) As enige persoon 'n geneeskundige beampte, veearts, of gesondheidsinspekteur, goedgekeur soos voormeld, belemmer in die uitvoering van sy plig kragtens hierdie artikel, staan hy as die magistraat oortuig is dat die doel van die belemmering was om die ontdekking van 'n oortreding kragtens hierdie artikel te belet, of dat die beskuldigde binne die voorafgaande twaalf maande aan so'n belemmering skuldig bevind was, bloot aan gevangenisstraf vir 'n tydperk van hoogstens een maand in plaas van enige boete deur hierdie Ordonansie gemagtig vir so'n belemmering.

Ord. No.
17 of 1939.

Service of
notices and
documents.

168. Unless otherwise specially provided, whenever in this Ordinance or any by-law notice has to be given or any document has to be served, such notice may be given or such service effected by post and the provisions of section *eight* of Act 5 of 1910 shall apply.

Commis-
sions.

169. The Administrator may at any time in his discretion appoint a commission consisting of one or more persons to inquire into any matter relating to or affecting any local authority, or local authorities generally, and to report to him thereon, and may confer on such commission the powers, jurisdiction and privileges of the Commissions Powers Ordinance, 1902 or any amendment thereof. Any such commission shall have the power to exclude the public and the press from any sitting or portion thereof.

Extraord-
nary
vacancies.

170. If at any time, through resignation, death or any other cause whatsoever the number of members of a town or village council or of a health committee falls below the number requisite for the proper carrying out by the said local authority, of its functions under this Ordinance the Administrator may, until such time as the position may be cured under the provisions of the Municipal Elections Ordinance, 1927 or any amendment thereof or in any other way, make appointments to fill any such vacancy or vacancies and any person or persons appointed under the provisions of this section shall, for the period of the said appointment, be and remain members of the said local authority and the provisions of this Ordinance and of any other law in regard to members of local authorities shall apply to such person or persons.

Local
Authorities
Special
Powers.

171. In addition to the powers in this Ordinance mentioned the Administrator shall have the power—

- (a) by Proclamation in the *Provincial Gazette* to confer additional powers on local authorities generally or on any particular local authority for any purpose which is incidental to municipal government, and in his opinion, necessary or desirable and which is not contrary to the provisions of this Ordinance or of any other law;

168. Tensy anders spesiaal bepaal word, kan wanneer ingevolge hierdie Ordonnansie of 'n verordening 'n dokument gedien of kennis gegee moet word, so'n kennisgewing of dokument ter diening oor die pos gestuur word en die bepalings van artikel *agt* van Wet No. 5 van 1910 is dan van toepassing.

Diening
van kennis-
gewings en
dokumente.

Ord. No.
17 van
1939.

169. Die Administrateur kan van tyd tot tyd na goeëdukke 'n kommissie bestaande uit een of meer persone benoem om ondersoek in te stel na enige saak wat oor die algemeen verbonde is aan of betrekking het op 'n plaaslike bestuur of plaaslike besture oor die algemeen, en om aan hom daarvoor verslag te doen, en kan aan so'n kommissie die bevoegdhe, regs mag en voorregte van die „Commissions Powers Ordinance, 1902”, of enige wysiging daarvan, verleen. Enig sodanige kommissie besit die reg om die publiek en die pers van 'n sitting of gedeelte daarvan uit te sluit.

Kommis-
sies.

170. Wanneer die aantal lede van 'n stads- of dorpsraad of van 'n gesondheidskomitee te eniger tyd verminder word onder die getal vereis vir die behoorlike nakoming van die werksaamhede van genoemde plaaslike bestuur kragtens hierdie Ordonnansie, as gevolg van bedanking, dood of enige ander oorsaak wat ook al, kan die Administrateur tot tyd en wyl die toestand van sake verbeter ingevolge die bepalings van die „Munisipale Verkiegings Ordonnansie”, 1927, of enige wysiging daarvan, of op enige ander manier, persone benoem om sodanige vakature of vakatures op te vul en enige persoon of persone wat kragtens die bepalings van hierdie artikel benoem word, is en bly vir die tydperk van genoemde aanstelling, lede van genoemde plaaslike bestuur en die bepalings van hierdie Ordonnansie en enige ander wet betreffende lede van plaaslike besture is dan van toepassing op sodanige persoon of persone.

Buiten-
gewone
vakature

171. Benewens die bevoegdhe in hierdie Ordonnansie genoem, besit die Administrateur die mag om—

Spesiale be-
voegdhe
plaaslike
besture.

- (a) by wyse van proklamasie in the *Offisiële Koerant van die Provinsie* addisionele bevoegdhe aan plaaslike besture oor die algemeen of aan 'n bepaalde plaaslike bestuur te verleen vir enige doel verbonde aan munisipale regering, en wat na sy mening nodig of wenslik is en nie in stryd is met die bepalings van hierdie Ordonnansie of 'n ander wet nie.

Ord. No.
17 of 1939.

—
Section 171.

(b) to prescribe by regulation the form of accounts and reports to be furnished to him under the provisions of section *one hundred and sixty-two*.

Time limit
for action.

172. All actions against a local authority shall be brought within six months of the time when the causes of such actions arose.

Short title
and date of
operation.

173. This Ordinance shall be known as the Local Government Ordinance, 1939, and shall come into operation on such date as the Administrator shall declare by proclamation in the *Provincial Gazette*.

(b) by wyse van regulasie die vorm vas te stel van rekenings en rapporte wat aan hom voorgelê moet word kragtens die bepaling van artikel *honderd twee-en-sestig*.

Ord. No.
17 van
1939.

—
Artikel 171.

172. Alle gedinge teen 'n plaaslike bestuur ^{Tyds-} moet binne ses maande van die tyd waarop ^{bepaling} ^{vir} die oorsake van sulke gedinge ontstaan het, ^{gedinge.} ingebring word.

173. Hierdie Ordonnansie staan bekend as ^{Korttitel en} die Ordonnansie op Plaaslike Bestuur, 1939, ^{datum van} en tree in werking op 'n datum wat die ^{inwerking-} ^{treeding.} Administrateur by proklamasie in die *Offisiële Koerant van die Provinsie Transvaal* bepaal.

Ord. No.
17 of 1939.

First Schedule.

SECTION One.

<i>Laws Repealed.</i>	<i>Extent of Repeal.</i>
Ordinance No. 11 of 1926 (Local Government)	Whole.
Ordinance No. 4 of 1928 (Local Government Amend- ment)	„
Ordinance No. 20 of 1928 (Local Government Further Amendment)	„
Ordinance No. 4 of 1929 (Local Government Amend- ment)	„
Ordinance No. 15 of 1930 (Local Government Amend- ment)	„
Ordinance No. 16 of 1931 (Local Government Amend- ment)	„
Ordinance No. 20 of 1931 (Local Government Further Amendment)	„
Ordinance No. 11 of 1932 (Local Government Amend- ment)	„
Ordinance No. 10 of 1934 (Local Government Amend- ment)	„
Ordinance No. 14 of 1934 (Local Government Further Amendment)	„
Ordinance No. 4 of 1935 (Local Government Amend- ment)	„
Ordinance No. 9 of 1935 (Local Government Further Amendment)	„

Ord. No
17 van
1939.

Eerste Bylae.

ARTIKEL *Een.*

<i>Wette Herroep.</i>	<i>In hoever herroep.</i>
Ordonnansie No. 11 van 1926 (Plaaslike Bestuur) ...	Geheel.
Ordonnansie No. 4 van 1928 (Plaaslike Bestuur Wysigings)	„
Ordonnansie No. 20 van 1928 (Plaaslike Bestuur Verdere Wysigings)	„
Ordonnansie No. 4 van 1929 (Plaaslike Bestuur Wysigings)	„
Ordonnansie No. 15 van 1930 (Plaaslike Bestuur Wysigings)	„
Ordonnansie No. 16 van 1931 (Plaaslike Bestuur Wysigings)	„
Ordonnansie No. 20 van 1931 (Plaaslike Bestuur Verdere Wysigings)	„
Ordonnansie No. 11 van 1932 (Plaaslike Bestuur Wysigings)	„
Ordonnansie No. 10 van 1934 (Plaaslike Bestuur Wysigings)	„
Ordonnansie No. 14 van 1934 (Plaaslike Bestuur Verdere Wysigings)	„
Ordonnansie No. 4 van 1935 (Plaaslike Bestuur Wysigings)	„
Ordonnansie No. 9 van 1935 (Plaaslike Bestuur Verdere Wysigings)	„

Ord. No.
17 of 1939.

Third Schedule.

SECTION *Fifty*.

FORM OF STATEMENT REFERRED TO IN SECTION *Fifty* OF THIS
ORDINANCE.

This is to certify that all sums due in accordance with section *fifty* of the Local Government Ordinance,, to the Town Council (Village Council) of..... in respect of the premises or interest in land.....registered in the name of.....have been paid to the Council.

This certificate is available to.....19....

Given under my hand at.....this.....
day of.....One thousand Nine hundred and.....

.....
Town Clerk,

.....Municipality.

Ord. No.
17 van
1939.

Derde Bylae.

ARTIKEL *Vyftig*.

VORM VAN STAAT VERMELD IN ARTIKEL *Vyftig* VAN HIERDIE
ORDONNANSIE.

Hiermee sertifiseer ek dat alle bedrae verskuldig ooreen-
komstig artikel *vyftig* van die Ordonnansie op Plaaslike
Bestuur,, aan die Stadsraad (Dorpsraad) van.....
.....ten opsigte van die perseel of belang in
grond.....geregistree op naam van
.....aan die raad betaal is.

Hierdie sertifikaat is geldig tot.....19.....

Gegee onder my hand te.....op hede
die.....dag van.....Eenduisend Negehonderd
.....

.....
Stadsklerk,

.....Munisipaliteit.

Ord. No.
17 of 1939.

Fourth Schedule.

SECTION *One hundred and fourteen.*

COUNCILS OF MUNICIPALITIES WHICH SHALL BE VILLAGE COUNCILS
CONSTITUTED UNDER THIS ORDINANCE.

The Council of the Municipality of Alberton.			
”	”	”	Amersfoort.
”	”	”	Amsterdam.
”	”	”	Balfour.
”	”	”	Belfast.
”	”	”	Bloemhof.
”	”	”	Breyten.
”	”	”	Brits.
”	”	”	Bronkhorstspuit.
”	”	”	Carolina.
”	”	”	Christiana.
”	”	”	Coligny.
”	”	”	Duivelskloof.
”	”	”	Dullstroom.
”	”	”	Edenvale.
”	”	”	Elsburg.
”	”	”	Greylingstad.
”	”	”	Hendrina.
”	”	”	Koster.
”	”	”	Machadodorp.
”	”	”	Morgenzon.
”	”	”	Naboomspruit.
”	”	”	Nelspruit.
”	”	”	Nylstroom.
”	”	”	Rodeon.
”	”	”	Sabie.
”	”	”	Schweizer Reneke.
”	”	”	Ventersdorp.
”	”	”	Wakkerstroom.
”	”	”	Warmbaths.
”	”	”	White River.

Ord. No.
17 van
1939.

Vierde Bylae.

ARTIKEL *Honderd-en-veertien.*

MUNISIPALE RADE WAT DORPSRADE IS KRAGTENS HIERDIE
ORDONNANSIE INGESTEL.

Die Munisipale Raad van Alberton.			
”	”	”	Amersfoort.
”	”	”	Amsterdam.
”	”	”	Balfour.
”	”	”	Belfast.
”	”	”	Bloemhof.
”	”	”	Breyten.
”	”	”	Brits.
”	”	”	Bronkhorstspruit.
”	”	”	Carolina.
”	”	”	Christiana.
”	”	”	Coligny.
”	”	”	Duivelskloof.
”	”	”	Dullstroom.
”	”	”	Edenvale.
”	”	”	Elsburg.
”	”	”	Greylingstad.
”	”	”	Hendrina.
”	”	”	Koster.
”	”	”	Machadodorp.
”	”	”	Morgenzon.
”	”	”	Naboomspruit.
”	”	”	Nelspruit.
”	”	”	Nylstroom.
”	”	”	Rodeon.
”	”	”	Sabie.
”	”	”	Schweizer Reneke.
”	”	”	Ventersdorp.
”	”	”	Wakkerstroom.
”	”	”	Warmbad.
”	”	”	Witrivier.

Ord. No.
17 of 1939.

Fifth Schedule.

SECTION *One hundred and twenty-three.*

**HEALTH COMMITTEES WHICH SHALL BE HEALTH COMMITTEES
CONSTITUTED UNDER THIS ORDINANCE.**

Alexandra Health Committee.
Amalia Health Committee.
Bedfordview Health Committee.
Biesjesvlei Health Committee.
Charl Celliers Health Committee.
Davel Health Committee.
Delareyville Health Committee.
Delmas Health Committee.
Devon Health Committee.
Eendracht Health Committee.
Evaton Health Committee.
Fochville Health Committee.
Graskop Health Committee.
Groot Marico Health Committee.
Hartebeestfontein Health Committee.
Kempton Park Health Committee.
Kinross Health Committee.
Klipfontein Health Committee.
Lake Chrissie Health Committee.
Leeuwdoornsstad Health Committee.
Leslie Health Committee.
Maquassi Health Committee.
Messina Health Committee.
Meyerton Health Committee.
Ottosdal Health Committee.
Paardekop Health Committee.
Pilgrims Rest Health Committee.
Pretoria North Health Committee.
Ravensklip Health Committee.
Rensburg Health Committee.
Roosville Health Committee.
Silverton Health Committee.
Trichard Health Committee.
Tzaneen Health Committee.
Witpoort Health Committee.
Zoekmekaar Health Committee.

Vyfde Bylae.

Ord. No.
17 van
1939.ARTIKEL *Honderd Drie-en-twintig.*GESONDHEIDSKOMITEES WAT GESONDHEIDSKOMITEES IS KRAGTENS
HIERDIE ORDONNANSIE INGESTEL.

Gesondheidskomitee van	Alexandra.
„	„ Amalia.
„	„ Bedfordview.
„	„ Biesjesvlei.
„	„ Charl Celliers.
„	„ Chrissiemeer.
„	„ Davel.
„	„ Delareyville.
„	„ Delmas.
„	„ Devon.
„	„ Eendracht.
„	„ Evaton.
„	„ Fochville.
„	„ Graskop.
„	„ Groot Marico.
„	„ Hartebeestfontein.
„	„ Kempton Park.
„	„ Kinross.
„	„ Klipfontein.
„	„ Leeuwdoornsstad.
„	„ Leslie
„	„ Maquassi.
„	„ Messina.
„	„ Meyerton.
„	„ Ottosdal.
„	„ Paardekop.
„	„ Pelgrimsrust.
„	„ Pretoria-Noord.
„	„ Ravensklip.
„	„ Rensburg.
„	„ Roosville.
„	„ Silverton.
„	„ Trichard.
„	„ Tzaneen.
„	„ Witpoort.
„	„ Zoekmekaar.