



**ORDINANCES**

**OF**

**THE PROVINCE OF TRANSVAAL**

**1933**

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**(Alphabetical.)**

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NOTE.—*The Road Traffic Ordinance* was passed by the Provincial Council on the 6th September, 1933. In terms of section *ninety* of the South Africa Act, 1909, it was reserved for further consideration by the Governor-General-in-Council on the 29th November, 1933. If the Ordinance receives assent, it will appear in the 1934 Volume.

# AN ORDINANCE

Ord. No. 1  
of 1933.

To apply a further sum of money not exceeding £92,426 for the service of the Province of Transvaal for the period from the 1st day of April, 1932, to the 31st day of March, 1933.

(Assented to 27th March, 1933.)

(Date of operation, 29th March, 1933.)

(Afrikaans copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of Transvaal as follows:—

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, 1932, to the 31st March, 1933, both days inclusive, with a further sum not exceeding ninety-two thousand four hundred and twenty-six pounds in addition to the sums provided for by the Appropriation (1932-1933) Ordinance, 1933.

Provincial Revenue Fund charged with £92,426.

2. The money granted by this 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 of by the Provincial Council.

How money is to be applied.

3. This Ordinance may be cited for all purposes as the Additional Appropriation (1932-1933) Ordinance, 1933.

Short title.

### Schedule.

Number of Vote.	Service.	Amount. £
1	General Administration.....	1,126
3	Hospitals and Charitable Institutions.....	3,300
4	Roads, Bridges, and Local Works.....	80,065
7	Capital Expenditure— Special Grant from Union Government for Road Construction.....	7,935
		<b>£92,426</b>

Ord. No. 2  
of 1933.

# AN ORDINANCE

To apply a sum not exceeding £2,000,000 on Account for the service of the Province of Transvaal during the Year ending on the 31st day of March, 1934.

(Assented to 27th March, 1933.)

(Date of operation, 29th March, 1933.)

(Afrikaans copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of Transvaal as follows:—

£2,000,000  
may be  
issued  
out of the  
Provincial  
Revenue  
Fund.

1. On and after the 1st day of April, 1933, there may be issued out of the Provincial Revenue Fund such sums of money not exceeding in the aggregate the sum of two million 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, 1934, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

Issues  
under this  
Ordinance  
to be  
deemed  
advanced  
in  
anti-  
cipa-  
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 the thirty-first day of March, 1934, 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 the thirty-first day of March, 1933, 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 money 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 may be cited for all purposes as the Appropriation (Part 1933-1934) Ordinance, 1933.

## AN ORDINANCE

To amend the Transvaal Hospital Nurses' Pensions Ordinance, 1919.

Ord. No. 3  
of 1933.

(Assented to 30th March, 1933.)

(Date of operation, 19th April, 1933.)

(English copy signed by Governor-General.)

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

1. Sub-section (1) of section *three* of the Transvaal Hospital Nurses' Pensions Ordinance, 1919 (as amended), is hereby amended by the addition at the end thereof of the following words:—

Amendment of Section 3 of Ordinance No. 13 of 1919.

“ provided that every nurse appointed on or after the first day of May, 1933, shall not be admitted to the regular nursing staff before she has produced to the board a medical certificate satisfactory to the Administration. Such certificate shall be in the form prescribed by the Administrator by regulation.”

2. This Ordinance may be cited for all purposes as the Transvaal Hospital Nurses' Pensions Amendment Ordinance, 1933.

Short title.

## AN ORDINANCE

To provide for the Substitution of Publication in the *Provincial Gazette* for Statutory Publication in Newspapers.

Ord. No. 4  
of 1933.

(Assented to 30th March, 1933.)

(Date of operation, 12th April, 1933.)

(Afrikaans copy signed by Governor-General.)

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

1. (1) Whenever any law confers the power or imposes the duty upon the Administrator or upon any person in the service of the Transvaal Provincial Administration to publish any information whatsoever in any newspaper the Administrator may in his discretion direct, either in any particular

Administrator may substitute publication in *Provincial Gazette* for statutory publication in newspapers.

Ord. No. 4  
of 1933.

Section 1.

instance or in general in regard to all or any such publications, that such information be published in the *Provincial Gazette* in lieu of in such newspaper, or if such law provides for the publication of such information in the *Provincial Gazette* and in any newspaper, that it be published in the *Provincial Gazette* only, and in either case the Administrator may in his discretion cause to be published, in such manner and form and at such time as he may determine, in any newspaper wherein the said information should have been published in terms of the said law, a concise notice directing attention to the publication of such information in the *Provincial Gazette*.

(2) Any such publication in the *Provincial Gazette* shall for the purposes of the said law, notwithstanding its provisions, be deemed to be a publication in any newspaper wherein the said information should or might have been published in terms of such law.

Short title. **2.** This Ordinance may be cited for all purposes as the Statutory Publications Ordinance, 1933.

Ord. No. 5  
of 1933.

## AN ORDINANCE

To enable the Administrator to Postpone the Elections of School Boards.

(Assented to 3rd April, 1933.)

(Date of operation, 19th April, 1933.)

(Afrikaans copy signed by Governor-General.)

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

Power conferred upon the Administrator to postpone the School Board elections due to have been held in 1933.

**1.** Notwithstanding anything to the contrary in the Education Act, 1907, or any amendment thereof contained the Administrator is hereby empowered by Proclamation in the *Provincial Gazette* to postpone the school board elections which were due to have been held in 1933 for twelve months. Upon the publication of the said Proclamation the period of office of the existing boards shall be extended to the thirtieth day of June, 1934.

Short title. **2.** This Ordinance may be cited for all purposes as the School Board Elections Ordinance, 1933.

# AN ORDINANCE

Ord. No. 6  
of 1933.

To amend the Townships and Townplanning Ordinance,  
1931, in certain respects.

(Assented to 6th April, 1933.)

(Date of operation, 26th April, 1933.)

(English copy signed by Governor-General.)

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

1. Section *six* of the Townships and Town-  
planning Ordinance, 1931 (hereinafter  
referred to as the principal law) is hereby re-  
pealed and there shall be substituted therefor  
the following new section:—

Repeal of  
section 6 of  
principal  
law and  
substitution  
of new  
section.

“ 6. At all meetings of the board the  
following shall constitute a quorum:—

- (a) Two members of whom one shall be  
the chairman whenever the mem-  
bership of the board does not  
exceed four members;
- (b) three members whenever the mem-  
bership of the board is five mem-  
bers;
- (c) four members whenever the mem-  
bership of the board exceeds five  
members.”

2. Section *twenty-one* of the principal law  
is hereby repealed and there shall be substi-  
tuted therefor the following new section:—

Repeal of  
section 21  
of principal  
law and  
substitution  
of new  
section.

“ 21. Should any of the by-laws or  
regulations made at any time by or for a  
local authority be in conflict with the  
approved conditions governing the estab-  
lishment of a township within its munic-  
ipality such by-laws or regulations shall  
to that extent be of no force and effect.”

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

Amend-  
ment of  
section 26  
of the  
principal  
law.

- “ (4) (a) Notwithstanding anything to the  
contrary in any law contained when-  
ever the Surveyor-General shall in  
the exercise of any of the powers

**Ord. No. 6  
of 1933.**

**Section 3.**

conferred upon him by section *thirty* of the Land Survey Act No. 9 of 1927 alter or amend any general plan of any township, the Administrator may, subject to the provision of paragraph (b) of this sub-section and upon the recommendation of the board, impose conditions where no conditions governing the establishment of the township exist or amend or alter any of the conditions upon which such establishment was approved or impose further conditions.

- (b) The power hereby conferred upon the Administrator shall not be exercised—
- (i) unless the local authority, if any, has been consulted;
  - (ii) unless proof is adduced that no erf shown on such general plan has been transferred or leased to any person other than the Government or the Governor-General in trust for any local authority or in the event of any erf having been so transferred or leased the township owner or his successor in title has re-acquired the unencumbered ownership thereof; or
  - (iii) where any erf shown on such general plan has been so transferred or leased and the township owner or his successor in title has not re-acquired the same as aforesaid unless there is produced to the Administrator an order of court authorizing him to exercise such power or a written statement from the owner or lessee of every such erf and of the holder of every mortgage bond hypothecating any erf shown on such general plan to the effect that he has no objection to the exercise of such power.
- (c) Nothing in this section contained shall be construed as conferring upon the Administrator the power to alter the name of any township.



(d) The provisions of this sub-section shall be deemed to have been in operation with effect from the first day of September, 1932."

**Ord. No. 6  
of 1933.**

**Section 3.**

4. Section *thirty-seven* of the principal law is hereby repealed and there shall be substituted therefor the following new section:--

Repeal of section 37 of the principal law and a new section substituted.

" 37. (1) Where two or more local authorities are desirous of acting jointly for any of the purposes of this Ordinance they may concur in appointing a joint town-planning committee for those purposes and in delegating with or without restrictions, to that committee any powers, other than the power to borrow money or levy a rate, which any of the constituent local authorities might exercise for those purposes.

A committee so appointed is in this section referred to as "a joint committee."

(2) Every person appointed to represent a constituent local authority on a joint committee must be a member of one, at least, of the constituent authorities but the same person may be appointed to represent two or more of those authorities.

(3) A constituent local authority may appoint its representative on a joint committee to serve as such for so long as he holds office as a member of any one of the constituent local authorities, or for any shorter period.

(4) A joint committee may, unless two-thirds at least of the constituent local authorities otherwise resolve, co-opt persons, whether members of a constituent local authority or not, to serve as additional members of the committee so, however, that the number of persons so co-opted shall not exceed one-half of the number of the appointed members of the committee.

(5) A joint committee may, subject to any directions concurred in by all the constituent local authorities, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee think fit.

TOWNSHIPS AND TOWN-PLANNING AMENDMENT.  
8 CHARITABLE INSTITUTIONS (CONTROL) AMENDMENT.

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Ord. No. 6  
of 1933.

Section 4.

(6) The costs of a joint committee shall be defrayed by the constituent local authorities, or some or one of them, as they may agree, and if any question arises as to the local authorities or local authority, by whom, or the proportions in which, any such costs are to be defrayed, that question shall be determined by the Administrator."

Short title. 5. This Ordinance may be cited for all purposes as the Townships and Town-planning Amendment Ordinance, 1933.

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Ord. No. 7  
of 1933.

## AN ORDINANCE

To amend the Charitable Institutions (Control) Ordinance, 1926, in certain respects.

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*(Assented to 27th September, 1933.)*

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*(Date of operation, 18th October, 1933.)*

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*(English copy signed by Governor-General.)*

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

Amendment of section 7 of Ordinance No. 5 of 1926, as amended by Ordinance No. 21 of 1931.

1. Section *seven* of the Charitable Institutions (Control) Ordinance 1926 as amended by section *one* of Ordinance No. 21 of 1931 is hereby amended as follows—

(1) by the addition to paragraph (f) of the following words:—

“ for authorizing any such board to constitute for defined areas within its area of jurisdiction local advisory committees and to prescribe their powers and duties and for delegating to any such board the powers of the Administrator contained in sections *three* and *five* of this Ordinance.”

(2) by the addition of the following new paragraphs:—

- “(g) for making grants-in-aid to such boards from the Provincial Revenue fund and for regulating their finances;
- (h) prescribing fines or other penalties for the breach of any regulations made by the Administrator or by such boards under this Ordinance;
- (i) generally making provision for all matters deemed necessary for the due administration of and for giving full effect to the provisions of this Ordinance.”

Ord. No. 7  
of 1933.

Section 1.

2. This Ordinance may be cited for all purposes as the Charitable Institutions (Control) Amendment Ordinance, 1933. Short title.

## AN ORDINANCE

To amend the Local Authorities (Language) Ordinance, 1916, in certain respects.

Ord. No. 8  
of 1933.

*(Assented to 27th September, 1933.)*

*(Date of operation, 18th October, 1933.)*

*(English copy signed by Governor-General.)*

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

1. The Long Title to the Local Authorities (Language) Ordinance 1916 (hereinafter referred to as the principal law) is hereby amended by the insertion after the word “Municipalities” of the words “Hospital Boards, the Warmbaths Board of Trustees and other public bodies.” Amendment of the Long Title to the principal law.

2. Section *one* of the principal law is hereby amended as follows:— Amendment of section 1 of the principal law.

(1) By the addition thereto of the following definitions:—

“board” shall mean a hospital board constituted under the Public Hospitals Ordinance, 1928, or any amendment thereof and shall include the Warmbaths Board of Trustees constituted under the Warmbaths (Control and Management) Ordinance, 1929, or any amendment thereof and

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of 1933.

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shall further include any other board, council, committee or public body constituted under any Provincial Ordinance, proclamation or regulation to which the Administrator has by Proclamation in the *Provincial Gazette* applied the provisions of this Ordinance;

“municipal officer” shall include an officer of the board;

(2) By the addition of the following words to the definition of “municipality” :—

“and in relation to a board means the town or place in which is situate the headquarters of the board.”

(3) By the addition of the following words to the definition of “council” :—

“or a board”.

(4) By the addition of the following words to the definition of “town councillor” :—

“or of a board”.

(5) By the addition of the following words to the definition of “town clerk” :—

“and shall further include a superintendent or secretary of a board.”

Amend-  
ment of  
section 2  
of the  
principal  
law.

3. Sub-section (1) of section *two* of the principal law as amended by section *one* of Ordinance No. 5 of 1918 is hereby amended by the insertion after the word “Union” of the following words :—

“provided that any notice required to be published by a council in a newspaper circulating in the municipality shall be published both in Afrikaans in such a paper printed in Afrikaans and in English in such a paper printed in English. Where, however, both official languages are regularly used as media of expression in any newspaper which, upon the application of any council, is classified for the purposes of this section by the Administrator by notification in the *Provincial Gazette* as a bilingual newspaper such notice may be published therein in both official languages.”

Short title. 4. This Ordinance may be cited for all purposes as the Local Authorities (Language) Amendment Ordinance, 1933.

# AN ORDINANCE

Ord. No. 9  
of 1933.

To Consolidate and amend the law relating to Public Roads and Outspans in this Province and to make provision for all other matters incidental thereto.

(Assented to 24th October, 1933.)

(Date of operation, 1st December, 1933.)\*

(Afrikaans copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of Transvaal as follows:—

## INTRODUCTORY.

1. The laws mentioned in the First Schedule to this Ordinance shall be and are hereby repealed to the extent set forth in the third column of such Schedule together with the provisions of any other law repugnant to this Ordinance; provided that nothing in this Ordinance contained shall be construed as repealing, amending or otherwise modifying or affecting the provisions of the Precious and Base Metals Act 1908 (Transvaal) or any amendment thereof or any rights acquired thereunder. <sup>Repeal of laws.</sup>

2. In this Ordinance unless some other meaning is clearly intended:— <sup>Interpretation of terms.</sup>

- “ Administrator ” means the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909, or any amendment thereof, acting on the authority of the Executive Committee of the Province;
- “ Administration ” means the Transvaal Provincial Administration;
- “ board ” means the road board constituted under section *eleven*;
- “ bridge ” includes a culvert and/or causeway;
- “ bridle paths ” mean public paths existing or constructed for foot, horse and pack saddle traffic;
- “ construct ” “ construction ” means and includes the surveying, laying out, clearing of bush, forming and making of any road and the construction of any bridge, pontoon, ferry, drift or causeway to serve such road or proposed road and all necessary approaches,

\* Proclamation No. 59, *Provincial Gazette* dated 15th November, 1933, page 203.

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of 1933.

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Section 2.

- cuttings, embankments, subways, culverts, sloods, drains, dams, curbs, fences, parapets, guards and any other work or thing forming part of or connected with or belonging to such road;
- “ district ” means the district or area under the jurisdiction of a board;
- “ district road ” means any public road other than a main road or bridle path;
- “ farm ” includes any piece of land registered as a farm or portion of a farm in the office of the Registrar of Deeds subject to the provisions of subsection (5) of section *sixty-one*;
- “ Gazette ” means the *Official Gazette of the Province of Transvaal*;
- “ local authority ” means a city council, a town council, a village council or a health committee constituted under the provisions of the Local Government Ordinance as a body corporate;
- “ Local Government Ordinance ” means the Local Government Ordinance No. 11 of 1926 and any amendment thereof;
- “ magistrate ” means the magistrate of a magisterial district and includes any officer lawfully acting as such;
- “ main road ” means a public trunk road or highway over or along which the general road traffic of the Province passes and which has been proclaimed a main road in terms of this Ordinance;
- “ maintain ” “ maintenance ” means and includes the maintenance of a road together with all bridges, pontoons, ferries, drifts and causeways in the line of such road and all approaches, cuttings, embankments, subways, culverts, sloods, drains, dams, curbs, fences, parapets, guards and any other work or thing forming part of or connected with or belonging to such road in good order and repair, and further means and includes any reconstruction, alteration, deviation, widening or improvement of such road;
- “ municipality ” means the area or district placed under the jurisdiction of a local authority but does not include the area of jurisdiction of a health committee which has not been declared a body corporate under sub-section (3) of section *one hundred and forty-nine* of the Local Government Ordinance;

“owner” means the owner, lessee or occupier of any property or his lawful representative;

“prescribed” means prescribed by this Ordinance or by the Administrator by regulation under this Ordinance;

“Province” means the Province of Transvaal;

“public road” means—

- (1) any road proclaimed as such under this Ordinance or which has been established or become a public road under this or any other Ordinance;
- (2) any road or path however created (not running over any land proclaimed under or for the purpose of any law relating to mining for precious or base metals or precious stones or land held under mining title as by such law defined), which has been in the undisturbed use of the public, or which the public has had the right to use during a period of not less than fifteen years;
- (3) any road proclaimed a provincial road in terms of section *nine* or *forty-seven* during the currency of any such proclamation;

provided that, save as is provided in section *nine* and in Chapters IV and V hereof, nothing in this Ordinance contained shall apply to any road—

- (a) within a municipality or
- (b) within an area of land outside a municipality comprising:—
  - (i) land in respect of which a township register has been opened in any deeds registry; or
  - (ii) land which has been certified as an agricultural holding under the provisions of section *one* of the Agricultural Holdings (Transvaal) Registration Act 1919 or any amendment thereof; or
  - (iii) the area of jurisdiction of a health committee constituted under section *one hundred and forty-six* of the Local Government Ordinance but which has not been declared as a body corporate thereunder;

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“registered owner” means the person registered in the Deeds Office as the owner of any property or his lawful representative;

“road reserve” means that part of a public road which is not the roadway;

“roadway” means that part of a public road improved and intended to be used for vehicular traffic or used or reasonably usable for the time being for vehicular traffic in general.

## CHAPTER I.

### PUBLIC ROADS.

**3.** For the purposes of this Ordinance the public roads in this Province shall be divided into the following classes:—

- (a) Main roads.
- (b) District roads.
- (c) Bridle paths.

**4.** The width of public roads including the road reserve shall be as follows:—

- (a) main roads, one hundred Cape feet;
- (b) district roads, fifty Cape feet;
- (c) bridle paths, not exceeding fifteen Cape feet;

provided that the Administrator may reduce such width when he is satisfied that it is necessary to do so.

**5.** For the purposes of this Ordinance, bridges and drifts in the course of a public road shall be considered as portions of that public road.

**6.** All public roads within this Province shall be vested in and remain under the control and charge of the Administrator.

**7.** (1) The Administrator may from time to time as occasion requires by proclamation in the *Gazette*—

- (a) declare any road to be a public road;
- (b) declare that a public road shall exist on land where no road was previously in existence or where a road has previously been in existence but has been closed, and define the course of that road after investigation and report by the board;
- (c) declare any public road to be a main road, district road or bridle path as the case may be, provided that no road shall be declared to be a public road on



any land proclaimed under the Precious and Base Metals Act 1908 (Transvaal) or any amendment thereof, or land held under mining title as by such law defined, unless the course of that road has been reserved for the purposes of a road under the provisions of that Act or amendment aforesaid or on any land proclaimed as an alluvial digging under the provisions of the Precious Stones Act 1927 or any amendment thereof, or any prior law, without the consent of the Minister of Mines;

- (d) subject to the provisions of section *thirty-seven* close or deviate any public road after investigation and report by the board.

8. (1) Subject to the provisions of the Motor Vehicle Ordinance 1931 or any amendment thereof, the Administrator may at all times, and upon such notice as he shall deem fit, close temporarily or permanently for any particular class of traffic or temporarily for all traffic any public road or temporarily divert any such road for the purpose of executing repairs or for any other purpose in the discretion of the Administrator and may otherwise regulate the traffic on any such public road.

Closing public roads temporarily, etc.

(2) Any person who uses any such public road while temporarily or partially closed under the provisions of this section shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section *forty-three*.

9. (1) Anything to the contrary in this Ordinance notwithstanding it shall be lawful for the Administrator, by proclamation in the *Gazette*, to declare as a provincial road any road passing through any of the areas referred to in sub-paragraphs (i), (ii) and (iii) of paragraph (b) of the definition of "public road" in section *two* provided that such road connects up with and is a continuation of a main road outside any of such areas and provided further that no road shall be declared under this section to be a provincial road on any land proclaimed under the Precious and Base Metals Act 1908 (Transvaal) or any amendment thereof, or land held under mining title as by such law defined, unless the course of that road has been reserved for the purposes of a road under the provisions of that Act or amendment aforesaid or on any land proclaimed as an alluvial digging under the

Powers of the Administrator to proclaim roads in certain areas as provincial roads.

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of 1933.

Section 7.

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of 1933.**

—  
**Section 9.**

provisions of the Precious Stones Act 1927 or any amendment thereof, or any prior law, without the consent of the Minister of Mines.

(2) From and after the date of any proclamation issued under sub-section (1) hereof the road so proclaimed shall become and remain a public road, subject to the provisions of the next succeeding sub-section, and the Administrator may from time to time construct, maintain and repair the same in so far as finances shall permit.

(3) Any proclamation issued under the provisions of this section may at any time, on due cause being shown, be cancelled, altered or amended by the Administrator as he shall think fit.

Entering upon and taking possession of land for public roads.

**10.** The Administrator or any person acting under his authority in that behalf may after notice to the owner or owners enter upon and take possession of so much of any land as may be required for the opening or construction of any public road or any other purpose subsidiary to the discharge of the duties or powers conferred and imposed by this Ordinance in respect of such road provided that this provision shall not apply to any plots, erven, holdings or stands situate in any of the areas referred to in sub-section (1) of the last preceding section.

**CHAPTER II.**

**CONSTITUTION AND POWERS AND DUTIES  
OF ROAD BOARDS.**

Constitution of road boards.

**11.** (1) The Administrator may from time to time by proclamation in the *Gazette*—

(a) constitute for any area outside a municipality a board to be called a road board consisting of a magistrate who shall be the chairman and not less than three nor more than six such other persons as may be appointed by the Administrator subject to the provisions of section *twelve*; provided that the Administrator may in addition to such persons appoint other persons *ex-officio* members of a board—an *ex-officio* member so appointed shall have the right to take part in the proceedings of the board, but shall not have the right to vote. The Administrator may from time to time determine the amount to be paid to an *ex-officio* member for travelling and personal expenses while on the business of the board;

- (b) increase, alter or diminish the area of jurisdiction of any board constituted under this section and at any time on due cause being shown abolish or dis-establish such board.

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of 1933.

—  
Section 11.

(2) The boards constituted under any law repealed by this Ordinance and mentioned in the Second Schedule hereto shall be deemed to be road boards constituted under this Ordinance and the members thereof shall be deemed to have been appointed under this Ordinance and shall continue in office for the periods for which they were appointed subject to the provisions of this Ordinance.

**12.** No person shall be appointed, or continue to be, a member of a board for any district—

Disqualifi-  
cations.

- (a) who has been convicted at any time of an offence for which imprisonment without the option of a fine has been imposed as a punishment, unless he shall have received a free pardon or his period of imprisonment shall have expired at least three years prior to the date of his appointment; or
- (b) who is of unsound mind or is under curatorship; or
- (c) whose estate shall be in liquidation or under assignment in trust for his creditors; or
- (d) who is an unrehabilitated insolvent; or
- (e) who is an alien.

**13.** A member of the board shall vacate his office—

Circum-  
stances  
under  
which  
members  
vacate  
office.

- (a) in any of the circumstances described in the last preceding section; or
- (b) if he has been removed from office by the Administrator in terms of section *fourteen*; or
- (c) if he has been convicted for a contravention of section *nineteen*.

**14.** The Administrator may suspend and remove any member of the board from his office for incapacity to act as such or misbehaviour or for any good and sufficient reason.

Suspension  
and  
removal  
of mem-  
bers.

**15.** Subject to the provisions of sub-section (2) of section *sixteen* and save as is provided in sub-section (2) of section *eleven* every member of a board shall hold office for a period of three years from the date of his appointment.

Period of  
office.

**Ord. No. 9** Vacancies  
of 1933. how to be  
filled

**16.** (1) If any member of the board shall, during the currency of his period of office, die, resign, become or be found disqualified under any law or otherwise vacate his seat thereon a successor to fill the vacancy so caused may be appointed by the Administrator.

(2) The member appointed in terms of this section shall hold office only for the unexpired term of office of his predecessor.

**Quorum.**

**17.** Three members of a board including the chairman shall form a quorum provided that where the membership of a board is less than five including the chairman the quorum shall be two members of whom one shall be the chairman, and provided further that during his absence from the seat of the magistracy the chairman may in writing appoint the senior officer on the staff of the magistrate to act as chairman during such absence.

**Powers and duties of road boards.**

**18.** (1) The board shall—

- (a) have such powers, duties and functions as may be prescribed;
- (b) assist and advise the Administrator on all matters relating to public roads and outspans within its district;
- (c) obtain and transmit to the Administrator any information that may be required by him in connection with the administration of this Ordinance or the regulations thereunder; and
- (d) generally carry out all such functions as may from time to time be assigned to it by the Administrator.

(2) If authorized thereto by regulation made by the Administrator and published in the *Gazette* a board may, in consultation with the road inspector, appoint and dismiss daily paid gangers, white labourers and road workers required for or employed on roads, bridges and outspans constructed, established or maintained under this Ordinance.

**Members having pecuniary interest may not vote.**

**19.** (1) No member of the board shall vote upon or take part or be present at, in his capacity as a member, the discussion of any matter before the board in which he has directly or indirectly by himself, his spouse, his partners or his near relations any pecuniary interest.

(2) Any member knowingly contravening the provisions of this section shall be guilty of an offence and on conviction his seat on the board shall *ipso facto* become vacant.

20. (1) No person, being a member of a board, shall be prohibited by reason of his office from contracting with the Administration or the board either as vendor, purchaser or otherwise nor shall any contract or bargain entered into by or on behalf of the Administration or of the board or any sub-contract or subsequent bargain in connection with any such contract in which any member of a board shall be in any way directly or indirectly interested be on such account avoided or set aside.

Contracting Ord. No. 9  
allowed. of 1933.

(2) Where any member of a board is interested otherwise than as a shareholder in a limited liability company in any contract or bargain with the Administration or the board or sub-contract or subsequent bargain in connection with any such contract or bargain which involves according to the terms thereof the expenditure or receipt by the Administration or the board of one hundred pounds or more it shall be the duty of such member before such contract or bargain is determined on or approved by the Administration or the board 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 Administrator as well as to the board and such disclosure shall be made at a meeting of the board and by letter addressed to the Provincial Secretary which shall be reported by him to the Administrator and any such disclosure shall be entered on the minutes of the meeting of the board at which the same is made by the member of the board concerned.

(3) Any member of the board who contravenes this section by omitting to disclose his interest in any contract or bargain with the Administration or the board or sub-contract or subsequent bargain as hereby required shall be liable on conviction to a fine not exceeding seventy-five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months and the court before which he is convicted may order that he shall vacate his seat and his seat shall thereupon become vacant; provided, however, that the court shall not make such order if it is proved that the omission of any such member to make such disclosure was due to illness, absence from his district or some other like cause and was not due to any want of good faith.

Ord. No. 9  
of 1933.

Section 20.

(4) It shall be the duty of the Provincial Auditor to report to the Administrator any cases in which it shall appear to him that there has been any failure to comply with the provisions of this section.

### CHAPTER III.

#### CONSTRUCTION, MAINTENANCE, OPENING, CLOSING AND DEVIATION OF PUBLIC ROADS.

General  
powers of  
the  
Adminis-  
trator.

**21.** The Administrator shall, subject to the provisions of this Ordinance and of the Motor Vehicle Ordinance 1931 or any amendment thereof and when funds permit, have power and authority in the matters and things following, namely:—

- (1) the construction, maintenance and control of all main and district roads, and subject to the provisions of section *four*, the fixing of the width thereof;
- (2) the provision and maintenance of such milestones, signposts, direction and warning signs as may be deemed necessary for the guidance or safety of persons, animals and vehicles upon all public roads;
- (3) the provision and maintenance of out-spans, wells and watering places for the use of the public upon such roads;
- (4) the erection, construction and maintenance on the road reserve or elsewhere of buildings and dwellings for the purposes of this Ordinance.

Manner in  
which  
repairs to  
district  
roads and  
bridle paths  
may be  
effected.

**22.** In case any district road or bridle path is required to be repaired the inhabitants residing within the immediate vicinity of that road may make a representation to that effect through the board to the Administrator who shall thereupon cause the approximate costs of repairing such road to be estimated, and may, if such repairs be carried out by such local inhabitants, agree to contribute up to one-half of the actual cost thereof, or the Administrator may carry out the work if the board shall satisfy him that the inhabitants of the locality have contributed or have given approved security that they will contribute not less than one-half of the amount so estimated, either in cash, labour, or other manner, approved by the Administrator.

## TAKING OF MATERIALS.

Ord. No. 9  
of 1933.

**23.** The Administrator shall have the right to take and convey from every farm or cause to be taken and conveyed therefrom any material necessary for the construction, maintenance or repair of the public roads (including bridges not in line with any such roads) within the limits of that farm.

Obtaining materials from farms through which road passes.

**24.** If a farm does not contain a sufficient or suitable supply of material, the Administrator shall be entitled to take and convey material from the adjoining land, or from any other farm, or from any town lands (other than surveyed erven) on which the material shall be obtainable.

Obtaining materials from farms or other adjoining land.

**25.** (1) It shall be lawful for the Administrator to select any place or places which he may deem suitable on such farm or town lands as the case may be from which to take such material, provided that the owner shall if he so desires be entitled to point out another place or places for the said purpose and in case such last-mentioned place or places shall be found by the Administrator to be as accessible as regards distance and as suitable as regards quantity and quality of materials as the place selected by him the materials shall be taken from the said place or places as selected by the owner.

Administrator may select suitable site for obtaining material.

(2) The Administrator shall not be entitled to take possession of any material on which the owner has expended any manual labour, or to take stones or other material from any house, kraal, or walls or werf and shall not be entitled to convey material beyond a radius of four miles from the place or places selected under sub-section (1) of this section without compensation, the amount of such compensation to be decided, in case of dispute, by arbitration as provided for in section *one hundred*.

**26.** For the purposes of obtaining such material as aforesaid the Administrator shall have the right, where necessary, to make openings in fences and roads to quarries and other places; provided that such openings be effectively closed against trespass or straying of stock during the operations and the fence properly restored on the completion of the work and that any quarry or other excavation made in the course of the work which may be a source of danger shall on the completion of the work be either securely fenced off, filled

Opening of fences and making roads to quarries, etc.

Ord. No. 9  
of 1933.

Section 26.

in, or otherwise made safe; and provided further that no damage be done to cultivated lands, trees, fences and other erections, or constructions or improvements of the owner of such private lands over which the material is being conveyed:

FURTHER RIGHTS OF THE ADMINISTRATOR IN  
REGARD TO ERECTION OF TENTS, ETC.

Erection of  
tents, etc.,  
on private  
lands, etc.

**27.** The Administrator shall further have the right—

(1) where other accommodation is not available—

(a) to erect tents or other temporary dwellings for the accommodation of servants or labourers engaged or employed on roads or any work appertaining thereto or for the accommodation of stores plant and equipment; or

(b) to place and store plant and equipment on private land;

provided that the area required for such purposes shall be selected in consultation with the owner;

(2) when sufficient grazing is not available within the limits of the road or outspan to graze upon any private land at a locality to be decided by him with due regard to the interests of the owner such animals as may be required for the prosecution of the work, provided that the animals be grazed in such a manner and place as will secure no damage being done to the crops, gardens or orchards and no intermingling with the stock of such owner;

(3) to take and otherwise make provision for water necessary for the proper execution of the work and for animals and labourers provided it shall not be taken from any artificial dam or well or borehole save with the consent of the owner;

(4) to cut down and remove trees or bush where necessary in the construction of public roads, provided that such trees when cut down shall belong to the owner of the property from which the said trees were cut.



**28.** The rights granted to the Administrator according to the provisions of the last five preceding sections may be exercised by contractors engaged in the construction or repair of roads, bridges and drifts in his behalf; provided that in case of any damage done by a contractor any compensation payable under this Ordinance may be recovered from the Administrator who may thereafter recover in turn from the contractor, and provided further that any contractor for the supply of animals to the Administration for or in connection with any such construction or repair as aforesaid may exercise the rights granted under sub-section (2) of the preceding section if such rights have been specifically granted by written agreement between the said contractor and the Administration.

**Contractors may exercise rights granted to Administrator.**  
**Ord. No. 9 of 1933.**

#### PONTS.

**29.** (1) The Administrator shall have the right to construct and maintain pons across rivers and to make the necessary landings and anchorages inside or outside the limits of the road, and the necessary approaches thereto. He shall also have the right, subject to the provisions of section *twelve* of Act No. 10 of 1911, to charge fees to be fixed from time to time for transport thereby of vehicles, travellers and stock. He shall further have the right to enter into contracts for the construction, maintenance, letting or hiring of pons on such conditions as regards tariff as he may think fit.

**Construction and maintenance of pons, etc.**

(2) The Administrator may co-operate with the administration of any neighbouring territory for the provision of pons across rivers dividing this Province from such territory and may enter into an agreement with such administration in regard to any matters affecting the control, management and upkeep of such pons.

#### DEVIATION OF MAIN ROADS.

**30.** The owner of a farm who desires to deviate any main road thereon may make application to the Administrator, who, after consultation with the board and after such further inquiry as he may think necessary, may agree to such deviation on such terms as he may deem fit.

**Deviation of main roads.**

#### DEVIATION OF OTHER PUBLIC ROADS AND APPOINTMENT OF COMMISSIONS.

**31.** The owner of a farm who desires to close, deviate or otherwise disturb any public road other than a main road shall send a

**Closing of public roads other than main roads.**

Ord. No. 9  
of 1933.

Section 31.

Com-  
mission of  
inquiry.

written application to the chairman of the board of the district in which the farm is situate (hereinafter referred to as the said chairman).

**32.** If in the opinion of the said chairman an application made under the provisions of the preceding section is reasonable he shall transmit such application to the Administrator who may thereupon appoint a commission of not more than three disinterested persons to inquire into the merits of the said application and report to him thereon.

Inquiry to  
be held  
after  
notice.

**33.** The said commission shall, after due notice given as prescribed by regulation, and requiring any person objecting to the granting of the said application to lodge his objection in writing with the said chairman within twenty-one days after the first publication of such notice, inspect (if considered necessary) the locality affected by the aforesaid application and make full inquiry into the merits thereof and the objections thereto and shall thereupon with as little delay as possible transmit to the Administrator its report thereon.

Adminis-  
trator may  
act on  
report of  
com-  
mission.

**34.** The Administrator may, after considering the report of the commission, by notice in the *Gazette* declare the said public road to be closed or deviated as set forth in the said notice and the said notice shall include a sketch plan of the public road closed or deviated as aforesaid.

As to costs.

**35.** All costs and expenses of the commission shall in the first instance be borne by the Administration, but on the conclusion of the inquiry the Administrator may order that the whole or such portion of the costs and expenses as he may deem reasonable shall be paid to the Administration by the applicant or any objectors in such proportion as he may deem equitable, having regard to the result of the inquiry, and on such order having been made the amount so payable may be recovered in any court of competent jurisdiction.

Deviations  
within  
limits of  
an owner's  
property.

**36.** Notwithstanding anything in the preceding five sections contained—

- (1) it shall be lawful for the registered owner of any land who desires to make a deviation in the course of a public road other than a main road within the limits of his property to apply in writing to the said chairman who having

satisfied himself after inquiry that the interests of the travelling public will not be prejudiced thereby shall transmit such application to the Administrator with his recommendations.

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of 1933.**

—  
**Section 36.**

- (2) The Administrator shall have the power to authorize the said owner to make a deviation in such a direction as the road inspector shall point out; provided always that before he closes the old road the said owner shall put the new road in proper order to the satisfaction of the Administration.
- (3) No such deviation shall be effected unless notice of his intention to effect the same shall have been given by the said owner in the *Gazette* at least twenty-one days previously.

**37.** Notwithstanding anything in this Ordinance contained in any case of deviation or closing of a public road on land held under mining title the provisions of Part III of the Local Authorities Roads Ordinance 1904 or any amendment thereof shall *mutatis mutandis* apply.

Closing or deviation of road on land held under mining title.

#### OPENING OF NEW PUBLIC ROADS.

**38.** A new public road may be opened on the petition of not less than twenty-five owners living in the district through which the road is desired and addressed to the Administrator who shall on receipt of the petition refer it to a commission constituted in terms of section *thirty-two*. The commission shall after due notice given as prescribed by regulation, inspect the locality and hold an inquiry and thereafter forward its recommendations with documents and sketch plan of the locality to the Administrator for his decision.

Opening new public road.

#### ENCROACHMENTS, OBSTRUCTIONS, ETC., ON PUBLIC ROADS.

**39.** (1) No person shall, unless authorized in terms of this Ordinance or under any other law—

Prohibition of unauthorised encroachments, alterations, obstructions.

- (a) encroach on any public road by making or erecting any building, structure, fence, furrow, channel, ditch or other obstacle or by laying any pipe line, wire or cable on, over or under any such road;

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of 1933.

—  
Section 39.

(b) leave on any roadway any timber, stones, boulders, tree stumps, rubbish, debris, heaps of ashes or other dangerous obstructions or any glass, earthenware, tins, nails or other pieces of metal or other material or any vehicle so as to obstruct the same or endanger persons using such roadway or be the cause of their property being damaged;

(c) dig up, remove or alter in any way the soil, surface, gravel, cuttings, banks or drains of any public road.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section *forty-three*.

Adminis-  
trator may  
authorise  
acts pro-  
hibited in  
Section 39.

**40.** The Administrator may authorise in writing, under such conditions as he may prescribe, the doing of an act prohibited under the last preceding section, if satisfied that no material damage to the public road or prejudice to the public can result therefrom.

Laying of  
railway,  
tramway  
or trolley  
lines, etc.

**41.** (1) No person shall without the written permission of the Administrator first had and obtained—

(a) lay any railway, tramway or trolley lines across any public road; or

(b) construct any bridge across or any culvert or subway under such road; or

(c) carry any wires electric or otherwise across or lay any underground cables under any public road or outspan.

(2) For every permission granted hereunder the Administrator may charge a fixed or annual fee at such rate as may be decided by him in each case.

Adver-  
tising on  
public  
roads  
forbidden

**42.** (1) Save as is provided in any law governing the erection of warning signs upon public roads no person shall erect, construct, place or display in, over or upon any public road any board, notice, structure, fence, screen or other device by means of which any advertisement of any kind may be displayed (hereinafter in this section referred to as an obstruction).

(2) The Administrator is hereby authorized, without giving any notice, to cause any such obstruction as shall have been erected or placed in, over or upon any such road in contravention of this section to be removed and destroyed and to recover from the person responsible for such contravention any expense incurred by him in such removal and destruction.

(3) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section *forty-three*.

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of 1933.

—  
Section 42.

**43.** Any person who, except as is in this <sup>Offences.</sup> Ordinance provided—

- (a) shall use any public road while the same is under construction or repair; or
- (b) shall close, deviate, disturb, obstruct or in any way encroach upon any public road; or
- (c) shall wilfully or knowingly allow water to run over any such road

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds (£10) or in default of payment to imprisonment with or without hard labour for a period not exceeding one month and in case of a second or subsequent conviction to a fine not exceeding twenty-five pounds (£25) and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

**44.** Any person who outspans, camps out or makes any fire on any roadway shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in the preceding section. <sup>Outspanning and making fires on roadways forbidden.</sup>

#### CHAPTER IV.

##### PROVINCIAL ROADS IN MUNICIPALITIES.

**45.** In this chapter of this Ordinance the <sup>Definition.</sup> expression “provincial road” means a road or portion of a road in a municipality which—

- (i) connects up with and is a continuation of a provincial road outside a municipality and proclaimed as such under section *fifty-six*; and
- (ii) starts from the boundary of the municipality and ends at a point—approximately where lots, erven or stands in respect of which assessment rates may be levied under any law relating to the levying of rates by local authorities commence or *vice-versa*; and
- (iii) is determined and described by the Administrator by Proclamation in the *Gazette* under section *forty-seven*.

**46.** The provisions of this chapter of this <sup>Application of Chapter.</sup> Ordinance shall apply to every municipality.

Ord. No. 9  
of 1933.

Pro-  
clamation  
of pro-  
vincial  
roads.

47. The Administrator may from time to time by Proclamation in the *Gazette*—

(a) determine at which point in a municipality a provincial road shall end for the purposes of this chapter of this Ordinance;

(b) apply *mutatis mutandis* any provisions of this Ordinance as he may decide in respect of such road

provided that no road shall be declared hereunder to be a provincial road on any land proclaimed under the Precious and Base Metals Act 1908 (Transvaal) or any amendment thereof, or land held under mining title as by such law defined, unless the course of that road has been reserved for the purposes of a road under the provisions of that Act or amendment aforesaid or on any land proclaimed as an alluvial digging under the provisions of the Precious Stones Act 1927 or any amendment thereof, or any prior law, without the consent of the Minister of Mines.

Vesting  
of pro-  
vincial  
roads.

48. The control and management of every provincial road shall vest in the Administrator as from the date of a proclamation under the provisions of the preceding section determining the limits of such road.

Con-  
struction  
and main-  
tenance of  
provincial  
roads.

49. (1) The Administrator may from time to time construct, maintain and keep in repair so far as finances will permit any provincial road.

(2) It shall be competent for any local authority to enter into an agreement with the Administration for the construction and maintenance of a better class of provincial road over a specified length than is proposed to be provided by the Administrator and to contribute from its revenue the estimated difference in the cost of providing such better class of road. Such agreement may provide for the work being undertaken and executed by the local authority itself acting for and on behalf of the Administration.

Storm-  
water.

50. (1) The local authority and not the Administrator shall be responsible for the disposal of all stormwater which may leave a provincial road at any point, shall make adequate provision for such disposal to the satisfaction of the Administrator, and shall be responsible for any expenditure incurred in connection therewith.

(2) The Administrator shall not be liable for any damage whatsoever caused by or from such stormwater.

## CHAPTER V.

Ord. No. 9  
of 1933.

## MAIN ROADS IN MUNICIPALITIES.

51. In this chapter of this Ordinance unless Definition.  
some other meaning is clearly intended—

“board” means a board constituted under the provisions of section *fifty-three*;

“main road” means a road passing through a municipality which connects up with and is a continuation of a main road (as defined in section *two*) outside the limits of such municipality but shall not include any portion of the road known as the Main Reef Road and defined in the First Schedule to Ordinance No. 17 of 1928 or any amendment thereof nor any provincial road proclaimed as such under the provisions of section *forty-seven* and includes bridges or drifts over which such main road passes.

52. The provisions of this chapter of this Application of Chapter.  
Ordinance shall apply to every municipality.

53. (1) If the Administrator considers that any local authority has failed to construct or maintain or repair any main road or any portion thereof he may proceed to constitute a board to make recommendations as to the steps that shall be taken for the construction or repair of such road or portion thereof in order to meet the needs of the travelling public. Constitution of board.

(2) Such board shall consist of—

- (a) a member appointed by the road board having jurisdiction over the main road outside the municipality being a continuation of the main road within the municipality;
- (b) a member appointed by the local authority concerned;
- (c) a member agreed upon by the two members appointed by the said road board and the local authority concerned, provided—

(i) that in the event of the two members failing to agree as to the appointment of the third member, such third member shall be nominated by the Administrator;

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of 1933.

Section 53.

(ii) that if the local authority fails, within one month of being notified by the Administrator to appoint a member of the board, to make such appointment, the board shall consist of a member appointed by the said road board and a member appointed by the Administrator.

(3) The Administrator may, on the recommendation of the board passed by a majority thereof, give notice to the local authority requiring it to construct or repair such road or portion thereof within a period to be notified by him.

Adminis-  
trator's  
powers in  
the event  
of a local  
authority  
failing to  
carry out  
the required  
work.

54. If the local authority shall fail to carry out the required work within the period so notified, or if the Administrator is satisfied that the local authority is not taking the necessary steps for the completion of the required work within the said period, he may authorize any person or persons to do or carry out the required work 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 plus interest at the rate of five per cent. per annum shall be recoverable by the Administrator from the local authority 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-one* of the Local Government Ordinance.

## CHAPTER VI.

### ESTABLISHMENT OF A ROADS FUND.

Definition.

55. For the purposes of this chapter of this Ordinance—

“Provincial Road” means any public road which has been proclaimed a provincial road by the Administrator in terms of section *nine*, or of section *forty-seven* or of the next succeeding section.

Pro-  
clamation  
of pro-  
vincial  
roads.

56. The Administrator may from time to time by proclamation in the *Gazette* declare any public road to be a provincial road for the purposes of this chapter.



57. (1) There shall be established a roads fund (hereinafter called the fund) which fund shall be used for the construction and maintenance of provincial roads and for the payment of interest and redemption charges on capital funds applied to the construction of such roads. The amount of such capital funds to be borrowed in any one year shall not exceed the sum of £60,000.

Estab-  
lishment  
of roads  
fund.

(2) The fund shall be controlled by the Administrator.

58. (1) There shall be paid from the Provincial Revenue Fund into the fund the following minimum amounts in respect of the financial years stated:—

Monies  
to be  
credited to  
fund.

1933-34	... ..	£140,000
1934-35	... ..	147,500

During the financial years 1935-36 and 1936-37, and in the following financial years until such time as otherwise determined by the Provincial Council the amount shall be £155,000.

(2) If the portion of the fees received under sub-section (1) of section *fifty-two* of the Motor Vehicle Ordinance, 1931, or any amendment thereof by all local authorities during any financial year, which is due to be retained by the Administrator under the said section, exceeds one-half of the amount of the fees received by all local authorities during the financial year in respect of licences under the said Ordinance issued to persons residing outside the area of jurisdiction of a local authority, by more than the amount which, in terms of sub-section (1) of this section is to be paid into the fund in respect of that financial year, a sum equal to such excess shall be paid into the fund from the Provincial Revenue Fund.

(3) Notwithstanding anything in this section contained the provisions of the Roads Fund (Suspension of Payments, 1932-1933) Ordinance, 1932, are hereby preserved.

59. (1) There shall be charged against the fund in each financial year—

Charges  
against  
fund.

- (a) the moneys required to be provided for interest and redemption charges on loans raised specifically for the construction of Provincial roads on a twenty years' basis of repayment;
- (b) an amount of eight per cent. per annum on the total expenditure incurred on construction of such roads as at the end of the last preceding financial year.

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of 1933.**

—  
**Section 59.**

(2) Any sums remaining in the fund after the moneys required to be provided under sub-section (1) of this section have been provided may be applied to the construction of provincial roads; provided that in each financial year an amount of eight per cent. on the total expenditure incurred on the construction of such roads as at the end of the last preceding financial year shall be charged against the fund.

(3) The total of the amounts of eight per cent. on the expenditure incurred on the construction of provincial roads charged against the fund in accordance with the provisions of the two preceding sub-sections shall be applied generally to the maintenance of the roads so constructed and shall not be applied to any other purpose.

Cost of construction of certain provincial roads.

**60.** (1) The cost of the construction of any portion of a provincial road which has been met from sources other than the fund shall be deemed to have been met from the fund and the cost of such construction shall be deemed to have been £600 per mile.

(2) In the case of any such portions of a road proclaimed a provincial road up to and including the 31st March, 1934, the expenditure in connection with the construction of such portions shall be deemed to have been incurred during the financial year 1933-34.

(3) In the case of any such portions of a road proclaimed a provincial road subsequent to the 31st March, 1934, the expenditure in connection with the construction of such portions shall be deemed to have been incurred during the financial year in which such road is proclaimed a provincial road.

**CHAPTER VII.**

**OUTSPANS.**

Servitude of outspan on farms.

**61.** (1) Every farm in this Province which was registered in the office of the Registrar of Deeds at the eighteenth day of October, 1912, and every farm not heretofore surveyed as such which is granted by the Crown subsequent to that date (except any farms which are one hundred morgen or less in extent) shall be subject to a servitude of outspan in favour of the public.

(2) Every farm as aforesaid which exceeds three thousand seven hundred and fifty morgen shall be subject to two separate servitudes of outspan provided always that

the combined area of the two outspans shall not exceed one-seventy-fifth part of the area of such farm.

**Ord. No. 9  
of 1933.**

**Section 61.**

(3) In the event of any farm as aforesaid being sub-divided into two or more portions subsequent to the eighteenth day of October, 1912, or subsequent to the Crown Grant as aforesaid, as the case may be, the said right shall attach only to one portion of the farm so subdivided, to be determined as hereinafter provided. Or, alternatively, in cases where it is convenient to locate an outspan on two or more portions of a farm, the said right may be attached to such portions provided that the portions of the outspan are contiguous and provided further that the requisite diagrams showing the said outspan are produced and registered at the expense of the owner or owners of the portions of the farm so subdivided.

(4) Before transfer of any portion of a farm subject to an outspan servitude in terms of this Ordinance is passed the Registrar of Deeds shall satisfy himself by means of documentary evidence or otherwise that the owner has been notified that the said servitude is being attached to his portion of the farm.

(5) Where any survey of a sub-division of a farm or portion thereof was made prior to the eighteenth day of October, 1912, but transfer thereof was not registered before such date, such sub-division shall be deemed to be a farm for the purposes of this Chapter of this Ordinance.

**62.** (a) The said servitude of outspan shall extend over an area of one seventy-fifth part of the extent of every such farm; provided that in no case shall such area be less than five morgen.

Area of  
outspan.

(b) All public outspans shall be under the control and management of the Administrator and may be used, subject to the provisions of this Ordinance, for outspan purposes, including camping out and the parking of motor vehicles.

**63.** (1) It shall be lawful for the Administrator, after reference to the board, as may from time to time appear advisable, with the consent or on the application of the owner of any land, or if no agreement can be come to

Adminis-  
trator may  
define and  
alter out-  
span  
servitudes.

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with the owner as may be decided by arbitration as provided for in section *one hundred*—

- (a) to define, beacon off and limit to a particular area any undefined or general servitude of outspan over farms;
- (b) to reduce the area of a surveyed or demarcated outspan servitude;
- (c) to alter the position of a surveyed or demarcated outspan servitude;

provided always that notice of the intention of the Administrator to take action under this section shall be published once in the *Gazette* and in one or more newspapers circulating in the district; and provided further that the Administrator shall be satisfied that no sufficient reason has within one month of the publication of such intention been adduced against such action; and provided further that in the case of any alteration hereunder of the locality of an outspan servitude which has already been surveyed and registered, such survey and registration shall be cancelled and the new servitude of outspan shall be surveyed and registered in place thereof; and provided further that before any action is taken hereunder 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; and in the case of a reduction under paragraph (b) he shall further pay an amount equal to the value as may be agreed upon of such portion of the servitude as it is proposed shall be surrendered in favour of the owner of the land.

(2) Any person who, except as aforesaid, shall change the locality or alter the beacons of any outspan duly beaconed off under this Ordinance shall be guilty of an offence and liable to the penalties prescribed in section *one hundred and one*.

Disused  
outspans  
may be  
cancelled  
by the  
Adminis-  
trator.

64. (1) Whenever any outspan servitude is in whole or in part no longer used and required in the opinion of the Administrator for outspan purposes, or in any special case where it is deemed by the Administrator to be in the public interest so to do, it shall be lawful for the Administrator, upon the application of the owner of the land affected

by such servitude and after consultation with the board, to cancel wholly or partially such servitude of outspan provided that a fair and reasonable sum of money shall be paid by the owner to the Administrator for the release of his land either wholly or partially from such servitude and provided further that in no case shall any improvements made upon such outspan be taken into consideration in arriving at such amount. Provided always that notice of the intention of the Administrator to take action under this section shall be published at least once in the *Gazette* and in one or more newspapers circulating in the district and provided further that the Administrator shall be satisfied that no sufficient reason has within one month of the first publication of such intention been adduced against such action. All moneys received under this section and amounts paid in terms of the concluding sentence of sub-section (1) of section *sixty-three* shall be paid into the Provincial Revenue Fund.

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**Section 64.**

(2) Notwithstanding anything in this section contained on cancellation of a servitude of outspan over unalienated Crown Land no such sum of money shall be payable to the Administrator as in sub-section (1) of this section provided.

(3) For the purposes of sections *sixty-three* and *sixty-four* the term "owner" shall include any lessee or licensee who holds a lease or licence of Crown Land with the right of purchase provided such lessee has exercised his right of purchase and is acting with the approval of the responsible Minister.

**65.** The Administrator may from time to time acquire a servitude over any land for outspan purposes at a price to be determined by agreement with the owner. Acquisition of servitudes of outspan.

**66.** Whenever the Administrator has exercised any of the powers conferred upon him by paragraph (a), (b) or (c) of section *sixty-three* or by section *sixty-four* (1) and the matter in respect of which such power was exercised has been duly completed the Surveyor-General and the Registrar of Deeds shall, upon production by the Provincial Secretary of a certificate to the effect that such matter has been so completed, make the necessary endorsements upon the relative diagrams and title deeds respectively. Certificates to be issued by the Provincial Secretary.

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of 1933.

Places  
where  
outspans  
may not be  
situated.

**67.** No outspan shall be situated on land on which any building exists, nor (subject to any rights acquired under any law dealing with prospecting or mining for Precious or Base Metals or Precious Stones) shall it be lawful for any person to build upon, plough, or otherwise interfere with the grazing rights of any outspan beacons off under this Ordinance: provided that, save as provided in the next succeeding section, nothing in this section shall be deemed to prohibit the owner from grazing stock upon the outspan.

Fencing of  
outspans.

**68.** (1) It shall be lawful for any owner, who desires to fence his outspan, to do so provided he affords sufficient access to the outspan for the travelling public.

(2) The owner who desires to fence off an outspan may make application to the Administrator for a contribution towards the cost of the fence. The Administrator may thereupon agree with the owner as to the nature of the fence to be erected and the gates therein and the cost of the same, and if the fence and gates be erected in accordance with that agreement the Administrator shall contribute one-half of the cost of the material of the fence and gates.

(3) Wherever any servitude of outspan has been acquired by the Administrator in terms of section *sixty-five* the Administrator may cause such area to be fenced and may by regulation prohibit the grazing thereon of stock other than stock belonging to or in charge of persons travelling over public roads.

Adminis-  
trator's  
registry of  
outspans.

**69.** The Administrator shall cause to be kept a registry of all outspans beacons off as aforesaid in which shall be indicated the farms on which such outspans are situated, the area of the outspans and such other particulars as may be prescribed.

Deter-  
mination of  
outspans  
on sub-  
division of  
a farm.

**70.** (1) Whenever after the eighteenth day of October, 1912, the whole or any part of any farm which is subject to the servitude of outspan shall be surveyed for the purpose of transfer or the issue of a certificate of title of any portion or portions thereof the following provisions shall apply:—

(a) in case an outspan has been duly beacons off under this Ordinance the registered owner or his legal representative shall give notice in writing to the Administrator that such survey has been effected, pointing out on which portion of the farm as surveyed the said outspan is situate;

(b) in case no outspan has been beaconed off the registered owner or his legal representative shall give notice in writing to the Administrator, who shall thereupon in consultation with the owner determine to which portion the servitude of outspan shall thereupon attach.

(2) (a) Whenever two or more pieces of land, subject to a servitude of outspan under this Ordinance, are consolidated the area of the outspan in respect of the consolidation shall be one seventy-fifth part of the aggregate proposed consolidated area and the site of the outspan may be selected irrespective of the internal boundaries of the component portions provided that in no case shall such area of outspan be less than five morgen.

(b) In cases where one or more of such component portions carry an outspan in respect of a larger area of which it originally formed a portion such outspan area shall not be reduced except by the Administrator who may, after investigation and report by the Registrar of Deeds, determine any question as to whether any outspan servitude is in excess of any holding comprising such component portions.

(3) Whenever two or more pieces of land, any one or more of which pieces is or are subject to an outspan of servitude under this Ordinance, are consolidated the area of the outspan in respect of the consolidation shall in extent be equal to the aggregate of the area or areas of outspans of those pieces of land which are subject to such a servitude provided that the area of outspan in respect of the consolidation shall not exceed one seventy-fifth part of the aggregate proposed consolidated area but in any case shall not be less than five morgen and the site of the outspan may be placed within any part of the said consolidated area.

**71.** (1) Before the transfer of any portion of any farm as mentioned in the last preceding section shall be passed there shall be produced to the Registrar of Deeds a certificate from the Provincial Secretary to the effect that the servitude of outspan originally attaching to the whole farm attaches only to the portion on which the outspan has been beaconed off or in case no outspan has been beaconed off to the portion determined on as in paragraph (b) of sub-section (1) of the last preceding

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Production  
and registration  
of certificate  
of attachment.

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of 1933.**

**Section 71.**

section prescribed; provided that in any case the outspan area shall be proportionate to the whole area of the farm before sub-division.

(2) So soon as the transfer of the portion shall have been passed in accordance with the certificate mentioned in sub-section (1) of this section the Registrar of Deeds shall endorse the titles of the portions of the farm affected thereby that they are subject to or exempt from a servitude of outspan as the case may be.

Certificate not required in certain circumstances.

**72.** Where any land has been acquired by expropriation or other means for public purposes a certificate as mentioned in sub-section (1) of the last preceding section shall not be necessary nor shall the Registrar of Deeds be required to make any endorsement in connection therewith on the title deeds provided always that in the event of any outspan being eventually allocated such outspan shall be calculated on the full extent of the farm including any portion acquired as aforesaid.

Grazing and watering on outspans.

**73.** Every person travelling over a public road shall be entitled to graze and water his stock on all outspans. If an outspan has no proper water the Administrator may take reasonable measures to provide sufficient water thereon, and until such water shall have been supplied such traveller shall be entitled, in consultation with the owner, to water his stock from any river, stream or other natural water supply situate nearest such outspan. Until an outspan has been beacons off in terms of this Ordinance the owner of a farm shall have the right to point out a place for outspan.

Period travellers may remain on outspans and speed at which they shall move.

**74.** (1) No person may remain on any outspan for a longer period than twenty-four successive hours, except with the consent of the owner, lessee or other person entitled to the grazing on the land on which such outspan is situate or unless he shall there be detained by accident, floods or other unforeseen circumstances. In addition to any penalty which may be imposed for contravention of this section the animals of such travellers so remaining over for more than twenty-four hours may be impounded.

(2) No person travelling with any stock may, save as is provided by sub-section (1), travel with such stock along any public road at a lesser speed than five miles in every twenty-four hours, except with the consent of the owner, lessee or other person entitled



to the grazing on the land over which he travels, or unless he shall be detained in his travelling by accident, flood or other unforeseen circumstances.

(3) In calculating any period under this section Sundays shall not be included.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month.

**75.** The owner or person in charge of any horse or donkey stallion over the age of two years, or bull over the age of eighteen months, or ram over the age of eight months, shall be bound to keep such animal under control on an outspan, unless it is impossible to do so, proof of which shall lie upon the person charged. Any person contravening this section shall on conviction be liable to a fine not exceeding twenty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months. This section shall not apply to the owner, lessee or occupier of the farm on which the outspan is situated.

Stallions  
and bulls  
to be under  
control.

**76.** (1) Every interest in land constituting a servitude of outspan situate within a municipality shall be exempted from the provisions of the Local Authorities Rating Ordinance 1928 or any amendment thereof.

Outspans  
in municipa-  
lities  
not  
rateable.

(2) The expression "municipality" as used in this section means the area or district placed under the control and jurisdiction of any local authority empowered by law to levy rates on immovable property.

## CHAPTER VIII.

### FENCING AND GATES.

**77.** It shall be lawful for any owner of a farm or portion of a farm to erect a fence or wall across any public road crossing his ground on condition that such fence shall be made in accordance with the provisions of section *twenty-eight* of the Fencing Act, 1912.

Fencing  
across  
public  
roads.

**78.** Every person who is responsible for the maintenance of any gate constructed across a public road shall fasten in the centre of such gate a plate two feet square painted white and shall repaint it white whenever necessary.

Warning  
signs on  
gates.

Ord. No. 9  
of 1933.

Section 74.

Ord. No. 9 <sup>By-passes  
for motor  
vehicles.</sup>  
of 1933.

79. (1) The owner of any land through which an unfenced public road passes or the owner or the several owners of any lands separated by an unfenced public road, may, with the permission of the Administrator, erect a by-pass for motor vehicles on such road at any place at which the road intersects any fence enclosing or forming the boundary of any such lands.

(2) Every by-pass erected under the provisions of this section shall be erected according to a design which shall be submitted to the Administrator for his approval or otherwise. The Administrator may, in giving his approval, attach conditions under which any by-pass may be erected and maintained.

(3) The person erecting any by-pass in accordance with the approved design shall erect near each end of the track leading to such by-pass a white notice board of such size and in such position as to be readily seen by any persons approaching thereto. The words " Motor By-pass " shall be painted in black letters on such board.

(4) The owner who erects any such by-pass shall be responsible for the proper maintenance of the same at his own expense and shall carry out any conditions made by the Administrator in terms of sub-section (2).

(5) The Administrator may by notice exhibited in a conspicuous position at or near each end of a by-pass prohibit any person from driving any vehicle across the by-pass if the weight of the vehicle together with any load thereon exceeds a weight specified in the notice.

Any person who drives over a by-pass any vehicle of which the weight together with the load thereon exceeds the weight specified in the notice shall be guilty of an offence and liable to the penalties prescribed in section *one hundred and one* and in addition shall be liable in damages for the cost of effecting any necessary repairs to the by-pass occasioned by such use and for any injury sustained by any person before such repairs are effected.

(6) Any by-pass may be closed and the notices removed if the public gate in connection with which it is erected is removed from the road.

Notice of the closing of a by-pass shall be given to the Administrator.

The person closing the by-pass shall take such steps as the Administrator may require to ensure the safety of persons using the road.

(7) Any person who without lawful excuse uses a by-pass erected in pursuance of this section in any manner other than for the passage of a motor vehicle or who wilfully injures or removes any notice displayed in connection with a by-pass, shall be guilty of an offence and shall be liable to the penalties prescribed by section *forty-three*.

(8) Any person who wilfully obstructs or who wilfully injures any by-pass erected in pursuance of this section shall be guilty of an offence and shall be liable to the penalties prescribed by section *one hundred and one*.

(9) The person by whom a by-pass is erected in pursuance of this section shall not be liable for any damage sustained by reason of the by-pass unless it is shown that such person has been negligent with respect to the erection, maintenance or repair of the by-pass or notice boards, or in the carrying out of any provision of this section.

The protection afforded by this sub-section shall extend to the successor in title of the person by whom the by-pass was erected, and such successor shall be liable only in respect of any damage sustained by reason of some neglect, act, or omission of his own in respect of the repair or condition of the by-pass or notice boards, or in carrying out any requirement of the Administrator.

(10) The Administrator by whose permission a by-pass is erected in pursuance of this section shall not be liable for any damage whatsoever sustained in connection with any by-pass.

(11) For the purposes of this section a by-pass means a track through an opening in or over a fence along or adjacent to the line of a public road designed or constructed with the object of allowing free passage for self-propelled vehicles while preventing the passage of animals. A by-pass may be constructed either by building a ramp to enable motor vehicles to be driven over the top of the fence or by way of a pit dug in or alongside the road and covered with an open grille so as to enable motor vehicles to pass over it, but to be an obstacle to the passage of animals.

**80.** The Administrator may order the removal of fences, gates, or other enclosures or obstructions across or alongside any public road, if constructed contrary to the provisions of this Ordinance or the Fencing Act, 1912, or any amendment thereof or may cause the same to be removed at the expense of the owner, or person who caused such obstruction.

Adminis-  
trator may  
order  
removal of  
fences, etc.

Ord. No. 9  
of 1933.

—  
Section 79.

**Ord. No. 9 of 1933.** Gates not to be placed in unsuitable positions, etc.

**81.** (1) It shall not be lawful—

- (a) to place a gate at any spot on a public road not suitable for a halt;
- (b) to place a gate which does not swing freely over the road;
- (c) to attach to any gate on a public road any spikes or projections which, in the opinion of the Administrator, are dangerous or are likely to cause injury or damage to persons, animals or property.

(2) Any person who acts in contravention of this section shall be guilty of an offence and liable to the penalties prescribed in section *forty-three*.

Gates necessitated owing to deviation.

**82.** All gates that are necessary in existing fences owing to deviations of roads or making of new roads by the Administrator shall be provided and erected by the Administration.

Offence.

**83.** Any person who wilfully injures or removes any fence or gate belonging to the Administration or other appliance or contrivance forming part or serving the purpose thereof shall be liable on conviction to a fine not exceeding seventy-five pounds, or, in default of payment, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.

## CHAPTER IX.

### FURROWS AND WATERCOURSES.

Construction of furrows across public roads.

**84.** Any person wishing to lead water over, under or across a public road shall do so at his own expense and cost, after having obtained the approval of the Administrator who may decide on the class of culvert or other conduit which shall be used.

Provided that, in case of any furrow or other conduit existing at the eighteenth day of October, 1912, for the purpose of leading water, any culvert or other work required for carrying the road across such furrow or conduit shall be constructed at the expense of the Administration.

Raising of water levels in drifts.

**85.** It shall not be lawful for any person by any means to raise the level of the water of a river, stream or spruit so as to interfere with a public road, bridge or drift without the consent of the Administrator.

**86.** (1) It shall be lawful for the Administrator in consultation with the owner to divert storm water from or under any public road into private property, not being land occupied by buildings, orchards or gardens, or other improvements and he shall not be liable for any damage caused by means of such diversion. In case it be found necessary to divert such water on to lands under cultivation, other than as aforesaid, and damage be caused thereby the owner of such lands shall be entitled to such compensation as may be agreed upon by the parties or, failing agreement, as may be determined by arbitration in manner hereinafter provided.

Disposal of storm water. **Ord. No. 9 of 1933.**

(2) The provisions of this section shall not apply to any provincial road situate within a municipality.

## CHAPTER X.

### CONTROL OF TRAFFIC.

**87.** Subject to the provisions of the Motor Vehicle Ordinance 1931 or any amendment thereof and of this Ordinance the Administrator may from time to time make regulations for all or any of the following purposes, namely—

Regulations controlling traffic on public roads.

- (1) the regulation, safety and control of traffic on public roads including the restriction of the use of any such roads or parts thereof to specified vehicles generally or at fixed times or seasons and the provision that any specified public road shall be limited in use to traffic moving in any one specified direction and generally the better carrying out of the objects of this chapter of this Ordinance;
- (2) the control of heavy vehicular traffic and the prohibition generally or at any particular season of the use of vehicles of any specific kind which may be specially injurious to roads and similarly the restriction of the use of public roads to any specific kind of vehicle;
- (3) fixing the weight which shall be permitted to be taken over any bridge and the times when and the speed at which any vehicle may be allowed to cross the same;
- (4) the regulation of the wheels of vehicles including width of tyres traversing public roads;

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of 1933.

Section 87.

- (5) the limitation of the speed of vehicles;
- (6) subject to the provisions of the Hawkers and Pedlars Ordinance No. 4 of 1930 or any amendment thereof the use of public roads by hawkers, pedlars and other itinerant traders;
- (7) the apparatus to be used for the braking or scotching of vehicles;
- (8) prescribing the manner in which any vehicle or animals may be driven or led over or along a public road or section of a public road;
- (9) detaining any vehicle in order to ascertain whether this Ordinance or the regulations thereunder are being complied with and for requiring the driver and others to furnish such information as may be required for that purpose;
- (10) the painting of names and addresses of owners on wagons or other vehicles;
- (11) generally making provision for all matters deemed necessary for the due administration of, and for giving full effect to the provisions of this Ordinance.

Offences.

**88.** It shall not be lawful—

- (1) to lock the wheels of any vehicle when travelling on a public road;
- (2) to use or draw any sledge or any attachment that projects beyond the tread of the wheel on any public road;
- (3) to make use of metal plates or shoes (skids) on any public road unless absolutely essential for safety on exceptionally steep gradients, and in no case unless the plates or shoes are not less than six inches wide;
- (4) to make use of brakes when passing over bridges on public roads;

Excavations in public roads.

**89.** In the event of any hole or excavation having been made in any public road for the purpose of extricating any vehicle therefrom, the person in charge of that vehicle shall forthwith repair the damage caused in the road and leave it in good order.

Travellers to keep to the left or inside when coming down mountain slopes.

**90.** (1) All travellers along public roads shall when meeting any vehicle keep to the left of the road except where the road runs along the slopes of mountains in which case an animal-drawn vehicle coming down such slopes and passing another, shall keep to the in or upper side.

(2) Any person contravening any of the provisions of this or the two preceding sections or any of the regulations made under section *eighty-seven* shall be guilty of an offence and liable to the penalties prescribed by section *one hundred and one*.

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**91.** Any driver or other person in charge of a wagon or other vehicle drawn by oxen or other animals not controlled by reins who shall not have a person leading the team attached to that wagon or other vehicle—

Penalty for  
not  
providing  
a leader in  
certain  
circum-  
stances.

- (a) when passing through the streets of any township or village or other area prescribed for the purposes of this section by the Administrator by notice in the *Gazette*, such area not being situate within a municipality;
- (b) when approaching, passing or being overtaken by any other vehicle, provided that the driver of the overtaking vehicle shall have given adequate warning of his approach;
- (c) when approaching or passing through any gateway or drift or over or under any bridge or railway crossing

shall be guilty of an offence and liable to the penalties prescribed in section *one hundred and one* provided that in respect of such other area referred to in paragraph (a) hereof no person shall be convicted of a contravention of this section unless the court be satisfied that the Administrator has caused to be affixed and kept affixed and legible in one or more conspicuous places in or near such area a notice or notices warning the public of the said restriction.

## CHAPTER XI.

### GENERAL.

**92.** (1) The Administrator may from time to time make regulations (not inconsistent with this Ordinance) for all or any of the following purposes, namely—

Regu-  
lations.

- (a) for prescribing the powers, duties and functions of boards constituted under section *eleven*, and for determining the amount to be paid to members of the board other than *ex-officio* members for travelling and personal expenses while on the business of the board;

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- (b) subject to the provisions of section *twelve* of Act No. 10 of 1911 for the control, management and working of ponts and a tariff of charges in respect thereof;
  - (c) subject to the provisions of the Public Service Act 1923, or any amendment thereof for prescribing the duties and conditions of employment of employees of the Administration engaged in the administration or execution of the provisions of this Ordinance or the regulations thereunder;
  - (d) for prescribing the manner in which any notices required by this Ordinance shall be given or served and the nature and duration of such notices, and for requiring owners of farms desiring the opening, closing or deviation of public roads to post and display notices to that effect in the prescribed form at or in prescribed places and during prescribed periods;
  - (e) for prescribing the method of keeping a registry of outspans and the particulars to be inserted therein and the rights of the public as to the inspection thereof and for compelling owners of land to indicate outspans on their land by means of notice boards;
  - (f) for protecting from damage or interference any buildings, works or property of the Administration including trees, boreholes, wells, and improvements situate in, under or over any public road or outspan;
  - (g) for regulating and controlling the connection of private roads with public roads;
  - (h) generally for the better carrying out of the objects of this Ordinance.
- (2) All regulations made under this Ordinance shall be published in the *Gazette*.

Under-  
mined  
ground.

**93.** Where it becomes necessary in the interests or the safety of the public to deviate or reconstruct any existing public road owing to the fact that the ground has been undermined subsequent to the creation of the public road the Administrator shall have the right to instruct the mining company or owner of mining property concerned or other person responsible for such undermining to provide



for the reconstruction of the old road or the construction of a new road at the expense of such person and failing compliance with such instructions within a reasonable time, the Administrator shall have the right to undertake the work at the expense of the mining company or owner or other person as aforesaid.

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**94.** The Administrator shall have the right or may authorize any owner to plant trees or otherwise generally to improve the areas within a public road. Any person wilfully damaging such trees or improvements shall be guilty of an offence and liable to the penalties prescribed in section *one hundred and one*.

Planting of trees and general improvements.

**95.** The Administrator shall not be liable for the construction or maintenance of bridges or crossings of any description over drains or watercourses made for carrying off flood water or for the protection of public roads.

Construction and maintenance of crossings over water furrows, etc.

**96.** Notwithstanding the provisions of this Ordinance all roads and fences heretofore constructed or erected in accordance with the laws in force before the commencement of this Ordinance shall be considered to be lawfully constructed or erected.

Roads and fences, etc. existing prior to this Ordinance.

**97.** Wherever in this Ordinance any rights or powers are given to the Administrator the term "Administrator" shall include any person duly authorized by the Administrator or lawfully acting on his behalf.

Term "Administrator" includes any person authorized by him or acting on his behalf.

**98.** Whenever in the course of the opening, construction or maintenance of any public road or of a pont by or on behalf of the Administrator any direct damage be done to any orchard, garden or plantation or to any crops or cultivated trees, but not otherwise, the owner thereof shall be entitled to compensation as may be agreed upon by the parties, or failing such agreement as may be determined by arbitration as provided for in section *one hundred*.

Compensation for damages to orchards, gardens, trees and crops.

**99.** No action shall lie against the Administration for or in respect of damages sustained or alleged to have been sustained by reason of the default or neglect of the Administration in connection with any matter relating to the state of the roads or bridges under its charge, or in consequence of any act

Limitation in certain respects of action for damages against the Administration.

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**Section 99.**

performed by an officer of the Administration in the execution of his duty in connection with such roads or bridges unless:—

- (a) written notice thereof clearly and explicitly stating the cause of action and details of the claim shall have been served upon the Provincial Secretary within a period of thirty days after the cause of the action arose; and  
(b) such action be commenced within ninety days after the cause of the action arose.

Settlement  
of  
differences  
by arbi-  
tration.

**100.** Whenever in this Ordinance it shall be provided that any dispute or difference shall be settled by arbitration, such arbitration shall be determined in manner provided by the Expropriation of Land and Arbitration Clauses Proclamation 1902.

Penalties.

**101.** Any person convicted of an offence against this Ordinance or the regulations framed thereunder or failing to perform any duty thereby prescribed shall, if no penalty is specially provided therefor, on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Savings.

**102.** All proclamations, notices, and regulations issued and framed under the provisions of any law repealed by this Ordinance shall, if not inconsistent with the provisions thereof, remain in force until revoked or altered under the provisions of this Ordinance.

Short  
Title.

**103.** This Ordinance may be cited for all purposes as the Roads Ordinance 1933 and shall come into operation on such date as may be fixed by the Administrator by proclamation in the *Gazette*.

**First Schedule.**

**LAWS REPEALED.**

(Section *one*.)

Number and Year of Law.	Title or Subject of Law.	Extent of Repeal.
Ordinance No. 5 of 1912	The Roads Ordinance, 1912...	The whole.*
Ordinance No. 8 of 1913	The Roads Amendment Ordinance, 1913	The whole.
Ordinance No. 3 of 1914	The Roads and Outspans Amendment Ordinance, 1914	The whole.

\* Except sections *forty-five, forty-six, forty-seven, forty-eight and forty-nine* and Schedule II.

Number and Year of Law.	Title or Subject of Law.	Extent of Repeal.	Ord. No. 9 of 1933. — First Schedule.
Ordinance No. 10 of 1923	The Roads Amendment Ordinance, 1923	The whole.	
Ordinance No. 13 of 1926	The Municipal Main Roads Ordinance, 1926	The whole.	
Ordinance No. 11 of 1927	The Roads Amendment Ordinance, 1927	The whole.	
Ordinance No. 19 of 1927	The Roads Fund Ordinance, 1927	The whole.	
Ordinance No. 7 of 1928	The Roads Amendment Ordinance, 1928	The whole.	
Ordinance No. 14 of 1928	The Roads Fund Amendment Ordinance, 1928	The whole.	
Ordinance No. 6 of 1930	The Provincial Roads in Municipalities Ordinance, 1930	The whole.	
Ordinance No. 10 of 1931	The Roads Amendment Ordinance, 1931	The whole.	
Ordinance No. 15 of 1931	The Roads (Outspans) Amendment Ordinance, 1931	The whole.	

### Second Schedule.

(Section *twelve*).

ROAD BOARDS CONSTITUTED UNDER THE ROADS ORDINANCE, 1912, WHICH SHALL BE ROAD BOARDS CONSTITUTED UNDER THIS ORDINANCE.

<i>Name of Board.</i>	<i>Area of Jurisdiction excluding Municipalities.</i>
The Barberton Road Board....	Magisterial District of Barberton.
The Bethal Road Board.....	Magisterial District of Bethal.
The Belfast Road Board.....	Magisterial District of Belfast.
The Benoni Road Board.....	Magisterial District of Benoni.
The Bloemhof Road Board....	Magisterial District of Bloemhof.
The Brits Road Board.....	Magisterial District of Brits.
The Carolina Road Board.....	Magisterial District of Carolina.
The Christiana Road Board....	Magisterial District of Christiana.
The Ermelo Road Board.....	Magisterial District of Ermelo.
The Germiston Road Board....	Magisterial Districts of Germiston, Boksburg and Brakpan.
The Heidelberg Road Board...	Magisterial District of Heidelberg.
The Johannesburg Road Board.	Magisterial District of Johannesburg.
The Klerksdorp Road Board...	Magisterial District of Klerksdorp.
The Krugersdorp Road Board..	Magisterial District of Krugersdorp.
The Letaba Road Board.....	Magisterial District of Letaba.
The Lichtenburg Road Board..	Magisterial District of Lichtenburg.
The Lydenburg Road Board....	Magisterial District of Lydenburg.
The Marico Road Board.....	Magisterial District of Marico.
The Middelburg Road Board...	Magisterial District of Middelburg.
The Nelspruit Road Board....	Magisterial District of Nelspruit.
The Pietersburg Road Board...	Magisterial District of Pietersburg.
The Piet Retief Road Board...	Magisterial Districts of Piet Retief.
The Pilgrims Rest Road Board.	Magisterial District of Pilgrims Rest.
The Potchefstroom Road Board.	Magisterial District of Potchefstroom.
The Potgietersrust Road Board..	Magisterial District of Potgietersrust.
The Pretoria Road Board.....	Magisterial District of Pretoria.
The Rustenburg Road Board...	Magisterial District of Rustenburg.
The Schweizer Reneke Road Board	Magisterial District of Schweizer Reneke.

ROADS.  
50 MINERAL BATHS (CONTROL AND MANAGEMENT).

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Ord. No. 9 of 1933.	<i>Name of Board.</i>	<i>Area of Jurisdiction excluding Municipalities.</i>
— <b>Second Schedule.</b>	The Standerton Road Board...	Magisterial District of Standerton.
	The Springs Road Board.....	Magisterial District of Springs.
	The Ventersdorp Road Board..	Magisterial District of Ventersdorp.
	The Vereeniging Road Board...	Magisterial District of Vereeniging.
	The Wakkerstroom Road Board	Magisterial Districts of Volksrust and Wakkerstroom.
	The Waterberg Road Board....	Magisterial District of Waterberg.
	The Witbank Road Board.....	Magisterial District of Witbank.
	The Wolmaransstad Road Board	Magisterial District of Wolmarans- stad.
	The Zoutpansberg Road Board	Magisterial District of Zoutpansberg.

Ord. No.  
10 of 1933.

## AN ORDINANCE

To Consolidate and Amend the Law Relating to the Control  
and Management of Public Resorts (Mineral Springs  
and Baths) and to Provide for Matters Incidental Thereto.

(Assented to 27th October, 1933.)

(Date of operation, 1st December, 1933.)\*

(Afrikaans copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of  
Transvaal as follows:—

Repeal of  
laws and  
savings.

**1.** The Ordinances mentioned in the First Schedule to this Ordinance are hereby repealed to the extent set forth in the third column of that schedule; provided that all proclamations notices and regulations issued or framed under the provisions of any Ordinance repealed by this Ordinance shall if not inconsistent with the provisions thereof remain in force until revoked or altered under the provisions of this Ordinance.

**Definitions.** **2.** In this Ordinance unless some other meaning is clearly intended—

“ Administrator ” means the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909, or any amendment thereof acting on the authority of the Executive Committee of the Province of Transvaal;

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\* Proclamation No. 56, *Provincial Gazette* dated 8th November, 1933, page 156.

- “ government baths ” or “ the baths ” or “ baths ” means any area which has been placed under the control and management of the board in terms of section *five*;
- “ board ” means the board of trustees constituted under section *three*;
- “ *Gazette* ” means the *Official Gazette of the Province of Transvaal*;
- “ local authority ” means a city council, town council, village council or health committee constituted under the Local Government Ordinance, 1926, or any amendment thereof;
- “ prescribed ” means prescribed by this Ordinance or by any regulation thereunder.

3. (1) Notwithstanding anything contained in any law a board of trustees shall be and is hereby constituted for the control and management of the government baths on behalf of the Administrator (to be styled the Mineral Baths Board of Trustees) which shall consist of not less than five nor more than seven members who shall be appointed by the Administrator provided that one of those members shall be nominated by the Minister of Lands and provided further that if the nominating authority shall fail or refuse to make a nomination the Administrator shall make such nomination.

Con-  
stitution  
of Board

(2) The Administrator shall appoint one of the members of the board as chairman of the board and may appoint any person to act as secretary to the board who shall, however, not be a member of the board unless specially appointed as such.

(3) Subject to the provisions of sub-sections (1) and (4) of this section members of the board shall hold office for a period not exceeding three years from the date of their appointment as may be notified by the Administrator in the *Gazette* but shall be eligible for re-nomination and reappointment.

(4) A member of the board shall vacate his seat on the board if he—

- (a) becomes insolvent or assigns his estate for the benefit of his creditors;
- (b) becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine;

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10 of 1933.

Section 3.

- (c) absents himself from three consecutive meetings of the board without the leave of the board which leave shall not be granted for a period of more than six months in any one year;
- (d) resigns his office by writing addressed to the Administrator;
- (e) is removed from office by the Administrator for neglect of duty or misconduct or for any good or sufficient reason.

(5) If by reason of any of the causes referred to in sub-section (4) or death a member of the board vacates his seat upon the board his place shall be filled by the Administrator subject to the provisions of sub-section (1) of this section and the person appointed to fill the place of a member so vacating his seat shall hold office for the remainder of the period for which the vacating member was appointed.

(6) A member of the board shall not in or before the board or any committee thereof be present at or take part in the discussion of or vote upon any matter in which he, his spouse, his partner or any person by whom he or his partner is employed or whose attorney or agent he or his partner is, has directly or indirectly any pecuniary interest. On the matter arising he shall at once disclose his interest to the board.

(7) The powers of the board shall not be affected by any vacancy in the membership thereof.

(8) The board shall be a body corporate capable of suing and being sued, of purchasing, holding and alienating land, and, subject to the provisions of this Ordinance and as far as may be necessary for the better performance of its functions and duties thereunder of doing such things as bodies corporate may by law do; provided that no loans shall be raised by the board except under the authority of the Administrator in accordance with the provisions of section *eight*.

(9) The board as constituted under this Ordinance shall for all purposes be deemed to be the successor of the Warmbaths Board of Trustees constituted under section *two* of the Warmbaths (Control and Management) Ordinance, 1929, provided, however, that the

members of that board shall cease to hold office on the date of the commencement of this Ordinance when the Administrator shall appoint the members of the new board in terms of sub-section (1) of this section.

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10 of 1933.

—  
Section 3.

(10) No matter or thing done or omitted [except in contravention of sub-section (6) of this section] and no contract entered into by the board, and no matter or thing done or omitted by any member or officer or servant of the board or other person acting under the direction of the board 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 regulation thereunder, subject any such person personally to any action, liability, claim or demand whatsoever; and any expense incurred by the board or any such person aforesaid shall be paid by the board out of its revenues; provided that nothing in this section shall exempt any such member, 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 *twelve* of this Ordinance in the accounts of the board and which such member authorized or joined in authorizing.

#### MEETINGS AND PROCEEDINGS OF THE BOARD.

4. (1) The board shall hold an ordinary meeting for the dispatch of business as often as may be necessary and determined by the board or chairman thereof but not less than once in every three months.

Meetings  
and pro-  
ceedings of  
board.

(2) The chairman of the board (hereinafter referred to as the chairman) may at any time and shall, at the request in writing of three members of the board, call a special meeting of the board; provided that the notice of any special meeting shall specify the objects of the meeting.

(3) Notice of the time and place of every meeting of the board shall be served on every member thereof either personally or by post at his usual place of abode or at his business address. Such notice shall be signed by the chairman or the secretary. The accidental omission to serve on any member of the board such notice as is referred to in this section shall not affect the validity of any meeting.

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Section 4.

(4) (a) A majority of the members of the board shall form a quorum.

(b) The chairman shall have a deliberative vote and in the event of an equality of votes shall in addition have a casting vote.

(c) The decision of the majority of the votes at any meeting shall be the decision of the board and shall be final and conclusive.

(5) The minutes of the proceedings of every meeting of the board 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. Every such minute so entered when signed by a member of the board 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.

(6) (a) The board may appoint out of its own body such and so many standing or other committees, either of a general or special nature 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 sub-section, may delegate to any such committee with or without restrictions or conditions as it may think fit any of its powers and duties except any power of raising money by way of an overdraft or loan. The chairman of the board shall be *ex officio* a member of every such committee.

(b) Every committee shall report its proceedings to the board but except to the extent to which the board so directs the acts and proceedings of the committee shall not require the approval of the board.

(c) Every committee appointed by the board may be dissolved by the vote of a majority of the whole board after notice of motion to that effect at a previous meeting, provided that the finance committee referred to in sub-section (7) may not be dissolved without the approval of the Administrator.

(7) (a) The board shall appoint a finance committee for regulating and controlling the finances of the board.

(b) No expenditure shall be incurred by the board unless provision has been made therefor on a detailed estimate submitted by the



finance committee and approved by the Administrator in terms of section *eleven* and every payment from the funds of the board shall be made by the finance committee, who shall submit at each ordinary meeting of the board for information a schedule of all payments made since the last meeting.

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10 of 1933.

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Section 4.

(8) (a) Every order, notice or other document requiring authentication by the board shall be sufficiently authenticated if signed by two members of the board, or by the secretary, or by an officer of the board duly authorized thereto by resolution or by regulation of the board.

(b) Every contract and all instruments and documents which the board is lawfully empowered to execute shall be deemed to be duly executed by or on behalf of the board if signed by the chairman or by any one or more members of the board or by the secretary thereto authorized by resolution of the board.

(9) Save as provided herein the board may regulate its own procedure.

5. (1) The Administrator may from time to time by Proclamation in the *Gazette* place under the control and management of the board—

Adminis-  
trator's  
powers to  
place  
certain  
areas under  
the control  
and man-  
agement of  
the board.

(a) any area or place being Crown land reserved by the Governor-General as being a place of public resort, the control and management whereof have been transferred to the Province of Transvaal in terms of section *twelve* (1) (a) and item 5 of the Second Schedule to the Financial Relations Act, 1913, or any amendment thereof; and

(b) any other property acquired by the board in terms of section *fifteen*.

(2) The areas referred to in the Second Schedule to this Ordinance are hereby placed under the control and management of the board.

6. It shall be the function and duty of the board to control, manage, develop, extend, improve, alter and maintain the baths for the benefit, advantage and enjoyment of the public and to increase its revenue and for that purpose alone it shall utilize such moneys as may from time to time be appropriated by the Provincial Council for the purpose and other revenues of the board under the provisions of this Ordinance as may be necessary.

Functions  
and duty  
of the  
board.

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10 of 1933.

FINANCIAL, REVENUES, BORROWING POWERS,  
ACCOUNTS AND AUDIT.

Revenue of the board. **7.** The revenue of the board shall consist of fees or other moneys received by it or moneys raised by it under the provisions of this Ordinance and fines received or recovered in respect of contraventions of this Ordinance or the regulations thereunder.

Borrowing powers. **8.** The board may from time to time obtain advances from any bank by way of overdraft or raise loans in such amounts and on such conditions as may be approved by the Administrator. Such advances or loans may be secured and charged indifferently on the whole of the land, rents, property and revenues of the board.

Accounts to be kept. **9.** The board 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 board and of the several purposes for which such sums of money have been received and paid.

Financial year. **10.** (1) The annual accounts of the board shall be made up and an abstract thereof published in the *Gazette* not later than the 31st May in every financial year and for the purposes of this Ordinance the financial year shall be the twelve months ending on and including the thirty-first day of March in each and every calendar year.

(2) The board shall on or before the thirty-first day of May in each and every calendar year submit to the Administrator a report of its operations during the preceding financial year, which report shall be laid before the Provincial Council.

Estimates. **11.** 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 board a detailed estimate of the revenue and expenditure of the board for the next financial year. A copy of such statement shall be recorded in the minutes of the board and shall be forwarded to the Administrator for his approval. The expenditure estimated shall not be exceeded without the consent of the Administrator.

12. (1) The accounts of the board shall be subject to audit by the Provincial Auditor. Audit.

(2) For the purposes of any such audit the provisions of sections *fifty-nine* and *sixty* of the Local Government Ordinance, 1926, or any amendment thereof shall *mutatis mutandis* apply.

POWERS AND DUTIES OF THE BOARD.

13. (1) The board shall appoint such officers and servants (full time or part time) as it may consider necessary and pay such salaries and allowances to any such officers and servants as it may determine provided that no person may be appointed hereunder who is a member of the board or who has been such a member during the preceding six months. Appointment of officers and servants.

(2) The board may at any time suspend, dismiss or remove such officers and servants upon notice of not less than one month or in the case of misconduct immediately without notice.

14. The board may execute departmentally or enter into contracts for the purpose of any work or service which it is itself by this Ordinance empowered to undertake or carry out. All such contracts lawfully made shall be valid and binding on the board and its successors and all other parties thereto, their successors, heirs or legal representatives (as the case may be). Power to enter into contracts.

15. The board may with the consent of the Administrator acquire by voluntary purchase or hire any land, wayleave, water-right or any other property or servitude which may be necessary or desirable for the purposes of this Ordinance. Board may acquire land.

16. The board may with the consent of the Administrator let, sell or otherwise alienate, or dispose of any immovable property of the board provided that all moneys received by the board from the sale of such property shall be used for the redemption and extinction of existing debt, or where no such debt exists, on such capital expenditure as may be recommended by the finance committee and approved by the board. Where no such debt exists the board may, instead of using such moneys for capital expenditure, place the same in any reserve fund established under this Ordinance for future capital purposes in connection with the baths. Board may alienate and.

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10 of 1933.

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Section 16.

The expression "let" as used in this section and in section *seventeen* means lease for any period exceeding nine years and eleven months.

Board may establish townships, etc.

**17.** Subject to the provisions of the Townships and Townplanning Ordinance, 1931, or any amendment thereof, or of any law relating to the registration of agricultural holdings, the board may establish townships on any land belonging to the board or lay out plots upon or otherwise subdivide any such land for the purposes of garden allotments, small holdings or agricultural holdings and may, subject to the provisions of section *sixteen*, let, sell or otherwise alienate erven or lots situate within the same.

General powers of the board.

**18.** The board may from time to time—

- (1) establish, maintain and carry on public baths of various types and develop the baths with a view to their being of increased service to the public and conserve, develop and enclose mineral springs on land which is its property or under its control provided that the board shall supply free of charge such number of baths at the baths as may be required by the Administrator for the use and benefit of indigents certified as such by the Provincial Secretary or by a magistrate;
- (2) establish, erect, maintain and carry on sanatoria, gymnasia, or other similar institutions in connection with the baths and administer such institutions or lease the same under such terms and conditions as may be approved by the Administrator;
- (3) establish, maintain and carry on recreation grounds on any land belonging to or under the control of the board and erect, make, establish, maintain and carry on in connection with such recreation grounds, aquariums, pavilions, dressing-rooms, lavatories and other conveniences and any other buildings and structures of any nature whatever and for any purpose whatever which the board may decide to be necessary or convenient and the general

management, regulation and control of the same shall be vested in the board who may from time to time—

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10 of 1933.

—  
Section 18.

- (a) determine the charges, if any, to be made for the use thereof or
  - (b) 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 connection therewith;
- (4) let or grant, subject to the approval of the Administrator, the use of any such recreation ground and/or buildings appurtenant thereto or any part of such ground or buildings to any school, sports club or association of persons on such terms as the board may decide and permit such school, sports club or association of persons to make charges for admission to such recreation ground;
  - (5) provide any apparatus for games and recreation in respect of any such recreation ground;
  - (6) provide and maintain refreshment rooms, cafés and restaurants in any such recreation ground and at any public bath established under subsection (1) of this section 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 it may decide;
  - (7) provide, maintain and carry on places of entertainment in connection with the baths or let the same to any person or persons on such terms as it may decide;
  - (8) provide, maintain and carry on libraries and reading rooms in connection with the baths;
  - (9) establish, provide, maintain, regulate and carry on camping grounds and erect buildings thereon for visitors on lands the property or under the control of the board and let the same on such conditions as it may decide;

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—  
Section 18.

- (10) establish, maintain and carry out such sanitary services in connection with the baths for the removal and destruction of or otherwise dealing with nightsoil, urine, slops, rubbish, carcasses of dead animals and refuse of all kinds;
- (11) establish, erect, provide and maintain public lavatories, closets and urinals on any property under its control.
- (12) (a) erect, maintain and keep in repair any building required for any of the board's purposes;  
(b) erect, maintain and keep in repair dwelling houses with their appurtenant outbuildings for its officers and servants;
- (13) plant, trim or remove trees or shrubs at the baths;
- (14) establish, equip, maintain and carry on in connection with the baths nurseries and afforestation works for the production and disposal of ornamental trees, plants or timber;
- (15) (a) let, sell or otherwise dispose of movable property of the board including waters or mineral products derived from any mineralized spring or articles required or desired by visitors to the baths;  
(b) let immovable property of the board for short periods in no case exceeding a period of ten years on such terms and conditions as may be decided by the board;
- (16) set apart separate baths for the use of white persons and of natives or Asiatics or other coloured persons or any persons of any race whatsoever married to or living with natives, Asiatics or coloured persons respectively and restrict the use of such baths to such persons;
- (17) grant from its revenue gratuities to officers and servants of the board on their final retirement from the board's service on such conditions as it may think fit;
- (18) advertise and give publicity to the advantages of the baths;
- (19) establish reserve funds for capital or other purposes;

- (20) charge fees or make charges in connection with the baths or any other institution, undertaking, sale, article or service which under this Ordinance the board is authorized to establish, provide, undertake or maintain;
- (21) with the consent of the Administrator pay from its revenue to members of the board such allowances as it may determine, provided that no fees shall be paid for any attendance at meetings of committees of the board other than ordinary travelling and subsistence allowances;
- (22) incur all expenditure necessary for the carrying out of any purpose of this Ordinance which the board is authorized to carry out or of any purpose not specially provided in this Ordinance which the Administrator may determine to be a purpose incidental to the exercise of its powers and duties under this Ordinance;
- (23) subject to the approval of the Administrator appoint local committees of management and delegate to such committees such powers, functions and duties (including any or all of the powers and duties assigned to the board by Proclamation under section *twenty-six*) as may be prescribed by regulation; provided that no allowance other than prescribed travelling and subsistence allowances, while travelling on the business of the committee, shall be paid to any member of a local committee;
- (24) pending the constitution of a local authority for any area placed under the control and management of the board exercise all such powers and carry out all such duties as may be specially conferred or imposed by Proclamation issued under section *twenty-six* of this Ordinance;
- (25) sell at such prices as it may think fit all products and by-products resulting from the carrying on of any works or undertakings which the board is authorized to carry on;
- (26) establish and maintain aerodromes and parking places;

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10 of 1933.**  
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**Section 18.**

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10 of 1933.

—  
Section 18.

- (27) establish, provide, maintain and carry on parks and gardens;
- (28) generally do all things necessary for carrying out all the purposes for or in regard to which the board is authorized from time to time to make, alter or revoke regulations and for carrying into effect all regulations.

Regula-  
tions.

19. The board may, subject to the approval of the Administrator, from time to time make, alter or revoke regulations not inconsistent with this Ordinance as to all or any of the following matters:—

- (1) For regulating any of the things which the board is empowered under this Ordinance to do, establish, maintain or carry on and the charges to be made in respect thereof and for the recovery of the same;
- (2) for regulating the proceedings of the board, the appointment of a vice-chairman in the absence of the chairman of the board, the appointment, powers, duties, remuneration, leave and other privileges of its whole and part-time officers and servants and the rates of travelling and subsistence allowances to be paid to members of the board and of a local committee and to its officers and servants;
- (3) for the appointment of local committees of management and for prescribing their powers, functions and duties (including any or all of the powers and duties assigned to the board by Proclamation under section *twenty-six*);
- (4) for the management and administration of any reserve fund established by the board under this Ordinance;
- (5) for regulating the baths, admission thereto, the preventing of unauthorized access thereto, the opening and closing hours and generally the conditions under which the baths may be used and for preventing persons while suffering from any cutaneous, infectious or contagious disease from entering or using any baths;
- (6) for regulating the supply of water to baths and for preventing waste, undue consumption, misuse or contamination thereof;



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10 of 1933.  
—  
Section 19.

- (7) 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 water supply belonging to or under the control of the board;
- (8) for protecting from damage or interference any property under the control and management of the board and for obtaining adequate compensation for property damaged;
- (9) for providing for the due and proper care of all lands belonging to or under the control of the board and for prohibiting or regulating grazing thereon and for prescribing the fees if any to be paid in respect of stock kept or depastured;
- (10) for the preservation of flora and fauna on any lands belonging to the board;
- (11) for planting and preserving trees, flowers and shrubs on any property of the board and for maintaining cutting or removing any such trees and preventing the removal and injury thereof;
- (12) for the sale of unclaimed lost property found on the board's premises;
- (13) for maintaining order and decency among visitors to the baths and for excluding or ejecting persons who do not conform thereto;
- (14) generally for the efficient control and management of the baths.

Every regulation framed by the board and approved by the Administrator shall be published in the *Gazette*.

**20.** Any regulation of the board 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.

Power to  
impose  
penalties  
for breach  
of  
regulations.

- Ord. No. 10 of 1933.** Penalties where not otherwise provided. **21.** All offences against any regulation of the board shall be deemed to be offences against this Ordinance and every person guilty of such an offence or 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 and if no penalty be imposed then to a fine not exceeding ten pounds.
- Recovery of fines. **22.** All fines or other moneys payable in respect of an offence against this Ordinance or any regulation may be recovered before any court of competent jurisdiction.
- Default of payment of fine. **23.** Whenever any fine shall have been imposed under this Ordinance or of any regulation 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. **24.** Every fine recovered for an offence against any regulation of the board 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 board.
- Existing regulations. **25.** The regulations made by the board under any law repealed by this Ordinance shall from the commencement of this Ordinance be of the same force and effect as if they had been made under this Ordinance.
- Additional powers may be conferred upon the board. **26.** Pending the constitution under the Local Government Ordinance, 1926, or any amendment thereof of a local authority for or in respect of any area under the control and management of the board the Administrator may from time to time by Proclamation in the *Gazette* assign to the board any or all of the powers and duties conferred or that may be conferred on health committees under Chapter IX of the said Ordinance.
- Administrator to be furnished with reports, etc. **27.** The board shall furnish the Administrator with a certified copy of all minutes of its proceedings in the ordinary course, or of the proceedings of any committee appointed by the board or of a record of any accounts of

the board or such reports, statistics and documents, as the Administrator may from time to time require.

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10 of 1933.

Section 27.

28. (1) No assessment rates shall be levied by any local authority upon any land or improvements the property of the board. Exemption from rating.

(2) Notwithstanding anything contained in sub-section (1) of this section whenever any immovable property of the board has been disposed of such property shall become rateable as from the date of such disposition as if the property had been transferred on that date to the person in whose favour such disposition was made and rates thereon as from that date shall be payable by such person. In respect of the year in which the disposition is made the local authority concerned may assess rates on such property on the same basis as that on which rates on other property within the area of such local authority were assessed for that year and the person in whose favour the disposition is made shall in respect of that year pay such a portion of the rates as is represented by the proportion which the unexpired portion of the year, as from the date of the disposition, bears to the whole year.

29. This Ordinance may be cited for all purposes as the Mineral Baths (Control and Management) Ordinance, 1933, and shall come into operation on such date as may be fixed by the Administrator by Proclamation in the *Gazette*. Short title and date of coming into operation.

First Schedule.

LAWS REPEALED.  
(Section one.)

Number and Year of Law.	Title or Subject of Law.	Extent of Repeal.
Ordinance No. 5 of 1929	The Warmbaths (Control and Management) Ordinance 1929	The whole.
Ordinance No. 7 of 1930	The Public Resorts Ordinance 1930	The whole.
Ordinance No. 9 of 1930	The Warmbaths (Control and Management) Amendment Ordinance, 1930	The whole.
Ordinance No. 8 of 1931	The Warmbaths (Control and Management) Amendment Ordinance, 1931	The whole.

MINERAL BATHS (CONTROL AND MANAGEMENT).  
TOWNSHIPS AND TOWNPLANNING FURTHER  
AMENDMENT.

66

Ord. No.  
10 of 1933.

Second Schedule.

AREAS PLACED UNDER THE CONTROL AND MANAGEMENT OF THE  
MINERAL BATHS BOARD OF TRUSTEES.

[Section five (2).]

- I. *Portions of the farm Het Bad No. 832, District Waterberg.*
  - (a) Portion "H", in extent 26 morgen 64,897 square feet.
  - (b) Portion "J", in extent 93 morgen 74,777 square feet.
- II. *Lots in the Township of Warmbaths, District Waterberg.*
  - (a) Lot No. 261, Warmbaths, in extent 10 morgen 234 square roods 20 square feet.
  - (b) Lot No. 262, Warmbaths, in extent 11 morgen 457 square roods 123 square feet.
- III. *Portions of the farm Doornpoort No. 29, District Carolina.*
  - (a) Portion B, in extent 1,000 morgen.
  - (b) Remaining portion of Portion C, in extent as such 398 morgen 53 square roods.
  - (c) Portion "D", in extent 498 morgen 410 square roods.
- IV. *The farm Honnet No. 1190, District Zoutpansberg, in extent 2,194 morgen 120 square roods.*
- V. *A portion, in extent approximately 926 morgen, of the farm "Warmbad" No. 105, District Piet Retief.*

Ord. No.  
11 of 1933.

## AN ORDINANCE

Further to amend the Townships and Townplanning  
Ordinance, 1931, in certain respects.

(Assented to 27th October, 1933.)

(Date of operation, 8th November, 1933.)

(English copy signed by Governor-General.)

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

Amendment  
of section 1  
of principal  
law.

1. Section *one* of the Townships and Townplanning Ordinance, 1931 (hereinafter referred to as the principal law) is hereby amended by the deletion of paragraph (*d*) from the definition of township and by the

substitution therefor of the following new paragraph:—

Ord. No.  
11 of 1933.

—  
Section 1.

“(d) any area of land registered as one or more pieces of land either contiguous or in close proximity to each other which is being or is intended to be laid out or divided into sites for residential, business, industrial, building, occupational or similar purposes or for urban settlement arranged in such a manner so as to be intersected or connected by or to abut on streets, thoroughfares, rights-of-way, squares or open spaces.”

2. Section *two* of the principal law is hereby amended by the addition at the end of sub-section (1) thereof of the following proviso:—

Amendment  
of section 2  
of principal  
law.

“provided that the Administrator may appoint an alternate to any member to act as a member of the board in the absence of such member.”

3. Notwithstanding anything to the contrary in Chapter III of the principal law contained the Administrator may upon the recommendation of the board by notice in the *Gazette*—

Powers of  
the  
Adminis-  
trator in  
regard to  
approval of  
layout into  
lots not  
exceeding  
15 in  
number.

(1) approve the layout or division of land (not being an erf in a township) in the vicinity of a township into portions not exceeding fifteen in number and impose such conditions as he may deem necessary; and

(2) if he is satisfied that there is reasonable cause and that the interests of other persons will not be prejudiced thereby dispense with such formalities and requirements prescribed by the said Chapter as he may determine. Any layout or division of land approved under this section shall be deemed to be an extension of such township.

4. Sub-section (1) of section *twenty-four* of the principal law is hereby amended by the insertion after the words “the applicant shall” of the words “when so required by the Administrator”.

Amend-  
ment of  
section 24  
of principal  
law.

5. Section *fifty-six* of the principal law is hereby amended as follows:—

Amendment  
of section  
56 of  
principal  
law.

(1) insert after the words “believing that” the words “the layout or division of

Ord. No.  
11 of 1933.

Section 5.

any land is destined for any of the purposes mentioned in paragraph (d) of the definition of 'township' or that;"

- (2) insert after the word "Administrator" where it occurs for the second time the words "the layout or division of any area of land is destined, as aforesaid or that."

Amendment  
of section  
61 of  
principal  
law.

6. Section *sixty-one* of the principal law is hereby amended by the addition thereto of the following new paragraphs:—

- "(c) the sub-division of an erf in a township as in this Ordinance defined, provided that such sub-division is not in conflict with the provisions of this Ordinance or any prior law or condition of title;
- (d) any area of land laid out as agricultural holdings in terms of the Agricultural Holdings (Transvaal) Registration Act No. 22 of 1919 or any amendment thereof."

Short  
title.

7. This Ordinance may be cited as the Townships and Townplanning Further Amendment Ordinance, 1933, and shall be read as one with the principal law and any amendment thereof.

Ord. No.  
12 of 1933.

## AN ORDINANCE

To consolidate and amend the law relating to the  
Imposition of a Tax on Companies.

(Assented to 1st November, 1933.)

(Date of operation, 15th November, 1933.)

(English copy signed by Governor-General.)

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

Levy of  
tax.

1. There shall be charged, levied and collected for the benefit of the Provincial Revenue Fund a tax on companies calculated at the rates and in the manner hereinafter specified.

**2.** In this Ordinance, unless inconsistent with the context— Definitions. **Ord. No.**  
**12 of 1933**

“ Administrator ” means the officer appointed under section *sixty-eight* of the South Africa Act, 1909, or any amendment thereof acting on the authority of the Executive Committee;

“ Commissioner ” means the Commissioner for Inland Revenue or any person lawfully acting in that capacity or on his behalf;

“ company ” means any association, incorporated or registered under any law in force in the Union or elsewhere which carries on business or has an office or place of business in the Province of Transvaal or which received income or to which income accrued from sources within the Province during the period of twelve months ended on the 30th June preceding the year in respect of which any tax under this Ordinance is payable;

“ financial company ” means a company the value of whose holdings, according to the latest balance-sheet, represented by shares, debentures or debenture stock in other companies including foreign companies together with loans to other companies exceeds half the value of the total gross assets of such company according to such balance-sheet;

“ taxable income ” means the amount of taxable income assessable annually on any company in accordance with the Income Tax laws of the Union for the twelve months ended 30th June preceding the year in respect of which the tax under this Ordinance is payable;

“ dividend distributed ” shall include any sum of money, bonus share or other equivalent of money paid, allocated, distributed or credited by a financial company to or amongst its shareholders or members as such.

**3.** Subject to a minimum payment annually of £5 the rates of tax payable by companies shall be— Rates of  
tax.

in respect of companies other than financial companies for each pound of taxable income, sixpence;

**Ord. No.  
12 of 1933.**

**Section 3.**

**Declara-  
tions.**

in respect of financial companies for each pound of dividend distributed, one shilling.

4. (1) Every company liable to pay any tax under this Ordinance shall furnish to the Receiver of Revenue a sworn declaration on the prescribed form stating the amount of taxable income or dividends declared, as the case may be, and any other particulars required to determine the company's tax liability and no tax shall be accepted unless accompanied by the aforesaid declaration.

(2) The duty of rendering returns and of making any payments required under this Ordinance shall be upon the person holding the office of public officer of such company under the provisions of Act No. 40 of 1925, or any amendment thereof, or any subsequent Income Tax Act or upon such other person as the Commissioner may appoint.

(3) For the purpose of verifying the amount of tax payable by any company the Receiver of Revenue may call upon such company to produce for his inspection any Union Income Tax Assessment or other document required to establish the amount of tax payable under this Ordinance.

(4) Every declaration or other document rendered for the purpose of this Ordinance shall be treated as confidential and shall not be used or divulged in any way whatsoever except for the carrying out of this Ordinance or by order of a competent court of law and no access thereto for any other purposes shall be permitted.

**Penalties.**

5. (1) Any person who fails, neglects or refuses to furnish any declaration or other documentary proof prescribed in the preceding section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50 or in default of payment to imprisonment for a period not exceeding three months.

(2) Any person who, with intent to evade, or to enable any company to evade taxation, shall wilfully and knowingly make a declaration which contains any misstatement or which conceals or fails to disclose any fact necessary for the correct assessment of tax, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £100 or in default of payment to imprisonment for a period not exceeding six months.

(3) In the event of any person failing to make a declaration when required to do so, the



Receiver of Revenue shall assess the tax payable by such company and the assessment thus made shall be final and conclusive as to the liability of such company under this Ordinance.

Ord. No.  
12 of 1933.

Section 5.

6. The tax shall be due by companies other than financial companies on the 30th June in each and every year, and shall be paid on or before the thirty-first day of August of such year or not later than two months after the date when the relative Union Income Tax assessment has been determined. When payable.

7. Any tax payable under this Ordinance shall be paid to the Receiver of the district within which the company has its principal office or place of business within the Province. To whom payable.

8. Where it is established to the satisfaction of the Commissioner that a portion of a taxable income or dividend distributed is exempt from taxation by virtue of the provisions of section *ten* the Commissioner shall determine the proportion subject to taxation under this Ordinance. Apportionment.

9. (1) If any dividend is distributed otherwise than in money and the Commissioner is not satisfied with the value returned of such dividend, he shall fix such value for the dividend as may seem to him to be fair and reasonable, and recover any additional tax payable by reason of such increased valuation. Valuation of dividend.

(2) Where the business of a financial company extends outside the Province, any dividend distributed shall be apportioned by the Commissioner, and the taxable proportion shall be in the ratio that the gross assets in the Province bear to the total gross assets according to the latest balance-sheet at date of payment. Provided that the gross assets in the Province shall include any holdings by way of shares, debentures or debenture stock in any company whose principal business is carried on in the Province irrespective of the locality where such holdings are deposited or the dividends or interest are paid or payable. Apportionment of dividend.

(3) Where a dividend is distributed free of the tax imposed on dividends by this Ordinance, there shall be added to such dividend the difference between the amount so distributed and the amount which would have been distributed had the dividend been paid subject to the tax. The sum so ascertained shall for the purposes of this Ordinance be deemed to be the dividend distributed.

**Ord. No.** When  
**12 of 1933.** payable.

**Section 9.**

(4) Within 30 days after the date on which any dividend is declared the company shall transmit to the Receiver of Revenue the prescribed declaration and pay the tax on the value of the dividend declared.

(5) If any company distributes any dividend before the tax payable has been paid it shall be liable to a penalty not exceeding £100.

**Exemptions.**

**10.** There shall be exempt from taxation—

- (1) in terms of sub-section (1) of section *three* of Act No. 5 of 1921 any portion of a taxable income or any portion of a dividend distributed which is derived from mining operations or rights in or to mines or minerals;
- (2) any taxable income that is derived from a source outside the Province;
- (3) any company which does not carry on business for the purpose of profit or gain which is to be divided amongst or credited to the shareholders or members thereof;
- (4) any portion of a dividend distributed by a financial company out of dividends which have already been taxed as a dividend distributed under this Ordinance;
- (5) any dividend distributed on the winding up of a company;
- (6) any mutual life assurance company;
- (7) any portion of the taxable income of a non-mutual life insurance company which is distributed amongst its policy holders;
- (8) any company, which on the due date of the tax is in a dormant state, is in receipt of no income and conducts no active operations for the benefit of its shareholders.

**Special exemptions.**

**11.** A financial company liable to the tax on dividends distributed shall not be liable to the tax on taxable income.

**Penalty for late payment.**

**12.** (1) Any person who without reasonable cause fails or neglects to pay any tax due under this Ordinance on or before the date or within the period prescribed in section *six* or in sub-section (4) of section *nine*, as the case may be, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds (£10) or in default of payment to imprisonment for a period not exceeding one month.

(2) If any tax due under this Ordinance be not paid on or before the date or within the period prescribed in section *six* or in subsection (4) of section *nine*, as the case may be, there shall be added to the amount payable by way of penalty for every month or part of a month during which default continues a sum calculated at the rate of ten per cent. of the amount unpaid, provided that the amount of the penalty shall not exceed the amount of the tax.

Ord. No.  
12 of 1933.

Section 12.

13. Any tax imposed and any penalty incurred under the provisions of this Ordinance shall be a debt due to the Provincial Revenue Fund of the Transvaal and may, when payable, be sued for and recovered by action in any court of competent jurisdiction by the Commissioner suing on behalf of the Administrator.

Recovery  
of tax.

14. All fines recovered for any offence under this Ordinance shall be paid into the Provincial Revenue Fund.

Provincial  
Revenue  
Fund to be  
credited.

15. The Commissioner shall have the administration of this Ordinance and may from time to time prescribe any forms or declarations required for the purposes of this Ordinance.

Prescribed  
forms.

16. The Administrator may make regulations not inconsistent with the provisions of this Ordinance for the better carrying out of the objects and purposes thereof.

Regula-  
tions.

17. All regulations issued or framed under the provisions of any law repealed by this Ordinance shall if not inconsistent with the provisions thereof remain in force until revoked or altered under the provisions of this Ordinance.

Savings.

18. The following Ordinances are hereby repealed:—

Repeal.

The Companies Tax Ordinance, No. 8 of 1923.

The Companies Tax Amendment Ordinance, No. 23 of 1925.

The Companies Tax Amendment Ordinance, No. 3 of 1927.

The Companies Tax Amendment Ordinance, No. 7 of 1931.

19. This Ordinance may be cited for all purposes as the Companies Tax Ordinance, 1933.

Short title.

Ord. No.  
13 of 1933.

## AN ORDINANCE

To apply a sum not exceeding £4,417,507 towards the Service of the Province of Transvaal during the year ending on the 31st day of March, 1934.

(Assented to 6th November, 1933.)

(Date of operation, 8th November, 1933.)

(Afrikaans copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of Transvaal as follows:—

**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, 1934, not exceeding in the aggregate the sum of four million four hundred and seventeen thousand five hundred and seven pounds as follows:—

Provincial  
Revenue  
Fund  
charged  
with  
£4,417,507.

To defray normal or recurrent expenditure ... ..	£4,225,115
To defray capital or non-current expenditure ... ..	192,392

**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. 3 and 5 of 1933) as approved by the Provincial Council, and subject to section *three* hereof and to no other purpose.

How money  
to be  
applied.

**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 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.

Adminis-  
trator may  
authorize  
variations.

**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, 1934, not exceeding in the aggregate the sum of two hundred and twenty-four thousand pounds.

Roads  
Fund  
Account  
charged  
with  
£224,000.

**5.** This Ordinance may be cited for all purposes as the Appropriation (1933-1934) Ordinance, 1933.

Short  
title.

Schedule.

Ord. No.  
13 of 1933.

No. of Vote.	Service.	Column 1.	Column 2.
		£	£
1	General Administration.....	82,729	—
2	Education.....	2,826,108	—
	Including:—		
	Grant to Dental Clinic, Johan- nesburg.....	—	1,000
	Grant to Dental Clinic, Pretoria	—	600
	Grant to Bilharzia Committee.	—	250
	Grants to Aided Farm Schools	—	4,100
	Grants to Private Schools....	—	4,418
	Grants for Education of Eurafri- can and Asiatic Children...	—	398
	Education of Native Children.	—	98,356
	Grant to Isipingo Beach Home of Recovery.....	—	500
	Grant to Junior Red Cross Society.....	—	50
3	Hospitals and Charitable Institutions including Poor Relief.....	466,336	—
	Including the following grants:—		
	Hospitals falling under the pro- visions of the Public Hospitals Ordinance, 1928.....	—	352,624
	Hospitals not falling under the provisions of the Public Hospi- tals Ordinance, 1928.....	—	7,142
	Charitable Institutions.....	—	33,244
4	Roads, Bridges and Local Works....	513,737	—
	Including:—		
	Grants to Local Authorities...	—	800
	Payment to Roads Fund.....	—	262,000
	Payment to Outspans and Road Fund.....	—	500
5	Miscellaneous Services.....	4,765	—
	Including the following grants:—		
	National Park.....	—	3,000
	Angling Societies.....	—	30
	Town Planning Association...	—	25
6	Interest and Redemption.....	331,440	—
7	Capital Expenditure.....	192,392	—
	Including the following grants:—		
	Special Grant from Union Government for Road Work	—	569
	Warmbaths Board of Trustees.	—	400
		£	
		4,417,507	
	Roads Fund.....£	224,000	

Ord. No.  
14 of 1933.

# AN ORDINANCE

To amend the Personal and Income Taxes Ordinance,  
1928, in certain respects.

(Assented to 6th November, 1933.)

(Date of operation, 15th November, 1933.)

(English copy signed by Governor-General.)

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

Amend-  
ment of  
section 2  
of  
Ordinance  
No. 10 of  
1928.

**1.** Sub-section (1) of section *two* of the Personal and Income Taxes Ordinance 1928 (hereinafter referred to as the principal law) is hereby amended as follows:—

- (1) By the deletion of the words “over the age of twenty-one years” and by the substitution therefor of the words “twenty-one years of age and over”.
- (2) By the deletion from sub-paragraphs (i) and (ii) of paragraph (c) of the word “taxable”.

Insertion  
of new  
section 2A  
in principal  
law.

**2.** The following new section is hereby enacted to be inserted immediately after section *two* of the principal law and to be numbered 2A:—

“2A. Any taxes payable under this Ordinance by any person resident in the Province who dies prior to the due date of the taxes shall be a debt due by the estate of such person.”

Repeal of  
section 3 of  
principal  
law and  
new section  
substituted.

**3.** Section *three* of the principal law is hereby repealed and there shall be substituted therefor the following new section:—

“3. For the purposes of section *two*—

- (1) a widow, widower, divorced person or a person separated under a judicial order or written agreement shall be deemed to be unmarried, provided that any such person who supports a minor child and an unmarried person who supports an adopted child shall be deemed to be married;

- (2) an unmarried person (including a widow, widower, divorced person or a person separated under judicial order or written agreement) who is the sole support of a parent shall be deemed to be married”.

Ord. No.  
14 of 1933.

Section 3.

4. Sub-section (3) of section *four* of the principal law is hereby amended by the insertion after the word “assessment” of the words “or additional assessment”.

Amendment of section 4 (3) of principal law.

5. Sub-section (2) of section *five* of the principal law is hereby amended by the deletion therefrom of the words “income tax payer” and by the substitution therefor of the word “person”.

Amendment of section 5 (2) of principal law.

6. Sub-section (1) of section *seven* of the principal law as amended by section *two* of Ordinance No. 20 of 1930 is hereby amended by the deletion therefrom of the words “within thirty days of such demand” and by the substitution therefor of the words “within such period as the revenue officer may require”.

Amendment of section 7 (1) of principal law.

7. Section *eight* of the principal law as amended by section *three* of Ordinance No. 20 of 1930 is hereby amended as follows:—

Amendment of section 8 of principal law.

- (1) By the repeal of sub-section (2) and by the substitution therefor of the following new sub-section:—

“(2) (a) Any unmarried male adult who satisfies the revenue officer that his income during the twelve months ended on the date upon which the taxes became due amounted to less than £50.

(b) Any married male adult who satisfies the revenue officer that his income during the twelve months ended on the date upon which the taxes became due amounted to less than £100.

(c) Any male adult who is certified by the revenue officer of the district in which he resides to be in necessitous circumstances and unable to pay the tax or taxes due by him.”

- (2) By the deletion from sub-section (3) of the word “magistrate” and by the substitution therefor of the words “revenue officer”.

Ord. No.  
14 of 1933.

Section 7.

(3) By the deletion of the proviso and by the substitution thereof of the following new proviso:—

“ provided that the revenue officer shall issue a certificate of exemption to every person to whom exemption is granted under sub-sections (2) (c) and (3) of this section ”.

The Administrator may from time to time prescribe rules for the guidance of revenue officers in issuing certificates under this provision.

Repeal of section 12 of the principal law and the substitution of a new section.

8. Section *twelve* of the principal law is hereby repealed and there shall be substituted therefor the following new section:—

“ 12. For the purposes of this Ordinance the revenue officer of the district in which any person is ordinarily resident may at his discretion appoint any other person to be the agent of such person. Such agent shall be responsible for the payment of any taxes due by the person whose agent he has been appointed to be; provided that the agent shall not be liable beyond the amount of any moneys which belong to such person and of which he has the management, control or custody.”

Amendment of section 13 of the principal law.

9. Section *thirteen* of the principal law is hereby amended as follows:—

(a) By the insertion after the word “ resides ” of the words “ on or ”.

(b) By the deletion of the words “ the due date ” and by the substitution thereof of the words “ the prescribed date for payment ”.

(c) By the addition of the following further proviso:—

“ and provided further that the revenue officer shall have the power to waive any penalties in any case in which he is satisfied that the taxpayer through no fault of his own is unable to adhere strictly to the conditions upon which such permission has been granted.”

Short title.

10. This Ordinance may be cited for all purposes as the Personal and Income Taxes Amendment Ordinance, 1933.



# AN ORDINANCE

Ord. No.  
15 of 1933.

To amend the Whippet Racing (Control) Ordinance, 1926.

(Assented to 6th November, 1933.)

(Date of operation, 15th November, 1933.)

(English copy signed by Governor-General.)

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

1. Section *three* of the Whippet Racing (Control) Ordinance, 1926 (hereinafter referred to as the principal law) is hereby repealed and there shall be substituted therefor the following new section:—

Repeal of section 3 of principal law and new section substituted.

“ 3. (1) Any person who desires to take out a licence shall apply to the Administrator who may in his discretion issue such licence which shall be valid for a period of one year from the date of issue.

(2) Every licence issued under the provisions of this section shall—

(a) specify the number of race meetings (not exceeding one per week) which may be held during the currency thereof and the course on which such race meetings may be held;

(b) have attached thereto the following conditions:—

(i) No race meeting shall be held on any appointed day during the period 6 a.m. to 7 p.m. or from 11 p.m. of one day to 6 a.m. of the following day;

(ii) a race meeting may be held on either a Wednesday night or a Friday night between the hours of 7 p.m. and 11 p.m. and on no other night but no race meeting shall be held on the night of Christmas Day or on the night of Good Friday;

Ord. No.  
15 of 1933.

Section 1.

- (iii) no person under the age of twenty-one years other than an employee of the licensee shall be admitted to attend or witness any whippet or dog race if there is in operation in connection with any such race a totalizator or totalizators;
- (iv) no person, dog-racing club or association other than the licensee shall be permitted to hold race meetings on the course mentioned in the licence;
- (v) the licence shall not be transferable except with the special sanction of the Administrator;
- (vi) the licence shall be produced on the demand of any police officer above the rank of sergeant;
- (vii) no bookmakers shall be permitted to operate at any race-meeting.

(3) In addition to the conditions specified in sub-section (2) the Administrator may attach to any licence such other conditions not inconsistent with the provisions of this Ordinance as he may deem fit and he may further alter or vary conditions Nos. (i), (ii) and (vii) of the said conditions in respect of any licence for whippet racing only; provided no whippet race-meeting shall be held on Christmas Day or on Good Friday or on Ascension Day or in the evenings of those days.

(4) (a) The Administrator may, upon written application, grant to the holder of any licence issued under sub-section (1) of this section a licence to use a totalizator or totalizators at a race meeting upon a site on the course referred to in the licence. Such licence may be revoked by the Administrator if default be made in complying with any provision of this section.

(b) Every transaction effected by means of the totalisator must be registered on a ticket board which shall be in such form as is approved by the Commissioner for Inland Revenue and which shall be in the uninterrupted view of the public.

Ord. No.  
15 of 1933.

—  
Section 1.

(5) The provisions of sub-sections (3) to (6) of section *eight* of the Horse Racing and Betting Ordinance No. 9 of 1927 or any amendment thereof shall apply *mutatis mutandis* to the licensing of totalizators under this section at every race meeting where the gross takings of licensed totalizators in respect of that meeting shall exceed the sum of three hundred and fifty pounds (£350).

(6) Any person who—

- (a) holds any whippet or dog race in excess of the number specified in the licence; or
- (b) holds any whippet or dog race on any other course than is mentioned in the licence; or
- (c) acts in contravention of or fails to comply with any of the conditions to which his licence is subject under this Ordinance

shall be guilty of an offence against this Ordinance.”

2. Section *four* of the principal law is hereby repealed and there shall be substituted therefor the following new section:—

Repeal of section 4 of principal law and new section substituted.

“ 4. The fee payable for any licence issued under sub-section (1) of section *three* shall be the sum of fifteen pounds (£15).”

3. (1) No person shall use a totalizator in connection with any whippet or dog race unless he is the holder of a licence issued under sub-section (4) of section *three* of the principal law as amended by section *one* of this Ordinance.

Use of totalizator prohibited unless licensed.

(2) Any person who shall contravene the provisions of this section shall be guilty of an offence against this Ordinance and shall be liable on conviction to pay a fine not exceeding one hundred pounds (£100) or in default of payment to undergo imprisonment with or without hard labour for a period not exceeding twelve months.

Ord. No. 15 of 1933. Repeal of section 6 of principal law. 4. Section *six* of the principal law is hereby repealed.

Amendment of section 8 of principal law. 5. Section *eight* of the principal law is hereby amended by the insertion after the word "whippet" of the words "or dog."

Short title. 6. This Ordinance may be cited for all purposes as the Whippet Racing (Control) Amendment Ordinance, 1933, and shall be read as one with the principal law.

Ord. No. 16 of 1933.

## AN ORDINANCE

To amend the Horse Racing and Betting Ordinance, 1927.

(Assented to 6th November, 1933.)

(Date of operation, 15th November, 1933.)

(English copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of Transvaal as follows:—

Amendment of section 3 of principal law. 1. Paragraph (a) of section *three* of the Horse Racing and Betting Ordinance, 1927 (hereinafter referred to as the principal law) is hereby amended by the addition at the end thereof of the following proviso:—

“ provided that where a portion of any race course has been set apart in terms of any regulations for the exclusive use of natives or Asiatics or other coloured persons the said charge shall be reduced to two shillings and sixpence in respect of the admission to such race course of every person being a native or an Asiatic or other coloured person ”.

Amendment of section 23 of principal law. 2. Section *twenty-three* of the principal law as amended by section *four* of Ordinance No. 21 of 1930 is hereby amended by the addition thereto of the following new paragraph:—

“ (g) for requiring the setting apart for the exclusive use of natives or Asiatics or coloured persons or Europeans of any portion or portions of race courses ”.

Short title. 3. This Ordinance may be cited for all purposes as the Horse Racing and Betting Amendment Ordinance, 1933.

**AN ORDINANCE****Ord. No.  
17 of 1933.****To amend the Education Act, 1907.***(Assented to 10th November, 1933.)**(Date of operation, 6th December, 1933.)**(English copy signed by Governor-General.)***BE IT ENACTED** by the Provincial Council of Transvaal as follows:—

**1.** Section *eighty-eight* of the Education Act, 1907, is hereby amended by the addition thereto of the following new sub-section:—

Amend-  
ment of  
section 88  
of  
Education  
Act, 1907.

“(3) Where any land has been transferred to the Government for the purpose of giving effect to the provisions of sub-section (2) of this section and a period of ten years has elapsed since the date of registration of such transfer, the Administrator may, if satisfied after due inquiry and after reference to the townships board constituted under the Townships and Town-planning Ordinance, 1931, that such land is not likely to be required for the purposes specified in the said sub-section, recommend to the Minister of Lands that the land be—

- (a) sold or leased; or
- (b) granted to the local authority of the municipality in which the land is situate; or
- (c) granted to the present owner, if any, of the township in which the land is situate

and thereupon the Minister of Lands may forthwith grant or sell or lease such land and cause the necessary Crown grant to be issued, free from any conditions contained in the deed of transfer in favour of the Government restricting the use of the land, but subject to such other conditions as the Minister may impose upon the recommendation of the Administrator

Ord. No.  
17 of 1933.

—  
Section 1.

provided that in the event of the sale or lease of the land, the net proceeds of the sale or the net rents (as the case may be) shall be paid to the Administrator and shall be used only for such services of a capital nature as may be approved by the Administrator for the benefit of the township in which such land is situate or any area in the vicinity of such township.

Any costs incurred by the Minister in connection with or incidental to the issue of a Crown grant to a local authority or a township owner shall be reimbursed or paid to the Minister by the grantee.

For the purposes of this section—

‘ Administrator ’ means the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909, and any amendment thereof acting on the authority of the Executive Committee of the Province;

‘ local authority ’ means a city council, town council, village council or health committee constituted as a corporate body under the Local Government Ordinance, 1926, or any amendment thereof;

‘ municipality ’ means the area placed under the control and jurisdiction of a local authority.”

Short title. **2.** This Ordinance may be cited for all purposes as the Education Act Amendment Ordinance, 1933.

# AN ORDINANCE

Ord. No.  
18 of 1933.

To consolidate and amend the Law Relating to the  
Registration and Control of Dogs outside Municipalities.

(Assented to 15th November, 1933.)

(Date of operation, 1st January, 1934.)\*

(Afrikaans copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of  
Transvaal as follows:—

1. The laws mentioned in the Schedule hereto shall be and are hereby repealed to the extent set forth in the third column of that Schedule together with the provisions of any other law repugnant to or inconsistent with the provisions of this Ordinance. Repeal of laws.

2. In this Ordinance unless some other meaning is clearly intended— Definitions.

- “ Administrator ” means the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909, and any amendment thereof acting on the authority of the Executive Committee of the Province;
- “ agricultural ” includes pastoral, viticultural and horticultural;
- “ authorized officer ” means a justice of the peace, police officer or constable, any person appointed to issue a licence under this Ordinance or an official of the Transvaal Provincial Administration specially appointed by the Administrator with jurisdiction for the purposes of this Ordinance;
- “ Gazette ” means the *Official Gazette of the Province of Transvaal*;
- “ health committee ” means a health committee constituted under the Local Government Ordinance, 1926, or any amendment thereof;
- “ municipality ” means the area or district placed under a City Council, a Town Council or a Village Council constituted under the Local Government Ordinance 1926 or any amendment thereof;
- “ prescribed ” means prescribed by this Ordinance or any regulation thereunder.

\* See section *thirteen*.

**Ord. No. 18 of 1933.** Licensing of dogs and issue of badges for same.

3. (1) Every owner or other person having the custody or control of a dog shall as soon as the same is of the age of six months license such dog and take out in respect thereof a licence and badge as hereinafter provided.

(2) Such licence shall be issued in the form and manner prescribed by regulation under this Ordinance and shall be renewed annually and with such licence there shall be issued to the holder thereof a metal badge stamped with the number of such licence and of the year for which it was issued; and if such metal badge be lost or destroyed the licence holder may obtain from the person appointed to issue the same a duplicate of such badge on payment of a fee of two shillings and sixpence.

(3) In respect of any dog which on the first day of January in any year is of the age of six months and over application for such licence or a renewal thereof shall be made within one month after such date and in respect of any dog reaching such age between such date and the thirty-first day of December next ensuing application for a licence shall be made within one month after it reaches such age.

**Fees.**

4. For every such licence or renewal thereof shall be paid—

- (a) a sum of five pounds in respect of every dog which in the judgment of the person appointed to issue licences is of the kind known as a kaffir hunting dog or a dog of the greyhound strain or a dog of a similar kind;
- (b) a sum of ten shillings in respect of any other kind of dog;

provided always that—

- (1) every white person who is the resident owner or lessee of a farm or other piece of agricultural land or who, being in actual occupation of any dwelling on a farm or portion of a farm, *bona fide* devotes his time to agricultural operations shall be exempt from the payment of licence duty in respect of one dog of the kind mentioned in paragraph (b) of this section which is used as a watch-dog;



(2) in districts where it can be shown to the satisfaction of the magistrate that owing to the presence of lions and/or leopards losses in live stock are liable to and do occur the Administrator may in writing authorize the exemption from the payment of any licence duty hereunder for any number of dogs not exceeding four the property of the said owner or lessee;

Ord. No.  
18 of 1933.

—  
Section 4.

(3) any person may likewise obtain upon payment of the sum mentioned in paragraph (b) of this section a licence or renewal thereof in respect of any dog of the greyhound strain or of a dog of a similar kind which in the judgment of the officer authorized to issue such licence is kept solely for racing purposes.

(4) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a breeder of dogs which are registered with the South African Kennel Union shall pay annually only the following fee:—

More than ten dogs ... .. £5

5. The owner or other person having the custody or control of any such dog as is referred to in proviso (1) to section *four* shall each year within the period prescribed by sub-section (3) of section *three* make application on the prescribed form for the metal badge required to be issued in terms of this Ordinance and shall cause the badge issued in respect of any such year to be worn at all times by the dog in respect of which it was issued.

Issue of licence not necessary in case of a watch dog but application must be made for metal badge.

6. Every person who has in his possession or custody or under his control a dog in respect of which a licence is under this Ordinance necessary shall if requested by any authorized officer and within fourteen days after such request produce or cause to be produced for inspection any such licence and the dog in respect of which it was issued.

Production of licence on demand.

7. Every holder of such licence shall cause the metal badge issued to him as aforesaid to be worn at all times by the dog in respect of which such licence was issued.

Licence holder to cause metal badge to be worn by dog.

**Ord. No.** Destruction  
**18 of 1933.** of dogs  
trespassing  
or without  
badges.

- 8.** Any dog may forthwith be destroyed—
- (a) by or on the order of the owner, lessee or occupier of a farm or portion of a farm if found trespassing thereon and not being under the control and custody of any person;
  - (b) by or on the order of the owner, lessee or occupier of a farm or portion of a farm if found causing damage thereon;
  - (c) by any authorized officer if found in any place without a badge issued in respect of it under this Ordinance or under any municipal by-law or under any regulations made by the Administrator for any health committee.

**Power to**  
**make**  
**regulations.**

**9.** The Administrator may from time to time make, alter and repeal regulations—

- (a) prescribing the forms to be used for the purposes of this Ordinance, forms of licences and metal badges to be issued under this Ordinance;
- (b) prescribing the persons by whom such licences and badges shall be issued, the form of application for any particular class of licence and the maximum number of licences and badges which may be issued to persons residing in any particular area defined by Proclamation of the Administrator in the *Gazette*;
- (c) generally making provision for all matters deemed necessary for the due administration of and for giving full effect to the provisions of this Ordinance,

and he may by such regulations impose penalties for any contravention thereof not exceeding a fine of five pounds or in default of payment imprisonment with or without hard labour for a period of one month.

**Penalties.**

**10.** (1) Any person required by this Ordinance to have a dog licensed who does not obtain the proper licence in respect thereof within the period prescribed by section *three* or who fails to produce the same or the dog in respect of which it was issued when required in accordance with section *six* shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

(2) Any person found in possession or being the owner or having the custody or control of a dog in respect of which a licence under this Ordinance is necessary which is not wearing a metal badge issued in respect of it shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one pound or in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days.

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(3) Any person who shall—

- (a) fabricate any document or piece of metal with intent that such document shall be used as a licence or such piece of metal shall be used as a badge issued under this Ordinance;
- (b) use or utter any fabricated document or piece of metal well knowing the same to have been fabricated with the intent aforesaid;
- (c) steal or be found in possession (without being able to account satisfactorily for such possession) of a licence or badge issued under this Ordinance to another person;

shall be guilty of an offence and shall be liable on conviction to imprisonment with hard labour for a period not exceeding two years or a fine not exceeding £50.

11. Nothing in this Ordinance contained relative to licences or to the issue or wearing of badges shall apply to dogs kept within a municipality or an area under the jurisdiction of a health committee in which by-laws or regulations as the case may be are in force as to the licensing of dogs.

Certain provisions of this Ordinance not to apply to local authority areas where by-laws or regulations exist for licensing of dogs.

12. All proclamations, notices and regulations issued and framed under the provisions of any law repealed by this Ordinance shall if not inconsistent with the provisions thereof remain in force until revoked or altered under the provisions of this Ordinance.

Savings.

13. This Ordinance may be cited for all purposes as the Licensing and Control of Dogs Ordinance, 1933, and shall take effect from and after the first day of January, 1934.

Short title and date of taking effect.

Ord. No.  
18 of 1933.

**Schedule.**

**LAWS REPEALED.**

Number and Year of Law.	Title or Subject of Law.	Extent of Repeal.
Act No. 23 of 1907 (Transvaal)	The Registration and Control of Dogs Act, 1907	The whole.
Ordinance No. 7 of 1922	The Registration and Control of Dogs Amendment Ordinance, 1922	The whole.
Ordinance No. 20 of 1925	The Registration and Control of Dogs Act Amendment Ordinance, 1925	The whole.

Ord. No.  
19 of 1933.

## AN ORDINANCE

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

*(Assented to 21st November, 1933.)*

*(Date of operation, 6th December, 1933.)*

*(English copy signed by Governor-General.)*

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

Amendment of section 1 of Ordinance No. 17 of 1931.

**1.** Section *one* of the Motor Vehicle Ordinance, 1931 (hereinafter referred to as the principal law), is hereby amended as follows:—

(1) By the deletion from the definition of "motor vehicle"—

(a) of the words "propelled by mechanical or electrical power and used" and by the substitution therefor of the words "self-propelled by mechanical or electrical power and adapted or intended to be employed";

(b) of the item "(e) an ambulance".

(2) By the addition of the following new definition:—

" 'to operate' means to use or drive, or cause or permit to be used or driven, or permit to be, on any public road whether the person operating is present in person or not".

**2.** Section *two* of the principal law is hereby amended as follows:—

Amend-  
ment of  
section 2  
of the  
principal  
law.

Ord. No.  
19 of 1933.

- (1) Add to paragraph (c) of sub-section (4) the words " provided that as from the commencement of this Ordinance the amount of any increased fee thus imposed shall not exceed the amount of the fee payable for registration "
- (2) Insert after the word " time " in sub-section (5) the words " and to pay the prescribed fee therefor ".

**3.** Section *four* of the principal law is hereby amended as follows:—

Amend-  
ment of  
section 4  
of principal  
law.

- (1) Delete the word " purchase " in sub-section (1) where it occurs for the first time and substitute therefor the word " acquisition ".
- (2) Delete the second paragraph of sub-section (2).
- (3) (i) In sub-section (3) after the words " within the prescribed time " insert the words " in the case of a first acquisition or on or before the third day of March of the year in which such fee is due in the case of a renewal " ;
- (ii) add to sub-section (3) the following proviso:—
 

" provided that as from the commencement of this Ordinance the amount of any increased fee thus imposed shall not exceed the amount of the licence fee ".

(4) Add the following new sub-section:—

" (4) (a) If, at the time when the owner of a motor vehicle would ordinarily become liable to take out a licence in respect of the ownership thereof in terms of this section, his motor vehicle is in such a damaged or worn-out condition as to be incapable of being put to use, or if it has been dismantled so as to be unfit for use, the owner may obtain from the registering authority upon payment of a fee of two shillings and sixpence in the case of a motor cycle or five shillings in the case of any other motor vehicle a certificate, in the prescribed form, exempting him

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—  
Section 3.

from taking out the licence for a stated period with a view to its being repaired or restored or being destroyed (hereinafter in this sub-section referred to as the certificate). The certificate shall not be granted unless the owner satisfies the registering authority that the motor vehicle was so injured, worn-out or dismantled before the date when liability for taking out a licence arose.

(b) The registration of every motor vehicle in respect of which an exemption has been granted under this sub-section shall be cancelled in terms of sub-section (2) of section *seven* if the said vehicle be destroyed.

(c) During the consideration of a *bona-fide* application under this sub-section the owner shall be protected from proceedings for default provided that the decision of the registering authority be not delayed through his fault, but the obligation shall revive as from the original date if the certificate be not granted.

(d) The exemption shall cease at the expiry of the term of the certificate unless it has been renewed, or upon the motor vehicle being repaired or restored sufficiently for use, and the licence fee prescribed by this Ordinance shall be reduced by one-twelfth part thereof for every complete month of the period of such exemption. The provisions of sub-section (3) of this section shall not apply to any period of exemption. No fee shall be charged for any renewal of the certificate.

(e) It shall be the duty of the owner or person in charge to report to the registering authority immediately upon the motor vehicle being fit for use under penalty of a contravention of this sub-section.

(f) The benefits of this sub-section may be extended *mutatis mutandis* to the owner of a motor vehicle which is left with a dealer for sale and is not operated otherwise than by the dealer in the authorized manner.”

4. Section *five* of the principal law is hereby amended:—

Amend-  
ment of  
section 5  
of principal  
law.

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19 of 1933.

- (1) By the deletion from sub-section (1) of the words " subject to the provisions of section *sixteen* (1) of the Motor Carrier Transportation Act 1930 " and by the substitution therefor of the words " subject to the provisions of sub-section (4) of this section ".
- (2) By the addition of the following new sub-section:—

" (4) (a) From and after a date to be fixed by the Administrator by Proclamation in the *Provincial Gazette* no such licence shall be issued in respect of the ownership of a public service motor omnibus and no licence for such a vehicle being a public vehicle (as defined in section *two* of the Local Government Ordinance, 1926, or any amendment thereof) shall be issued by a local authority under any by-laws in force within its own area of jurisdiction unless the applicant therefor submits a statement in the prescribed form and issued by the registering authority showing that the applicant has in accordance with the regulations (which the Administrator is hereby authorized to make), given security or a guarantee furnished in a manner and by a person or institution of a class likewise prescribed by regulation to make good any loss or damage which any person may sustain in connection with such public service motor omnibus from any cause defined by regulation, during the period commencing on the date of issue of such licence and ending on the next succeeding thirty-first day of December; provided that any such or similar security or guarantee prescribed by any other law, by virtue whereof any person may recover compensation for any loss or damage sustained by him in connection with any such vehicle, shall, for the purposes of this section, be regarded as a security or guarantee complying with the requirements of the preceding provisions of this sub-section.

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(b) Any such licence issued in contravention of paragraph (a) of this sub-section shall be void and any person operating any public service motor omnibus in respect whereof no security or guarantee provided for in paragraph (a) of this sub-section is in force shall be guilty of an offence against this Ordinance.

(c) Whenever any person operating any public service motor omnibus is charged under sub-section (b) hereof the security or guarantee provided for in paragraph (a) of this sub-section shall be presumed not to have been given in respect of such vehicle unless the contrary is proved.

(d) Notwithstanding anything in any law contained a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(e) For the purposes of this sub-section the expression "public service motor omnibus" means a motor vehicle constructed and used for the conveyance of any persons on public roads for reward but does not include any motor vehicle belonging to the Government of the Union of South Africa or to the Provincial Administration or any motor vehicle used exclusively for the conveyance of children to and from any public school".

Amend-  
ment of  
section 7  
of principal  
law.

5. Section *seven* of the principal law is hereby amended as follows:—

- (a) (i) Insert the word "shall" where it occurs for the second time in sub-section (1) the following words in brackets " (except in the case of a permanent removal from this Province) ";
- (ii) Add the following words at the end of sub-section (1):—

" This sub-section shall not apply to any dismantling or temporary destruction of motor vehicles in respect of which certificates of exemption are granted under sub-section (4) of section *four* ".



- (b) Add the following provisos to sub-section (2):—

“ provided that where an owner of a motor vehicle changes his place of residence permanently from this Province to any outside territory the said documents shall not be cancelled but the registering authority shall note the fact of such change of residence in its register of motor vehicles and shall cancel the registration in the said register only at the expiry of the licence issued to such owner and provided further that the licence and clearance certificate shall not be cancelled where these documents are to be transferred in terms of sub-section (1) of section *twelve* ”.

- (c) Add the following new sub-section, sub-sections (4) and (5) to become respectively sub-sections (5) and (6):—

“(4) (a) The registering authority may, after due inquiry, cancel the registration of any motor vehicle—

(i) which the registering authority shall determine is unsafe or unfit to be operated or is not properly equipped as required by this Ordinance or the regulations made thereunder; or

(ii) whenever the person in whose name the said vehicle is registered shall make or permit to be made any unlawful use of any certificate or licence issued to such person in respect of that vehicle or permit the use of any such document by any person not entitled thereto.

Any person who, being the holder of a certificate of registration, is aggrieved at the cancellation thereof under this paragraph may, within a period of twenty-one days of such cancellation, appeal against the decision of the registering authority to the Administrator, whose decision in the matter shall be final. If such decision is in favour of the appellant the registering authority shall forthwith, without any charge, register the said vehicle afresh and issue to the appellant a new certificate of registration.

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Section 5.

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19 of 1933.

Section 5.

Amend-  
ment of  
section 12  
of principal  
law.

(b) The registration of a motor vehicle may be cancelled in such other circumstances as may be prescribed".

6. Section *twelve* of the principal law is hereby amended:—

(1) By the addition to sub-section (2) at the end thereof of the following words:—

“ provided that no such refund shall be made in the case of a motor vehicle unless the applicant has first complied with the provisions of sub-section (1) of section *seven* and has submitted his application for a refund within a period of three months from the date on which the said vehicle or trailer was destroyed or became permanently unfit.

The expression “ the licence fee ” as used in this sub-section means the fee paid under sub-section (2) of section *four* but does not include the increased licence fee referred to in sub-section (3) of the said section.”

(2) By the deletion of sub-section (3) with effect from 1st April, 1934.

Amend-  
ment of  
section 13  
of principal  
law.

7. Section *thirteen* of the principal law is hereby amended by the insertion after the word “ registered ” in sub-section (1) of the words “ or when a licence is being taken out in respect of the ownership thereof ”.

Amend-  
ment of  
section 15  
of principal  
law.

8. Section *fifteen* of the principal law is hereby amended as follows:—

(a) Add to paragraph (a) of sub-section (2) the words:—

“ In the case of manufacturers, dealers or repairers of motor cycles only the annual fee for such a licence shall be one pound ten shillings (£1. 10s.) ”.

(b) Add to paragraph (b) of sub-section (2) the words:—

“ In the case of manufacturers, dealers or repairers of motor cycles only the annual fee for such a licence shall be ten shillings (10s.) ”.

(c) Add the following further proviso at the end of the first paragraph of sub-section (2):—

“ provided that no licence to which the other set of regulations applies at an annual fee of two pounds (£2) or

ten shilling (10s.) as the case may be shall be issued to any manufacturer, or repairer or dealer before he has taken out at least one licence referred to in paragraph (a) of this sub-section at ten pounds (£10) or one pound ten shillings (£1. 10s.) as the case may be."

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(d) Add the following new sub-section:—

"(8) Every manufacturer or repairer of or dealer in motor vehicles upon transferring a motor vehicle or trailer whether by sale, lease or otherwise to any person other than a manufacturer or repairer of or dealer in motor vehicles, shall immediately give written notice of such transfer to the registering authority upon the prescribed form. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee and such description of the vehicle as may be prescribed in such form. Any person who refuses or fails to comply with the requirements of this sub-section shall be guilty of an offence against this Ordinance and upon conviction shall be liable to the penalties prescribed in sub-section (7) of this section."

9. Section *sixteen* of the principal law is hereby amended by the insertion in paragraph (a) after the word "licence" of the words "and to pay the fee or fees therefor".

Amend-  
ment of  
section 16  
of principal  
law.

10. The following new section is hereby inserted in the principal law immediately after section *sixteen* thereof:—

"16A. Save as is excepted in this Ordinance or any regulations made thereunder any person whatsoever (whether he is the owner of the motor vehicle or not) who operates or causes or allows to be operated a motor vehicle or trailer in respect of the ownership of which a licence under this Ordinance has not been obtained shall be guilty of an offence against this Ordinance and liable on conviction to the penalties prescribed therefor provided that a person charged under this section shall be discharged if he proves to the satisfaction of the court

New  
section to  
follow  
section 16  
of principal  
law

Oper-  
ation of  
motor  
vehicle  
which is  
not  
licensed.

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that he has had no reasonable opportunity of registering the motor vehicle or taking out a licence in respect of the ownership of the motor vehicle or trailer in accordance with this Ordinance and that the vehicle was being driven or drawn as the case may be for the purpose of being registered or of taking out a licence."

Licence fees payable in respect of motor omnibuses owned by local authorities and used outside its area of jurisdiction.

**11.** Notwithstanding anything to the contrary in the principal law contained—

- (1) a local authority empowered by any law to establish and carry on a service of motor omnibuses shall not be exempt from the payment of licence fees in respect of the ownership of motor omnibuses used or intended to be used mainly for the carriage of passengers and operated on public roads situate outside any municipality;
- (2) all licence fees received in respect of the ownership of such motor omnibuses shall be paid to the Administrator for the benefit of the Provincial Revenue Fund.

Amendment of section 18 of principal law.

**12.** Section *eighteen* of the principal law is hereby amended by the deletion of the words "official language" [paragraph (a) of sub-section (1)] and the substitution therefor of the words "one or other of the official languages".

Amendment of section 22 of principal law.

**13.** Section *twenty-two* of the principal law is hereby amended by the deletion of the words "in possession" in sub-section (2) and the substitution therefor of the words "who is the holder".

Amendment of section 25 of principal law.

**14.** Section *twenty-five* of the principal law is hereby amended in the following respects:—

- (a) Delete the word "seven" and substitute therefor the word "fourteen";
- (b) add the following new paragraphs, the said sub-section as originally enacted to become paragraph (a) thereof:—

"(b) If, during the currency of such a certificate and licence, the said motor vehicle is transferred by way of sale or otherwise to any person, other than to a manufacturer or repairer of or dealer

in motor vehicles (hereinafter in this sub-section referred to as a dealer), the said documents shall continue to be valid as aforesaid provided however that notice of such transfer has been given to the registering authority in the prescribed manner and the person to whom the vehicle was so transferred has paid to the registering authority the fees prescribed by section *nine* in respect of a certificate of change of ownership and such a certificate containing the prescribed particulars shall be issued by the registering authority to the transferee the said section applying in the matter *mutatis mutandis*.

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(c) If, however, during such currency the said motor vehicle is transferred to a dealer such transfer shall be notified by the transferee to the registering authority in the prescribed manner when the said documents shall be forwarded by him and shall be cancelled by the registering authority anything to the contrary in paragraph (a) of this sub-section notwithstanding.

(d) Any person who fails to comply with the provisions of this sub-section shall be guilty of an offence against this Ordinance."

15. The Afrikaans version of sub-section (1) of section *thirty-one* of the principal law is hereby amended by the insertion after the words "is iemand wat" of the words "op 'n publieke pad".

Amend-  
ment of  
Afrikaans  
version of  
section 31  
of principal  
law.

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

Amend-  
ment of  
section 33  
of principal  
law.

"(3) Any person who shall individually, or in association with one or more others, wilfully break, injure, cut, tamper with or remove any part or parts of any motor vehicle upon a public road for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of

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—  
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such vehicle or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle or who shall wilfully or maliciously throw any article at any such vehicle or at any person in such vehicle and thereby shall injure or damage the vehicle or the driver or passengers or any property therein shall be guilty of an offence against this Ordinance."

Amend-  
ment of  
section 37  
of principal  
law.

17. Sub-section (1) of section *thirty-seven* of the principal law is hereby amended by the addition at the end thereof of the words "or plying for hire in any public road."

Amend-  
ment of  
section 39  
of principal  
law.

18. Sub-section (2) of section *thirty-nine* of the principal law is hereby amended (a) by the deletion therefrom of the words "a licence fee of one pound" and by the substitution therefor of the words "the licence fee in this sub-section prescribed" and (b) by the addition at the end thereof of the following new paragraphs:—

"(a) A quarterly licence shall be granted—

- (i) from 1st January to 31st March;
- (ii) from 1st April to 30th June;
- (iii) from 1st July to 30th September;
- (iv) from 1st October to 31st December;

and the fee for such a licence shall be six shillings and sixpence a quarter and shall be payable on or before the seventh day of each quarter.

(b) A half-yearly licence shall be granted—

- (i) from 1st January to 30th June;
- (ii) from 1st July to 31st December;

and the fee for such a licence shall be eleven shillings a half-year and shall be payable on or before the fifteenth day of January and the fifteenth day of July in each year.

(c) A yearly licence shall be granted from the 1st January to the 31st December and the fee therefor shall be twenty shillings and shall be payable on or before the fifteenth day of January in each year."

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19. Sub-section (1) of section *fifty* of the principal law is hereby repealed and there shall be substituted therefor the following new sub-section:—

Amendment of section 50 of principal law.

"(1) The driver of a public service motor vehicle whilst carrying passengers shall upon approaching any railway crossing, other than one protected by a barrier controlled from a signal cabin, bring such vehicle to a dead stop and shall not drive the vehicle across such crossing until he has ascertained that it is safe to do so."

20. Section *fifty-two* of the principal law is hereby amended as follows:—

Amendment of section 52 of principal law.

- (1) By the deletion in paragraph (*d*) of sub-section (1) of the words "licence fees collected" and by the substitution therefor of the words "all fees collected under this Ordinance";
- (2) by the addition to sub-section (3) after paragraph (*h*) of the following new paragraph:—

"(*i*) other prescribed matters."

21. Section *fifty-three* of the principal law is hereby amended as follows:—

Amendment of section 53 of principal law.

- (1) Insert in sub-section (2) after the words "those particulars" the following words:—
 

"and for preventing the acquisition, sale or other disposal of second-hand motor vehicles and trailers unless licences are current in respect of the ownership thereof and prescribing the circumstances under which the registration of motor vehicles shall be cancelled."
- (2) Insert before the words "the towing" in paragraph (*d*) of sub-section (13) the word "regulating".

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Amend-  
ment of  
section 55  
of principal  
law.

**22.** Section *fifty-five* of the principal law is hereby amended by the addition of the following words at the end of sub-section (2):—

“ 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.”

Amend-  
ment of  
section 61  
of principal  
law.

**23.** Sub-section (2) of section *sixty-one* of the principal law is hereby amended by the deletion of the following:—

“ Sub-sections (77), (78) and (80) of section *eighty* ”

and by the substitution therefor of:—

“ Sub-sections (75), (77), (78) and (80) of section *eighty* and sections *ninety-two* and *ninety-four*.”

Amend-  
ment of  
First  
Schedule to  
principal  
law.

**24.** Item (1) Part III of the First Schedule to the principal law is hereby amended by the addition thereto of the following new paragraph the said item as originally enacted to become paragraph (a) hereof:—

“ (b) Ambulances owned as aforesaid and also by any person or body controlling and managing a hospital or public hospital as defined in section *two* of the Public Hospitals Ordinance, 1928, or any amendment thereof.”

Amend-  
ment of the  
Second  
Schedule to  
principal  
law.

**25.** The Second Schedule to the principal law is hereby amended by the deletion of the figures “29” in the warning sign for speed limit and by the substitution therefor of the figures “24.”

Short title.

**26.** This Ordinance may be cited for all purposes as the Motor Vehicle Amendment Ordinance, 1933, and shall be read as one with the principal law and any amendment thereof.



# AN ORDINANCE

Ord. No.  
20 of 1933.

To consolidate and amend the law relating to the Levying  
of Rates by Local Authorities.

(Assented to 24th November, 1933.)

(Date of operation, 1st January, 1934.)\*

(English copy signed by Governor-General.)

**B**E IT ENACTED by the Provincial Council of  
Transvaal as follows:—

1. From and after the commencement of this Ordinance the Local Authorities Rating Ordinance No. 13 of 1928 shall be and is hereby repealed provided that all acts done, proclamations issued or proceedings taken respectively under that Ordinance before the commencement of this Ordinance shall be deemed to have been done, issued or taken under the provisions of this Ordinance.

Repeal of  
Ordinance  
No. 13 of  
1928 and  
validation  
of pro-  
ceedings  
taken, etc.,  
under that  
Ordinance.

2. (1) The provisions of this Ordinance shall apply to every municipality already established or hereafter to be established under the Local Government Ordinance provided that when the Administrator has under the provisions of the next succeeding section declared by Proclamation in the *Provincial Gazette* that the erf tax leviable under article *five* of Law No. 4 of 1899 or any amendment thereof shall be collected in any municipality the provisions of this Ordinance shall except as hereinafter provided not apply to such municipality for the period prescribed in such proclamation provided further that any valuation roll already made under any law repealed by this Ordinance and in use in any municipality shall subject to the provisions of this Ordinance remain of full force and effect for the period for which it was originally framed.

Application  
of  
Ordinance.

(2) Save as is provided in the next succeeding section article *five* of Law No. 4 of 1899 shall not apply to any municipality established as aforesaid.

3. (1) The Administrator may from time to time by proclamation in the *Provincial Gazette* declare that, for any period of not less than one calendar year, the provisions of

Erf tax  
may be  
substituted  
for assess-  
ment rates.

\* Proclamation No. 72, *Provincial Gazette* dated 6th December, 1933, page 312.

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this Ordinance or any amendment thereof shall not apply to a municipality for which a village council or a health committee is constituted under the Local Government Ordinance and that for such period the erf tax leviable under the provisions of article *five* of Law No. 4 of 1899 or any amendment thereof shall be collected in the said municipality.

(2) Whenever under the last preceding sub-section the erf tax is leviable in a municipality such tax shall be paid to the local authority, shall form part of the revenue of the local authority and shall be recoverable as if the same were rates imposed under this Ordinance and the provisions of this Ordinance or any amendment thereof shall apply for the purposes of such recovery.

(3) The Administrator may from time to time remit any erf tax in cases where the land is set apart or used solely for educational, religious, charitable or public purposes.

Definition  
of terms.

4. In this Ordinance the following expressions shall have the meanings placed opposite to them unless the context clearly requires a different meaning:—

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

“ Agricultural land ” shall mean arable, meadow, or pasture land, market gardens, poultry farms, nursery gardens, plantations and orchards but shall not include—

(a) land occupied as a park together with a house thereon; or

(b) land used as a garden other than as aforesaid; or

(c) land kept or reserved for the purposes of sport, athletics, or recreation or used as a racecourse.

“ Commencement of this Ordinance ” shall mean the date which the Administrator by proclamation shall declare to be the date of commencement.

“ Educational institution ” shall mean and include—

- (a) any university by law established or any constituent college thereof;
- (b) any institution or service duly declared under any law to be included in higher education;
- (c) any school, class or institution established, maintained or aided under the Education Act, 1907, or any amendment thereof or registered at the office of the Department of Education in terms of such Act;
- (d) any other school or institution which the Administrator may from time to time declare by notice in the *Provincial Gazette* to be an educational institution for the purposes of this Ordinance;
- (e) boarding-houses or hostels maintained in connection with any of the institutions mentioned in paragraphs (a), (b), (c) and (d) of this definition.

“ Financial year ” shall mean the financial year prescribed by section *fifty-six* of the Local Government Ordinance.

“ Freeholders’ licence interest ” shall mean and include any right in respect of land held under mining title or proclaimed land not held under mining title to receive a portion of—

- (i) the claim licence moneys payable in respect of such land;
- (ii) the licence moneys payable in respect of residential, trading, and industrial stands granted on such land under the Gold Law or any prior law;
- (iii) the rents payable under section *three* of the Bewaarplaats Moneys Application Act, 1917;
- (iv) the rents payable under sub-section (3) of section *four* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918;
- (v) the rents as and when payable in respect of any surface rights granted under Chapter IX of the Gold Law.

“ Gold Law ” shall mean the Precious and Base Metals Act, 1908, and any amendment thereof.

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“Improvements” shall include all buildings, movable or immovable and shall further include all work actually done or material used upon any land by the expenditure of capital or labour by any owner or occupier of any interest in such land but in so far only as the effect of such work or material used is to increase the value of the interest in land and the benefit thereof is unexhausted at the time of valuation, but shall not include work done or material used on or for the benefit of any interest in land by the Crown or by any local authority unless such work or material has been paid for by the contribution of the owner or occupier for that purpose and such work or material has not become the property of the Crown or such local authority; provided that the payment of rates or taxes shall not be deemed to be a contribution within the meaning of this definition and provided further that “improvements” shall not include any overhead lattice power poles or pole lines or any tubular poles or pole lines or underground air pipes or lines or underground water pipes or underground cables in, on or under any land or interest in land held by any power undertaking.

“Industrial stand licence” shall mean an industrial stand licence granted under the Gold Law.

“Interest in land” shall mean and include—

- (1) the dominium in land or the usufruct thereof;
- (2) the right in and over land under a stand licence including an industrial stand licence;
- (3) any lease of or right or concession over land for a period of not less than ten years or for the natural life of any person mentioned therein, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period thereof amount in all to not less than ten years;
- (4) any servitude over land;

- (5) (i) any user of land held under mining title or of proclaimed land not held under mining title for residential purposes or for purposes not incidental to mining operations whether by persons engaged in mining operations or otherwise;
- (ii) any occupation, by reason of the existence thereon of buildings and improvements, of land held under mining title or of proclaimed land not held under mining title (not being land in a lawfully established township), where no lawful authority for such occupation under any law relating to the exploitation of precious and base metals exists, and where such buildings and improvements are used for residential purposes or for purposes not incidental to mining operations;
- (6) Any lease of land from the Crown or any lease of a trading stand which has been granted by the board constituted in accordance with section *eighty-three* of the Gold Law;
- (7) any lease of a trading stand or any right acquired under the Trading on Mining Ground Regulation Act, 1910, or any amendment thereof to carry on business upon a trading site;
- (8) any freeholders licence interest;
- (9) any occupation of buildings and improvements (not being on land in a lawfully established township) whether movable or immovable used for residential purposes or for purposes not incidental to mining operations, situate on land held under mining title or on proclaimed land not held under mining title, in respect of the erection, maintenance or occupation of which buildings and improvements no lawful authority under the provisions of any law relating to the exploitation of precious and base metals exists. "Occupation" for the purposes of

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this definition shall mean the actual occupation of or the exercise of ownership in respect of such buildings and improvements.

- “ Local authority ” shall mean a city council, or a town council, or a village council, or a health committee duly constituted under any law relating to municipal government in the Province of Transvaal.
- “ Local Government Ordinance ” shall mean the Local Government Ordinance, 1926, and any amendment thereof.
- “ Mayor ” shall mean the mayor or deputy-mayor of any city council or town council or the chairman or deputy-chairman of any village council or the chairman of a health committee.
- “ Mining title ” shall mean mining title as defined in the Gold Law.
- “ Municipality ” shall mean the area or district under the control and jurisdiction of a local authority.
- “ Occupier ” shall mean and include any person in actual occupation of rateable property without regard to the title under which he occupies.
- “ Open proclaimed land ” shall mean and include all proclaimed land (that is to say, land proclaimed a public digging under the Gold Law or Law No. 15 of 1898 or any prior law provided such land has not been lawfully deproclaimed) which is not held under mining title or surface right and which has not been reserved or granted for any purpose under the Gold Law.
- “ Owner ” shall mean and include—
- (1) the person or persons in whose name shall be registered the legal title to any rateable property as herein defined;
  - (2) in the case of any land held under a stand or claim licence or any other mining title issued under any law relating to mining for precious stones or for metals the registered holder of such licence or title;
  - (3) in any case where property is held under lease from the Crown, or in the case of a trading stand held

under a lease which has been lawfully granted by the board constituted in accordance with section *eighty-three* of the Gold Law, the lessee thereof;

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- (4) the holder of any lease of a trading stand or any right acquired under the Trading on Mining Ground Regulation Act, 1910, to carry on business upon a trading site;
- (5) any person to whom has been assigned the whole or any portion of the right hereinbefore defined as "freeholders' licence interest";
- (6) (a) any person in occupation of buildings and improvements (not being in a lawfully established township) whether movable or immovable used for residential purposes or for purposes not incidental to mining operations, situate on land held under mining title or on proclaimed land not held under mining title, and in respect of the erection, maintenance or occupation of which buildings and improvements no lawful authority under the provisions of any law relating to the exploitation of precious and base metals exists. "Occupation" for the purposes of this definition shall mean the actual occupation of or the exercise of ownership in respect of such buildings and improvements.
- (b) Any person, who, by reason of his exercising ownership in buildings and improvements situate thereon, occupies land held under mining title or proclaimed land not held under mining title, not being land in a lawfully established township, where no lawful authority for such occupation under any law relating to the exploitation of precious and base metals exists and where such buildings and improvements are used for residential

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purposes or for purposes not incidental to mining operations;

(7) in cases where the person in whom the legal estate is vested is insolvent or dead the person in whom the administration of such property is vested as trustee, executor, administrator, or otherwise.

“ Power undertaking ” shall mean and include the Victoria Falls and Transvaal Power Company, Limited, the Rand Mines Power Supply Company, Limited, and any other person or company whose business includes the sale or supply of light, heat or power whether in bulk or otherwise.

“ Rateable property ” shall mean and include—

I. land including open proclaimed land;

II. every interest in land as hereinbefore defined with the following exceptions:

(a) Any land or interest in land the property of the Crown; provided that all property vested in the Governor-General-in-Council for railway purposes shall be deemed to be rateable property

(i) if the same is used for residential purposes, or

(ii) if the same is let for residential, industrial or commercial purposes by the South African Railways and Harbours Administration;

(b) any interest in land used exclusively for public worship or for both public worship and education or for a charitable institution supported entirely by voluntary contributions or for a hospital in receipt of a subsidy or grant-in-aid from the Transvaal Provincial Administration, in so far as such interest is held for such purposes as aforesaid;



- (c) any interest in land used exclusively for an educational institution as herein before defined in so far as such interest is held for such a purpose;
- (d) any licence or right to dig for or prospect for precious stones or metals on any portion of land assigned for that purpose; and any portion of land held or occupied exclusively for the exercise of such rights; provided that no land or buildings used for residential purposes or for purposes not incidental to mining operations whether by persons engaged in mining operations or otherwise shall be deemed to come within the exception;
- (e) any interest in land laid out and used for the purpose of sport or recreation and controlled in accordance with rules approved by the local authority in so far as such interest is held for such purposes as aforesaid, provided however, that where the owner of such interest is a person, association or company other than the person, association or company which has the beneficial user thereof for the purposes aforesaid, the said interest shall not be deemed to be rateable property if it be proved to the satisfaction of the local authority concerned—
- (i) that the said interest is exclusively used for the purposes aforesaid in accordance with such rules; and
- (ii) that no financial gain or profit whatsoever accrues to the said owner therefrom, and provided further

that an interest in land used as a recreation ground conducted for profit or as a

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racecourse shall not be entitled to the benefit of this exemption;

(f) any interest in land situated within the area of jurisdiction of a health committee which—

(i) is held by the Governor-General or by the Government in trust for any future municipal council, or

(ii) is reserved under any law for the use and benefit of a health committee.

III. All improvements in, on or under land any interest in which is herein included.

IV. Any freeholders licence interest.

V. All improvements made on, in or under land held under mining title where such land is used for residential purposes or purposes not incidental to mining operations whether by persons engaged in mining operations or otherwise.

“ Reef Municipalities ” shall mean the municipalities of Springs, Brakpan, Benoni, Boksburg, Germiston, Johannesburg, Roodepoort-Maraisburg, Krugersdorp, Randfontein and any new municipality that may hereafter be constituted in accordance with law out of the foregoing.

“ Site value of land ” shall mean the capital sum which the land or interest in land might be expected to realize if offered for sale on such reasonable terms and conditions as a bona fide seller would require assuming that the improvements, if any, thereon or appertaining thereto had not been made. The site value of land shall include any value due to any licence privilege or concession attached to the site for the time being.

“ Surface right ” shall mean any right granted under Chapter IX of the Gold Law.

“ Town clerk ” shall mean the person for the time being lawfully acting in the capacity of town clerk or of secretary of the local authority.

“ Value of improvements ” in relation to any interest in land shall mean the added value which the improvements give to such interest in land at the date of valuation irrespective of the cost of the improvements; provided that the added value shall in no case exceed the amount that should reasonably be involved in bringing the site value of the land to its improved value as at the date of valuation, such improved value being the value of such interest in land together with any improvements therein, thereon or thereunder if valued together as a whole under the provisions of section *nine* of this Ordinance.

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5. (1) The local authority shall from time to time but not less than once in every three years cause a valuation of all rateable property within the municipality to be made, provided, however, that should such valuation not be completed until after the expiry of the three years aforesaid, the local authority shall not then impose any rate on any previous valuation but on such valuation when completed; provided further that such valuation shall not be invalidated by reason of not having been completed within such term of three years.

General  
Valuation.

(2) The Administrator may from time to time by proclamation in the *Provincial Gazette* and subject to the provisions of the next succeeding sub-section apply the following provisions to any local authority other than to any of the local authorities mentioned in the First Schedule to this Ordinance for any period not less than five years and for that period the provisions of sub-section (1) hereof shall not apply to such local authority:—

(a) The local authority shall from time to time but not less than once in every five years cause a valuation of all rateable property within the municipality to be made, provided, however, that should such valuation not be completed until after the expiry of the five years aforesaid the local authority shall not then impose any rates on any previous valuation but on such valuation when completed; provided further that such valuation shall not be invalidated by reason of not having been completed within such term of five years.

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(3) Before the Administrator shall exercise the power conferred upon him under the last preceding sub-section, the local authority desirous of having the provisions of paragraph (a) thereof applied to it shall furnish him with—

- (a) a certified copy of the resolution of the local authority to petition for the application of the said provisions;
- (b) a certificate under the hand of the town clerk that the said resolution was agreed to by not less than two-thirds of the members of the local authority and was published at least once a week during three successive weeks in the *Provincial Gazette* and in one or more newspapers circulating in the municipality;
- (c) copies of any objections against the local authority's proposal or, if none has been lodged, a statement to that effect.

Appoint-  
ment of  
valuer.

6. The local authority shall by resolution appoint one or more competent persons hereinafter called the valuer or valuers to compile any valuation.

The said valuer or valuers may by the said resolution be appointed—

- (a) to compile a general valuation such as is referred to in section *five*; or
- (b) to compile any interim valuation; or
- (c) to compile all general and interim valuations required during a triennial or quinquennial period such as are required by section *five*; or
- (d) for a term of years or for an indefinite period to compile all general and interim valuations during such period.

Declaration  
of valuer.

7. Every valuer shall, upon his appointment as aforesaid, before entering upon his duties, make before a Justice of the Peace a solemn declaration in the terms following:—

“ I.....do solemnly and sincerely declare that I will to the best of my skill and knowledge and without fear, favour or prejudice truly and impartially appraise and value all such rateable property as I shall be required to value for the purpose of assessment,

and that I will conscientiously value the same at and for the full and fair value thereof. And I make this solemn declaration conscientiously intending to fulfil the same.

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Declared at.....this.....  
day of.....  
Before me.....”

and every such declaration shall be lodged with and preserved by the local authority.

8. The valuer or valuers shall prepare the said valuation (herein referred to as the valuation roll) in writing in such manner as to show in each case to the best of his or their knowledge and opinion:—

I. *In every municipality—*

- (a) the name and address of the owner of the property valued;
- (b) the description and situation of the property valued and if the said property is agricultural land the area valued as provided in sub-section (3) of section *nine*;
- (c) the nature of the interest of the owner;
- (d) the site value of the land or interest in land not included in II and III;
- (e) the value of any improvements thereon;
- (f) in respect of every freeholders licence interest (instead of the site value of the interest)—
  - (i) the “ 1932 percentage ” of gross annual revenue paid by the owner in respect of the said interest ascertained as directed in sub-section (2) of section *twenty-two*;
  - (ii) the ascertained difference between the “ 1932 percentage ” and twenty per cent.

II. *In the Reef Municipalities and in the Municipality of Nigel—*

- (g) (i) the site value of land held under mining title (not being land in a lawfully established township) where such land is used for residential purposes or for purposes not incidental to mining operations by persons

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or companies engaged in mining operations (whether such persons or companies are the holders of the mining title or not);

- (ii) the value of any improvements thereon both (a) at the date of the valuation and (b) at the date of the commencement of this Ordinance as shown on the valuation roll in force at that date, if the said improvements were then in existence.

III. *In the Reef Municipalities and in the Municipality of Nigel—*

(h) in respect of any land or interest in land held by any power undertaking which is specified in subsection (1) of section *ten*—

(i) the site value of the land or interest in land ascertained as directed in the said section;

(ii) the value of any improvements;

(j) in respect of any land held by any power undertaking under industrial stand licence—

(i) the site value of the land both (a) at the date of valuation and (b) at the first day of January, 1933, as shown on the valuation roll in force on that date;

(ii) the date when the said interest in land was acquired;

(iii) the value of any improvements.

Basis of  
valuation.

9. (1) Save as is provided in sub-sections (4), (5) and (6) of this section and in section *ten* the amount or sum at which the valuer or valuers shall value for the purposes of the valuation roll any rateable property shall be the capital sum which the same might in his or their judgment be expected to realize if offered at the time of valuation for sale on such reasonable terms and conditions as a bona fide seller would require, due regard being had not only to such particular rateable property but to other properties of similar class, character, value, position and other comparative factors; provided that no lease of

land which is not included in the definition of "interest in land" under section *four* of this Ordinance shall in any manner be taken into account in valuing any rateable property in the land which is the subject of any such lease.

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(2) In valuing any rateable property under this section, the valuer or valuers shall not take into account any value accruing to such property by reason of the presence of precious stones, precious metals or base metals or minerals therein or thereon.

(3) Agricultural land shall be valued in the manner described in sub-section (1) of this section and no allowance or deduction shall be made by reason of the fact that the said land is being used as agricultural land or that the user of the said land is by any law or servitude or condition of title restricted to user as agricultural land: Provided that where two or more adjoining pieces of land, any of which is less than three morgen in extent, bona fide and exclusively used as agricultural land and held and occupied by one owner, comprise together an area of not less than three morgen in extent, the whole area so comprised shall for the purposes of this section be deemed to constitute a single area of land and shall be valued accordingly.

(4) The freeholders licence interest shall not be valued but the valuer or valuers shall enter and show the said rateable property upon the valuation roll as being held by the person or company who is owner thereof but shall not assess or enter upon the said roll any value in respect of the said rateable property. The valuer or valuers shall comply with the provisions of sub-section (2) of section *twenty-two* in relation thereto.

(5) Save as is provided in section *ten* the interests in land defined in sub-paragraph (i) of paragraph (5) of the definition of "interest in land" in section *four* and held under surface right for residential purposes or for purposes not incidental to mining operations shall be valued in the manner described in sub-section (1) of this section. The valuer or valuers shall regard the land held under such surface right as a piece of freehold land of the area defined in the permit under which the surface right is granted and as if the user thereof were by a condition of title limited to the

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purposes set out in the said permit and shall take into account the charge, if any, which is payable under the Gold Law in respect thereof.

Any improvements thereon shall be valued as if the same were improvements on freehold land whose user is limited as aforesaid.

Provided that, where a surface right is granted in respect of any land for residential purposes and restricts residence on or occupation of such land to the holder of the said right or the employees of such holder, such restriction shall be disregarded for the purposes of the valuation of either the land or the improvements thereon.

Any improvements thereon shall be valued as if the same were improvements on freehold land whose user is restricted as aforesaid.

Non-legal  
occupiers of  
proclaimed  
land.

(6) The interests in land defined in sub-paragraph (ii) of paragraph (5) and in paragraph (9) of the definition of "interest in land" in section *four* shall be valued in the manner described in sub-section (1) of this section. The valuer or valuers shall regard the land occupied in each case as a piece of freehold land whose extent is the area actually occupied by the occupier.

Any improvements thereon shall be valued as though they were improvements on freehold land.

Valuation  
of certain  
land or  
interests in  
land held  
by power  
under-  
takings.

**10.** (1) The rateable property held by any power undertaking in any reef municipality or in the municipality of Nigel described in this sub-section viz.:—

- (a) any land or interest in land held by a power undertaking under surface right permit granted under the Gold Law for residential purposes or for any purpose not included in paragraph (b) of this sub-section;
- (b) any land or interest in land held by a power undertaking in freehold or any other title and traversed by power lines, cables, water and air pipe lines and railway sidings

shall not be valued in the manner described in sub-section (1) or (5) of section *nine* but the said rateable property shall be deemed by the valuer or valuers for the purpose of the valuation roll to have a site value of seventy-five pounds (£75) per ten thousand (10,000) square feet or such lesser value as the local



authority shall from time to time by resolution decide and shall be entered upon the said roll accordingly.

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(2) For the purposes of this section the area occupied or deemed to be occupied by any power undertaking in respect of the land or interests in land aforesaid shall be determined as follows, viz.:—

- (a) In respect of any land or interest in land falling under sub-section (1) (a) of this section, the actual area granted under such surface right permit;
- (b) in respect of any land or interest in land used for any of the purposes mentioned in sub-section (1) (b) of this section—
  - (i) overhead lattice power pole lines and double tubular pole lines shall be deemed to have a width of 12 feet 6 inches;
  - (ii) single tubular pole lines shall be deemed to have a width of 6 feet 6 inches;
  - (iii) underground air lines and all cable lines in the same trench shall be deemed to have a width of 3 feet;
  - (iv) cables and air and water pipe lines in separate trenches shall be deemed to have a width of 2 feet 6 inches for each trench;
  - (v) railway sidings shall be deemed to have a width of 14 feet.

The length in each case shall be the actual length of land traversed.

(3) Land held by any power undertaking under industrial stand licence shall be valued in the manner described in sub-section (1) of section *nine*.

**11.** (1) Every town clerk and every valuer provided with written authority signed by the mayor or town clerk shall for the purposes of this Ordinance have power to enter at all reasonable hours in the daytime into and upon any land or buildings within the municipality and shall also have power to inspect and make extracts from all registers or other records or any deeds or instruments belonging to or in the custody or possession of any Government official or any person in which are contained particulars of any rateable property

Town clerk  
and valuer  
to have  
power of  
entry and  
inspection.

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whether such person is or is not interested in such rateable property. Any person who shall wilfully obstruct the valuer from exercising the powers conferred on him under this section shall be liable to the penalties in the next succeeding sub-section provided.

(2) Every town clerk and every such valuer shall be entitled to call upon the owner or occupier of rateable property for such written particulars in regard to such rateable property as may be necessary for enabling such valuer to make a correct valuation thereof; and any owner or occupier who shall neglect within fourteen days after being called upon as aforesaid to supply such written particulars when called upon to do so shall be liable to a penalty not exceeding twenty pounds in respect of each offence and any person who shall furnish to any valuer a false statement of value or of any other particulars as aforesaid shall be liable on conviction to a penalty not exceeding fifty pounds in respect of each offence.

Inspection  
of pro-  
visional  
roll.  
Objections.

12. When the valuation roll has been completed it shall be laid before the local authority and shall lie at its office for public inspection, and any person may at all reasonable times inspect the same and take copies or extracts therefrom. Subject to the provisions of section *thirty-six* the local authority shall serve upon every owner of rateable property whose property has been placed upon the valuation roll a notice in writing informing him of the amount at which the said rateable property has been valued and shall by the said notice and by notice published in the *Provincial Gazette* and in one or more newspapers circulating in the municipality call upon all persons interested to lodge with the town clerk within a specified time not less than thirty days from the date of the first publication of such notice in the form set forth in the Second Schedule written notice of any objections that they may have in respect of the valuation of any rateable property valued as aforesaid or in respect of the omission therefrom of property alleged to be rateable property and whether held by the person objecting or by others or in respect of any other error, omission or misdescription, provided that the town clerk may where he deems it necessary grant extensions of the aforesaid period for lodging objections, and provided further that where two or more

entries are objected to on the same grounds by the same person one notice of objection on one form may be lodged in respect of all the said entries. No person shall be entitled to urge any objections before the valuation court hereinafter referred to unless he shall have first lodged such notice of objection as aforesaid.

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13. (1) After the expiration of the time specified in such notice the local authority shall appoint a valuation court consisting of not less than three persons who may or may not be members of the local authority. Every such court shall have a president appointed in the manner provided in sub-section (2) or sub-section (3) of this section as the case may be. The town clerk or some other person appointed by the local authority shall act as clerk of the said court.

(2) (a) In the municipalities of Pretoria, Johannesburg, Germiston, Boksburg, Benoni, Brakpan, Springs, Roodepoort-Maraisburg, Krugersdorp, Randfontein and any other municipality to which the Administrator may by Proclamation in the *Provincial Gazette* declare this sub-section to apply, the Administrator after consultation with the local authority concerned shall appoint a further member of the valuation court who shall be the president, hereinafter called the president. The said appointment shall be made prior to the first sitting of the valuation court to which the president is appointed. The president shall be appointed for a period of three years and shall be eligible for re-appointment for a further period or periods of three years. The president shall be an Advocate of the Supreme Court or an attorney or a chartered accountant practising in the Province of Transvaal of not less than ten years standing or a retired magistrate. It shall be lawful for the Administrator to appoint the same person as president of more than one or of all of the said valuation courts.

(b) The president shall be remunerated for his services and the remuneration to be paid in respect of each valuation court shall be determined by the Administrator after consultation with the local authority concerned prior to the making of the appointment and shall be paid by the said local authority.

(c) In the event of the president of any valuation court being unable to perform his duties by reason of absence, illness or any

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other incapacity [including that arising from the provisions of sub-section (6) hereof] the Administrator shall appoint a person with the necessary qualifications to act as president of the said valuation court during the absence, illness or other incapacity of the president. During the period for which the acting-president is appointed he shall be a member of the said valuation court. Such part of the president's remuneration as is proportionate to the duties performed by the acting-president shall be paid by the local authority concerned to the acting-president and not to the president.

(3) In the municipalities other than those specified in sub-section (2) of this section the members of the said valuation court shall before the first sitting of the said court appoint a president from among themselves. In the event of the president of any valuation court being unable to perform his duties by reason of absence, illness or any other incapacity [including that arising from the provisions of sub-section (6) hereof] the members of the said valuation court shall appoint from among themselves a person to act as president during the absence, illness or other incapacity of the president: provided that the local authority in any such municipality may by resolution passed by a majority of the members of the local authority (of which a certified copy shall be duly furnished to the provincial secretary by the town clerk) apply to the Administrator for the appointment of a president of such valuation court in the manner provided in sub-section (2) hereof. Upon the Administrator being satisfied that the said resolution has been duly passed by the requisite majority he shall appoint a president of such valuation court and the provisions of sub-section (2) hereof shall apply to the said municipality during the period for which the said president has been appointed.

(4) Such court shall thereafter at meetings duly called by the president or clerk proceed to consider the valuation roll and the objections made as aforesaid, and shall be entitled to make such alterations or amendments in the valuation roll, either by way of reduction, increase, addition or omission as to it may seem expedient; provided that subject to the provisions of section *thirty-six* no such alteration or amendment shall be made unless and until the person appearing to be directly affected thereby shall have had at least seven days' previous written notice from the clerk

of the date of the meeting of the court at which any proposal for such alteration or amendment will be considered, and such person so affected may either forward any objections thereto in writing to the president or clerk before such date or present the same for consideration at such sitting, and the valuation court shall duly hear and consider all such objections.

(5) At every sitting of such court three members personally present, one of whom shall be the president or acting-president, shall constitute a quorum, and the president or acting-president thereof, shall preside. All decisions of such court shall be arrived at by the vote of a majority of the members personally present, and in case of an equality of votes, the president or the acting-president shall also have a casting vote.

(6) No person shall sit on the hearing of any matter in which he shall be directly interested or concerned as being primarily liable to pay the rates in question or any part thereof.

(7) Subject to the provisions of sub-section (2) of this section in case for any reason there shall be vacancies in the said court or incapacity to act so that a quorum cannot be formed the local authority may at once and without any notice appoint other persons temporarily or otherwise to fill up such vacancies or the places of the members incapable of sitting.

(8) The town clerk, by publication in the *Provincial Gazette* and in one or more newspapers circulating in the municipality, shall give not less than seven days' previous notice of the date fixed for the first sitting of such court.

(9) At every sitting of such court the local authority and any person who has lodged any objection to any valuation, and any person the valuation of whose property is objected to or proposed to be increased or whose property it is proposed to add to the roll, may appear either in person or by counsel, solicitor or admitted and licensed law agent.

(10) At every sitting of such court it shall be competent for the court to call witnesses and to examine any witnesses by whomsoever called on oath and call for the production of all such papers or documents as it may deem necessary and every valuer by whom any valuations under consideration shall have been made shall attend such court and answer on oath all questions which may be put to him by or through the court in regard thereto.

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(11) The said court shall keep a record of its proceedings and a note of the assessment objection and finding in regard to each objection, and such court shall cause any deposition taken before it to be taken down in writing and signed by the deponent, and shall authenticate it by the signature of the president or acting president as having been taken before such court, and every such deposition so taken down and authenticated shall be deemed and taken to be evidence in a prosecution for perjury.

Valuation  
Roll.

14. When the valuation court has completed its examination of the valuation roll, and has made such alterations and amendments therein as it may deem necessary, the president of the court shall sign and certify the same. He shall further cause an advertisement to be inserted in the *Provincial Gazette* and in one or more newspapers circulating in the municipality not less than twice within a period of one week, informing all persons interested of the completion thereof, and that the same will become fixed and binding upon all parties concerned who shall not before a date fixed in such notice, not being less than one month from the date of the first publication of the aforesaid advertisement, appeal from the decision of the valuation court in manner provided in the next succeeding section.

Right of  
appeal.

15. (1) It shall be lawful for any person who feels himself aggrieved by the value put upon any property owned or occupied by him to appeal within one month from the date of first publication of the advertisement referred to in section *fourteen* against such valuation from the decision of the valuation court to the court of the magistrate of the district and such last-mentioned court shall inquire into such valuation and its decision shall be final and conclusive; provided, however, that if any question of law shall arise as to the principle upon which any valuation has been or should be made it shall be lawful for such magistrate instead of himself deciding such question at the request of the local authority or party objecting to reserve such question of law for decision by the Supreme Court and such question shall be stated in the form of a special case and may be argued before and determined by the Supreme Court. Either such court may make such order as to costs as to it shall seem fit.

(2) It shall be lawful for the local authority to appeal within one month as aforesaid against the decision of the said valuation court in respect of any rateable property in the municipality to the court of the magistrate of the district, and such appeal shall be subject to the provisions set forth in the preceding sub-section in respect of appeals by the owner or occupier of property.

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16. Notwithstanding anything in this Ordinance contained it shall be lawful for the local authority from time to time and at any time—

- Power to remit rates on rateable property not in existence to cause rateable property omitted to be valued and to cause revaluations.
- (a) to remit any rate imposed on any rateable property in any case in which such rateable property has been demolished since the date of the making of the valuation roll; and in such other cases as may be approved by the Administrator;
  - (b) to cause any rateable property omitted from the valuation roll from time to time in force or any new rateable property to be valued by a valuer appointed as hereinbefore provided, and to cause the current rate to be collected in respect thereof and where the said rateable property has been omitted from the said valuation roll to cause to be collected the rates which would have been payable in respect thereof since the confirmation of the said roll had the said omission not been made;
  - (c) to cause a valuation to be made by such valuer of any rateable property which is sub-divided after the date when the valuation in respect of such property has become final and to cause the valuation to be apportioned by such valuer according to the sub-divisions of the said property, and to cause any rate due in respect thereof to be assessed and collected according to such sub-division;
  - (d) to cause a fresh valuation to be made by such valuer of any rateable property which from any cause particular to such property arising since the last valuation thereof has materially increased or decreased in value;
  - (e) to cause any error appearing in the valuation roll from time to time in force to be corrected by such valuer in any case where a clerical error or an error as to the nature of the interest

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valued has been made in such roll and to cause any rate due in respect thereof to be collected according to the corrected roll and to cause to be collected or rebated as the case may be the difference between the rates which have been paid and the rates which would have been payable in respect thereof since the confirmation of the said roll if the said error had not been made;

- (f) where a part only of any rateable property not separately valued in any valuation roll is or may be subject to a special rate under section *twenty-three* of this Ordinance to cause such valuer to apportion the value of such property appearing in such roll as between the part thereof which is or may be subject to any special rate as aforesaid and the remaining part which is not subject to such special rate;

Provided that—

- (i) upon the making of any such interim valuation the same forms shall be observed and the same proceedings taken as nearly as may be *mutatis mutandis* as are hereinbefore set forth with regard to general valuations excepting that in the discretion of the local authority the notices prescribed in section *twelve* need not be published;
- (ii) every such valuation, revaluation, correction and apportionment shall be subject to any objection made thereto at the next succeeding sitting of the valuation court;
- (iii) in the case of any property which is added to the roll under the provisions of paragraph (b) hereof or the valuation of which is increased under paragraph (e) hereof if at the next succeeding sitting of the valuation court the value of the said property be fixed at a sum less than that on which the last preceding rate has been levied the owner shall be entitled to a refund of any rate paid by him in excess of that which would have been paid



if the rate had been levied on the value as fixed by the said valuation court;

- (iv) the valuation court referred to in section *thirteen* shall consider such interim valuation made in accordance with the provisions of this section and any objections made thereto, and the provisions of sections *thirteen*, *fourteen* and *fifteen* shall *mutatis mutandis* apply.

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**17.** No valuation contained in any valuation roll framed under this Ordinance and no rate based thereon shall be rendered void or be affected by reason of any mistake or variance in the description of any rateable property or in the name of any owner thereof; and no valuation roll made up and authenticated in terms of this Ordinance shall be capable of being challenged or set aside by reason of any informality.

Valuation roll not to be challenged or set aside.

**18.** (1) Subject to the provisions contained in this section it shall be lawful and competent for a local authority to impose a rate or rates in or for each and every financial year of such amount or amounts in the pound as it shall determine, provided that, anything to the contrary in this section notwithstanding, the minimum charge imposed under this section in respect of any interest in land shall be five shillings.

Incidence of rating.

(2) No rate shall be levied upon improvements until a rate (hereinafter called the original rate) of one penny in the pound shall have been imposed on the site value of all land within the municipality as appearing in the valuation roll, and no original rate or rates exceeding in the aggregate one penny in the pound on such value shall be imposed in any one financial year.

(3) Subject to the provisions of the next succeeding sub-section any rate (hereinafter called the additional rate) which is levied in addition to the original rate shall be levied upon the site value of land and, save as is provided in sub-section (5) of this section, no such additional rate or rates exceeding in the aggregate sixpence in the pound on such value shall be imposed in any one financial year.

(4) A local authority may by resolution passed at any ordinary meeting and supported by the votes of a majority of the members of

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such local authority determine from time to time that a rate of an amount in the pound equal to or less than the additional rate shall be levied upon the value of all improvements in the municipality provided that in such a case the additional rate shall not be of a greater amount in the pound than is necessary together with such rate upon the value of improvements to produce a sum equal to the sum which would be produced by a rate of three pence in the pound on the site value of land and on the value of improvements taken together.

(5) The Administrator may at the request of a local authority sanction the imposition by such local authority of an additional rate higher than is stipulated in sub-section (3) of this section; provided that if the Administrator refuse such request the Provincial Council within one week after such refusal if the Council be then sitting or if the Provincial Council be not then in session then within one week after the first sitting of the Council next after such refusal may by resolution authorize such local authority to impose such higher rate.

Rating of  
agricultural  
land.

19. Notwithstanding anything contained in section *eighteen*, the rates levied upon the site values of land shall be levied only upon one-eighth of the site value of such land as is herein specified, viz.:—

- (i) land laid out and certified as agricultural holdings in terms of the Agricultural Holdings (Transvaal) Registration Act No. 22 of 1919 or any amendment thereof if and so long as the use of such land is restricted to purely agricultural purposes;
- (ii) land in respect of which the owner is precluded by any law or servitude or condition of title from using the said land otherwise than as agricultural land;
- (iii) any other area of land being not less than three morgen in extent which is bona fide and exclusively used as agricultural land; provided that where two or more adjoining pieces of land, any of which is less than three morgen in extent, which are bona fide and exclusively used as agricultural land and which are held and occupied by one owner together

comprise an area of not less than three morgen in extent, the whole area so comprised shall for the purposes of this section be deemed to constitute a single area of agricultural land.

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20. In the reef municipalities and in the Municipality of Nigel, from and after the commencement of this Ordinance, it shall be lawful for the local authority, in addition to the rates referred to in section *eighteen*, to levy in or for each and every financial year a further rate hereinafter referred to as the "extra additional rate" upon the site values of such land or interests in land held by any power undertaking as are specified herein, viz.:—

Extra  
additional  
rate on  
certain  
land held  
by power  
under-  
takings.

- (a) any land or interest in land held under surface right permit for residential purposes or for any purpose not included in (b);
- (b) any land or interest in land held in freehold or any other title and traversed by power lines, cables, water and air pipe lines, and railway sidings;
- (c) any land held under industrial stand licence; subject to the following conditions—
  - (i) the amount of the said extra-additional rate shall be one and a half times the additional rate on site values levied in terms of sub-section (3) of section *eighteen*, provided that the said extra-additional rate shall in no case exceed the amount of ninepence in the pound;
  - (ii) the said extra-additional rate shall not be levied upon any land held under industrial stand licence acquired by any power undertaking after the first day of January, 1933;
  - (iii) the said extra-additional rate shall be levied only upon the site value of any land held under industrial stand licence as shown on the valuation roll on the first day of January, 1933.

Ord. No. 20 of 1933. Additional rate on improvements on mining title land held by persons engaged in mining operations in Reef Municipalities.

21. (1) In the reef municipalities and in the Municipality of Nigel it shall be lawful for the local authority to levy the additional rate imposed in terms of sub-section (3) of section *eighteen* upon improvements situate upon land held under mining title (not being land in a lawfully established township) as well as upon the site value of such land where such land is used for residential purposes or for purposes not incidental to mining operations by persons or companies engaged in mining operations whether such persons or companies are the holders of the mining title or not. Provided that:—

(a) the quantum of the rate to be levied thereon shall be diminished in accordance with the following scale:—

- (i) from the commencement of this Ordinance until the end of the year 1934, the full additional rate shall be levied upon the value of the said improvements;
- (ii) during the year 1935, ninety per cent. of such additional rate shall be so levied;
- (iii) during the year 1936, eighty per cent. of such additional rate shall be so levied;
- (iv) during the year 1937, seventy per cent. of such additional rate shall be so levied;
- (v) during the year 1938 and succeeding years sixty-six and two-thirds per cent. of such additional rate shall be so levied;

(b) the value of the improvements upon which the said additional rate shall be levied shall be as follows—

- (i) where the said improvements exist and appear upon the valuation roll at the commencement of this Ordinance, the said additional rate shall be levied upon the value of the said improvements as shown on the valuation roll which is in force at the said date and subject to the continued existence of the said improvements shall continue to be levied upon the said value for the period specified in section *thirty-four*, without regard being had to

the value of the said improvements as shown on any subsequent valuation roll;

- (ii) where the said improvements shall come into existence and shall be placed upon the valuation roll after the said date, the said additional rate shall be levied upon the value of the said improvements as shown on the valuation roll which shall be in force at the date when the said rate shall be levied.

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(2) Notwithstanding anything in this section contained, if in any of the reef municipalities and in the Municipality of Nigel the local authority shall determine that a rate shall be levied upon the value of all improvements in the municipality as provided in sub-section (4) of section *eighteen* such rate shall be levied upon the value of the improvements referred to in this section as shown upon the valuation roll in force at the date when such rate shall be levied.

**22.** The following provisions shall apply in regard to the rating of every freeholders licence interest:—

Rating of  
Freeholders  
Licence  
Interest.

(1) Notwithstanding anything contained in section *eighteen*, after the commencement of this Ordinance no rate or rates referred to in the said section shall be levied upon the value of the said interest, but in lieu thereof the local authority shall receive and each owner of the said interest shall pay in and for each and every financial year, a percentage of the gross annual revenue accruing to the said owner from the said interest as shown by the records of the Department of Mines which records shall for the purposes of this Ordinance be accepted as conclusive evidence of the amount of such revenue. The said percentage shall, save as is provided in sub-section (3) of this section, not exceed twenty per cent. of the said gross revenue and shall be determined in the manner set out in sub-sections (3), (4) and (5) of this section.

(2) The valuer or valuers shall immediately after the commencement of this Ordinance ascertain in respect of each freeholder's licence interest, the percentage which the amount paid by the owner of the said interest by way of rates levied thereon during the year ended

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December 31st, 1932, bears to the gross revenue which accrued to the said owner from the said interest during the said year.

The valuer or valuers shall enter upon the valuation roll in respect of each such interest—

- (i) the percentage so ascertained—herein called the “ 1932 percentage ”;
- (ii) the amount per cent. by which the “ 1932 percentage ” exceeds or is less than twenty, herein called the “ ascertained difference ”.

(3) In every case in which the 1932 percentage exceeds 20, the percentage of gross annual revenue accruing to the said owner from the said interest which shall be paid by the said owner in and for each and every year shall be the 1932 percentage reduced over a period of years to 20 per cent. by successive annual deductions of one-tenth of the ascertained difference in the manner following, that is to say:—

- (i) from the commencement of this Ordinance until the end of the year 1934, the percentage of gross annual revenue which shall be paid by each such owner as aforesaid shall be the 1932 percentage;
- (ii) for the year 1935, the percentage of gross annual revenue which shall be paid by each owner as aforesaid, shall be the 1932 percentage less one-tenth of the ascertained difference;
- (iii) for the year 1936 the percentage of gross annual revenue which shall be paid by each such owner as aforesaid shall be the 1932 percentage less two-tenths of the ascertained difference;
- (iv) for the year 1937 the percentage of gross annual revenue which shall be paid by each such owner as aforesaid shall be the 1932 percentage less three-tenths of the ascertained difference;
- (v) for the year 1938 and the following years the percentage of gross annual revenue which shall be paid by each such owner as aforesaid shall be the 1932 percentage reduced in like manner by the deduction of a further one-tenth of the ascertained difference in each successive year until the percentage payable becomes 20 per cent.;

- (vi) thereafter each such owner shall pay as aforesaid 20 per cent. of the said gross annual revenue;

provided that it shall be lawful for the local authority by resolution to reduce the percentage payable by each such owner by deducting more than one-tenth of the ascertained difference in any year and to reduce the percentage payable by each such owner below 20 per cent. of the said gross annual revenue.

(4) In every case in which the 1932 percentage is less than 20 the percentage of gross annual revenue accruing to the said owner from the said interest which shall be paid by the said owner in and for each and every year shall be the 1932 percentage unless and until the local authority shall by resolution decide that the percentage payable by each such owner shall be increased. It shall be lawful for the local authority by resolution to increase the percentage payable by each such owner up to a maximum of 20 per cent. of the said gross annual revenue: Provided that—

- (i) no such increase shall be made between the commencement of this Ordinance and the end of the year 1934;
- (ii) the percentage payable shall not in any one year be increased by the addition of more than one-tenth of the ascertained difference.

(5) In the case of any freeholders licence interest which has come into existence or shall come into existence after the thirty-first day of December, 1932, or did not appear on the valuation roll on that date, the percentage of gross annual revenue accruing to the owner thereof from the said interest which shall be paid by the said owner in and for each and every year shall be 20 per cent.: Provided that it shall be lawful for the local authority by resolution to reduce the percentage payable by each such owner below 20 per cent. of the said gross annual revenue.

(6) The payments required to be made in terms of this section shall be made by the said owners of the said interests to the local authority concerned in half-yearly instalments that is to say upon the first day of March and the first day of September in each year. The said payments shall be recoverable as if the same were rates imposed under this Ordinance

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and the provisions of this Ordinance shall apply *mutatis mutandis* for the purposes of such recovery.

Special  
rates.

23. Notwithstanding anything herein contained in case any abnormal or extraordinary expenditure shall be incurred by the local authority in respect of some particular area of rateable property over and above expenditure common to the whole municipality, the local authority may by resolution determine that such abnormal or extraordinary expenditure (whether the outlay in respect thereof has or has not actually been made) shall be met in whole or in part by a special rate upon the rateable property of some portion thereof within such particular area to the exclusion of the rest of the municipal area, and subject to the approval of the Administrator fix the amount of such special rate thereon and the persons and times by whom and when the same is payable.

Notice of  
rates.

24. Every rate imposed by the local authority shall become due and payable upon a day to be fixed by it, of which day and of the amount of which rate the local authority shall give at least thirty days' notice by advertisement in the *Provincial Gazette* and in a newspaper circulating in the municipality and in such other mode as it may by resolution direct.

Payment of  
rates.

25. (1) Whenever the local authority shall have given such notice as aforesaid of the day upon which such rate will become due and payable it shall be the duty of all persons liable for such rate to pay the amount thereof at the offices of the local authority, failing which defaulters will be liable to legal proceedings for the recovery of the amounts due by them severally.

(2) It shall be competent for a local authority to allow discount, not, however, exceeding two and a half per cent. (2½%), on any rates paid on or before the date on which such rate becomes due and payable under section *twenty-four*.

(3) The local authority shall be empowered to charge and collect interest on arrear assessment rates at a rate not exceeding seven per cent. per annum.

(4) Nothing in this Ordinance contained shall preclude payment of any rate imposed by a local authority by instalments in such



equal or varying amounts as may be determined by the local authority.

**26.** When an appeal is pending from the decision of a valuation court any rates levied by a local authority after the president of the valuation court shall have signed and certified the valuation roll but before such appeal shall have been determined shall in respect of any rateable property against the valuation of which such appeal is pending become due and payable upon such valuation upon the day fixed in terms of section *twenty-four*, and should such appeal result subsequent to the date of the payment of such rate in an alteration of the valuation either by way of increase or decrease, the local authority shall collect or refund the difference as the case may be together with interest at the rate of six per cent. per annum upon the amount so collected or refunded from the date of the payment of the rate to the date of such collection or refund.

Rates payable pending appeal.

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20 of 1933.

Section 25.

**27.** If after the time fixed for the payment of any such rate as aforesaid any person fail to pay any rate due by him it shall be competent for the local authority to cause a printed or written demand to be made upon such person to pay the amount stated in such demand within fourteen days after service thereof. And in case any person who shall have had such demand delivered to him personally or left at his ordinary place of residence or place of business or office shall make default it shall be competent for the local authority to apply to the magistrate for a summary warrant to recover such rates from the persons liable to pay the same; which warrant the said magistrate shall grant on production of a list of the names and addresses of the persons so in default and the amount due by them with a certificate by the town clerk or town treasurer that they have been severally required to make payment of the said rates by notice as aforesaid and that such rates are due by them and do not exceed the maximum rates fixed by or under this Ordinance; and every such warrant shall contain every authority and be executed in all respects as though it were a writ of execution issued out of the court of the magistrate and the messenger of the court in executing the same shall conform to such rules and make such charges as are for the time being applicable to writs of execution of such court as aforesaid.

Enforcement of payment of rates.

Ord. No. 20 of 1933. Recovery of rates.

**28.** Notwithstanding the provisions of section *twenty-seven* the local authority may at its discretion after the time fixed for the payment of any such rates as aforesaid recover from the person in default (without further notice or demand) the amount of the rates due by such person irrespective of the amount thereof by action in the court of the magistrate of the district in which the local authority concerned is situate whether the person liable for the same shall be resident within the jurisdiction of such court or not. In case it shall not be possible to effect service of summons within the limits of the jurisdiction of such court as aforesaid then such service shall be effected in such manner as the said court shall direct.

Proceedings for recovery of rates unpaid for three months.

**29.** When any rate imposed upon any owners of rateable property shall remain unpaid for a period of three months after the date on which such rate shall have been fixed to become due and payable the local authority may at any time within twelve months after the imposing of the rate demand the amount of such rate or any part thereof from any tenant or occupier for the time being of such rateable property to the extent of any rent due and payable by the tenant at the date of the demand, and on non-payment thereof may after one month from the date of such demand recover the same from such tenant or occupier in the same manner as though he were the owner. And every such tenant or occupier shall be entitled to deduct from any rent or other amount payable by him to such owner or his successors in title so much as was so paid by or recovered from him and the production of the receipts for such rates so paid by or recovered from such tenant or occupier shall be a good and sufficient discharge for the amount so paid or recovered as payment of rent or other amount.

Evidence.

**30.** In any proceedings to impose or recover rates or consequent on the imposing or recovering of any rates. as well as in all other proceedings under the provisions of this Ordinance, the valuation rolls, rate-books, and records of the local authority and all entries made therein and extracts therefrom or certified copies thereof signed by the chairman or town clerk, and also all copies of any newspaper containing any notice necessary to be proved shall upon production thereof alone be *prima facie* evidence of the imposing of

such rate and of the contents thereof without any evidence that the notices required by or other requirements of this Ordinance have been complied with; provided that it shall be competent for any party to any such proceedings to prove the contrary.

Ord. No.  
20 of 1933.

—  
Section 30.

**31.** (1) The person who is the owner of any rateable property at the date when a rate becomes due and payable in respect of such property under section *twenty-five* of this Ordinance shall be liable for payment of the amount of such rate, and in the case of joint owners of rateable property they shall be jointly and severally liable for the rate due thereon; provided that in the case of an owner's absence from the Province the agent or person receiving the rents of such owner's property shall, on written notice of such owner's liability for any rates thereon from the local authority, be liable for the payment of such rates: provided, however, that such agent's or person's liability for the said rates shall not exceed the amount of any rents actually in his possession on receipt of the said notice, or which may be received thereafter less a deduction of commission at the rate of five per cent.

Owner  
liable  
for rates.

(2) It shall be lawful for the local authority by notice in writing to require any such agent or person receiving the rents of such owner's property to furnish to the town clerk an account of the rents of such owner's property which he has received. Such agent or person shall furnish such account within fourteen days from the date of such notice.

(3) Neglect or failure to comply with such notice shall be an offence and shall render such agent or person liable on conviction to a penalty not exceeding £20 in respect of each offence. And if the said account so furnished is false in any particular, the person responsible for any false statement therein shall have committed an offence and shall be liable on conviction to a penalty not exceeding £50 in respect of each offence.

**32.** The proceeds of the rate or rates levied or tax imposed under this Ordinance shall be applied for and towards such municipal purposes as the local authority shall from time to time think fit.

Application  
of rates.

**Ord. No. 20 of 1933.** Certain buildings and improvements to be registered with local authority.

**33.** (1) All movable and immovable buildings and improvements, used for residential purposes or for purposes not incidental to mining operations and situate on land held under mining title or proclaimed land not held under mining title (not being land in a lawfully established township), in respect of the erection, maintenance, and occupation of which no lawful authority exists under the provisions of the Gold Law, shall be registered by the respective owners thereof or their respective agents for the management thereof in a register to be kept for that purpose at the office of the local authority.

(2) Such register shall contain particulars of such buildings and improvements as aforesaid, a description and the extent of the land occupied, and the full names and addresses of the owners or their agents.

(3) Any sale, lease, exchange or alienation of such buildings and improvements shall be registered in manner prescribed in sub-section (1) hereof by the parties to such sale, lease, exchange or alienation within fourteen days from the date thereof.

(4) The person in whose name such buildings and improvements have been registered as aforesaid shall be liable for the payment of all rates due in respect thereof and notwithstanding any sale, lease, exchange or alienation unless the same has been registered as provided in sub-section (3) hereof, such buildings shall be liable to be attached and sold in execution in satisfaction of the amount of such rates.

(5) The local authority may refuse to register the sale, lease, exchange or alienation of any such buildings and improvements as provided in sub-section (3) hereof, unless and until the sums and charges mentioned in section *forty-nine* of the Local Government Ordinance which may be due to the local authority in respect thereof shall have been paid.

(6) Every occupier of any such buildings and improvements shall have a right of action to recover from the person from and under whom he holds such buildings and improvements, so much as was paid by or recovered from him as and for rates in respect of such buildings and improvements and land in terms of the provisions of this Ordinance.

(7) Any person failing to perform the obligations imposed on him in terms of sub-sections (1) and (3) hereof, shall be guilty of

an offence and shall be liable upon conviction to a penalty not exceeding £50 (fifty pounds sterling) or to imprisonment with or without hard labour for a period not exceeding three months.

Ord. No.  
20 of 1933.  
—  
Section 33.

**34.** The following provisions of this Ordinance shall remain in force for a period of ten years from the commencement of this Ordinance and thereafter until the Provincial Council shall amend or repeal the same, viz.:—

Certain provisions to remain in force for ten years

- (1) In section *four*:
  - (a) the second proviso to the definition of “improvements”;
  - (b) the definition of “power undertaking”;
  - (c) the definition of “reef municipalities”.
- (2) In section *eight*:  
Parts I (f), II and III.
- (3) In section *nine*:  
Sub-sections (4) and (5).
- (4) Sections *ten*, *twenty*, *twenty-one*, and *twenty-two*.

**35.** As soon as possible after the commencement of this Ordinance the local authority shall cause the valuer or valuers to make all corrections, amendments, additions and erasures to the valuation roll in force at the said date which may be rendered necessary by the provisions of this Ordinance.

Corrections, etc., to be made to existing valuation roll.

**36.** Every owner of rateable property shall furnish to the local authority concerned an address in the municipality at which the local authority shall serve the notices referred to in sections *twelve*, *thirteen* (4), and *sixteen* and every local authority shall compile, keep and maintain a register of such addresses. Every such notice shall be served either by delivering the same at the said address or by post, postage paid, and if served by post shall be deemed to have been served at the time when the said notice would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the said notice was properly addressed and put into the post.

Serving of notices required by sections 12, 13 and 16.

The local authority shall not be required to serve the notices referred to in the said sections upon any owner of rateable property who has failed to furnish to the local authority

**Ord. No.  
20 of 1933.**

—  
**Section 36.**

an address in accordance with the provisions of this section. In any proceedings under this Ordinance in which the question is in issue whether or not any owner of rateable property has furnished to the local authority an address in accordance with the provisions of this section the onus of proving that such address has been furnished shall be upon the person who alleges that it has been so furnished.

Serving of  
notices,  
etc.

**37.** Save as is otherwise provided in this Ordinance, notices or other documents required to be served under any section of this Ordinance shall be served by delivering the same to or at the residence or place of business of the person to whom they are respectively addressed, or where addressed to the owner or occupier of rateable property, by delivering the same or a true copy thereof to some person on the rateable property, or if there is no person on such rateable property who can be so served, by fixing the same on some conspicuous part of the rateable property; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice order or other document was properly addressed and put into the post.

Any notice hereby required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the rateable property (naming them) in respect of which the notice is given, without further name or description.

Date of  
commence-  
ment.

**38.** This Ordinance shall come into operation on such date as the Administrator by proclamation in the *Gazette* shall declare to be the date of commencement: Provided, however, that any rates paid by any power undertaking between the 30th June, 1933, and the commencement of this Ordinance in excess of or less than the amount which would have been payable had this Ordinance been in force on the 30th June, 1933, shall be refunded or collected as the case may be by the local authorities concerned.

Short title

**39.** This Ordinance may be cited for all purposes as the *Local Authorities Rating Ordinance, 1933.*

First Schedule.

Ord. No. 20 of 1933.

[Section five (2).]

LOCAL AUTHORITIES TO WHICH THE PROVISIONS OF PARAGRAPH (a) OF SECTION five (2) OF THIS ORDINANCE MAY NOT BE APPLIED.

- Town Council of Benoni.
Town Council of Boksburg.
Town Council of Brakpan.
Town Council of Germiston.
City Council of Johannesburg.
Town Council of Krugersdorp.
City Council of Pretoria.
Town Council of Randfontein.
Town Council of Roodepoort-Maraisburg.
Town Council of Springs.

Second Schedule.

[Section twelve.]

OBJECTIONS

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

Year 19.....

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

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

(Here insert the name of the objector and copy of the entry complained of.....)

I do hereby object to the said entry and ask that— (The objector will here state what entry he considers should be substituted for the above.)

On the following grounds— (The objector will here state the reason why he considers the entry should be altered.)

Signature of Objector.

.....day of.....19.....

Valuation Court.

Objection by—

Sec. No.....

Decision of Court..... day of.....19.....







**Tweede Skedule.**

**Ord. No.  
20 van  
1933.**

[Artikel *twaalf.*]

**BESWARE**

TEEN 'N INSKRYWING OP DIE WAARDERINGSGLYS, OPGEMAAK KRAG-  
TENS DIE BEPALINGS VAN DIE PLAASLIKE-BESTUUR-BELASTING  
ORDONNANSIE, 1933.

Jaar 19...

Aan die waarderingshof van die Munisipaliteit (of Distrik)  
.....

Die volgende inskrywing kom voor op die waarderingsglys  
van die Munisipaliteit (of Distrik).....

(Vul hier in die naam van die beswaarmaker en die inskry-  
wing waarteen beswaar gemaak word.....)

Ek maak hierby beswaar teen genoemde inskrywing en ver-  
soek dat—

(Die beswaarmaker hier moet vermeld welke inskrywing  
volgens sy oordeel bostaande inskrywing moet vervang.)

.....

Op die volgende gronde—

(Die beswaarmaker moet hier die rede vermeld waarom  
hy vermeen dat die inskrywing verander moet word.)

.....

.....  
Handtekening van Beswaarmaker.

.....dag van.....19.....

*Waarderingshof.*

Beswaar van—

.....

Art. No.....

Beslissing van die Hof.....

.....dag van.....19.....

Ord. No.  
20 van  
1933.

—  
Artikel 37.

deur die pos by wyse van 'n vooruitbetaalde brief gedien word, en indien deur die pos gedien, moet dit beskou word dat hulle gedien is op die tyd waarop die brief, wat hul vergesel het, deur die gewone posdiens sou afgelewer word, en by bewyslewering van so'n diening is dit voldoende om te bewys dat die kennisgewing, order of ander dokument behoorlik geadresseer en gepos is.

Kennisgewings wat aan die eienaar of okkupant van 'n perseel gegee moet word, kan geadresseer word deur middel van die omskrywing van die „eienaar” of „okkupant” van die belasbare eiendom (met benaming daarvan) ten opsigte waarvan die kennisgewing gegee is, sonder verder naam of omskrywing.

Datum van  
inwerking-  
treeding.

38. Hierdie Ordonnansie sal van krag word op 'n datum wat deur die Administrateur by Proklamasie in die *Provinsiale Koerant* verklaar word as datum van inwerkingtreeding: Met dien verstande egter dat belastings deur 'n elektrisiteitsonderneming tussen die 30ste Junie 1933, en die inwerkingtreeding van hierdie Ordonnansie betaal bo of minder dan die bedrag wat verskuldig sou wees as hierdie Ordonnansie op die 30ste Junie 1933 van krag was, deur die betrokke plaaslike besture terugbetaal of ingevorder moet word, na gelang van die geval.

Kort  
titel.

39. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Plaaslike-Bestuur-Belastingordonnansie 1933.

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#### Eerste Skedule.

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[Artikel vyf (2).]

PLAASLIKE BESTURE WAAROP DIE BEPALINGS VAN PARAGRAAF (a)  
VAN ARTIKEL vyf (2) VAN HIERDIE ORDONNANSIE NIE TOEGEPAS  
MAG WORD NIE.

Stadsraad van Benoni.  
Stadsraad van Boksburg.  
Stadsraad van Brakpan.  
Stadsraad van Germiston.  
„City”-raad van Johannesburg.  
Stadsraad van Krugersdorp.  
„City”-raad van Pretoria.  
Stadsraad van Randfontein.  
Stadsraad van Roodepoort-Maraisburg.  
Stadsraad van Springs.

**35.** So gou as moontlik na die inwerking-treding van hierdie Ordonnansie, moet die plaaslike bestuur die waardeerdër of waardeerders alle verbeterings, wysigings, toevoegings en skrappings in die waarderingslys wat op genoemde datum van krag is, en miskien deur die bepalinge van hierdie Ordonnansie noodsaaklik gemaak word, laat aanbring.

Ver-  
beterings,  
ens., wat  
in be-  
staande  
waar-  
deringslys  
gemaak  
moet word.

Ord. No.  
20 van  
1933.

**36.** Elke eienaar van belasbare eiendom moet aan die betrokke plaaslike bestuur 'n adres in die Munisipaliteit opgee, waarheen die plaaslike bestuur die kennisgewings omskryf in artikels *twaalf*, *dertien* (4) en *ses-tien* moet stuur, en elke plaaslike bestuur moet 'n register van sulke adresse samestel, aanhou en byhou. Elke sodanige kennisgewing moet gedien word hetsy deur dit aan bedoelde adres af te lewer of gefrankeer deur die pos te stuur, en indien gepos, sal dit beskou word as gedien op die tydstip waarop bedoelde kennisgewing in die gewone loop van die posdiens afgelewer sou word, en by bewyslewing van sodanige diening is dit voldoende om te bewys dat bedoelde kennisgewing behoorlik geadresseer en gepos is.

Diening  
van kennis-  
gewings  
vereis in  
artikels 12  
13 en 16.

Van die plaaslike bestuur word nie vereis om die kennisgewings omskryf in genoemde artikels te dien nie op 'n eienaar van belasbare eiendom wat in gebreke gebly het om 'n adres ooreenkomstig die bepalinge van hierdie artikel aan die plaaslike bestuur te verskaf. By 'n regs-vordering ingevolge hierdie Ordonnansie waarin die betwiste punt is of 'n eienaar van belasbare eiendom 'n adres ooreenkomstig die bepalinge van hierdie artikel aan die plaaslike bestuur verskaf het, rus die bewyslas dat so'n adres wel verskaf is op die persoon wat beweer dat hy dit so verskaf het.

**37.** Behoudens teenstrydige bepalinge in hierdie Ordonnansie, moet kennisgewings of ander dokumente, wat ingevolge een of ander artikel van hierdie Ordonnansie bedoel is vir diening, gedien word deur die stukke aan of by die woning of besigheidsplek van die persoon aan wie hulle onderskeidelik geadresseer is, af te lewer, of waar geadresseer aan die eienaar of okkupant van belasbare eiendom, deur die stuk of 'n ware afskrif daarvan aan iemand op die belasbare eiendom af te lewer, of as daar niemand op so'n belasbare eiendom is nie op wie dit also gedien kan word, deur dit aan 'n in die ooglopende gedeelte van die belasbare eiendom te heg; die stukke kan ook

Diening  
van ander  
kennis-  
gewings,  
ens.

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—  
Artikel 33.

geboue beslag gelê en hulle geregtelik verkoop word tot voldoening van die bedrag van bedoelde belasting.

(5) Die plaaslike bestuur kan weier om die verkoping, verhuring, omruiling of vervreemding van sodanige geboue en verbeterings soos bepaal in subartikel (3) hiervan, te registreer, tensy en totdat die bedrae en koste genoem in artikel *nege-en-veertig* van die Plaaslike Bestuur Ordonnansie, wat aan die plaaslike bestuur daarop verskuldig mag wees, betaal is.

(6) Elke okkupant van sodanige geboue en verbeterings besit die reg om van die persoon van wie en onder wie hy genoemde geboue en verbeterings in gebruik het, soveel terug te vorder as wat deur hom betaal of van hom ingevorder is aan en vir belastings ten opsigte van bedoelde geboue en verbeterings en grond in terme van die bepalings van hierdie Ordonnansie.

(7) Iemand wat versuim om die verpligtings na te kom wat aan hom opgelê is in terme van subartikels (1) en (3) hiervan, is skuldig aan 'n oortreding en is by veroordeling strafbaar met 'n boete van hoogstens £50 (vyftig pond sterling) of gevangenisstraf, met of sonder harde arbeid, gedurende 'n tydperk van hoogstens drie maande.

Sekere bepalings bly gedurende tien jaar van krag om uitvoering te gee aan ooreenkomste omskrywe in die Derde en Vierde Skedules.

**34.** Die onderstaande bepalings van hierdie Ordonnansie bly van krag oor 'n tydperk van tien jaar vanaf die inwerkingtreding van hierdie Ordonnansie en daarna totdat die Provinsiale Raad die bepalings wysig of herroep, nl.:—

(1) In artikel *vier*:

- (a) die tweede voorbehoudsbepaling van die woordbepaling van „verbeterings”;
- (b) die woordbepaling van „elektrisiteitsonderneming”;
- (c) die woordbepaling van „randmunisipaliteite”;

(2) In artikel *agt*:

Gedeeltes I (*f*), II en III.

(3) In artikel *nege*:

Subartikels (4) en (5).

(4) Artikels *tien*, *twintig*, *een-en-twintig* en *twee-en-twintig*.

(3) As so'n agent of persoon versuim of in gebreke bly om aan so'n kennisgewing te voldoen, begaan hy 'n oortreding en by skuldigbevinding stel hy hom bloot aan 'n boete van hoogstens £20 ten opsigte van elke oortreding. En as bedoelde rekening also verstrekk in een of ander besonderheid vals is, het diegene verantwoordelik vir die valse opgawe daarin 'n oortreding begaan en stel hy hom bloot by skuldigbevinding aan 'n boete van hoogstens £50 ten opsigte van elke oortreding.

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20 van  
1933.

—  
Artikel 31.

**32.** Die opbrings van die belasting of belastingen gehê, of belasting opgelê, kragtens hierdie Ordonnansie moet aangewend word vir en ten behoeve van sodanige munisipale doeleindes as die plaaslike bestuur van tyd tot tyd dienstig ag.

Aanwending  
van  
belasting.

**33.** (1) Alle verplaasbare en onverplaasbare geboue en verbeterings, gebruik vir woon-doeleindes of vir doeleindes wat nie op mynontginning betrekking het nie en wat op grond kragtens mynbrief besit, of geproklameerde grond nie kragtens mynbrief besit nie, geleë is (uitgenome geproklameerde grond in 'n wettig-gestigte dorp) ten opsigte van die oprigting, onderhoud en okkupasie waarvan geen wettige bevoegdheid kragtens die bepalinge van die Goudwet bestaan nie, moet deur die respektiewe eienaars daarvan, of hulle respektiewe agente vir die beheer daarvan, opgeskryf word in 'n register wat vir daardie doel op kantoor van die plaaslike bestuur aangehou moet word.

Sekere  
geboue en  
ver-  
beterings  
moet by die  
plaaslike  
bestuur  
geregis-  
treer  
word.

(2) So'n register moet besonderhede bevat van sodanige geboue en verbeterings soos voormeld, 'n omskrywing en die grootte van die grond wat geokkupeer word en die volle name en adresse van die eienaars of hulle agente.

(3) Enige verkoping, verhuring, omluiling of vervreemding van bedoelde geboue en verbeterings moet op die wyse soos voorgeskryf in subartikel (1) hiervan, deur die persone wat by so'n verkoping, verhuring, omluiling of vervreemding betrokke is, binne veertien dae vanaf die datum daarvan geregistreer word.

(4) Die persoon op wie se naam bedoelde geboue en verbeterings soos voormeld geregistreer is, is aanspreeklik vir die betaling van alle belastinge daarop verskuldig en ongeag enige verkoping, verhuring, omluiling of vervreemding, tensy dit geregistreer is soos bepaal in subartikel (3) hiervan, kan op bedoelde

Ord. No. 20 van 1933. Bewys-lewering.

30. By enige prosedure vir die oplegging of invordering van belastings, of as gevolg van die oplegging of invordering van belastings, sowel as by alle ander handelinge kragtens die bepalings van hierdie Ordonnansie, is die waarderingslyste, belastingboeke, en verslae van die plaaslike bestuur en al die aantekeninge daarin gemaak en uittreksels of gesertifiseerde afskrifte daarvan, geteken deur die voorsitter of stadsklerk, en ook alle eksemplare van nuusblaai wat kennisgewings bevat nodig om as bewys te dien, alleen deur oorlegging daarvan, *prima facie* bewys van die oplegging van bedoelde belasting en van die inhoud daarvan sonder enige bewys dat aan die kennisgewings vereis deur, of ander vereistes van, hierdie Ordonnansie, voldoen is; met dien verstande dat elke party by so'n prosedure bevoeg is die teendeel te bewys.

Eienaar verantwoordelik vir belasting.

31. (1) Die persoon wat die eienaar van 'n belasbare eiendom is op die datum waarop 'n belasting verskuldig en betaalbaar word ten opsigte van so'n eiendom kragtens artikel *vyf-en-twintig* van hierdie Ordonnansie, is verantwoordelik vir betaling van die bedrag van bedoelde belasting, en in die geval van gemeenskaplike eienaars van belasbare eiendom is hulle gesamentlik en afsonderlik verantwoordelik vir die belasting daarop verskuldig; met dien verstande dat in geval van die afwesigheid van 'n eienaar uit die Provinsie, die agent of persoon, wat die huurgelde vir die eiendom van so'n eienaar ontvang, verantwoordelik sal wees vir die betaling van sodanige belastings of skriftelike kennisgewing van die plaaslike bestuur omtrent die verantwoordelikheid van die eienaar vir belastings daarop: met dien verstande egter dat so'n agent of persoon in verband met bedoelde belasting nie verantwoordelik sal wees nie vir 'n groter bedrag aan huur dan wat werklik in sy besit is op ontvangs van bedoelde kennisgewing, of wat hy daarna miskien nog ontvang, na inhouding van kommissie teen 'n tarief van vyf persent.

(2) Die plaaslike bestuur is bevoeg so'n agent of persoon wat die huurgelde vir die eiendom van sodanige eienaar invorder by skriftelike kennisgewing te versoek om die stadsklerk te voorsien van 'n rekening van die huurgelde vir bedoelde eienaar se eiendom deur hom ontvang. So'n agent of persoon moet so'n rekening binne veertien dae van die datum van so'n kennisgewing instuur.

moet alle nodige bevoegdheid verleen en in alle opsigte uitgevoer word asof dit 'n lasbrief tot geregtelike verkoping was uitgevaardig deur die magistraatshof, en die geregsbode moet by die uitvoering daarvan voldoen aan sulke voorskrifte en sodanige koste in rekening bring as op daardie tydstop van toepassing is op lasbriewe van voornoemde hof in verband met geregtelike verkoping.

Ord. No.  
20 van  
1933.

—  
Artikel 27.

28. Ongeag die bepalinge van artikel *seven-twentig*, kan die plaaslike bestuur na goeie vinde na die tyd vasgestel vir die betaling van sodanige belastings soos voornoem van die wanbetaler (sonder nader kennisgewing of aanmaning) die bedrag van die belastings deur bedoelde persoon verskuldig, afgesien van die bedrag daarvan, invorder deur regsgeleding in die hof van die magistraat van die distrik waarin die betrokke plaaslike bestuur geleë is, hetsy die persoon, daarvoor aanspreeklik, binne die regsgebied van so'n hof woonagtig is of nie. Ingeval dit nie moontlik is om die lasbrief binne die grense van die regsgebied van sodanige hof soos voormeld te laat dien nie, dan moet bedoelde diening op die wyse geskied soos deur genoemde hof gelas word.

Invoering  
van  
belasting.

29. Wanneer belastings gelê op eienaars van belasbare eiendom onbetaal bly vir 'n tydperk van drie maande na die datum waarop so'n belasting verskuldig en betaalbaar gemaak is, kan die plaaslike bestuur te eniger tyd binne twaalf maande na die oplegging van die belasting, die bedrag van bedoelde belasting, of 'n deel daarvan, van enige huurder of tydelike okkupant van so'n belasbare eiendom opvorder, ten bedrae van enige huur verskuldig en betaalbaar deur die huurder op datum van die vordering, en kan by wanbetaling daarvan na een maand vanaf die datum van so'n opvordering, dit van genoemde huurder of okkupant invorder op dieselfde wyse asof hy die eenaar was. En elke sodanige huurder of okkupant het die reg om van enige huur of ander bedrag wat deur hom aan so'n eenaar of sy opvolgers in eiendomsreg verskuldig is, soveel in te hou as wat aldus deur hom betaal of van hom ingevorder is en die oorlegging van die kwitansies vir bedoelde belasting aldus betaal deur, of ingevorder van, so'n huurder of okkupant, moet as 'n goeie en volledige vereffening vir die bedrag aldus betaal of ingevorder beskou word in mindering van huur of ander bedrag.

Procedure  
vir in-  
voering  
van  
belasting  
onbetaal  
vir drie  
maande.



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(4) Geen bepaling van hierdie Ordonnansie sluit die betaling van 'n belasting uit nie, deur 'n plaaslike bestuur opgelê in sulke gelyke of verskillende paaiemente as deur die plaaslike bestuur vasgestel word.

Belastings  
betaalbaar  
in afwag-  
ting van  
appél.

26. Wanneer 'n appél aanhangig gemaak is teen die beslissing van 'n waarderingshof, word die belastings gehef deur 'n plaaslike bestuur nadat die president van die waarderingshof die waarderingslys geteken en gesertifiseer het, maar voordat so'n appél beslis is, op belasbare eiendomme teen die waardering waarvan bedoelde appél aangeteken is, verskuldig en is hulle betaalbaar op so'n waardering op die dag vasgestel in terme van artikel *vier-entwintig*, en indien as gevolg van so'n appél na die datum van betaling van bedoelde belasting 'n verandering in die waardering, hetsy by wyse van verhoging of verlaging aangebring word, moet die plaaslike bestuur die verskil, na gelang van omstandighede, invorder of terugbetaal saam met rente teen 6 persent per jaar op die bedrag aldus ingevorder of terugbetaal, vanaf die datum van betaling van die belasting tot die datum van so'n invordering of terugbetaling.

Afdwing  
van  
betaling  
van  
belasting.

27. As na die tyd vasgestel vir die betaling van sodanige voormelde belastings iemand versuim om belasting deur hom verskuldig te betaal, is die plaaslike bestuur bevoeg om bedoelde persoon by wyse van 'n gedrukte of geskrewe brief te laat aanmaan vir betaling van die bedrag daarin genoem binne veertien dae na indiening daarvan. En ingeval iemand aan wie bedoelde aanmaning oorhandig is of by wie se gewone woon- of besigheidsplek of kantoor dit afgelewer is, nie daaraan voldoen nie, dan is die plaaslike bestuur bevoeg om by die magistraat aansoek te doen vir 'n summiere lasbrief tot invordering van bedoelde belastings van die persone wat vir betaling daarvan aanspreeklik is; welke lasbrief genoemde magistraat moet uitreik op vertoon van 'n lys van die name en adresse van diegene wat also in gebreke gebly het en die bedrag deur hulle verskuldig met 'n sertifikaat van die stadsklerk of stadstesourier dat ieder afsonderlik by wyse van voormelde kennisgewing aangemaak is om genoemde belastings te betaal en dat bedoelde belastings deur hulle verskuldig is en nie hoër as die maximum belastings vasgestel deur, of kragtens, hierdie Ordonnansie is nie, en elke sodanige lasbrief

word, dit wil sê jaarliks op die eerste dag van Maart en die eerste dag van September.

Die genoemde betalings is invorderbaar as of dit belastings was opgelê kragtens hierdie Ordonnansie en die bepalings van hierdie Ordonnansie is toepaslik *mutatis mutandis* vir die doeleindes van sodanige invordering.

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**23.** Ongeag die bepalings hierin bevat, kan die plaaslike bestuur, in geval abnormale of buitengewone uitgawe deur die plaaslike bestuur gemaak word ten opsigte van een of ander bepaalde gebied van belashbare eiendom, buite en behalwe die gewone uitgawe vir die gehele munisipaliteit, by besluit bepaal dat bedoelde abnormale of buitengewone uitgawe (hetsy die bedrag daarvan al dan nie, werklik uitgegee is) geheel of gedeeltelik bestry word deur 'n spesiale belasting op die belashbare eiendom of een of ander gedeelte daarvan binne sodanige bepaalde gebied, met uitsondering van die orige gedeelte van die munisipale gebied, en kan, onderworpe aan die goedkeuring van die Administrateur, die bedrag van bedoelde spesiale belasting daarop, en die persone en tye deur wie en waarop dit verskuldig is, vasstel.

**24.** Elke belasting deur die plaaslike bestuur opgelê, is verskuldig en moet betaal word op 'n dag wat hy vasstel, van welke dag en van die bedrag van welke belasting die plaaslike bestuur minstens dertig dae vooraf kennis moet gee by wyse van kennisgewing in die *Provinsiale Koerant* en in 'n nuusblad wat in die munisipaliteit sirkuleer, en op so'n ander wyse as hy by besluit bepaal.

**25.** (1) Wanneer die plaaslike bestuur, soos voormeld, kennis gegee het van die dag waarop so'n belasting verskuldig is en betaal moet word, is alle persone wat vir bedoelde belasting aanspreeklik is, verplig om die bedrag daarvan ten kantore van die plaaslike bestuur te betaal, by gebreke waarvan die wanbetalers gedagvaar kan word vir die bedrae wat ieder afsonderlik skuldig is.

(2) 'n Plaaslike bestuur is bevoeg om 'n korting van hoogstens twee en 'n half persent (2½%) toe te staan op belastings betaal op of voor die datum waarop bedoelde belasting betaal moet word kragtens artikel *vier-entwintig*.

(3) Die plaaslike bestuur is bevoeg om rente op agterstallige eiendomsbelastings te bereken en in te vorder teen 'n tarief van hoogstens 7 persent per jaar.

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op dieselfde wyse verminder deur die inhouding van nog een-tiende van die berekende verskil in iedere daaropvolgende jaar totdat die betaalbare persentasie 20 persent word;

- (vi) daarna moet elke sodanige eienaar soos voornoem 20 persent van die genoemde jaarlikse bruto-inkomste betaal;

met dien verstande dat die plaaslike bestuur bevoeg is om by besluit die persentasie wat elke sodanige eienaar moet betaal te verminder deur meer as een-tiende van die berekende verskil in 'n jaar af te trek, en om die persentasie betaalbaar deur elke sodanige eienaar onder 20 persent van die bedoelde jaarlikse bruto-inkomste te verminder.

(4) In elke geval waarin die 1932-persentasie minder as 20 is, moet die persentasie van jaarlikse bruto-inkomste toekomende aan genoemde eienaar uit die bedoelde belang, wat deur genoemde eienaar in en vir elke jaar betaal moet word, die 1932-persentasie wees, tensy en totdat die plaaslike bestuur by besluit bepaal dat die persentasie betaalbaar deur elke sodanige eienaar verhoog moet word. Die plaaslike bestuur is bevoeg om by besluit die persentasie, wat elke sodanige eienaar moet betaal, tot 'n maximum van 20 persent van bedoelde jaarlikse bruto-inkomste te verhoog: Met dien verstande dat —

- (i) so'n verhoging nie tussen die inwerking-treding van hierdie Ordonnansie en die einde van die jaar 1934 gemaak mag word nie;
- (ii) die betaalbare persentasie nie in een enkel jaar verhoog mag word nie deur byvoeging van meer as een-tiende van die berekende verskil.

(5) In die geval van die grondeienaars-lisensiebelang wat na die een-en-dertigste dag van Desember 1932 ontstaan is of sal ontstaan, of wat nie op daardie datum op die waarde-ringslys voorgekom het nie, is die persentasie van jaarlikse bruto-inkomste wat uit bedoelde belang aan die eienaar daarvan toekom, en wat deur hom in en vir elke jaar betaal moet word, 20 persent: Met dien verstande dat die plaaslike bestuur bevoeg is om by besluit die persentasie, wat elke sodanige eienaar moet betaal, tot onder 20 persent van bedoelde jaarlikse bruto-inkomste te verminder.

(6) Die bedrae betaalbaar ooreenkomstig hierdie artikel, moet deur genoemde eienaars van bedoelde belange aan die betrokke plaaslike bestuur in halfjaarlikse paaieimente betaal

eienaar van genoemde belang by wyse van belastings daarop gehef gedurende die jaar geëindig 31 Desember 1932, staan tot die bruto-inkomste toekomende aan genoemde eienaar uit bedoelde belang gedurende genoemde jaar.

Die waardeerder of waardeerders moet op die waarderingslys ten opsigte van elke sodanige belang opteken—

- (i) die persentasie also bereken—hierin die „1932-persentasie” genoem;
  - (ii) die bedrag-persent wat die „1932-persentasie” meer of minder as twintig is, hierin die „berekende verskil” genoem.
- (3) In elke geval waarin die 1932-persentasie meer as 20 is, moet die persentasie jaarlikse bruto-inkomste toekomende aan genoemde eienaar uit bedoelde belang wat deur genoemde eienaar betaal moet word in en vir elke jaar, die 1932-persentasie wees, verminder oor 'n tydperk van jare tot 20 persent deur agtereenvolgende jaarlikse inhoudinge van een-tiende van die berekende verskil op die volgende wyse, dit wil sê:—

- (i) vanaf die inwerkingtreding van hierdie Ordonnansie tot die einde van die jaar 1934, moet die persentasie van jaarlikse bruto-inkomste, wat deur elke sodanige eienaar soos voornoem betaal moet word, die 1932-persentasie wees;
- (ii) vir die jaar 1935 moet die persentasie van jaarlikse bruto-inkomste, wat deur elke sodanige eienaar soos voornoem betaal moet word, die 1932-persentasie wees min een-tiende van die berekende verskil;
- (iii) vir die jaar 1936 moet die persentasie jaarlikse bruto-inkomste, wat deur elke sodanige eienaar soos voornoem betaal moet word, die 1932-persentasie wees min twee-tiendes van die berekende verskil;
- (iv) vir die jaar 1937 moet die persentasie jaarlikse bruto-inkomste wat deur elke sodanige eienaar soos voornoem betaal moet word, die 1932-persentasie wees min drie-tiendes van die berekende verskil;
- (v) vir die jaar 1938 en daaropvolgende jare moet die persentasie van jaarlikse bruto-inkomste, wat deur elke sodanige eienaar soos voornoem betaal moet word, die 1932-persentasie wees,

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genoemde verbeterings soos op een of ander daaropvolgende waarderingslys aangetoon;

- (ii) waar genoemde verbeterings in die lewe geroepe en na bedoelde datum op die waarderingslys geplaas word, moet addisionele belasting gehef word op die waarde van genoemde verbeterings soos aangetoon op die waarderingslys wat van krag is op die datum waarop bedoelde belasting gehef word.

(2) Nieteenstaande die bepalings van hierdie artikel, as die plaaslike bestuur in een of ander van die Rand-Munisipaliteite en in die Munisipaliteit Nigel bepaal dat 'n belasting gehef moet word op die waarde van alle verbeterings in die munisipaliteit soos in subartikel (4) van artikel *agtien* voorgeskryf, moet so 'n belasting gehef word op die waarde van die verbeterings vermeld in hierdie artikel soos aangetoon op die waarderingslys wat van krag is op die datum waarop bedoelde belasting gehef word.

Heffing  
van  
belasting  
op grond-  
eienaars-  
lisensie-  
belang.

**22.** Die volgende bepalings is van toepassing op die heffing van belasting op grondeienaars-lisensiebelang:—

(1) Nieteenstaande die bepalings van artikel *agtien*, mag geen belasting of belastings vermeld in genoemde artikel na die inwerking-treding van hierdie Ordonnansie op die waarde van genoemde belang gehef word nie, dog in plaas daarvan moet die plaaslike bestuur ontvang en elke eienaar van bedoelde belang moet in en vir iedere finansiële jaar 'n persentasie betaal van die jaarlikse bruto-inkomste wat aan genoemde eienaar toekom uit bedoelde belang soos voorkom in die aantekeninge van die Departement van Mynwese, welke aantekeninge vir die doel van hierdie Ordonnansie as afdoende bewys van die bedrag van sulke inkomste aangeneem moet word. Behoudens die bepalings van subartikel (3) van hierdie artikel, mag bedoelde persentasie nie meer as twintig persent van genoemde bruto-inkomste wees nie, en moet dit op die wyse vermeld in subartikels (3), (4) en (5) van hierdie artikel bepaal word.

(2) Moet die waardeerder of waardeerders dadelik na die inwerking-treding van hierdie Ordonnansie, ten opsigte van iedere grondeienaars-lisensiebelang die persentasie-verhouding bereken waarin die bedrag, betaal deur die

doeleindes wat nie op mynontginning betrekking het nie deur persone of maatskappye gebruik word wat betrokke is in mynontginning onverskillig of sulke persone of maatskappye die besitters van die mynbrief is of nie.

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Met dien verstande dat—

- (a) die bedrag van die belasting wat daarop gehef moet word, ooreenkomstig onderstaande skaal verminder word:—
- (i) vanaf die inwerkingtreding van hierdie Ordonnansie tot die einde van die jaar 1934, moet die volle addisionele belasting op die waarde van genoemde verbeterings gehef word;
  - (ii) gedurende die jaar 1935, moet negentig persent van so'n addisionele belasting also gehef word;
  - (iii) gedurende die jaar 1936, moet tagtig persent van so'n addisionele belasting also gehef word;
  - (iv) gedurende die jaar 1937, moet sewentig persent van so'n addisionele belasting also gehef word;
  - (v) gedurende die jaar 1938, en die daaropvolgende jare, moet ses-en-sestig en twee-derde persent van so'n addisionele belasting also gehef word;
- (b) die waarde van die verbeterings waarop genoemde addisionele belasting gehef moet word, is die volgende—
- (i) waar genoemde verbeterings bestaan en op die waarderingslys by die inwerkingtreding van hierdie Ordonnansie voorkom, moet die bedoelde addisionele belasting gehef word op die waarde van genoemde verbeterings, soos aangetoon op die waarderingslys wat op die bedoelde datum van krag is, en onderworpe aan die voortdurende bestaan van bedoelde verbeterings, moet die heffing daarvan op bedoelde waarde voortgesit word vir die tydperk vermeld in artikel vier-en-dertig sonder inagneming van die waarde van

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Ekstra-  
addisionele  
belasting  
op seker  
grond besit  
deur  
Elektrisi-  
teitsonder-  
nemings.

20. Vanaf en na die in werkingtreding van hierdie Ordonnansie is die plaaslike bestuur in die Rand-Munisipaliteite en in die Munisipaliteit Nigel, bevoeg om, behalwe die belastinge vermeld in artikel *agtien*, nog 'n belasting, hierin verder die „ekstra-addisionele belasting” genoem, te hef in of vir elke en ieder boekjaar op die terreinwaardes van sulke grond of belange in grond in besit van elektrisiteitsondernemings, soos hierin uiteengesit, nl.—

- (a) grond of belang in grond wat kragtens 'n oppervlakregtepermit vir woondoel-eindes besit word of vir 'n doel nie in (b) inbegrepe nie;
- (b) grond of belang in grond wat in vry eiendom of volgens 'n ander eiendomsbewys besit en deurkruis word deur kraglyne, kables, water- en lugpypgeleidings en spoorwagsylyne;
- (c) grond kragtens industriële standplaaslisensie besit; onderworpe aan die navolgende voorwaardes:—
  - (i) die bedrag van genoemde ekstra-addisionele belasting moet ander halfmaal die addisionele belasting wees op terreinwaardes gehief ooreenkomstig subartikel (3) van artikel *agtien*, met dien verstande dat genoemde ekstra-addisionele belasting geensins meer as nege pennies in die pond mag wees nie;
  - (ii) genoemde ekstra-addisionele belasting mag nie gehief word nie op grond kragtens industriële standplaaslisensie besit en deur elektrisiteitsondernemings na die eerste dag van Januarie 1933 verkry;
  - (iii) genoemde ekstra-addisionele belasting moet gehief word alleen op die terreinwaarde van grond wat kragtens industriële standplaaslisensie besit word soos op die waarderingslys op die eerste dag van Januarie 1933 voorkom.

Addisionele  
belasting  
op ver-  
beterings  
op grond  
kragtens  
mynbrief  
besit deur  
persone  
betrokke in  
mynont-  
ginning in  
Rand-  
Munisipali-  
teite.

21. (1) Die plaaslike bestuur is bevoeg om in die Rand-Munisipaliteite en in die Munisipaliteit Nigel die addisionele belasting opgelê ooreenkomstig subartikel (3) van artikel *agtien* te hef op verbeterings (uitgesonderd grond van 'n wettig-gestigte dorp) geleë op grond kragtens mynbrief besit asook op die terreinwaarde van sodanige grond waar bedoelde grond vir woondoel-eindes of vir

in die munisipaliteit; met dien verstande dat in so'n geval die addisionele belasting geen groter bedrag in die pond uitmaak nie as saam met so'n belasting op die waarde van verbeterings nodig is om 'n bedrag op te bring, gelyk aan dié wat opgebring sou word deur 'n belasting van drie pennies in die pond op die terreinwaarde van grond en op die waarde van verbeterings gesamentlik.

(5) Die Administrateur kan op versoek van 'n plaaslike bestuur die oplegging deur so'n plaaslike bestuur van 'n addisionele belasting, hoër as voorgeskryf is in subartikel (3) van hierdie artikel toestaan; met dien verstande dat as die Administrateur so'n versoek weier, die Provinsiale Raad binne een week na bedoelde weiering, as die Raad dan byeengekom het of as die Provinsiale Raad dan nie byeengekom het nie, dan binne een week na die eersvolgende sitting van die Raad na so'n weiering, sodanige plaaslike bestuur by besluit kan magtig om so'n hoër belasting op te lê.

**19.** Behoudens die bepalinge van artikel *agtien*, moet die belastinge op die terreinwaardes van grond slegs gehê word op eenagte van die terreinwaarde van die grond soos hierin gespesifiseer, nl.—

**Heffing  
van  
belasting  
op landbou  
grond.**

- (i) grond aangelê en gesertifiseer as landbouhoewes kragtens die Landbouhoeven (Transvaal) Registratie Wet, No. 22 van 1919, of 'n wysiging daarvan; indien en solank as die gebruik van sulke grond tot suiwer landbou-doeleindes beperk word;
- (ii) grond wat die eienaar volgens wet of serwituut of voorwaarde van eiendomsbewys vir geen ander doel dan as landbougrond mag gebruik nie;
- (iii) ander stukke grond van minstens drie morg groot wat te goeder trou en uitsluitend as landbougrond gebruik word; met dien verstande dat waar twee of meer aangrensende stukke grond waarvan een of meer kleiner as drie morg is, wat te goeder trou en uitsluitend as landbougrond gebruik en deur een eienaar besit en geokkuper word, tesame 'n terrein minstens drie morg uitmaak, moet die gehele terrein so samegestel, vir die doeleindes van hierdie artikel as een enkele landbou-terrein beskou word.

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hierdie artikel, en besware daarteen ingebring oorweeg, en die bepalings van artikels *dertien*, *veertien* en *vyftien* is *mutatis mutandis* van toepassing.

Waarderingslys mag nie betwis of buite werking gestel word nie.

17. Geen waardering voorkomende op 'n waarderingslys kragtens hierdie Ordonnansie opgemaak en geen belasting wat daarop gebaseer is, mag ongeldig gemaak of verander word nie weens 'n fout of verskil in die omskrywing van belasbare eiendomme of in die naam van 'n eienaar daarvan; en 'n waarderingslys opgemaak en gewaarmerk ooreenkomsig hierdie Ordonnansie, kan nie weens 'n informaliteit betwis of buite werking gestel word nie.

Belastingdruk.

18. (1) Behoudens die bepalings in hierdie artikel vervat, is 'n plaaslike bestuur geregtig en bevoeg om in of vir elke finansiële jaar 'n belasting of belastings op te lê van sodanige bedrag of bedrae in die pond, as hy bepaal; met dien verstande dat, ongeag teenstrydige bepalings in hierdie artikel, die minimum kragtens hierdie artikel opgelê ten opsigte van die belange in grond, vyf sjielings bedra.

(2) Geen belasting mag op verbeterings gehef word nie totdat 'n belasting (hierin verder die oorspronklike belasting genoem) van een pennie in die pond opgelê is op die terreinwaarde van alle grond binne die munisipaliteit opgeneem in die waarderingslys en geen oorspronklike belasting of belastings wat in sy geheel meer as een pennie in die pond op sulke waarde bedra, mag in 'n enkel finansiële jaar opgelê word nie.

(3) Behoudens die bepalings van die eersvolgende subartikel, moet 'n te heffe belasting (hierin verder die addisionele belasting genoem), behalwe die oorspronklike belasting, gehef word op die terreinwaarde van grond en, behoudens die bepalings in subartikel (5) van hierdie artikel, mag geen sodanige addisionele belasting of belastings wat in sy geheel meer as ses pennies in die pond op sulke waarde bedra in 'n enkel finansiële jaar opgelê word nie.

(4) 'n Plaaslike bestuur kan by besluit, by meerderheid van stemme aangeneem op 'n gewone vergadering van tyd tot tyd bepaal dat 'n belasting van 'n bedrag in die pond gelyk aan, of minder as, die addisionele belasting gehef word op die waarde van alle verbeterings

- (f) waar slegs 'n deel van belasbare eiendomme wat nie afsonderlik op 'n waarderingslys vermeld is nie, aan 'n spesiale belasting kragtens artikel *drie-en-twintig* van hierdie Ordonnansie onderworpe is, of kan wees, die waarde van bedoelde eiendom wat op sodanige lys voorkom deur so'n waardeerder te laat toewys tussen die deel daarvan, wat onderworpe is of onderworpe kan wees aan 'n spesiale belasting soos voornoem, en die orige deel daarvan, wat nie aan so'n spesiale belasting onderworpe is nie;

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Artikel 16.

Met dien verstande dat—

- (i) by die opmaak van sulke tussen-tydse waarderings dieselfde vorms in ag geneem, en dieselfde prosedure soveel moontlik *mutatis mutandis* gevolg word, soos hierbo uiteengesit, ten opsigte van algemene waarderings, uitgesonderd dat, na goedvinde van die plaaslike bestuur, die kennisgewings voorgeskryf in artikel *twaalf* nie gepubliseer behoef te word nie;
- (ii) elke sodanige waardering, herwaardering, verbetering en verdeling onderworpe aan alle besware wat daarteen gemaak word by die eersvolgende sitting van die waarderingshof;
- (iii) in die geval van eiendomme wat tot die lys toegevoeg is kragtens die bepalinge van paragraaf (b) hiervan, of waarvan die waardering verhoog is kragtens paragraaf (e) hiervan, die eienaar, as by die eersvolgende sitting van die waarderingshof die waarde van genoemde eiendom vasgestel word op 'n bedrag minder as dié waarop die vorige belasting gehef was, geregtig is tot terugbetaling van belastings deur hom betaal bo dié wat betaal sou ge-wees het as dié belasting gehef was op die waarde soos vasgestel deur genoemde waarderingshof;
- (iv) die waarderingshof vermeld in artikel *dertien*, moet so'n tussen-tydse waardering, gemaak ooreenkomstig die bepalinge van

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Bevoegd-  
heid om  
belasting  
of belasbare  
eiendom  
wat nie  
bestaan  
nie kwyf te  
skeld, om  
belasbare  
eiendom  
wat uit-  
gesluit is  
te laat  
waardeer  
en om  
nuwe waar-  
derings te  
laat maak.

16. Nieteenstaande teenstrydige bepalings in hierdie Ordonnansie vervat, het die plaaslike bestuur die reg om van tyd tot tyd en te eniger tyd—

- (a) belasting wat op belasbare eiendomme opgelê is, kwyf te skeld in een of ander geval waarin bedoelde belasbare eiendom vernietig is sedert die datum van opmaking van die waarderingslys, en in sodanige ander gevalle as deur die Administrateur goedgekeur word;
- (b) belasbare eiendomme, wat uit die waarderingslys uitgesluit en van tyd tot tyd van krag is of 'n nuwe belasbare eiendom deur 'n waardeerder, benoem soos hierbo bepaal, te laat waardeer en die lopende belasting daarvan te laat invorder, en waar genoemde belasbare eiendom uit bedoelde waarderingslys uitgesluit is, die belasting wat ten aansien daarvan betaalbaar sou gewees het sedert die bekragtiging van genoemde lys as bedoelde fout nie ingesluip het nie, te laat invorder;
- (c) 'n waardering deur so'n waardeerder te laat maak van belasbare eiendomme wat onderverdeel is na die datum waarop die waardering van bedoelde eiendom finaal geword het, en die waardering deur so'n waardeerder te laat toewys volgens die onderverdelings van genoemde eiendom, en belastings wat daarvoor verskuldig is te laat aanslaan en invorder volgens so'n onderverdeling;
- (d) 'n nuwe waardering deur so'n waardeerder te laat maak van belasbare eiendomme wat, uit die aard van die hoedanigheid sedert die jongste waardering daarvan, aanmerklik in waarde gestyg of gedaal het;
- (e) foute voorkomende in die waarderingslys wat van tyd tot tyd van krag is, deur so'n waardeerder te laat verbeter in alle gevalle waarin 'n skryffout of 'n fout, betreffende die aard van die gewaardeerde belang in so'n lys, gemaak is, en om belastings daarop verskuldig, ooreenkomstig die verbeterde lys, en die verskil tussen die reeds betaalde belastings en die belastings wat ten aansien daarvan betaalbaar sou gewees het sedert die bekragtiging van genoemde lys as bedoelde fout nie ingesluip was nie, te laat invorder;

aldus genotuleer en gewaarmerk is, word by vervolgings weens meined as getuienis beskou en aangemerkt.

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14. Sodra die waarderingshof sy ondersoek van die waarderingslys voltooi het, en daarin sodanige veranderings en wysigings gemaak het as hy nodig ag, moet die president van die hof die lys onderteken en sertifiseer. Hy moet voorts minstens tweemaal binne die tyd van een week 'n kennisgewing laat plaas in die *Provinsiale Koerant* en in een of meer nuusblaai wat in die munisipaliteit sirkuleer, waarin aan alle belanghebbende persone meegedeel word dat die lys voltooi is, en dat dit vasgestel en bindend gemaak word vir alle betrokke partye wat nie voor 'n datum in bedoelde kennisgewing vasgestel, en minstens een maand vanaf die datum van die eerste publikasie van voornoemde kennisgewing, teen die beslissing van die waarderingshof appelleer nie op die wyse soos in die eersvolgende artikel voorgeskryf word.

Waar-  
deringslys. **Artikel 13.**

15. (1) Elkeen wat hom verongelyk gevoel deur die waarde geplaas op 'n eiendom deur hom besit of geokkupeer, is geregtig om binne een maand vanaf die datum van die eerste publikasie van die kennisgewing vermeld in artikel *veertien* appèl aan te teken teen die beslissing van die hof omtrent so'n waardering by die hof van die magistraat van die distrik, en so'n laasgenoemde hof moet ondersoek instel na sulke waardering en sy beslissing is finaal en afdoende; met dien verstande egter dat, indien 'n regspunt ontstaan aangaande die beginsel waarop 'n waardering gemaak is of gemaak dien te word, so'n magistraat geregtig is om, in plaas van self so'n punt te beslis op versoek van die plaaslike bestuur of party wat beswaar maak, so'n regspunt te reserveer vir beslissing deur die Hooggeregshof en so'n regspunt moet uiteengesit word in die vorm van 'n spesiale saak en kan bepleit word voor, en beslis word deur, die Hooggeregshof. Albei genoemde howe kan so'n order uitvaardig aangaande koste as dienstig geag word.

Reg van  
appèl.

(2) Die plaaslike bestuur is bevoeg om binne een maand soos voornoem appèl aan te teken teen die beslissing van genoemde waarderingshof met betrekking tot belasbare eiendomme in die munisipaliteit by die hof van die magistraat van die distrik, en so'n appèl is onderworpe aan die bepalings genoem in die voorafgaande subartikel ten opsigte van appèls deur die eenaar of okkupant van eiendom.

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Artikel 13.

en in geval van staking van stemme, het die president of waarnemende president 'n beslissende stem.

(6) Niemand mag aan die behandeling van sake deelneem nie waarby hy regstreeks belang het of betrokke is deurdat hy in hoofsaak aanspreeklik is vir die betaling van die betrokke belasting of 'n gedeelte daarvan.

(7) Behoudens die bepalings van subartikel (2) van hierdie artikel as daar om een of ander rede of weens onbevoegdheid om te fungeer, vakatures op genoemde hof ontstaan sodat geen kworum gevorm kan word nie, kan die plaaslike bestuur terstond, en sonder kennisgewing, ander persone tydelik of andersins benoem tot aanvulling van sulke vakatures of setels, van lédé wat onbevoeg is om te fungeer.

(8) Die stadsklerk moet deur publikasie in die *Provinsiale Koerant* en in een of meer nuusblaaië wat in die munisipaliteit sirkuleer, minstens sewe dae vantevore kennis gee van die datum wat vir die eerste sitting van so'n hof vasgestel is.

(9) By elke sitting van so'n hof, kan die plaaslike bestuur en elkeen wat besware teen waardering ingedien het, en elkeen teen wie se eiendomswaardering beswaar gemaak of in verband waarmee 'n verhoging voorgestel word of wie se eiendom bedoel is vir insluiting in die lys, kan of in persoon verskyn of deur 'n advokaat, prokureur of toegelate en gelisensieerde wetsagent verteenwoordig word.

(10) By elke sitting is so'n hof bevoeg om getuies op te roep en getuies deur wie ook al opgeroep onder ede te ondervra en die oorlegging te vorder van al sulke stukke of dokumente wat die hof nodig ag, en elke waardeerder deur wie waarderings vir behandeling gemaak is, moet so'n hofsitting bywoon en al die vrae wat hom ten opsigte daarvan gestel word deur, of deur tussenkoms van, die hof, onder ede beantwoord.

(11) Genoemde hof moet 'n aantekening hou van sy verrigtings en van die aanslag, beswaar en uitspraak ten opsigte van elke beswaar, en alle verklarings wat voor hom afgelê is laat notuleer en deur die getuie laat onderteken, en dit deur die handtekening van die president of waarnemende president waarmerk as voor bedoelde hof afgelê, en elke verklaring wat

staande uit die bepalings van subartikel (6) hiervan] nie kan nakom nie, moet die lede van genoemde waarderingshof iemand uit hulle midde benoem om as president gedurende die afwesigheid, siekte of ander onbekwaamheid van die president te fungeer; met dien verstande dat die plaaslike bestuur in so'n munisipaliteit by besluit deur 'n meerderheid van die lede van die plaaslike bestuur aangeneem (waarvan 'n gesertifiseerde afskrif deur die stadsklerk aan die provinsiale sekretaris verskaf moet word) by die Administrateur aansoek kan doen om die benoeming van 'n president van so'n waarderingshof op die wyse in subartikel (2) hiervan voorgeskryf. Indien die Administrateur oortuig is dat genoemde besluit behoorlik deur die vereiste meerderheid aangeneem is, moet hy 'n president vir so'n waarderingshof benoem en die bepalings van subartikel (2) hiervan is dan van toepassing op bedoelde munisipaliteit gedurende die tydperk waarvoor genoemde president benoem is.

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(4) So'n hof moet daarna op vergaderings wat behoorlik deur die president of klerk belê is, die waarderingslys en geopperde besware soos voornoemd oorweeg, en is geregtig om sodanige veranderings of wysigings in die waarderingslys aan te bring, hetsy deur verlagings, verhogings, aanvullings of uitsluitings, al na dit wenslik geag word; met dien verstande dat, behoudens die bepalings van artikel *ses-en-dertig* geen sodanige verandering of wysiging gemaak mag word nie, tensy en totdat die persoon wat daarby regstreeks betrokke blyk te wees, minstens sewe dae vantevore van die klerk skriftelike berig ontvang het van die datum van die vergadering van die hof waarop voorstelle tot so'n vergadering of wysiging behandel sal word, en sodanige betrokke persoon kan enige besware daarteen of voor bedoelde datum skriftelik aan die president of klerk stuur, of hulle op bedoelde sitting vir oorweging aanbied, en die waarderingshof moet alle sodanige besware behandel en in oorweging neem.

(5) Op elke sitting van so'n hof maak drie lede wat persoonlik aanwesig is, waarvan een die president of waarnemende president moet wees, 'n kworum uit, en die president of waarnemende president daarvan moet die voorsitterstoel inneem. Alle sake voor so'n hof moet met 'n meerderheid van stemme van die lede, wat persoonlik aanwesig is, beslis word

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Artikel 13.

subartikel by Proklamasie in die *Provinsiale Koerant* van toepassing kan verklaar, moet die Administrateur na raadpleging met die betrokke plaaslike bestuur, nog 'n lid van die waarderingshof benoem, wat die president moet wees, hierin verder die president genoem. Bedoelde benoeming moet geskied voor die eerste sitting van die waarderingshof waarvoor die president benoem word. Die president moet vir 'n tydperk van drie jaar benoem word en is herbenoembaar vir nog 'n tydperk of tydperke van drie jaar. Die president moet 'n vooraanstaande Advokaat van die Hooggeregshof of 'n prokureur of 'n geoktrooieerde rekenmeester wees wat minstens tien jaar in die Provinsie Transvaal gepraktiseer het of 'n afgetrede magistraat. Die Administrateur is bevoeg om dieselfde persoon tot president van meer as een of van almal die bedoelde waarderingshowe te benoem.

(b) Die president moet vir sy dienste beloon word en die besoldiging wat betaal moet word ten opsigte van iedere waarderingshof, moet deur die Administrateur vasgestel word na raadpleging met die betrokke plaaslike bestuur voor die benoeming, en moet deur genoemde plaaslike bestuur betaal word.

(c) Ingeval die president van 'n waarderingshof sy pligte uit hoofde van afwesigheid, siekte of ander onbekwaamheid [met inbegrip van die ontstaande uit die bepalings van subartikel (6) hiervan] nie kan nakom nie, moet die Administrateur iemand benoem met die nodige bevoegdhede om as president van genoemde waarderingshof gedurende die afwesigheid, siekte of ander onbekwaamheid van die president te fungeer. Gedurende die tydperk waarvoor die waarnemende president benoem word, is hy lid van genoemde waarderingshof. Sodanige gedeelte van die president se besoldiging, as eweredig is aan die werksaamhede verrig deur die waarnemende president, moet deur die betrokke plaaslike bestuur aan die waarnemende president betaal word en nie aan die president nie.

(3) In ander munisipaliteite as dié gespesifiseer in subartikel (2) van hierdie artikel, moet die lede van genoemde waarderingshof voor die eerste sitting van bedoelde hof, 'n president uit hulle midde benoem. Ingeval die president van 'n waarderingshof sy pligte uit hoofde van afwesigheid, siekte of ander onbekwaamheid [met inbegrip van dié ont-

lê, en elkeen kan die lys gedurende alle redelike ure nagaan en daarvan afskrifte of uittreksels maak. Behoudens die bepalings van artikel *ses-en-dertig*, moet die plaaslike bestuur aan iedere eienaar van belasbare eiendom, wie se eiendom op die waarderingslys geplaas is, 'n skriftelike kennisgewing dien, waarin die bedrag vermeld word waarteen bedoelde belasbare eiendom gewaardeer is en moet deur middel van genoemde kennisgewing en deur kennisgewing gepubliseer in die *Provinsiale Koerant* en in een of meer nuusblaaie wat in die munisipaliteit sirkuleer, alle belanghebbende persone oproep om binne 'n bepaalde tyd, minstens dertig dae vanaf die datum van die eerste publikasie van bedoelde kennisgewing, die stadsklerk in die vorm soos vermeld in die Tweede Skedule, skriftelik in kennis te stel met enige besware wat hulle teen die waardering van belasbare eiendomme wat, soos voormeld, gewaardeer is, het, of teen die weglating uit die lys van eiendom wat volgens bewering belasbare eiendom en in besit van die beswaarmaker of ander persone is, of teen 'n ander fout, onvolledigheid of verkeerde omskrywing, met dien verstande dat die stadsklerk, waar hy dit raadsaam ag, verlenging van voornoemde tydperk vir indiening van besware kan verleen, en voorts met dien verstande dat waar teen twee of meer inskrywings beswaar gemaak word op dieselfde grond deur dieselfde persoon een kennisgewing van beswaar op een vorm ten opsigte van alle genoemde inskrywings ingedien kan word. Niemand het die reg om besware voor die hieronder-genoemde waarderingshof te opper nie, tensy hy vooraf bedoelde kennisgewing van beswaar, soos voornoem, ingedien het.

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Artikel 12.

13. (1) Na afloop van die tyd wat in bedoelde kennisgewing bepaal is, moet die plaaslike bestuur 'n waarderingshof benoem, bestaande uit minstens drie persone wat al dan nie lede van die plaaslike bestuur kan wees. Vir elke sodanige hof moet 'n president benoem word op die wyse voorgeskryf in subartikel (2) of subartikel (3) van hierdie artikel na gelang van die geval. Die stadsklerk of iemand anders deur die plaaslike bestuur benoem, moet as klerk van voornoemde hof optree.

Waar-  
deringshof.

(2) (a) In die munisipaliteite Pretoria, Johannesburg, Germiston, Boksburg, Benoni, Brakpan, Springs, Roodepoort-Maraisburg, Krugersdorp, Randfontein en ander Munisipaliteite waarop die Administrateur hierdie



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Artikel 10.

- (iv) kables en lug- en waterpypgeleidings in afsonderlike kabelgewelwe beskou word as 2 voet 6 duim wyd vir elke kabelgewelf;  
(v) spoorwagsylyne beskou word as 14 voet wyd.

In elke geval moet die lengte gelyk wees aan die werklike lengte van die deurkruiste grond.

(3) Grond wat 'n elektrisiteitsonderneming ingevolge industriële standplaaslisensie besit, moet op die wyse voorgeskryf in subartikel (1) van artikel *nege* gewaardeer word.

Stadsklerk en waardeerder besit die reg van toegang en inspeksie.

**11.** (1) Elke stadsklerk en elke waardeerder, voorsien van 'n skriftelike magtiging geteken deur die burgemeester of stadsklerk, is, vir die doeleindes van hierdie Ordonnansie, geregtig om gedurende alle redelike ure bedags enige grond of geboue binne die munisipaliteit te betree en is tewens geregtig om alle registers of ander aantekenings of aktes of dokumente van, of in bewaring of besit van, 'n staatsamptenaar of ander persoon, waarin besonderhede voorkom van belasbare eiendomme, na te sien en daarvan uittreksels te maak, onverskillig of bedoelde persoon belang het in sulke belasbare eiendomme of nie. Enigeen wat opsetlik die waardeerder dwarsboom in die uitoefening van die bevoegdhede wat kragtens hierdie artikel aan hom verleen is, is strafbaar soos in die eersvolgende subartikel bepaal word.

(2) Elke stadsklerk en al sulke waardeerders is geregtig om van die eienaar of okkupant van belasbare eiendom sodanige skriftelike besonderhede omtrent bedoelde belasbare eiendomme te eis as nodig is om bedoelde waardeerder in staat te stel 'n juiste waardering daarvan te maak; en 'n eienaar of okkupant wat versuim om binne veertien dae nadat dit van hom gevorder is, bedoelde skriftelike besonderhede op aanvraag te verskaf, is strafbaar met 'n boete van hoogstens twintig pond vir elke oortreding, en iemand wat aan 'n waardeerder 'n verkeerde opgawe van waarde of van ander besonderhede soos voornoem verskaf, is by veroordeling strafbaar met 'n boete van hoogstens vyftig pond vir elke oortreding.

Insage van voorlopige lys.  
Besware.

**12.** Wanneer die waarderingslys voltooi is, moet dit aan die plaaslike bestuur voorgeleë en op hulle kantoor ter insage van die publiek

in elke geval as 'n stuk grond in vry eiendom beskou waarvan die grootte die grond is werklik deur die okkupant geokkupeer.

Verbeterings daarop moet gewaardeer word asof dit verbeterings op grond in vry eiendom is.

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Artikel 9.

10. (1) Die belasbare eiendom wat 'n elektrisiteitsonderneming in 'n Rand-Munisipaliteit of in die Munisipaliteit Nigel besit, soos in hierdie subartikel omskryf, nl.:—

Waardering van sekere grond of belange in grond van elektrisiteitsonder-nemings.

- (a) grond of belang in grond wat 'n elektrisiteitsonderneming besit ooreenkomstig oppervlakteregtepermit kragtens die Goudwet verleen vir woondoeleindes of vir 'n doel nie in paragraaf (b) van hierdie subartikel inbegrepe nie;
- (b) grond of belang in grond wat 'n elektrisiteitsonderneming in vry eiendom of 'n ander titel besit deurkruis deur kraglyne, kables, water- en lugpypgeleidings en spoorwagsylyne

mag nie op die wyse voorgeskryf in subartikel (1) of (5) van artikel *nege* gewaardeer word nie, maar die waardeerder of waardeerders moet vir die doel van die waarderingslys aan genoemde belasbare eiendom 'n terreinwaarde van vyf-en-sewentig pond (£75) per tienduizend (10,000) vierkantvoet, toeken of so'n laer waarde as die plaaslike bestuur van tyd tot tyd by besluit bepaal en dit op die bedoelde lys dienooreenkomstig inskryf.

(2) Vir doeleindes van hierdie artikel, moet die terrein, wat 'n elektrisiteitsonderneming ten opsigte van die grond of belange in grond soos voormeld, okkupeer of geag word te okkupeer, as volg vasgestel word, nl.:—

- (a) ten opsigte van grond of belang in grond wat onder subartikel (1) (a) van hierdie artikel val, die werklike terrein kragtens so'n oppervlakregtepermit verleen;
- (b) ten opsigte van grond of belang in grond gebruik vir een van die doeleindes vermeld in subartikel (1) (b) van hierdie artikel, moet—
  - (i) bogrondse netwerkkabel-pale en dubbelbuis-lynpale beskou word as 12 voet 6 duim wyd;
  - (ii) enkelbuis-lynpale beskou word as 6 voet 6 duim wyd;
  - (iii) ondergrondse luggeleidings en alle kabellyne in dieselfde kabelgewelf beskou word as 3 voet wyd;

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Grond-  
eienaars-  
lisensie-  
belang.

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Artikel 9.

(4) Die grondeienaars-lisensiebelang mag nie gewaardeer word nie, maar die waardeerder of waardeerders moet die bedoelde belastbare eiendom op die waarderingslys inskryf en aandui as in besit van die persoon of maatskappy wat eenaar daarvan is, maar mag nie enige waarde ten aansien van bedoelde belastbare eiendom op genoemde lys bereken of inskryf nie. Die waardeerder of waardeerders moet aan die bepalings van die desbetreffende subartikel (2) van artikel *twee-en-twintig* voldoen.

Oppervlak-  
regte.

(5) Behoudens die bepalings van artikel *tien*, moet die belange in grond, omskrywe in subparagraaf (i) van paragraaf (5) van die woordbepaling van „belang in grond” in artikel *vier*, besit kragtens oppervlakreg vir bewoning of vir doeleindes wat nie op mynontginning betrekking het nie, gewaardeer word op die wyse in subartikel (1) van hierdie artikel voorgeskryf. Die waardeerder of waardeerdes moet die grond, wat kragtens so’n oppervlakreg besit word, beskou as ’n stuk vryeieendomsgrond van die streek omskryf in die permit waarby die oppervlakreg verleen is, en asof die gebruiksreg daarvan deur ’n voorwaarde van die eiendomsbewys beperk is tot die doeleindes uiteengesit in genoemde permit, en moet rekening hou met die koste wat kragtens die Goudwet ten opsigte daarvan betaalbaar is.

Verbeterings daarop moet gewaardeer word asof hulle verbeterings op grond in vry eiendom is, waarvan die gebruiksreg soos voornem beperk is.

Met dien verstande dat, waar ’n oppervlakreg verleen is ten opsigte van grond vir woon-doeleindes en dit die bewoning of okkupasie van sodanige grond beperk tot die besitter van genoemde reg of die beamptes van so’n besitter so’n beperking verontagsaam moet word vir die doeleindes van die waardering van òf die grond òf die verbeterings daarop.

Verbeterings daarop moet gewaardeer word asof hulle verbeterings op grond in vry eiendom is waarvan die gebruiksreg soos voornem beperk is.

Onwettige  
okkupasie  
van gepro-  
klameerde  
grond.

(6) Die bepalings in grond in subparagraaf (ii) van paragraaf (5) en in paragraaf (9) van die woordbepaling van „belang in grond” in artikel *vier* omskryf, moet op die wyse, voorgeskryf in subartikel (1) van hierdie artikel, gewaardeer word. Die waardeerder of waardeerders moet die geokkupeerde grond

- eerste dag van Januarie 1933  
soos aangedui op die waar-  
deringslys van krag op  
daardie datum;
- (ii) die datum waarop bedoelde  
belang in grond verkry was;
- (iii) die waarde van verbeterings.

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**Artikel 8.**

9. (1) Behoudens die bepalings van sub-artikels (4), (5) en (6) van hierdie artikel en artikel *tien*, is die bedrag of som waarop die waardeerder of waardeerders vir die doel van die waarderingslys belasbare eiendom waardeer, die kapitaal bedrag wat dit volgens sy of hulle oordeel en skatting kan opbring as die eiendom tydens die waardering te koop aangebied word op sodanige redelike terme en voorwaardes as 'n *bona fide* verkoper verlang, met behoorlike inagneming nie alleen van die betrokke belasbare eiendom nie, maar ook van ander eiendomme van dergelike klas, aard, waarde, ligging en ander vergelykbare faktore; met dien verstande dat geen huur van grond, wat nie onder die woordbepaling van „belang in grond” kragtens artikel *vier* van hierdie Ordonnansie begrepe is nie, op enigerlei wyse by waardering van belasbare eiendom in die grond wat die onderwerp van 'n huurkontrak uitmaak, in aanmerking geneem mag word nie.

Grondslag  
van waar-  
dering.

(2) By die waardering van belasbare eiendom kragtens hierdie artikel, mag die waardeerder of waardeerders nie die waarde in rekening bring nie wat bedoelde eiendom uit hoofde van die aanwesigheid van edelgesteentes, edele of onedele metale of minerale daarin of daarop, verkry.

(3) Landbougrond moet gewaardeer word op die wyse voorgeskryf in subartikel (1) van hierdie artikel, en geen afslag of vermindering mag gemaak word nie omdat bedoelde grond gebruik word as landbougrond, of omdat die gebruiker van bedoelde grond volgens wet of serwituut of voorwaarde in eiendomsbewys beperk is tot gebruiksreg as landbougrond; met dien verstande dat waar twee of meer aangrensende stukke grond, waarvan een of meer kleiner is as drie morg, te goeder trou en uitsluitend as landbougrond gebruik en deur een eenaar besit en geakkopeer word, tesame 'n terrein van minstens drie morg uitmaak, die gehele terrein aldus samegestel, vir die doel van hierdie artikel as 'n enkel grondterrein beskou, en dienooreenkomstig gewaardeer moet word.

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- (f) ten opsigte van elke grondeienaars-lisensie-belang (in plaas van die terreinwaarde van die belang)—
- (i) die „1932-persentasie” van jaarlikse bruto-inkomste deur die eenaar vir genoemde belang betaal en bereken soos in subartikel (2) van artikel *twee-en-twintig* voorgeskryf;
  - (ii) die berekende verskil tussen die „1932-persentasie” en twintig persent.
- II. *In die Rand-Munisipaliteite en in die Munisipaliteit Nigel*—
- (g) (i) die terreinwaarde van grond besit kragtens mynbrief (uitgesonderd grond van ’n wettiggestigte dorp) waar sodanige grond gebruik word vir woon-doeleindes of vir doeleindes wat nie op mynontginning betrekking het nie deur persone of maatskappye betrokke in mynontginning (of sodanige persone of maatskappye die besitters van mynbriewe is of nie);
  - (ii) die waarde van verbeterings daarop, beide (a) op die waarderingsdatum en (b) op die datum van inwerkingtreding van hierdie Ordonnansie soos aangedui op die waarderingslys van krag op daardie datum, as bedoelde verbeterings toe al aangebring was;
- III. *In die Rand-Munisipaliteite en in die Munisipaliteit Nigel*—
- (h) ten opsigte van grond of belang in grond wat ’n elektrisiteitsonderneming besit en in subartikel (1) van artikel *tien* gespesifiseer is—
    - (i) die terreinwaarde van die grond of belang in grond bereken ooreenkomstig genoemde artikel;
    - (ii) die waarde van verbeterings;
  - (j) ten opsigte van grond wat ’n elektrisiteitsonderneming kragtens ’n industriële standplaaslisensie besit—
    - (i) die terreinwaarde van die grond beide (a) op die waarderingsdatum en (b) op die

- (c) om algemene en tussentydse waarderingslyste, nodig gedurende 'n driejaarlikse of vyfjaarlikse tydperk soos in artikel *vyf* vereis, op te maak; of
- (d) vir 'n seker aantal jare of vir 'n onbepaalde tydperk, om alle algemene en tussentydse waarderingslyste gedurende so'n tydperk op te maak.

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7. Alvorens diensaanvaarding moet elke waardeerder by sy benoeming soos voormeld voor 'n Vrederegter 'n plegtige verklaring aflê in die volgende bewoording:—

„ Ek ..... verklaar ernstig en plegtig dat ek volgens my beste wete en oortuiging en sonder vrees, guns of vooroordeel al sodanige belasbare eiendomme wat my opgedra word om te waardeer vir belastingdoeleindes opreg en onpartydig sal waardeer en takseer, en dat ek dit teen die volle en billike waarde daarvan nougeset sal skat. En ek lê hierdie plegtige verklaring af met die voorneme om dit nougeset na te kom.

Verklaar te.....op  
hierdie.....dag van  
.....

Voor my..... ”

en elke sodanige verklaring moet oorhandig word aan, en deur die plaaslike bestuur bewaar word.

8. Die waardeerder of waardeerders moet genoemde waardering (hierin die waarderingslys genoem) skriftelik opmaak op so'n wyse dat in elke geval na sy of hulle beste wete en oordeel aangetoon word:—

Voorlopige  
waar-  
deringslys.

I. *In elke munisipaliteit*—

- (a) die naam en adres van die eenaar van die gewaardeerde eiendom;
- (b) die beskrywing en ligging van die gewaardeerde eiendom en as genoemde eiendom landbougrond is, die streek gewaardeer soos in subartikel (3) van artikel *nege* voorgeskryf;
- (c) die aard van die belang van die eenaar;
- (d) die terreinwaarde van die grond of belang in grond wat nie in II en III inbegrepe is nie;
- (e) die waarde van verbeterings daarop;

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gedurende 'n tydperk van minstens vyf jaar, en gedurende genoemde tydperk is die bepaling van subartikel (1) hiervan nie op bedoelde plaaslike bestuur van toepassing nie:—

(a) Die plaaslike bestuur moet van tyd tot tyd, maar minstens eenmaal in elke vyf jaar, 'n waardering van alle belasbare eiendomme binne die munisipaliteit laat maak; met dien verstande egter dat, as bedoelde waardering eers voltooi is na verloop van voornoemde vyf jaar, die plaaslike bestuur dan geen belasting op 'n vorige waardering mag oplê nie, maar op so'n waardering wanneer dit voltooi is; voorts met dien verstande dat sodanige waardering nie ongeldig verklaar mag word omdat dit nie binne bedoelde termyn van vyf jaar voltooi is nie.

(3) Voordat die Administrateur die bevoegdheid uitoefen wat kragtens vorige subartikel aan hom verleen is, moet die plaaslike bestuur, wat die bepaling van paragraaf (2) daarvan op hulle wil laat toepas, hom voorsien van—

- (a) 'n gesertifiseerde afskrif van die besluit van die plaaslike bestuur waarby magtiging verleen word om vir die toepassing van genoemde bepaling te vra;
- (b) 'n sertifikaat geteken deur die stadsklerk, dat genoemde besluit aangeneem is deur minstens twee-derdes van die lede van die plaaslike bestuur, en minstens eenmaal per week gedurende drie agtereenvolgende weke in die *Provinsiale Koerant* en in een of meer nuusblaie wat in die munisipaliteit sirkuleer, gepubliseer is;
- (c) afskrifte van besware teen die voorstel van die plaaslike bestuur, of, as geen besware ingedien is nie, 'n verklaring te dien effekte.

Benoeming  
van waar-  
deerder.

6. Die plaaslike bestuur moet by besluit een of meer bevoegde persone (hierin verder die waardeerder of waardeerders genoem) benoem om 'n waarderingslys op te maak.

Genoemde waardeerder of waardeerders kan ingevolge vermelde besluit benoem word—

- (a) om 'n algemene waardering soos in artikel *vyf* voorgeskryf op te maak; of
- (b) om 'n tussentydse waardering op te maak; of

redelike terme en voorwaardes as 'n *bona fide* verkoper verlang, waarby verbeterings daarop of in verband daarmee buite rekening gelaat word. Die terreinwaarde van grond sluit in enige waarde ten gevolge van 'n lisensie voorreg of konsessie wat op daardie tydstip aan die terrein verbonde is.

„ Oppervlakreg ” beteken 'n reg wat kragtens Hoofstuk IX van die Goudwet verleen is.

„ Stadsklerk ” beteken die persoon wat op daardie tydstip wettig fungeer in die hoedanigheid van stadsklerk of van sekretaris van 'n plaaslike bestuur.

„ Waarde van verbeterings ” met betrekking tot belange in grond, beteken die verhoging in waarde wat deur die verbeterings aan sodanige belange in grond op die datum van waardering aangebring is, ongeag die koste van daardie verbeterings; met dien verstande dat die verhoging in waarde in geen geval meer is nie as die bedrag wat redelikerwys nodig sou wees om die terreinwaarde van die grond op sy verhoogde waarde te bring op die datum van waardering, en sulke verhoogde waarde is die waarde van bedoelde belang in grond saam met alle verbeterings daarin, daarop of daaronder, as hulle gesamentlik as een geheel kragtens die bepalings van artikel *nege* van hierdie Ordonnansie gewaardeer word.

5. (1) Die plaaslike bestuur moet van tyd tot tyd, maar minstens eenmaal in elke drie jaar, 'n waardering van alle belasbare eiendomme binne die munisipaliteit laat maak; met dien verstande egter dat, as bedoelde waardering eers voltooi is na verloop van voornoemde drie jaar, die plaaslike bestuur dan geen belasting op 'n vorige waardering mag oplê nie, maar op so'n waardering wanneer dit voltooi is; voorts met dien verstande dat sodanige waardering nie ongeldig verklaar mag word omdat dit nie binne die genoemde termyn van drie jaar voltooi is nie.

Algemene  
waar-  
dering.

(2) Die Administrateur kan van tyd tot tyd by proklamasie in die *Provinsiale Koerant*, en behoudens die bepalings van die eersvolgende subartikel, ondergenoemde bepalings op 'n plaaslike bestuur, met uitsondering van die plaaslike besture genoem in die Eerste Skedule van hierdie Ordonnansie toepas,

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van die betrokke plaaslike bestuur bewys is—

(i) dat die bedoelde belang uitsluitend gebruik word vir die voormelde doeleindes in ooreenstemming met sodanige reglemente; en

(ii) dat daaruit vir die bedoelde eienaar geen geldelike wins of profyt watter ook voortspruit, en verder met dien verstande

dat 'n belang in grond wat gebruik word as 'n ontspannings-terrein met die doel om wins te maak of as 'n reisesbaan nie tot hierdie vrystelling geregtig is nie;

(f) belange in grond geleë binne die regsgebied van 'n gesondheidskomitee wat—

(i) die Goewerneur-generaal of die staat vir 'n toekomstige munisipale raad in trust hou, of

(ii) kragtens 'n wet vir die gebruik en nut van 'n gesondheidskomitee uitgehou word.

III. Alle verbeterings in, op of onder grond waarvan die belange hierin inbegrepe is.

IV. Alle grondeienaars-lisensiebelang.

V. Alle verbeterings aangebring op, in of onder grond wat besit word kragtens mynbrief waar sodanige grond gebruik word vir woondoel-eindes of vir doeleindes wat nie op mynontginning betrekking het nie, hetsy deur persone betrokke in mynontginning of andersins.

„ Rand-Munisipaliteite ” beteken die munisipaliteite Springs, Brakpan, Benoni, Boksburg, Germiston, Johannesburg, Roodepoort-Maraisburg, Krugersdorp, Randfontein en enige nuwe munisipaliteit wat later volgens wet uit bogenoemde ingestel word.

„ Terreinwaarde van grond ” beteken die bedrag wat na verwag word die grond of belange in grond sal opbring as dit te koop aangebied word op sodanige

- (b) belange in grond, uitsluitend gebruik vir erediens of vir erediens en onderwys of vir 'n liefdadigheidsinstelling wat heeltemal instandgehou word deur vrywillige bydraes, of vir 'n hospitaal wat 'n subsidie of toelae van die Transvaalse Provinsiale Administrasie ontvang, vir sover bedoelde belange vir bogenoemde doeleindes gehou word;
- (c) belange in grond, uitsluitend gebruik vir 'n onderwysinrigting soos hierbo omskryf, vir sover bedoelde belange vir genoemde doel gehou word;
- (d) 'n lisensie of reg om te delf of te prospekteer vir edelgesteentes of metale op alle gedeeltes van grond wat vir daardie doel toegewys is, en alle gedeeltes van grond wat uitsluitend besit of geokkupeer word vir die uitoefening van sulke regte; met dien verstande dat geen grond of geboue gebruik vir woondoeleindes of vir doeleindes wat nie op mynontginning betrekking het nie, hetsy deur persone wat betrokke is in mynontginning of andersins, as onder die uitsonderinge vallende, gereken mag word nie;
- (e) belange in grond aangelê en gebruik vir sport- of ontspanningsdoeleindes en gekontroleer ooreenkomstig reglemente goedgekeur deur die plaaslike bestuur, vir sover bedoelde belange gehou word vir voormelde doeleindes, egter met dien verstande dat waar die besitter van sodanige belang 'n persoon, vereniging of maatskappy is, ander as die persoon, vereniging of maatskappy wat die voordelige gebruik daarvan het vir die voormelde doeleindes, die bedoelde belang nie geag sal word belasbaar eiendom te wees nie wanneer na genoeë

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daarop grond okkupeer wat kragtens mynbrief besit word of geproklameerde grond nie kragtens mynbrief besit nie (uitgesonderd grond van 'n wettig-gestigte dorp), waar geen wettige magtiging vir bedoelde okkupasie kragtens wette betreffende die ontginning van edele en onedele metale bestaan nie, en waar sulke geboue en verbeteringe gebruik word vir woondoel-eindes of vir doeleindes wat nie op mynontginning betrekking het nie;

(7) in gevalle waar iemand wat met die beheer van die boedel regmatig belas is, insolvent of oorlede is, die persoon belas met die beheer van bedoelde eiendom, as kurator, eksekuteur, boedelberedderaar of andersins.

„Elektrisiteitsonderneming” beteken en sluit in die Victoria Falls and Transvaal Power Company, Limited, die Rand Mines Power Supply Company, Limited, en ander maatskappye of persone wie se besigheid die verkoop of lewering van lig, warmte of krag insluit, hetsy in volume of andersins.

„Belasbare eiendom” beteken en sluit in—

I. Grond, met inbegrip van geproklameerde ope grond.

II. Alle belange in grond soos hierbo omskryf met ondergenoemde uitsonderinge:—

(a) Grond of belange in grond wat die eiendom van die Kroon is; met dien verstande dat alle eiendomme berustende by die Goewerneur - generaal-in-Rade vir spoorwegdoeleindes as belasbare eiendom beskou word

(i) as dit vir woondoel-eindes gebruik word, of

(ii) as dit deur die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens vir woon-, industriële of handelsdoeleindes verhuur word;

- (2) in die geval van grond wat besit word kragtens 'n standplaas- of kleimlisensie of ander mynbrief uitgereik kragtens 'n wet wat betrekking het op die delf van edelgesteentes of metale, die geregistreerde besitter van bedoelde lisensie of brief;
- (3) in 'n geval waarin eiendom kragtens 'n huurkontrak van die Kroon besit word, of in die geval van 'n handelstandplaas wat besit word kragtens 'n huurkontrak wat wettig verleen is deur die raad, samegestel ooreenkomstig artikel *drie-en-tagtig* van die Goudwet, die huurder daarvan;
- (4) die besitter van 'n huurkontrak van 'n handelstandplaas of regte verkry kragtens die Handelsdryf op Myngrond Reëlingswet 1910, om besigheid op 'n handelsterrein te dryf;
- (5) iemand aan wie die ganse of 'n gedeelte van die reg vooraf hierin omskryf as „grondeienaars-lisensiebelang” verleen is;
- (6) (a) iemand in okkupasie van geboue en verbeterings (wat nie in 'n wettig-ingestelde dorp is nie) hetsy verplaasbaar of onverplaasbaar, gebruik vir woon-doeleindes of vir doeleindes wat op mynontginning geen betrekking het nie, geleë op grond wat kragtens mynbrief besit word of op geproklameerde grond nie kragtens mynbrief besit nie, en ten opsigte van die oprigting, onderhoud of okkupasie van welke geboue en verbeterings geen wettige magtiging kragtens die bepaling van wette met betrekking tot die ontginning van edele of onedele metale bestaan nie. „Okkupasie” beteken vir die doeleindes van hierdie woordbepaling die werklike okkupasie of die uitoefening van eiendomsreg ten opsigte van bedoelde geboue en verbeterings.
- (b) Iemand wat uit hoofde van die uitoefening van sy eiendomsreg op geboue en verbeterings

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- word, of op geproklameerde grond nie kragtens mynbrief besit nie, ten opsigte van die oprigting, instandhouding of okkupasie van welke geboue en verbeterings geen wettige magtiging kragtens die bepalings van een of ander wet met betrekking tot die ontginning van edele en onedele metale bestaan nie.
- „ Okkupasie ” beteken vir die doeleindes van hierdie woordbepaling die werklike okkupasie of die uitoefening van eiendomsreg ten opsigte van sodanige geboue en verbeterings.
- „ Plaaslike Bestuur ” beteken ’n „ city ”-raad, ’n stadsraad of ’n dorpsraad of ’n gesondheidskomitee, ingestel volgens ’n wet betreffende munisipale bestuur in die Provinsie Transvaal;
- „ Plaaslike Bestuur-Ordonnansie ” beteken die Plaaslike Bestuur Ordonnansie, 1926, en wysigings daarvan;
- „ Burgemeester ” beteken die burgemeester of onderburgemeester van ’n „ city ”-raad of ’n stadsraad of voorsitter of ondervoorsitter van ’n dorpsraad of voorsitter van ’n gesondheidskomitee;
- „ Mynbrief ” beteken mynbrief soos in die Goudwet omskryf;
- „ Munisipaliteit ” beteken die gebied of distrik onder die kontrole en regsbevoegdheid van ’n plaaslike bestuur.
- „ Okkupant ” beteken, en sluit in iemand in werklike okkupasie van belasbare eiendom, afgesien van die reg ingevolge waarvan hy dit okkupeer.
- „ Geproklameerde ope grond ” beteken en sluit in al die geproklameerde grond (dit wil sê, grond geproklameer tot ’n publieke delwery kragtens die Goudwet, No. 15 van 1898, of van voorafgaande wette, mits bedoelde grond nie wettig gedeproklameer is nie), wat nie kragtens mynbrief of oppervlakreg besit word en nie vir een of ander doel ingevolge die Goudwet gereserveer of afgestaan is nie.
- „ Eienaar ” beteken en sluit in—
- (1) die persoon of persone in wie se naam die wettige eiendomsreg op belasbare eiendom, soos hierin omskryf, geregistreer is;

lewensduur van iemand daarin genoem, of wat van tyd tot tyd verleng kan word na keuse van die huurder vir onbepaalde tyd of vir tydperke wat saam met die eerste tydperk daarvan in die geheel minstens tien jaar is;

- (4) servitude op grond;
- (5) (i) 'n gebruiksreg van grond (kragtens mynbrief besit of van geproklameerde grond nie kragtens mynbrief besit nie) vir woondoeleindes of vir doeleindes wat op mynontginning geen betrekking het nie, hetsy deur persone betrokke in mynontginning of andersins;
- (ii) enige okkupasie, omdat daarop geboue en verbeterings staan, van grond wat kragtens mynbrief besit word of van geproklameerde grond nie kragtens mynbrief besit nie (uitgesonderd grond van 'n wettiggestigte dorp), waar geen wettige magtiging vir sulke okkupasie kragtens 'n wet wat betrekking het op die ontginning van edele en onedele metale, bestaan nie, en waar bedoelde geboue en verbeterings gebruik word vir woondoeleindes of vir doeleindes wat op mynontginning geen betrekking het nie;
- (6) 'n huurkontrak van Kroongrond of 'n huurkontrak van 'n handelstandplaas wat verleen is deur die raad saamgestel kragtens artikel *drie-entagtig* van die Goudwet;
- (7) 'n huurkontrak van 'n handelstandplaas of 'n reg verkry kragtens die *Handeldryf op Myngrond Reëlingswet, 1910*, of wysigings daarvan, om besigheid op 'n handelsterrein te dryf;
- (8) 'n grondeienaars-lisensiebelang;
- (9) okkupasie van geboue en verbeterings (maar nie op grond in 'n wettig-ingestelde dorp), hetsy verplaasbaar of onverplaasbaar, gebruik vir woondoeleindes of vir doeleindes wat op mynontginning geen betrekking het nie, geleë op grond wat kragtens mynbrief besit

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- (v) die huurgelde, wanneer die betaalbaar is ten opsigte van oppervlakregte verleen kragtens Hoofstuk IX van die Goudwet.
- „ Goudwet ” beteken die Edele en Onedele Metalen Wet, 1908, en wysigings daarvan.
- „ Verbeterings ” sluit in al die geboue, verplaasbaar of onverplaasbaar, en ook alle werk reeds uitgevoer of materiaal verbruik op grond deur die aanwending van kapitaal of arbeidskragte deur eienaars of okkupante wat een of ander belang in bedoelde grond het, maar alleen vir sover as sodanige werk of gebruikte materiaal strek tot verhoging van die waarde van die belang in grond, en die voordeel daarvan op die tydstip van waardering nog nie uitgeput is nie, maar sluit nie in werk verrig, of materiaal verbruik, ten behoeve van enige belang in grond van die Kroon of van ’n plaaslike bestuur, tensy sodanige werk of materiaal vir daardie doel bekostig is uit die bydrae van die eenaar of okkupant en bedoelde werk of materiaal nie die eiendom van die Kroon of so’n plaaslike bestuur geword het nie; met dien verstande dat die betaling van plaaslike of ander belastinge nie as ’n bydrae beskou word, wat binne die betekenis van hierdie woordbepaling val nie; en voorts met dien verstande dat , verbeterings ’ geen bogrondse netwerkkabelpale of lynpale of ondergrondse buisgeleidings of lyne, of ondergrondse lugpype of lyne of ondergrondse watergeleidings of ondergrondse kabels in of onder grond, of belang in grond behorende aan ’n elektrisiteitsonderneming, insluit nie;
- „ Industriële standplaaslisensie ” beteken ’n industriële standplaaslisensie wat ingevolge die Goudwet verleen is.
- „ Belang in grond ” beteken en sluit in—
- (1) die eiendomsreg in grond of die vruggebruik daarvan;
  - (2) die reg op en oor grond kragtens ’n standplaaslisensie met inbegrip van ’n industriële standplaaslisensie;
  - (3) ’n huurkontrak van, of reg op, of konsessie oor, grond vir ’n tydperk van minstens tien jaar of vir die

„ Inwerkingtreding van hierdie Ordonnansie ” beteken die datum wat die Administrateur by proklamasie tot die datum van inwerkingtreding sal verklaar.

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„ Onderwysinrigting ” beteken en sluit in—

- (a) 'n uniwersiteit volgens wet opgerig of 'n samestellende kollege;
- (b) 'n inrigting of diens wat kragtens wet verklaar word tot hoër onderwys te behoer;
- (c) 'n skool, klas of inrigting opgerig, instandgehou, of ondersteun kragtens die Onderwyswet 1907 of wysigings daarvan of geregistreer op die kantoor van die Departement van Onderwys in terme van so'n wet;
- (d) enige ander skool of inrigting wat die Administrateur van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* tot 'n onderwysinrigting verklaar vir die doel van hierdie Ordonnansie;
- (e) koshuise of losieshuise, instandgehou in verband met een of ander van die inrigtings genoem in paragrafe (a), (b), (c) en (d) van hierdie woordbepaling.

„ Finansiële jaar ” beteken die finansiële jaar voorgeskryf deur artikel *ses-en-veertig* van die Plaaslike Bestuur Ordonnansie.

„ Grondeienaars-lisensiebelang ” beteken en sluit in alle regte ten opsigte van grond kragtens mynbrief besit of geproklameerde grond nie kragtens mynbrief besit nie op 'n gedeelte van—

- (i) die kleimlisensiegelde betaalbaar ten opsigte van bedoelde grond;
- (ii) die lisensiegelde betaalbaar ten opsigte van woon-, handels- en industriële persele toegestaan op sodanige grond kragtens die Goudwet of voorafgaande wette;
- (iii) die huurgelde betaalbaar kragtens artikel *drie* van die Bewaarplaatsgelden Aanwendings Wet, 1917;
- (iv) die huurgelde betaalbaar kragtens subartikel (3) van artikel *vier* van die Transvaal Mijnverhuring en Mineralen Wet Wijzigings Wet, 1918;



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1933.

Eiendoms-  
belasting  
kan deur  
erf-  
belasting  
vervang  
word.

3. (1) Die Administrateur kan van tyd tot tyd by proklamasie in die *Provinsiale Koerant* bekendmaak dat, vir 'n tydperk van minstens een kalenderjaar, die bepalings van hierdie Ordonnansie of wysigings daarvan nie van toepassing is op 'n munisipaliteit waarvoor 'n dorpsraad of 'n gesondheidskomitee kragtens die Plaaslike Bestuur Ordonnansie ingestel is en dat die erfbelasting, hefbaar ooreenkomstig die bepalings van artikel *vyf* van Wet No. 4 van 1899 of wysigings daarvan, vir bedoelde tydperk in genoemde munisipaliteit ingevorder moet word.

(2) Telkens wanneer die erfbelasting kragtens voorafgaande subartikel in 'n munisipaliteit hefbaar is, moet bedoelde belasting aan die plaaslike bestuur betaal word en deel uitmaak van die inkomste van die plaaslike bestuur, en is invorderbaar asof dit opgelê was kragtens hierdie Ordonnansie en die bepalings van hierdie Ordonnansie, of wysigings daarvan is vir die doel van so'n invordering van toepassing.

(3) Die Administrateur kan van tyd tot tyd enige erfbelasting kwytskel in gevalle waarin die grond uitgehou of uitsluitend gebruik word vir onderwys, godsdienstige, liefdadigheids- of publieke doeleindes.

Woord-  
bepalings.

4. In hierdie Ordonnansie het die navolgende uitdrukkings die betekenis wat teenoor hulle geplaas is, tensy die samehang duidelik 'n ander betekenis aanwys:—

„ Administrateur ” beteken die amptenaar benoem kragtens subartikel (1) van artikel *ag-en-sestig* van die Zuid-Afrika Wet 1909, of wysigings daarvan, handelende op advies en met toestemming van die Uitvoerende Komitee van die Provinsie.

„ Landbougrond ” beteken saai-, gras- of weiland, marktuine, hoenderboerderye, kwekerye, boomaanplantings en vrugteboorde, maar sluit nie in nie—

- (a) grond gebruik as 'n park, saam met 'n huis daarop; of
- (b) grond gebruik as 'n tuin uitgenome voornoemde grond; of
- (c) grond bestem of gereserveer vir die doel van sport, liggaamsoefeninge, of ontspanning of wat as 'n resiesbaan gebruik word.

**'N ORDONNANSIE**Ord. No.  
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Om die wet op die Heffing van Belasting deur Plaaslike Besture te Konsolideer en te wysig.

*(Goedgekeur 24 November 1933.)**(Datum van inwerkingtreding, 1 Januarie 1934.)\***(Engelse kopie deur Goewerneur-Generaal geteken.)***D**IT word deur die Provinsiale Raad van Transvaal as volg bepaal:—

1. Vanaf die aanvang van hierdie Ordonnansie, is en word die Plaaslike Bestuur Belasting Ordonnansie No. 13 van 1928 hierby herroep, met dien verstande dat alle sake, proklamasies of maatreëls wat ingevolge daardie Ordonnansie voor die inwerkingtreding van hierdie Ordonnansie, onderskeidelik gedaan, uitgevaardig of getref is, geagsal word as ooreenkomstig die bepalings van hierdie Ordonnansie gedaan, uitgereik of getref.

Herroeping van Ordonnansie No. 13 van 1928 en geldigverklaring van getroffte maatreëls, ens., kragtens daardie Ordonnansie.

2. (1) Die bepalings van hierdie Ordonnansie is van toepassing op elke Munisipaliteit wat kragtens die Plaaslike Bestuur Ordonnansie alreeds ingestel is of later ingestel sal word, met dien verstande dat, wanneer die Administrateur ooreenkomstig die bepalings van die eersvolgende artikel by Proklamasie in die *Provinsiale Koerant* verklaar dat die erfbelasting hefbaar kragtens artikel *vyf* van Wet No. 4 van 1899 of wysigings daarvan, in 'n munisipaliteit ingevorder moet word, die bepalings van hierdie Ordonnansie, behoudens soos hieronder bepaal, nie op bedoelde munisipaliteit van toepassing is nie vir die tydperk wat in so'n proklamasie voorgeskryf word, en voorts met dien verstande dat 'n waarderingsslys reeds opgestel ingevolge 'n wet wat deur hierdie Ordonnansie herroep word en wat in 'n munisipaliteit in gebruik is, behoudens die bepalings van hierdie Ordonnansie, van volle krag en uitwerking sal bly gedurende die tydperk waarvoor dit oorspronklik opgestel is.

Toepassing van Ordonnansie.

(2) Behoudens die bepalings van die eersvolgende artikel, is artikel *vyf* van Wet No. 4 van 1899 nie van toepassing nie op 'n munisipaliteit wat, soos voormeld, ingestel is.

\* Proklamasie No. 72, *Provinsiale Koerant* van 6 Desember 1933, bladsy 312.

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1933.

—  
Artikel 21.

(2) Deur die woorde „ die voorwaardes betreffende die trek ” in paragraaf (d) van subartikel (13) te skrap en hulle deur die woorde „ dien tot reëling van die trek ” te vervang.

Wysiging  
van artikel  
55 van die  
hoofwet.

22. Artikel *vyf-en-vyftig* van die hoofwet word hierby gewysig deur ondervermelde woorde aan die einde van subartikel (2) toe te voeg:—

„ en om uitvoering te gee aan bobedoelde verbod, beperking, reëling of kontrolering ingevolge orders uitgevaardig deur middel van kennisgewings en aanwysigings aan pale aan of naas sodanige paaie of gedeelte daarvan. Sodanige orders moet by besluit van die plaaslike bestuur aangeneem word, dog behoef nie op 'n ander wyse as deur middel van genoemde kennisgewings en aanwysigings gepubliseer te word nie.”

Wysiging  
van  
artikel 61  
van die  
hoofwet.

23. Subartikel (2) van artikel *een-en-sestig* van die hoofwet word hierby gewysig deur ondervermelde daarin te skrap:—

„ Subartikels (77), (78) en (80) van artikel *tagtig* ”  
en hulle te vervang deur:—  
„ Subartikels (75), (77), (78) en (80) van artikel *tagtig* en artikels *twee-en-neëntig* en *vier-en-neëntig*.”

Wysiging  
van eerste  
skedule van  
die  
hoofwet.

24. Item (1) Deel III van die Eerste Skedule van die hoofwet word hierby gewysig deur onderstaande nuwe paragraaf daaraan toe te voeg; genoemde item soos oorspronklik in die skedule opgeneem word dan paragraaf (a) daarvan:—

„ (b) Ambulanse van eienaars soos voor-  
noem en ook van iemand of 'n lig-  
gaam wat belas is met die beheer oor  
en bestuur van 'n hospitaal of  
publieke hospitaal soos dié omskryf  
in artikel *twee* van die „ Publieke  
Hospitale Ordonnansie 1928 ”, of  
wysiginge daarvan.”

Wysiging  
van die  
tweede  
skedule  
van die  
hoofwet.

25. Die Tweede Skedule van die hoofwet word hierby gewysig deur die syfers „ 29 ” in die waarskuwingsteken vir snelheids-  
grense te skrap en hulle deur die syfers „ 24 ” te vervang.

Kort titel.

26. Hierdie Ordonnansie kan vir alle doel-  
eindes aangehaal word as die Motorvoertuig-  
wysigingsordonnansie 1933, en moet saam en  
in verband met die hoofwet en wysigings  
daarvan verklaar word.

(b) 'n Halfjaarlikse lisensie moet toegeken word—

(i) van 1 Januarie tot 30 Junie;

(ii) van 1 Julie tot 31 Desember;

en die fooi vir so 'n lisensie is elf sjielings vir elke halfjaar en moet halfjaarliks voor of op die vyftiende dag van Januarie en die vyftiende dag van Julie betaal word.

(c) 'n Jaarlikse lisensie moet toegeken word van 1 Januarie tot 31 Desember en die fooi daarvoor is twintig sjielings en moet jaarliks voor of op die vyftiende dag van Januarie betaal word."

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—  
Artikel 18.

19. Subartikel (1) van artikel *vyftig* van die hoofwet word hierby herroep en deur onderstaande nuwe subartikel vervang:—

Wysiging  
van  
artikel 50  
van die  
hoofwet.

„(1) Die drywer van 'n motorvoertuig vir publieke verkeer wat passasiers vervoer, moet, wanneer hy 'n ander spoorwegoorweg nader as een wat deur sluitbome afgeskut en uit 'n waghuisie gereguleer word, sodanige voertuig tot stilstand bring en mag die voertuig nie oor die oorweg dryf nie voor hy hom daarvan cor-tuig het dat dit veilig gedoen kan word."

20. Artikel *twee-en-vyftig* van die hoofwet word hierby as volg gewysig:—

Wysiging  
van  
artikel 52  
van die  
hoofwet.

(1) deur in paragraaf (*d*) van subartikel (1) die woorde „lisensiegelde wat 'n plaaslike bestuur benoem tot registrasie-  
autoriteit, namens die Administrateur ingevorder het " te skrap en te vervang deur die woorde „alle gelde wat 'n plaaslike bestuur benoem tot registrasie-  
autoriteit, namens die Administrateur kragtens hierdie Ordonnansie ingevorder het."

(2) deur aan subartikel (3) na paragraaf (*h*) die onderstaande nuwe paragraaf (*i*) toe te voeg:—

„(*i*) ander voorgeskrewe sake."

21. Artikel *drie-en-vyftig* van die hoofwet word hierby as volg gewysig:—

Wysiging  
van  
artikel 53  
van die  
hoofwet.

(1) Deur na die woorde „sodanige besonderhede " onderstaande woorde in te voeg:—

„en ter voorkoming van die aanskaffing en verkoping van of ander beskikking oor tweedehandse motorvoertuie en sleepwaens, tensy lisensies geldig is ten opsigte van die eiendomsreg daarvan en vir omskrywing van die omstandighede waarvolgens die registrasie van motorvoertuie ingetrek moet word."

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Wysiging  
van  
Afrikaanse  
teks van  
artikel 31  
van die  
hoofwet.

15. Die Afrikaanse teks van subartikel (1) van artikel *een-en-dertig* van die hoofwet word hierby gewysig deur na die woorde „ is iemand wat „ die woorde „, op 'n publieke pad „ in te voeg.

Wysiging  
van  
artikel 38  
van die  
hoofwet.

16. Artikel *drie-en-dertig* van die hoofwet word hierby gewysig deur ondervermelde nuwe subartikel daaraan toe te voeg:—

„ (3) Iemand wat afsonderlik of saam met 'n ander of ander persone 'n motorvoertuig op 'n publieke pad opsetlik breek, beskadig, sny of daaraan peuter of enige onderdeel of onderdele daarvan verwyder met die doel om sodanige voertuig onbruikbaar te maak, te ontsier of te verniel, of om dit tydelik of vir goed buite werking te stel, of vir enige doel teen die sin of sonder die toestemming van die eienaar van sodanige voertuig, of wat op enige ander manier opsetlik of kwaadwilliglik aan die meganisme of werking van so 'n voertuig toring of dit belemmer, of wat opsetlik of kwaadwilliglik iets teen so 'n voertuig of teen iemand in so 'n voertuig werp en also die voertuig of goedere daarin beskadig of die drywer of passasiers beseer, is skuldig aan 'n oortreding van hierdie Ordonnansie.”

Wysiging  
van  
artikel 37  
van die  
hoofwet.

17. Subartikel (1) van artikel *sewe-en-dertig* van die hoofwet word hierby gewysig deur toevoeging aan die end daarvan van die woorde:—

„, of vir huur ry op 'n publieke pad”.

Wysiging  
van  
artikel 39  
van die  
hoofwet.

18. Subartikel (2) van artikel *nege-en-dertig* van die hoofwet word hierby gewysig (a) deur die woorde „ 'n lisensiegeld van een pond „ daarin te skrap en hulle deur die woorde „ die lisensiegeld in hierdie subartikel voorgeskryf „ te vervang, en (b) deur aan die einde daarvan onderstaande nuwe paragraaf toe te voeg:—

„, (a) 'n Driemaandelikse lisensie moet toegeken word—

- (i) van 1 Januarie tot 31 Maart;
- (ii) van 1 April tot 30 Junie;
- (iii) van 1 Julie tot 30 September;
- (iv) van 1 Oktober tot 31 Desember;

en die fooi vir so 'n lisensie is ses sjielings en ses pennies vir elke drie maande en moet voor of op die sewende dag van elke kwartaal betaal word.

13. Artikel *twee-en-twintig* van die hoofwet word hierby gewysig deur die skrapping van die woorde „ in besit ” in subartikel (2) en die vervanging daarvan deur die woorde „ wat die houer is ”.

Wysiging  
van  
artikel 22  
van die  
hoofwet.

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1933.

14. Artikel *vyf-en-twintig* van die hoofwet word hierby gewysig in die navolgende opsigte:—

Wysiging  
van  
artikel 25  
van die  
hoofwet.

(a) skrap die woord „ sewe ” en vervang dit deur die woord „ veertien ”;

(b) voeg onderstaande nuwe paragrafe toe; genoemde subartikel soos oorspronklik in die Ordonnansie opgeneem, word dan paragraaf (a) daarvan:—

„ (b) As die genoemde voertuig gedurende die geldigheids tydperk van so 'n sertifikaat en lisensie aan iemand anders as aan 'n fabrikant of hersteller van of handelaar in motorvoertuie (verder in hierdie subartikel 'n handelaar genoem), oorgedra word deur verkoop of andersins, bly die genoemde stukke regseldig soos voormeld, met dien verstande egter dat kennis van sodanige oordrag aan die registrasie- autoriteit op die voorgeskrewe wyse gegee is en die persoon aan wie die voertuig also oorgedra is, aan die registrasie- autoriteit die geld betaal het wat in artikel *nege* ten opsigte van 'n sertifikaat van die verandering van eiendomsreg voorgeskryf is, en so 'n sertifikaat bevattende die voorgeskrewe besonderhede moet aan die persoon aan wie dit oorgedra is deur die registrasie- autoriteit uitgereik word; genoemde artikel is *mutatis mutandis* hierop van toepassing.

(c) As die genoemde motorvoertuig egter gedurende sodanige geldigheids- tydperk aan 'n handelaar oorgedra word, moet die persoon aan wie dit oorgedra word die registrasie- autoriteit van sodanige oordrag op die voorgeskrewe manier in kennis stel, waarna die genoemde stukke deur hom aangestuur en deur die registrasie- autoriteit gekanselleer moet word, ongeag andersluidende bepalings van paragraaf (a) van hierdie subartikel.

(d) Iemand wat in gebreke bly om aan die bepalings van hierdie subartikel te voldoen, is skuldig aan 'n oortreding van hierdie Ordonnansie.”

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Wysiging  
van  
artikel 16  
van die  
hoofwet.

9. Artikel *sestien* van die hoofwet word hierby gewysig deur in paragraaf (a) na die woord „neem” die woorde „en die fooi of fooie daarvoor te betaal” in te voeg.

Nuwe  
artikel om  
op artikel  
16 van die  
hoofwet te  
volg.

Bestuur  
van 'n  
motorvoer-  
tuig wat  
nie gelisen-  
steer is nie.

10. Die volgende nuwe artikel word in die hoofwet onmiddellik na artikel *sestien* daarvan gevoeg:—

„16A. Behalwe die uitsonderinge in hierdie Ordonnansie of regulasies ingevolge daarvan uitgevaardig, is enigeen (of hy die eienaar van die motorvoertuig is of nie) wat 'n motorvoertuig of sleepwa ten opsigte van die eiendomsreg waarvan 'n lisensie kragtens hierdie Ordonnansie nie verkry is nie, bestuur of laat bestuur of toelaat dat dit bestuur word, skuldig aan 'n oortreding van hierdie Ordonnansie en by veroordeling strafbaar soos voorgeskryf, met dien verstande dat iemand wat kragtens hierdie artikel beskuldig is, vrygespreek moet word as hy tot bevrediging van die hof bewys dat hy geen redelike geleentheid gehad het om ooreenkomstig hierdie Ordonnansie die motorvoertuig te registreer of om 'n lisensie ten opsigte van die eiendomsreg van die motorvoertuig of sleepwa uit te neem nie, en dat die voertuig gedryf of getrek was na gelang van die geval met die doel om dit te laat registreer of om 'n lisensie uit te neem.”

Lisensie-  
gelde  
betaalbaar  
in die  
hoofwet—  
vir  
motorbusse  
die eiendom  
van plaas-  
like besture  
en gebruik  
buite hulle  
regsgebiede.

11. Nieteenstaande andersluitende bepalings in die hoofwet—

- (1) is 'n plaaslike bestuur wat wetlik gemagtig is om 'n motorbusdiens tot stand te bring en voort te sit, nie vrygestel nie van die betaling van lisensiegelde ten opsigte van die eiendomsreg op motorbusse wat hoofsaaklik gebruik word of bestemd is vir die vervoer van passasiers en op publieke paaie, geleë buite 'n munisipaliteit, bestuur word;
- (2) moet alle lisensiegelde wat ten opsigte van die eiendomsreg op sodanige motorbusse ontvang is, aan die Administrateur ten voordele van die Provinsiale Inkomstefonds betaal word.

Wysiging  
van  
artikel 18  
van die  
hoofwet.

12. Artikel *agtien* van die hoofwet word hierby gewysig deur die skraping van die woorde „van die offisiële tale” [paragraaf (a) van subartikel (1)] en die vervanging daarvan deur die woorde „of ander van die amptelike tale”.

8. Artikel *vyftien* van die hoofwet word hierby as volg gewysig:—

Wysiging  
van  
artikel 15  
van die  
hoofwet.

Ord. No.  
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1933.

- (a) Voeg aan die einde van paragraaf (a) van subartikel (2) toe die woorde—  
„ in die geval van fabrikante of herstellers van of handelaars in motorfietse alleen, is die jaarlikse bedrag vir so 'n lisensie een pond tien sielings (£1. 10s.).”
- (b) Voeg aan die einde van paragraaf (b) van subartikel (2) toe die woorde—  
„ in die geval van fabrikante of herstellers van of handelaars in motorfietse alleen, is die jaarlikse bedrag vir so 'n lisensie tien sjielings (10s.).”
- (c) Voeg ondergenoemde verdere voorbehoudsbepaling aan die einde van die eerste paragraaf van subartikel (2) toe:—  
„ met dien verstande dat geen lisensie waarop die ander stel regulasies van toepassing is teen 'n jaarlikse bedrag van twee pond (£2) of tien sjielings (10s.), na gelang van die geval, aan 'n fabrikant of hersteller of handelaar uitgereik mag word nie, voordat hy minstens een lisensie vermeld in paragraaf (a) van hierdie subartikel teen tien pond (£10 of een pond tien sjielings (£1. 10s.), na gelang van die geval, uitgeneem het.”
- (d) Voeg ondergenoemde nuwe subartikel toe:—  
„ (8) Wanneer 'n fabrikant of hersteller van of handelaar in motorvoertuie 'n motorvoertuig of sleepwa hetsy by verkoop, verhuur of andersins aan iemand anders as 'n fabrikant of hersteller van of handelaar in motorvoertuie oordra, moet hy aan die registrasie-  
autoriteit in die voorgeskrewe vorm dadelik van sodanige oordrag skriftelik kennis gee. Op iedere sodanige kennisgewing moet die datum van so 'n oordrag, die name en adres van die persoon, wat oordrag verleen, en die persoon aan wie oordrag geskied, voorkom en sodanige omskrywing van die voertuig as in so 'n vorm vermeld word. Enig-  
een wat weier of in gebreke bly om aan die vereistes van hierdie subartikel te voldoen, is skuldig aan 'n oortreding van hierdie Ordonnansie en by veroordeling strafbaar soos in subartikel (7) van hierdie artikel voorgeskryf.”



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—  
Artikel 5.

gebruik gemaak word, uitgereik aan sodanige persoon vir dié voertuig of toelaat dat iemand nie daartoe geregtig nie van sodanige dokument gebruik maak.

Die houer van 'n registrasie-sertifikaat wat hom deur die kansellasie daarvan kragtens hierdie paragraaf verongelyk gevoel, kan hom binne 'n tydperk van een-en-twintig dae vanaf sodanige intrekking, teen die bevinding van die registrasie-otoriteit op die Administrateur beroep, wie se beslissing in die saak finaal is. Indien sodanige beslissing ten gunste van die appellant is, sal die registrasie-otoriteit kosteloos die genoemde voertuig op nuut sonder versuim registreer en aan die appellant 'n nuwe sertifikaat van registrasie uitreik.

(b) Die registrasie van 'n motorvoertuig kan onder sodanige omstandighede as voorgeskryf, ingetrek word."

Wysiging  
van  
artikel 12  
van die  
hoofwet.

6. Artikel *twaalf* van die hoofwet word hierby gewysig:—

(1) Deur aan die einde van subartikel (2) onderstaande woorde toe te voeg:—

„mits sodanige terugbetaling in die geval van 'n motorvoertuig nie mag geskied nie, tensy die applikant eers aan die bepalings van subartikel (1) van artikel *sewe* voldoen het en sy versoek om terugbetaling ingedien het binne 'n tydperk van drie maande vanaf die datum waarop die genoemde voertuig of sleepwa verniel was of blywend onbruikbaar geword is.

Die uitdrukking „die lisensiegeld" soos gebruik in hierdie subartikel, beteken die geld betaal volgens subartikel (2) van artikel *vier*, maar sluit nie in die verhoogde lisensiegeld, waarvan in subartikel (3) van die genoemde artikel melding gemaak word nie."

(2) Deur subartikel (3) te skrap met ingang van 1 April 1934.

Wysiging  
van  
artikel 13  
van die  
hoofwet.

7. Artikel *dertien* van die hoofwet word hierby gewysig deur na die woord „geregistreer" in subartikel (1) die woorde „of wanneer 'n lisensie ten opsigte van die eiendomsreg daarvan uitgeneem" in te voeg.

5. Artikel *sewe* van die hoofwet word hierby as volg gewysig:—

Wysiging  
van  
artikel 7  
van die  
hoofwet.

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1933.

(a) (i) Voeg in na die woord „ moet ” waar dit vir die tweedemaal in subartikel (1) voorkom, die navolgende woorde tussen hakies „ (behalwe waar dit vir goed uit hierdie Provinsie verwyder word) ”;

(ii) voeg ondervermelde woorde aan die einde van subartikel (1) toe:—

„ Hierdie subartikel is nie van toepassing nie op enige uitmekaarneming of tydelike vernietiging van motorvoertuie ten opsigte waarvan vrystellingsertifikate kragtens subartikel (4) van artikel *vier* verleen is.”

(b) Voeg ondervermelde voorbehoudsbepalings aan subartikel (2) toe:—

„ met dien verstande dat, waar ’n eienaar van ’n motorvoertuig van sy verblyfplek in hierdie Provinsie na ’n buitegebied vir goed verhuis, genoemde stukke nie gekanseleer mag word nie, dog die registrasie-owerheid moet sodanige verhuising in sy register van motorvoertuie opteken en die registrasie in genoemde register kanselleer slegs wanneer die lisensie aan so ’n eienaar uitgereik, verval, en steeds met dien verstande dat die lisensie en lisensiebewys nie ingetrek mag word nie as genoemde stukke ooreenkomstig subartikel (1) van artikel *twaalf* oorgedra moet word.”

(c) Voeg ondervermelde nuwe subartikel toe; subartikels (4) en (5) word dan respektiewelik subartikels (5) en (6):—

„ (4) (a) Die registrasie-owerheid kan na behoorlike ondersoek die registrasie van ’n motorvoertuig intrek—

(i) wat die registrasie-owerheid as onveilig of ongeskik verklaar om bestuur te word of nie behoorlik uitgerus is nie soos voorgeskryf kragtens hierdie Ordonnansie of die regulasies ingevolge daarvan uitgevaardig; of

(ii) wanneer die persoon, op wie se naam die genoemde voertuig geregistreer is, onwettig gebruik van ’n sertifikaat of lisensie maak of toelaat dat daarvan onwettig

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'n lisensie tot die daaropvolgende eenendertigste dag van Desember; met dien verstande dat sodanige of dergelyke sekuriteit of waarborg wat deur 'n ander wet voorgeskryf is, ingevolge waarvan iemand vergoeding kan vorder weens verlies of skade deur hom gelyk in verband met so 'n voertuig, vir die doeleindes van hierdie artikel, beskou sal word as sekuriteit of waarborg wat aan die vereistes van die voorafgaande bepalings van hierdie subartikel voldoen.

(b) 'n Lisensie uitgereik in stryd met paragraaf (a) van hierdie subartikel is ongeldig en iemand wat 'n motorbus vir publieke verkeer bestuur ten opsigte waarvan geen sekuriteit of waarborg soos voorgeskryf in paragraaf (a) van hierdie subartikel van krag is nie, is skuldig aan 'n oortreding van hierdie Ordonnansie.

(c) Wanneer iemand wat 'n motorbus vir publieke verkeer bestuur, beskuldig is kragtens subartikel (b) hiervan word dit veronderstel dat die sekuriteit of waarborg voorgeskryf in paragraaf (a) van hierdie subartikel nie ten opsigte van so 'n voertuig gegee is nie, tensy die teenoorgestelde bewys word.

(d) Nieteenstaande enigiets vervat in enige wet, sal 'n persoon wat 'n ver-sekeringspolis uitreik kragtens hierdie artikel die persone of klasse van persone in die polis genoem moet vrywaar ten opsigte van enige verpligting wat deur die polis bedoel word om gedek te word in die geval van daardie persone of klasse van persone.

(e) Vir die doeleindes van hierdie subartikel beteken die uitdrukking, motorbus vir publieke verkeer 'n motorvoertuig vervaardig en gebruik teen betaalde vervoer van enige persone oor publieke paaie, dog dit sluit nie 'n motorvoertuig in wat aan die Regering van die Unie van Suid-Afrika of aan die Provinsiale Administrasie behoort of 'n motorvoertuig wat uitsluitlik vir die vervoer van kinders van en na 'n openbare skool gebruik word nie."

motorvoertuig vir gebruik geskik is, die feit aan die registrasie-otoriteit te rapporteer op straf van 'n oortreding van hierdie subartikel.

(f) Die voordele verbonde aan hierdie subartikel kan *mutatis mutandis* toegepas word op die eienaar van 'n motorvoertuig wat by 'n handelaar te koop gelaat is en nie anders bestuur word nie as deur die handelaar op die voorgeskrewe manier."

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4. Artikel *vyf* van die hoofwet word hierby gewysig:—

Wysiging  
van  
artikel 5  
van die  
hoofwet.

- (1) Deur in subartikel (1) die woorde „ behoudens die bepalings van artikel *sestien* (1) van die Motortransportwet 1930 ”, te skrap, en hulle deur die woorde „ behoudens die bepalings van subartikel (4) van hierdie artikel ” te vervang.
- (2) Deur onderstaande nuwe subartikel toe te voeg:—

„ (4) (a) Vanaf 'n datum deur die Administrateur by Proklamasie in die *Offisiële Koerant* vasgestel, mag so 'n lisensie nie uitgereik word nie ten opsigte van die eiendomsreg van 'n motorbus vir publieke verkeer en geen lisensie vir so 'n voertuig wanneer as publieke voertuig gebruik (soos omskryf in artikel *twee* van die „ Plaaslike Bestuur Ordonnansie 1926 ’ of wysiging daarvan) mag deur 'n plaaslike bestuur kragtens enige verordeninge, wat in sy eie regsgebied van krag is, uitgereik word nie, tensy diegene wat daarom aansoek doen 'n verklaring instuur in die voorgeskrewe vorm en deur die registrasie-otoriteit uitgereik, waarin aangetoon word dat die applikant ooreenkomstig die regulasies (wat die Administrateur hierby gemagtig word om uit te vaardig) sekuriteit of waarborg gegee het, op 'n wyse en deur iemand of 'n inrigting van 'n klas wat ook by regulasie voorgeskryf is, om enige verlies of skade te vergoed, wat iemand in verband met so 'n motorbus vir publieke verkeer kan ly uit hoofde van enige oorsaak wat by regulasie omskryf is, gedurende die tydperk vanaf die datum van uitreiking van so

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daarvan uit te neem, in so 'n beskadigde of uitgeslyte toestand is dat dit onmoontlik gebruik kan word, of as dit also uitmekaargeneem is dat dit vir gebruik ondoelmatig is, kan die eienaar van die registrasie-autoriteit teen betaling van twee sjielings en ses pennies vir 'n motorfiets of vyf sjielings in die geval van 'n ander motorvoertuig 'n sertifikaat in die voorgeskrewe vorm verkry, waarby hy vrygestel word vir 'n bepaalde tydperk om, met die oog op die reparasie of herstelling of vernietiging daarvan, die lisensie uit te neem (verder in hierdie subartikel die sertifikaat genoem). Die sertifikaat mag nie uitgereik word nie, tensy die eienaar die registrasie-autoriteit oortuig dat die motorvoertuig also beskadig, uitgeslyt of uitmekaargeneem was voor die datum waarop die verpligtende uitname van 'n lisensie ontstaan het.

(b) Die registrasie van elke motorvoertuig ten opsigte waarvan 'n vrystelling kragtens hierdie subartikel verleen is, moet ooreenkomstig subartikel (2) van artikel *sewe* gekanselleer word as die genoemde voertuig vernietig is.

(c) Gedurende die oorweging van 'n *bona-fide* aansoek kragtens hierdie subartikel, is die eienaar gevrywaar teen die instelling van 'n regsgeding weens versuim, mits die beslissing van die registrasie-autoriteit nie deur sy toedoen vertraag word nie, dog die verpligting ontstaan opnuut vanaf die oorspronklike datum as die sertifikaat nie toegeken word nie.

(d) Die vrystelling verval sodra die geldigheidstermyn van die sertifikaat verloop het, tensy dit hernu is, of sodra die motorvoertuig vir gebruik genoegsaam gerepareer of herstel is, en die lisensiegeld voorgeskryf kragtens hierdie Ordonnansie word verminder met een-twaalfde deel daarvan vir elke volledige maand van die tydperk van sodanige vrystelling. Die bepaling van subartikel (3) van hierdie artikel is nie op 'n vrystellingstydperk van toepassing nie. Die hernuwing van die sertifikaat moet kosteloos geskied.

(e) Dit is die plig van die eienaar of verantwoordelike persoon om, sodra die

'n boete van hoogstens vyf pond of by gebreke van betaling tot gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens 'n maand.

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(2) Enigeeen wat 'n hond in sy besit het of die eienaar daarvan is, of wat verantwoordelik is vir of die toesig het oor so 'n hond, waarvoor 'n lisensie kragtens hierdie Ordonnansie nodig is en wat nie 'n metaalplaatjie vir hom uitgereik, aanhet nie, is skuldig aan 'n oortreding en kan by skuldigbevinding veroordeel word tot 'n boete van hoogstens een pond of by gebreke van betaling tot gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens veertien dae.

(3) Enigeeen wat—

(a) 'n dokument namaak of stuk metaal verwerk met die doel om so 'n dokument as 'n lisensie of so 'n stuk metaal as 'n plaatjie kragtens hierdie Ordonnansie uitgereik, te gebruik;

(b) 'n nagemaakte dokument of metaalplaatjie gebruik of in omloop bring, wetende dat dit met voornoemde doel nagemaak is;

(c) 'n lisensie of plaatjie aan iemand anders kragtens hierdie Ordonnansie uitgereik, steel of in besit daarvan gevind word (sonder dat hy op 'n bevredigende wyse van die besit daarvan rekenskap kan gee);

is skuldig aan 'n oortreding en kan by skuldigbevinding veroordeel word tot gevangenisstraf met harde arbeid vir 'n tydperk van hoogstens twee jaar of 'n boete van hoogstens £50.

11. Die bepalings van hierdie Ordonnansie betreffende lisensies of die uitreiking of aanhê van plaatjies is nie op honde wat aangehou word binne 'n munisipaliteit of 'n gebied onder die regsbevoegdheid van 'n gesondheidskomitee waarin verordeninge of regulasies (na gelang van die geval) van krag is ten aansien van die lisensieëring van honde, van toepassing nie.

Sekere bepalings van hierdie Ordonnansie nie van toepassing op gebiede van plaaslike besture waar verordeninge o' regulasies vir lisensieëring van honde bestaan.

12. Alle proklamasies, kennisgewings en regulasies uitgevaardig en opgestel kragtens die bepalings van 'n wet, wat deur hierdie Ordonnansie herroep word, bly, indien nie in

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Van kant  
making  
van honde  
word—  
wat op  
privaat-  
eiendom  
of sonder  
plaatjies  
gevind  
word.

8. 'n Hond kan onverwyld van kant gemaak word—

- (a) deur of op las van die eienaar, huurder of bewoner van 'n plaas of gedeelte van 'n plaas as dit daarop gevind word en nie onder die toesig en beheer van iemand is nie;
- (b) deur of op las van die eienaar, huurder of bewoner van 'n plaas of gedeelte van 'n plaas as dit daarop skade aanrig;
- (c) deur 'n bevoegde beampte as dit êrens gevind word sonder 'n plaatjie daarvoor uitgereik kragtens hierdie Ordonnansie of 'n munisipale verordening of regulasies deur die Administrateur vir 'n gesondheidskomitee uitgevaardig.

Bevoegd-  
heid om  
regulasies  
te maak.

9. Die Administrateur kan van tyd tot tyd regulasies maak, wysig en herroep—

- (a) waarby die vorms vir gebruik vir die doel van hierdie Ordonnansie, sowel as lisensievorms en metaalplaatjies kragtens hierdie Ordonnansie uitgereik, voorgeskryf word;
- (b) waarby voorgeskryf word die persone wat sodanige lisensies en plaatjies moet uitreik, asook die aansoekvorm om 'n besonder soort lisensie en die maximum-getal lisensies en plaatjies wat uitgereik kan word aan persone woonagtig in 'n bepaalde streek wat by 'n Proklamasie van die Administrateur in die *Offisiële Koerant* omskryf is;
- (c) waarby oor die algemeen voorsiening gemaak word vir alle nodige sake in verband met die behoorlike administrasie van hierdie Ordonnansie en die toepassing van die bepalings daarvan,

en in sodanige regulasies kan hy vir enige oortreding daarvan strawwe voorskryf, bestaande uit 'n boete van hoogstens vyf pond of by gebreke van betaling, gevangenisstraf met of sonder harde arbeid vir 'n tydperk van 'n maand.

Straf-  
bepalings.

10. (1) Enigeen wat volgens hierdie Ordonnansie 'n hond moet laat lisensieer en wat die behoorlike lisensie daarvoor nie binne die tyd in artikel *drie* voorgeskryf uitneem nie, of wat op versoek versuim om dit of die hond waarvoor dit uitgereik is ooreenkomstig artikel *ses* te vertoon, is skuldig aan 'n oortreding en kan by skuldigbevinding veroordeel word tot

- (2) in distrikte waar, tot bevrediging van die magistraat bewys kan word dat, weens die aanwesigheid van leeus en/of luiperds, die moontlikheid bestaan dat skade onder vee aangerig kan word en wel aangerig word, die Administrateur die vrystelling van betaling van lisensiegeld ingevolge hiervan vir enige getal van hoogstens vier honde, die eiendom van genoemde eienaar of huurder, skriftelik kan gelas;
- (3) enigeen teen betaling van die bedrag vermeld in paragraaf (b) van hierdie artikel insgelyks 'n lisensie of hernuwing daarvan kan uitneem vir enige hond van 'n windhondras of van 'n hond van 'n dergelike soort wat volgens die mening van die amptenaar belas met die uitreiking van so'n lisensie aangehou word uitsluitlik vir reisie-doelindes.
- (4) Nieteenstaande die bepalinge van paragrafe (a) en (b) van hierdie artikel sal 'n teler van honde wat geregistreer is by die „South African Kennel Union” jaarliks alleen die volgende fooi betaal:—

Meer dan tien honde ... .. £5

5. Die eienaar of iemand anders wat die beheer of toesig het oor so'n hond soos vermeld in voorbehoudsbepaling (1) van artikel vier, moet jaarliks binne die tydperk voorgeskryf in subartikel (3) van artikel drie in die voorgeskrewe vorm aansoek doen om die metaalplaatjie, wat ingevolge hierdie Ordonnansie uitgereik word, en die geldige plaatjie aan die hond, waarvoor dit uitgereik is, aansit en sorg dat dit te allen tyde gedurende so'n jaar aan hom bly.

Uitreiking van lisensie onnodig in geval van waghonde dog aansoek om metaalplaatjie moet gedoen word.

6. Enigeen wat 'n hond in sy besit het, waarvoor kragtens hierdie Ordonnansie 'n lisensie nodig is, of wat die beheer of toesig daaroor het, moet, wanneer deur 'n bevoegde beampte daartoe versoek binne veertien dae na so'n versoek, sodanige lisensie asook die hond waarvoor dit uitgereik is, vir inspeksie vertoon of laat vertoon.

Lisensie moet op aansoek vertoon word.

7. Elke sodanige lisensiehouer moet sorg dat die metaalplaatjie wat aan hom soos voormeld uitgereik is te allen tyde aan die hond bly, waarvoor so'n lisensie uitgereik is.

Lisensiehouer moet sorg dat hond metaalplaatjie aan het.

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Artikel 2.

Lisensiering  
van honde  
en uit-  
reiking van  
plaatjies.

„ voorgeskryf ” voorgeskryf deur hierdie  
Ordonnansie of ’n regulasie ingevolge  
daarvan uitgevaardig.

3. (1) ’n Eienaar of iemand anders wat die  
beheer of toesig oor ’n hond het, moet, sodra  
so ’n hond ses maande oud is, ’n lisensie sowel  
as ’n plaatjie daarvoor uitneem, soos hierin  
later bepaal.

(2) So ’n lisensie moet uitgereik word in die  
vorm en op die wyse soos by regulasie, inge-  
volge hierdie Ordonnansie uitgevaardig, voor-  
geskryf en jaarliks hernu word, en tesame  
met so ’n lisensie moet aan die houer daarvan  
uitgereik word ’n metaalplaatjie waarop die  
nommer van so ’n lisensie en jaar, waarvoor  
dit geldig is, gestempel word; en indien so ’n  
plaatjie verloor het of vernietig is, kan die  
lisensiehouer van diegene, aangestel om dit  
uit te reik, ’n duplikaat van so ’n plaatjie  
verkry teen betaling van ’n bedrag van twee  
sjielings en ses pennies.

(3) Vir ’n hond wat op 1 Januarie in enige  
jaar ses maande of meer oud is, moet aansoek  
om so ’n lisensie of hernuwing daarvan binne  
een maand na sodanige datum gedoen word,  
en ten aansien van ’n hond wat so ’n ouderdom  
tussen sodanige datum en die een-en-dertigste  
dag van Desember eersvolgende bereik, moet  
aansoek om ’n lisensie gedoen word binne een  
maand nadat hy die ouderdom bereik.

Lisensie-  
gelde.

4. Vir elke sodanige lisensie of hernuwing  
daarvan moet betaal word—

(a) ’n bedrag van vyf pond vir elke hond  
wat, volgens die oordeel van diegene  
aangestel om lisensies uit te reik,  
behoort tot die soort bekend as ’n kaffer-  
jaghond of tot die windhondras of ’n  
dergelike soort;

(b) ’n bedrag van tien sjielings vir enige  
ander soort hond;

steeds met dien verstande dat—

(1) iedere blanke persoon wat die eienaar of  
huurder van ’n plaas of ander stuk  
landbougrond is of wat, as hy ’n woon-  
huis op ’n plaas of gedeelte van ’n  
plaas werklik bewoon, sy ganse tyd  
*bona fide* aan boerderyaangeleenthede  
bestee, vrygestel is van die betaling  
van lisensiegeld vir een hond van die  
soort vermeld in paragraaf (b) van hier-  
die artikel en wat as waghond aange-  
hou word;

## 'N ORDONNANSIE

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Om die Wet met betrekking tot die Registrasie van en Kontrole oor Honde buite die Grense van Munisipaliteite te konsolideer en te wysig.

(Goedgekeur 15 November 1933.)

(Datum van inwerkingtreding, 1 Januarie 1934.)\*

(Afrikaanse kopie deur Goewerneur-Generaal geteken.)

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

1. Die wette in bygaande skedule genoem, word en is hierby herroep vir sover in die derde kolom van genoemde skedule uiteengesit, asmede die bepalings van enige ander wet wat in stryd of onbestaanbaar is met die bepalings van hierdie Ordonnansie. Herroeping  
van wette.

2. Tensy in hierdie Ordonnansie klaarblyklik 'n ander uitleg aan die word gegee moet word, beteken— Woord-  
bepalinge.

- „ Administrateur ” die amptenaar benoem kragtens subartikel (1) van artikel *agten-estig* van die „ Zuid-Afrika Wet ” 1909, en wysiging daarvan, handelende op gesag van die Uitvoerende Komitee van die Provinsie;
- „ landbou- ” ook veeteelt-, wynbou en tuinbou-;
- „ bevoegde beampte ” 'n vrederegter, polisiebeampte of konstabel, enigeen kragtens hierdie Ordonnansie aangestel om 'n lisensie uit te reik of 'n amptenaar van die Transvaalse Provinsiale Administrasie spesiaal deur die Administrateur aangestel met regsbevoegdheid vir die doeleindes van hierdie Ordonnansie;
- „ Offisiële Koerant ” die *Offisiële Koerant van die Provinsie Transvaal*;
- „ gesondheidskomitee ” 'n gesondheidskomitee ingestel kragtens die „ Plaaslike Bestuur Ordonnansie ” 1926, of wysiging daarvan;
- „ munisipaliteit ” die gebied of distrik geplaas onder 'n Stadsraad of Dorpsraad ingestel kragtens die „ Plaaslike Bestuur Ordonnansie 1926 ” of wysiging daarvan;

\* Sien artikel *dertien*.

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Artikel 1.

uitreiken, vrij van eenige voorwaarden vervat in de Acte van Transport, ten gunste van het Gouvernement, het gebruik van den grond beperkende, doch behoudens zoodanige andere voorwaarden als de Minister oplegt op aanbeveling van den Administrateur, met dien verstande dat in geval de grond verkocht of verhuurd wordt, de netto-opbrengst van den verkoop of de netto-huurgeden (naar gelang van 't geval) aan den Administrateur betaald en slechts gebruikt moeten worden voor zoodanige diensten van een kapitalen aard, zooals door den Administrateur goedgekeurd ten voordele van het dorp waarin zulke grond gelegen is of van een streek in de nabijheid van zulk een dorp.

Eenige kosten door den Minister gemaakt in verband met of behoorende bij de uitreiking van een Grondbrief aan een plaatselijke autoriteit of een dorpseigenaar, moeten aan den Minister door den begiftigde vergoed of betaald worden.

Voor de doeleinden van dit artikel betekent—

- , Administrateur ' de ambtenaar benoemd krachtens subartikel (1) van artikel *acht-en-zestig* van de Zuid-Afrika Wet, 1909, en wijzigingen ervan, handelende op gezag van het Uitvoerende Committee van de Provincie;
- , plaatselijke autoriteit ' een stads- of dorpsraad of gezondheidscommittee ingesteld als een lichaam met rechtspersoonlijkheid krachtens de , Plaaslike Bestuur Ordonnansie, 1926 ', of wijzigingen ervan;
- , municipaliteit ' het gebied dat onder het beheer en de rechtsbevoegdheid van een plaatselijke autoriteit geplaatst is."

Kort titel.      **2.** Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Onderwyswet-wysigingsordonnansie, 1933.

sodanige vorm moet wees as deur die Kommissaris van Binnelandse Inkomste goedgekeur word en wat onafgebroke deur die publiek kan gesien word.

(5) Die bepalings van subartikels (3) tot (6) van artikel *agt* van die „Perdewedrenne en Weddenskappe Ordonnansie” No. 9 van 1927 of wysiginge daarvan, is kragtens hierdie artikel *mutatis mutandis* op totalisators van toepassing op elke reisies waar die bruto-ontvangste van gelisensieerde totalisators ten opsigte van daardie reisies meer as die bedrag van drie honderd en vyftig pond (£350) is.

(6) Iemand wat—

- (a) 'n windhond- of hondereisies hou bo die getal in sy lisensie toegestaan; of
- (b) 'n windhond- of hondereisies hou op 'n ander baan as dié in sy lisensie genoem; of
- (c) handel in stryd met, of versuim om te voldoen aan, enige voorwaarde, waaraan sy lisensie kragtens hierdie Ordonnansie onderworpe is;

maak hom skuldig aan 'n oortreding van hierdie Ordonnansie.

2. Artikel *vier* van die hoofwet word hierby herroep en deur onderstaande nuwe artikel vervang:—

„4. Die bedrag wat vir 'n lisensie, uitgereik kragtens subartikel (1) van artikel *drie*, betaal moet word, is vyftien pond (£15).”

Herroeping van artikel 4 van die hoofwet en vervanging deur nuwe artikel.

3. (1) Niemand mag 'n totalisator in verband met 'n windhond- of hondereisies gebruik nie, tensy hy in besit is van 'n lisensie uitgereik kragtens subartikel (4) van artikel *drie* van die hoofwet, soos gewysig deur artikel *een* van hierdie Ordonnansie.

Gebruik van totalisator verbied, tensy gelisensieer.

(2) Iemand wat in stryd met die bepalinge van hierdie artikel handel, maak hom skuldig aan 'n oortreding van hierdie Ordonnansie en kan by skuldigbevinding veroordeel word tot 'n boete van hoogstens honderd pond (£100) of by gebreke van betaling, tot gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twaalf maande.

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1933.

Artikel 1.

- (iii) niemand onder die ouderdom van een-en-twintig jaar behalwe 'n beampte van die lisensiehouer, mag toegelaat word om 'n windhond- of hondereisies by te woon nie, as daar 'n totalisator of totalisators in verband met so'n reisies gebruik word;
- (iv) geen persoon, hondereisiesklub of vereniging, behalwe die lisensiehouer, word toegelaat om reisies op die baan, vermeld in die lisensie, te hou nie;
- (v) die lisensie mag nie oorgedra word nie, behalwe met die spesiale vergunning van die Administrateur;
- (vi) die lisensie moet op aanvraag van 'n polisiebeampte bo die rang van sersant vertoon word;
- (vii) geen beroepswedder word toegelaat om op 'n reisisbaan sy bedryf uit te oefen nie.

(3) Behalwe die voorwaardes uiteengesit in sub-artikel (2) kan die Administrateur in 'n lisensie sulke ander voorwaardes oplê as hy goeddunk, mits nie met die bepalinge van hierdie Ordonnansie onbestaanbaar nie en hy kan verder voorwaardes (i), (ii) en (vii) van die gemelde voorwaardes verander of wysig ten opsigte van 'n lisensie vir hondereisies alleen; met dien verstande dat geen hondereisies gehou sal word op Kersdag of op Goeie Vrydag of op Hemelvaartsdag of in die aande van daardie dae nie.

(4) (a) Die Administrateur kan aan die houer van 'n lisensie, uitgereik kragtens subartikel (1) van hierdie artikel, op skriftelike versoek, 'n lisensie toeken om 'n totalisator of totalisators by 'n reisies op 'n plek op die baan, vermeld in die lisensie, te gebruik. So'n lisensie kan deur die Administrateur ingetrek word as een of ander van die bepalinge van hierdie artikel nie nagekom word nie.

(b) Elke transaksie aangegaan deur middel van die totalisator moet aangeteken word op 'n kaartjesbord wat in

**'N ORDONNANSIE**

Om die Hondereisies (Kontrole) Ordonnansie, 1926,  
te wysig.

Ord. No.  
15 van  
1933.

(Goedgekeur 6 November 1933.)

(Datum van inwerkingtreding, 15 November 1933.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

1. Artikel drie van die Hondereisies (Kontrole) Ordonnansie 1926, (hierin verder die hoofwet genoem) word hierby herroep en vervang deur ondervermelde nuwe artikel:—

Herroeping  
van artikel  
3 van die  
hoofwet en  
vervanging  
deur nuwe  
artikel.

“3. (1) Iemand wat 'n lisensie wil uitneem, moet by die Administrateur daarom aansoek doen wat na goedvinde 'n lisensie geldig vir 'n tydperk van een jaar vanaf die datum van uitneming, kan uitreik.

(2) Elke lisensie uitgereik kragtens die bepalings van hierdie artikel, moet—

(a) die getal reisies (hoogstens een per week) vermeld, wat gedurende die geldigheidstermyn daarvan gehou mag word, asook die baan waarop sodanige reisies toegelaat is;

(b) aan ondervermelde voorwaardes onderworpe word:—

(i) Geen reisies mag op 'n aangewese dag gedurende die tyd 6 v.m. tot 7 n.m. of van 11 n.m. van een dag tot 6 v.m. die volgende dag gehou word nie;

(ii) 'n reisies kan òf op 'n Woensdagaand òf 'n Vrydagaand tussen die ure 7 n.m. en 11 n.m. gehou word en op geen ander aand nie, dog op Krimisaand of Goeievrydagaand mag geen reisies gehou word nie;

Ord. No.  
14 van  
1933.

Artikel 7.

(2) Deur in subartikel (3) die woord „magistraat” te skrap en dit deur die woorde „inkomste amptenaar” te vervang.

(3) Deur die voorbehoudsbepaling te skrap en dit deur ondervermelde nuwe voorbehoud te vervang:—

„met dien verstande dat die inkomste amptenaar ’n vrystellingsertifikaat moet uitreik aan elkeen aan wie vrystelling kragtens subartikels (2) (c) en (3) van hierdie artikel verleen is.”

Die Administrateur kan van tyd tot tyd reëls maak vir die leiding van inkomste-amptenare by uitreiking van sertifikate kragtens hierdie bepaling.

Herroeping van artikel 12 van die hoofwet en vervanging deur ’n nuwe artikel.

8. Artikel *twaalf* van die hoofwet word hierby herroep en deur ondervermelde nuwe artikel vervang:—

„12. Vir die doeleindes van hierdie Ordonnansie, kan die inkomste amptenaar van die distrik waarin so ’n persoon gewoonlik woonagtig is, na goeë dunde, iemand anders benoem tot agent van sodanige persoon. So ’n agent is verantwoordelik vir die betaling van belasting verskuldig deur diegene vir wie hy as agent benoem is; met dien verstande dat die agent nie aanspreeklik is nie vir ’n groter bedrag as dié van enige geld wat aan so ’n persoon behoort en wat hy bestuur, beheer of bewaar.”

Wysiging van artikel 13 van die hoofwet.

9. Artikel *dertien* van die hoofwet word hierby as volg gewysig:—

(a) Deur na die woord „woon” die woorde „op of” in te voeg.

(b) Deur die woorde „die vervaldatum” te skrap en hulle te vervang deur die woorde „die voorgeskrewe betaaldag”.

(c) Deur ondervermelde verdere voorbehoudsbepaling daaraan toe te voeg:—

„en met dien verstande verder dat die inkomste amptenaar die bevoegdheid besit om van enige boete af te sien in gevalle waarvan hy oortuig is dat die belastingbetaler sonder sy eie toedoen nie in staat is om die voorwaardes, waarop sodanige verlof verleen is, streng na te kom nie.”

Kort titel.

10. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die „Persoonlike en Inkomstebelastings-Wysigingsordonnansie 1933”.

- (2) word 'n ongehuude persoon (met inbegrip van 'n weduwee, wewenaar, geskeie persoon of iemand wat kragtens 'n geregtelike order of skriftelike ooreenkoms van tafel en bed geskeie is) wat die enigste steun van 'n ouer is, as gehuud geag."

Ord. No.  
14 van  
1933.

—  
Artikel 3.

4. Subartikel (3) van artikel *vier* van die hoofwet word hierby gewysig deur die woorde „betrekklike Unie normale en/of ekstra belasting-aanslag” daarin te skrap en hulle te vervang deur „aanslag in die desbetreffende Unie-normale en/of ekstra of addisionele belasting”.

Wysiging  
van  
artikel 4 (3)  
van die  
hoofwet.

5. Subartikel (2) van artikel *vyf* van die hoofwet word hierby gewysig deur die woorde „inkomste belastingbetaler” daarin te skrap en hulle te vervang deur die woord „persoon”.

Wysiging  
van  
artikel  
5 (2) van  
die  
hoofwet.

6. Subartikel (1) van artikel *sewe* van die hoofwet soos gewysig by artikel *twee* van Ordonnansie No. 20 van 1930, word hierby gewysig deur die woorde „binne dertig dae vanaf sulke verlanse” daarin te skrap en hulle te vervang deur die woorde „binne sodanige tydperk as hy verlang”.

Wysiging  
van  
artikel 7 (1)  
van die  
hoofwet.

7. Artikel *ag*t van die hoofwet soos gewysig by artikel *drie* van Ordonnansie No. 20 van 1930, word hierby as volg gewysig:—

Wysiging  
van  
artikel 8  
van die  
hoofwet.

- (1) Deur subartikel (2) te herroep en dit deur ondervermelde nuwe subartikel te vervang:—

„(2) (a) 'n Ongehuude manlike volwassene wat die inkomste amptenaar oortuig dat sy inkomste gedurende die twaalf maande geëindig op die datum waarop die belasting betaalbaar was, minder as £50 bedra het.

(b) 'n Gehuude manlike volwassene wat die inkomste amptenaar oortuig dat sy inkomste gedurende die twaalf maande geëindig op die datum waarop die belasting betaalbaar was, minder as £100 bedra het.

(c) 'n Manlike volwassene wat deur die inkomste amptenaar van die distrik waarin hy woon verklaar word as iemand wat in behoeftige omstandighede verkeer en nie in staat is om die belasting of belastings deur hom verskuldig, te betaal nie.”



Ord. No.  
14 van  
1933.

## 'N ORDONNANSIE

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

(Goedgekeur 6 November 1933.)

(Datum van inwerkingtreding, 15 November 1933.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Wysiging van artikel 2 (1) „Persoonlike en Inkomstebelastings Ordonnansie No. 10 van 1928.”

**1.** Subartikel (1) van artikel *twee* van die Ordonnansie 1928” (hierin verder die hoofwet genoem) word hierby as volg gewysig:—

- (1) Deur die woorde „bo die leeftyd van een-en-twintig jare” te skrap en hulle deur die woorde „van ’n leeftyd van een-en-twintig jaar en ouer” te vervang.
- (2) Deur in subartikel (i) en (ii) van paragraaf (c) die woord „belasbare” te skrap.

Invoeging van nuwe artikel 2A in hoofwet.

**2.** Ondervermelde nuwe artikel word hierby vasgestel en moet onmiddellik na artikel *twee* van die hoofwet onder nommer 2A. ingevoeg word:—

„2A. As iemand, woonagtig in die Provinsie wat kragtens hierdie Ordonnansie belasting moet betaal en wat voor die datum, waarop die belasting betaalbaar is, sterf, dan is die belasting deur die boedel van so ’n persoon verskuldig.”

Herroeping van artikel 3 van die hoofwet en vervanging deur ’n nuwe artikel.

**3.** Artikel *drie* van die hoofwet word hierby herroep en deur ondervermelde nuwe artikel vervang:—

„3. Vir die doeleindes van artikel *twee*—

- (1) word ’n weduwee, wewenaar, geskeie persoon of iemand wat kragtens ’n geregtelike order of skriftelike ooreenkoms van tafel en bed geskeie is, as ongehuud beskou, met dien verstande, dat so iemand wat ’n minderjarige kind onderhou, en ’n ongehuude persoon wat ’n aangenome kind onderhou, as gehuud geag word;

5. Hierdie Ordonnansie mag vir alle doel-<sup>Kort</sup>  
eindes aangehaal word as die Toeëienings<sup>titel</sup>  
(1933-1934) Ordonnansie, 1933.

Ord. No.  
13 van  
1933.

## Skedule.

No. van Pos.	Diens.	Kolom 1.	Kolom 2.
		£	£
1	Algemene Administrasie. ....	82,729	—
2	Onderwys. ....	2,826,108	—
	Insluitende :—		
	Toelae aan Tandheelkundige Kliniek, Johannesburg. ....	—	1,000
	Toelae aan Tandheelkundige Kliniek, Pretoria. ....	—	600
	Toelae aan Bilharzia Komitee. .	—	250
	Toelae aan Ondersteunde Plaas- skole. ....	—	4,100
	Toelae aan Private Skole. ....	—	4,418
	Toelae vir Onderwys aan Eur- afrikaanse en Asiatiese Kin- ders. ....	—	398
	Onderwys van Naturelle Kinders	—	98,356
	Toelae aan Isipingo Strand Her- stellings Tehuis. ....	—	500
	Toelae aan Junior Rooie Kruis Vereniging. ....	—	50
3	Hospitale en Liefdadigheids- instellings, met inbegrip van Arme- sorg. ....	466,336	—
	Insluitende onderstaande toelae :		
	Hospitale wat val onder die be- palings van die Publieke Hos- pitale Ordonnansie, 1928. ....	—	352,624
	Hospitale wat nie val onder die bepalings van die Publieke Hospitale Ordonnansie, 1928.	—	7,142
	Liefdadigheidsinstellings. ....	—	33,244
4	Weë, Brûe en Plaaslike Werke. ....	513,737	—
	Insluitende :—		
	Toelae aan Plaaslike Autoriteite	—	800
	Betaling aan Weëfonds. ....	—	262,000
	Betaling aan Uitspanplekke en Weëfonds. ....	—	500
5	Diverse Dienste. ....	4,765	—
	Insluitende onderstaande toelae :		
	Nasionale Park. ....	—	3,000
	Vis-verenigings. ....	—	30
	Stadsaanleg Vereniging. ....	—	25
6	Rente en Aflossing. ....	331,440	—
7	Kapitaaluitgawe. ....	192,392	—
	Insluitende die onderstaande toe- lae :		
	Spesiale toelae van Unie-regering vir Padwerk. ....	—	569
	Warmbad Raad van Kuratore..	—	400
		£	
		4,417,507	
	Weëfonds. ....£	224,000	

Ord. No.  
13 van  
1933.

## 'N ORDONNANSIE

Tot aanwending van 'n som van hoogstens £4,417,507 vir die diens van die Provinsie Transvaal gedurende die jaar wat eindig op die 31ste dag van Maart 1934.

(Goedgekeur 6 November 1933.)

(Datum van inwerktrading, 8 November 1933.)

(Afrikaanse kopie deur Goewerneur-Generaal geteken.)

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

Provinsiale  
Inkomste-  
fonds belas  
met  
£4,417,507.

1. Die Provinsiale Inkomstefonds word hierby belas met sulke geldsomme as mag nodig wees vir die diens van die Provinsie gedurende die jaar wat eindig op die 31ste dag van Maart 1934, in die geheel die som van viermiljoen vierhonderd en sewentien-duisend vyfhonderd-en-sewe pond nie te bowegaande, as volg:—

Vir bestryding van gewone of wederkerende uitgawe ... ..	£4,225,115
Vir bestryding van kapitaal of onwederkerende uitgawe ...	192,392

Aanwen-  
ding van  
gelde.

2. Die geld deur hierdie Ordonnansie toegeëien sal aangewend word vir die dienste wat omskryf is in bygevoegde skedule en meer in die besonder gespesifiseer in die Begroting van Uitgawe (Nos. T.P. 3 en 5 van 1933) soas deur die Provinsiale Raad goedgekeur en onderwerp aan artikel *drie* hiervan en vir geen ander doel nie.

Adminis-  
trateur mag  
wysigings  
magtig.

3. Met die goedkeuring van die Administrateur, wat handel met die toestemming van die Uitvoerende Komitee, kan 'n besparing op enige subhoof van 'n pos aangewend word tot dekking van meerdere uitgawe onder enige andere subhoof van uitgawe onder 'n nuwe subhoof van dieselfde pos mits dat geen meerdere uitgawe sal gemaak word op die somme wat voorkom in kolom 2 van bygevoegde skedule nie, ewenmin sal besparings daarop beskikbaar wees vir enige doel ander as daardie waarvoor die geld hierby toegestaan word.

Weëfonds-  
rekening  
belas met  
£224,000.

4. Die Weëfondsrekening word hierby belas met sulke geldsomme as mag nodig wees vir die finansiële jaar wat eindig op die 31ste dag van Maart 1934, in die geheel die som van tweehonderd vier-en-twintigduisend pond nie te bowegaande nie.

**13.** Die bedrag van opgelegde belastinge en opgelope boetes is ingevolge die bepalinge van hierdie Ordonnansie aan die Provinsiale Inkomstefonds van Transvaal verskuldig, en sodra betaalbaar, kan die Kommissaris handelende namens die Administrateur daarvoor dagvaar en dit by wyse van 'n regsgeding in 'n hof met bevoegde jurisdiksie invorder.

Invordering van belasting. **Ord. No. 12 van 1933.**

**14.** Alle boetes ingevorder in verband met 'n oortreding van hierdie Ordonnansie, moet in die Provinsiale Inkomstefonds gestort word.

Storting van boetes in Provinsiale Inkomstefonds.

**15.** Die Kommissaris is met die toepassing van hierdie Ordonnansie belas en kan van tyd tot tyd vorms of verklaringe voorskryf wat vir die doeleindes van hierdie Ordonnansie vereis word.

Voorgeskrewe vorms.

**16.** Om die oogmerke en bedoelinge van hierdie Ordonnansie beter te laat uitvoer, kan die Administrateur regulasies maak wat nie in stryd met die bepalinge daarvan is nie.

Regulasies.

**17.** Alle regulasies, uitgevaardig of opgestel volgens die bepalinge van enige wet deur hierdie Ordonnansie herroep, wat nie met die bepalinge daarvan onbestaanbaar is nie, bly van krag totdat hulle ingevolge die bepalinge van hierdie Ordonnansie herroep of gewysig word.

Van krag blywende bepalinge.

**18.** Onderstaande Ordonnansies word hierby herroeping herroep:—

Die Maatskappye Belasting Ordonnansie, No. 8 van 1923.

Die Maatskappye Belasting Wysigingsordonnansie, No. 23 van 1925.

Die Maatskappye Belasting Wysigingsordonnansie, No. 3 van 1927.

Die Maatskappye Belasting Wysigingsordonnansie, No. 7 van 1931.

**19.** Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Maatskappye-Belasting-Ordonnansie, 1933.

Kort titel.

Ord. No.  
12 van  
1933.

—  
Artikel 10.

- (3) 'n maatskappy wat geen sake doen vir winsbejag of voordeel, wat onder die aandeelhouders of lede daarvan verdeel of waarmee hulle gekrediteer moet word;
- (4) enige gedeelte van 'n dividend deur 'n finansiële maatskappy uitgekeer uit dividende wat alreeds belas is as 'n dividend volgens hierdie Ordonnansie uitgekeer;
- (5) 'n dividend uitgekeer by die likwidasie van 'n maatskappy;
- (6) 'n onderlinge lewensversekeringsmaatskappy;
- (7) enige gedeelte van die belasbare inkomste van 'n nie-onderlinge lewensversekeringsmaatskappy, wat onder sy polishouders verdeel word;
- (8) 'n maatskappy wat op die datum, waarop die belasting verskuldig is, in 'n rustende toestand verkeer, geen inkomste het, en geen werksaamhede ten voordele van sy aandeelhouders uitvoer nie.

Spesiale  
vrystel-  
linge.

**11.** 'n Finansiële maatskappy onderworpe aan die belasting op verklaarde dividende, is nie aan die belasting op belasbare inkomste onderhewig nie.

Boete vir  
laat  
betaling.

**12.** (1) Iemand wat sonder gegronde rede versuim of nalaat om 'n belasting, wat volgens hierdie Ordonnansie verskuldig is, voor of op die datum of binne die tydperk voorgeskryf in artikel *ses* of in subartikel (4) van artikel *nege*, na gelang van die geval, te betaal, is skuldig aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens £10 (tien pond) of by gebreke van betaling met gevangenisstraf vir 'n tydperk van hoogstens een maand.

(2) As 'n belasting wat ingevolge hierdie Ordonnansie verskuldig is, nie voor of op die datum of binne die tydperk voorgeskryf in artikel *ses* of subartikel (4) van artikel *nege*, na gelang van die geval, betaal word nie, dan moet aan die betaalbare bedrag as 'n boete vir elke maand of gedeelte van 'n maand, gedurende welke die versuim voortduur, 'n bedrag toegevoeg word bereken teen 10 persent van die onbetaalde bedrag, met dien verstande dat die bedrag van die boete nie meer as die bedrag van die belasting mag wees nie.

van artikel *tien*, moet die Kommissaris die deel vasstel wat ingevolge hierdie Ordonnansie aan belasting onderworpe is.

Ord. No.  
12 van  
1933.

9. (1) Wanneer 'n dividend nie in geld uitgekeer word en die Kommissaris nie met die opgegewe waarde van so'n dividend akkoord gaan nie, moet hy so'n waarde vir die dividend vasstel as wat hom billik en redelik voorkom, en enige hoër belasting invorder wat op grond van sodanige verhoogde waardering betaalbaar is.

Waardering  
van  
dividend.  
Artikel 8.

(2) Waar 'n finansiële maatskappy buite die Provinsie sake doen, moet die dividend vir distribusie deur die Kommissaris verdeel word, en die belasbare persentasie moet volgens dieselfde verhouding bereken word as waarin die bruto-bate in die Provinsie staan tot die totale bruto-bate volgens die laaste balansstaat op datum van betaling. Met dien verstande dat die bruto-bate in die Provinsie alle besittinge in aandele, skuldbriewe of preferente aandele in 'n maatskappy moet insluit, wat sy vernaamste besigheid in die Provinsie doen, onverskillig waar bedoelde effekte gedeponeer is of die plek waar die dividende of rente betaal is of betaal moet word.

Verdeling  
van  
dividende.

(3) Waar 'n dividend verklaar word as vry van die belasting by hierdie Ordonnansie op dividende opgelê, moet die verskil tussen die soverklaarde bedrag en die bedrag wat verklaar sou gewees het as die dividend aan die belasting onderworpe was, by so'n dividend gevoeg word. Die bedrag wat op hierdie wyse verkry word, moet vir die doel van hierdie Ordonnansie as die uitgekeerde dividend beskou word.

(4) Die maatskappy moet binne 30 dae na die datum waarop 'n dividend verklaar is aan die Ontvanger van Inkomste die voorgeskrewe verklaring instuur en die belasting op die waarde van die verklaarde dividend betaal.

Wanneer  
betaalbaar.

(5) As 'n maatskappy 'n dividend uitkeer voordat die verskuldigde belasting betaal is, dan kan hy met hoogstens £100 beboet word.

10. Van belasting is vrygestel:—

Vrystel-  
linge.

- (1) Ooreenkomstig subartikel (1) van artikel *drie* van Wet No. 5 van 1921: enige gedeelte van 'n belasbare inkomste of enige gedeelte van 'n uitgekeerde dividend, wat uit delwery of regte in of op myne of minerale verkry word;
- (2) belasbare inkomste wat verkry word uit 'n bron buite die Provinsie;

Ord. No.  
12 van  
1933.

—  
Artikel 4.

(4) Iedere verklaring of ander dokument ingelewer vir die doel van hierdie Ordonnansie, moet as vertroulik behandel word en mag nie gebruik of op enigerlei wyse wat ook al openbaargemaak word nie, behalwe vir die toepassing van hierdie Ordonnansie of op las van 'n bevoegde geregshof en geen insage daarvan vir enige ander doel word geoorloof nie.

Straf-  
bepalings.

5. (1) Iemand wat in gebreke bly, versuim of weier om 'n verklaring of ander dokumentêre bewys te verstrek soos in voorafgaande artikel voorgeskryf, is skuldig aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens £50 of by gebreke van betaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) Iemand wat, met die doel om belasting te ontduik of om 'n maatskappy in staat te stel dit te ontduik, moedswillig en opsetlik 'n verklaring affê wat 'n verkeerde voorstelling bevat of 'n feit nodig vir die juiste belastingaanslag verberg of versuim om dit openbaar te maak, is skuldig aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens £100 of by gebreke van betaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(3) Ingeval iemand versuim om 'n verklaring af te lê wanneer daartoe versoek, moet die Ontvanger van Inkomste die belasting betaalbaar deur so'n maatskappy aanslaan en die bedrag aldus aangeslaan, is, ten aansien van die aanspreeklikheid van so'n maatskappy kragtens hierdie Ordonnansie, finaal en bindend.

Wanneer  
betaalbaar.

6. Die belasting is jaarliks deur ander maatskappye as finansiële maatskappye op 30 Junie verskuldig en moet voor of op die eenen-dertigste dag van Augustus in sodanige jaar betaal word, maar nie later as twee maande na die datum wanneer die betrokke Inkomstebelastingaanslag vir die Unie vasgestel is.

Aan wie  
betaalbaar.

7. Belasting wat kragtens hierdie Ordonnansie betaal moet word, is betaalbaar aan die Ontvanger van Inkomste van die distrik waarin die hoofkantoor of besigheidsplek in die Provinsie geleë is.

Verdeling.

8. Waar tot bevrediging van die Kommissaris bewys is dat 'n gedeelte van die belasbare inkomste of uitgekeerde dividend van belasting vrygestel is kragtens die bepaling

- „ belasbare inkomste ” die bedrag van belasbare inkomste aanslaanbaar jaarliks op enige maatskappy ooreenkomstig die wette van die Unie oor Inkomstebelasting vir die twaalf maande geëindig 30 Junie voorafgaande aan die jaar ten opsigte waarvan die belasting kragtens hierdie Ordonnansie betaalbaar is;
- „ uitgekeerde dividend ” ook ’n bedrag gelds, bonus, aandeel of ander bedrag gelds wat daarmee gelykstaan en betaal, toegewys, uitgekeer of gekrediteer is deur ’n finansiële maatskappy aan of onder sy aandeelhouers of lede as sodanig.

**Ord. No.  
12 van  
1933.**

**Artikel 2.**

**3.** Onderworpe aan ’n minimum jaarlikse <sup>Belasting-</sup>betaling van £5, is die belastingtarief waar- <sup>tarief.</sup>volgens maatskappye moet betaal—

ten opsigte van ander maatskappye as finansiële maatskappye vir elke pond belasbare inkomste, ses pennies;

ten opsigte van finansiële maatskappye vir elke pond aan dividende uitgekeer, een sjieling.

**4.** (1) Iedere maatskappy wat kragtens hierdie Ordonnansie belasting moet betaal, <sup>Verkla-</sup>moet aan die Ontvanger van Inkomste ’n <sup>rings.</sup>beëdigde verklaring verstrek op die voorgeskrewe vorm waarin vermeld word die bedrag van belasbare inkomste of verklaarde dividende, na gelang van die geval, en enige ander besonderhede wat nodig is om die aanspreeklikheid vir maatskappybelasting vas te stel, en geen belasting mag aangeneem word nie, tensy dit van voornoemde verklaring vergesel is.

(2) Die plig om opgawes te verstrek en om gelde vereis kragtens hierdie Ordonnansie te betaal, rus op die persoon wat die pos van publieke amptenaar van so’n maatskappy beklee ingevolge die bepalings van Wet No. 40 van 1925, of wysiginge daarvan, of ’n later Wet oor Inkomstebelasting of op sodanige ander persoon as die Kommissaris aanwys.

(3) Vir die doel om die bedrag van belasting, wat ’n maatskappy moet betaal, na te gaan, kan die Ontvanger van Inkomste verlang dat so’n maatskappy vir sy insage moet voorlê alle aanslae in inkomstebelasting van die Unie of ander dokumente wat nodig is om die bedrag van betaalbare belasting kragtens hierdie Ordonnansie vas te stel.



Ord. No.  
12 van  
1933.

## 'N ORDONNANSIE

Tot samevatting en wysiging van die wette betreffende di oplegging van 'n Belasting op Maatskappye.

(Goedgekeur 1 November 1933.)

(Datum van inwerktrading, 15 November 1933.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

**Hefing van belasting.** 1. Ten behoeve van die Provinsiale Inkomstefonds moet daar 'n belasting op maatskappye gehef, of in verband daarmee bereken en ingevorder word teen die tarief en op die wyse hierin verder vermeld.

**Woord-bepalings.** 2. In hierdie Ordonnansie, tensy teenstrydig met die sinsverband, beteken—

- „Administrateur” die amptenaar benoem kragtens artikel *ag-en-sestig* van die „Zuid-Afrika Wet, 1909”, of wysiging daarvan, handelende op gesag van die Uitvoerende Komitee;
- „Kommissaris” die Kommissaris van Binnelandse Inkomste of enigeen wat in dié hoedanigheid of namens hom wetlik optree;
- „maatskappy” 'n vereniging, wat ingevolge 'n wet van krag in die Unie of elders ingelyf of geregistreer is en besigheid dryf of 'n kantoor of besigheidsplek in die Provinsie Transvaal het of wat inkomste ontvang of aan wie gelde toekom uit bronne binne die Provinsie gedurende die tydperk van twaalf maande geëindig op 30 Junie voorafgaande aan die jaar ten opsigte waarvan belastings kragtens hierdie Ordonnansie betaalbaar is;
- „finansiële maatskappy” 'n maatskappy waarvan die waarde van sy besittinge, volgens sy laaste balansstaat verteenwoordig deur aandele, skuldbriewe of preferente aandele in ander maatskappye, met inbegrip van buitelandse maatskappye, tesame met lenings aan ander maatskappye, meer is as die helfte van die waarde van die totale bruto-bate van so'n maatskappy volgens sodanige balansstaat;

- (2) sodanige formaliteite en vereistes voorgeskryf in genoemde Hoofstuk verontagsaam as hy gerade ag, indien hy oortuig is dat daar redelike grond bestaan en dat die belange van ander persone nie daardeur benadeel sal word nie. Enige opmeting of verdeling van grond goedgekeur kragtens hierdie artikel word as 'n uitbreiding van so 'n dorp geag.

Ord. No.  
11 van  
1933.  
—  
Artikel 3.

4. Subartikel (1) van artikel *vier-en-twintig* van die hoofwet word gewysig deur na die woorde „moet die applikant” in te voeg „wanneer die Administrateur dit verlang”.

Wysiging  
van artikel  
24 van die  
hoofwet.

5. Artikel *ses-en-vyftig* van die hoofwet word hierby as volg gewysig:—

Wysiging  
van  
artikel 56  
van die  
hoofwet.

- (1) deur na die woorde „glo dat” die woorde „die opmeting of verdeling van grond bestem is vir een of meer van die doeleindes vermeld in paragraaf (d) van die definisie van „dorp” of dat” in te voeg;
- (2) deur na die woord „Administrateur” waar dit die tweedemaal voorkom die woorde „die opmeting of verdeling van 'n stuk grond bestem is soos voor- noemd of dat” in te voeg.

6. Artikel *een-en-sestig* van die hoofwet word hierby gewysig deur ondervermelde nuwe paragrafe daaraan toe te voeg:—

Wysiging  
van  
artikel 61  
van die  
hoofwet.

- „(c) die onderverdeling van 'n erf in 'n dorp soos in hierdie Ordonnansie omskryf, mits so 'n onderverdeling nie met die bepalings van hierdie Ordonnansie of 'n vorige wet of voorwaarde van eiendomsbewys in stryd is nie;
- (d) 'n stuk grond wat vir landbouhoewes opgemeet is kragtens die „Landbou hoeven (Transvaal) Registratie Wet’ No. 22 van 1919 of wysiginge daarvan”.

7. Hierdie Ordonnansie kan aangehaal word as die Dorpe- en Dorpsaanleg Verdere Wysigingsordonnansie 1933, en moet saam met die hoofwet en wysiginge daarvan vertolk word.

Kort titel.

Ord. No,  
11 van  
1933.

# 'N ORDONNANSIE

Om die Dorpe- en Dorpsaanleg-Ordonnansie, 1931,  
in sekere opsigte te wysig.

(Goedgekeur 27 Oktober 1933.)

(Datum van inwerkingtreding, 8 November 1933.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Wysiging  
van  
artikel 1  
van die  
hoofwet

1. Artikel *een* van die Dorpe- en Dorpsaanleg-Ordonnansie 1931 (hierin verder die hoofwet genoem), word hierby gewysig deur paragraaf (*d*) in die definisie van dorp te skrap en dit deur ondervermelde nuwe paragraaf te vervang:—

„ (*d*) enige grond wat geregistreer is as een of meer stukke, hetsy aanmekaar of naby mekaar, en wat opgemeet of verdeel word of opgemeet of verdeel moet word in boupersele vir wonings, besighede, nywerhede, geboue, be-drywe of soortgelyke doeleindes of vir stedelike nedersetting gerangskik op so 'n manier dat dit deur strate, verkeersweë en deurgange deurkruis word of in verbinding staan met of grens aan pleine of ope ruimtes.”

Wysiging  
van  
artikel 2  
van die  
hoofwet.

2. Artikel *twee* van die hoofwet word hierby gewysig deur aan die einde van subartikel (1) daarvan ondervermelde voorbehoudsbepaling toe te voeg:—

„ met dien verstande dat die Administrateur 'n plaasvervanger in die plek van enige lid kan benoem om as lid van die raad in die afwesigheid van so 'n persoon op te tree.”

Bevoegd-  
hede  
van die  
Adminis-  
trateur ten  
aansien van  
verdeling in  
persele van  
hoogstens  
15 in  
getal.

3. Nieteenstaande andersluidende bepalings in Hoofstuk III van die hoofwet, kan die Administrateur op aanbeveling van die Raad by kennisgewing in die *Offisiële Koerant*—

(1) die opmeting of verdeling in hoogstens vyftien stukke van ander grond as 'n erf op die dorpsgrond in die nabyheid van 'n dorp, goedkeur en sodanige voorwaardes oplê as hy nodig ag; en

is sal ten opsigte van dié jaar sodanige gedeelte van die belasting betaal as wat die proporsie uitmaak in verhouding tot die onafgelope gedeelte van die jaar, gereken vanaf die datum van die van die handsitting, oor die gehele jaar.

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10 van  
1933.

—  
Artikel 28.

29. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Minerale Baaie (Toesig en Beheer) Ordonnansie, 1933, en tree in werking op 'n datum wat die Administrateur by proklamasie in die *Offisiële Koerant* vasstel.

Kort titel  
en datum  
van inwerk-  
kingtre-  
ding.

### Eerste Skedule.

#### WETTE WAT HERROEP WORD.

(Artikel een.)

Nummer en jaartal van wet.	Titel van wet of onderwerp waaroor dit handel.	Vir hoever herroep.
Ordonnansie No. 5 van 1929	Die Warmbad (Toesig en Beheer) Ordonnansie, 1929	In sy geheel.
Ordonnansie No. 7 van 1930	Die Publieke Gesondheidsoorde Ordonnansie, 1930	In sy geheel.
Ordonnansie No. 9 van 1930	Die Warmbad (Toesig en Beheer) Wysigings Ordonnansie, 1930	In sy geheel.
Ordonnansie No. 8 van 1931	Die Warmbad (Toesig en Beheer) Wysigings-Ordonnansie, 1931	In sy geheel.

### Tweede Skedule.

#### STREKE WAT ONDER DIE BEHEER EN BESTUUR VAN DIE RAAD VAN KURATORE VIR WARMBADPLASE GESTEL WORD.

[Artikel vyf (2).]

- I. *Gedeeltes van die plaas Het Bad No. 832, distrik Waterberg.*
  - (a) Gedeelte „ H ”, groot 26 morg 64,987 vierkantvoet.
  - (b) Gedeelte „ J ”, groot 93 morg 74,777 vierkantvoet.
- II. *Persele in die Dorp Warmbad, distrik Waterberg.*
  - (a) Perseel No. 261, Warmbad, groot 10 morg 234 vierkantroede 20 vierkantvoet.
  - (b) Perseel No. 262, Warmbad, groot 11 morg 457 vierkantroede 123 vierkantvoet.
- III. *Gedeeltes van die plaas Doornpoort No. 29, Distrik Carolina.*
  - (a) Gedeelte B, groot 1,000 morg.
  - (b) Resterende gedeelte van gedeelte C, groot as sodanig 398 morg 53 vierkantroede.
  - (c) Gedeelte „ D ”, groot 498 morg 410 vierkantroede.
- IV. *Die plaas Honnet No. 1190, distrik Zoutpansberg, groot 2,194 morg 120 vierkantroede.*
- V. *'n Gedeelte van die plaas „ Warmbad ” No. 105, distrik Piet Retief, groot ongeveer 926 morg.*

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1933**

Beskikking  
oor boetes.

**24.** Alle boetes wat vir 'n oortreding van een of ander regulasie van die raad of vir enige ander oortreding van hierdie Ordonnansie verhaal word, of borgtoggelde verbeur vanweë die versuim van die beskuldigde om te verskyn om homself op sodanige aanklag te verantwoord moet in die kas van die raad gestort word.

Bestaande  
regulasies.

**25.** Die regulasies opgestel deur die raad kragtens een of ander van die wette wat ingevolge hierdie Ordonnansie herroep word, is vanaf die inwerkingtreding van hierdie Ordonnansie, net so regsgeldig asof hulle kragtens hierdie Ordonnansie opgestel is.

Ekstra  
bevoegd-  
hede kan  
aan raad  
verleen  
word.

**26.** Voordat daar kragtens die „Plaaslike Bestuur Ordonnansie van 1926”, of wysiging daarvan 'n plaaslike bestuur ingestel word vir een of ander streek wat onder die beheer en bestuur van die raad staan, kan die Administrateur van tyd tot tyd, by wyse van 'n proklamasie in die *Offisiële Koerant*, een of ander van of al die bevoegdhede en pligte, wat kragtens Hoofstuk IX van genoemde Ordonnansie aan gesondheidskomitees verleen is of verleen kan word, aan die raad oordra.

Verslae,  
ens., moet  
aan  
Adminis-  
trateur  
verstrek  
word.

**27.** Die raad moet aan die Administrateur 'n gewaarmerkte afskrif stuur van alle notule van hulle verrigtinge in die gewone loop van sake, of van die verrigtinge van een of ander komitee wat die raad aangestel het, of van 'n staat van die rekeninge van die raad, of die verslae, statistieke en stukke wat die Administrateur van tyd tot tyd nodig het.

Vrystelling  
van  
belasting.

**28.** (1) Geen plaaslike bestuur mag op grond of verbeteringe, wat aan die raad behoort, eiendomsbelastinge hef nie.

(2) Nieteenstaande die bepaling vervat in subartikel (1) van hierdie artikel, sal, telkens wanneer onroerende eiendom van die raad van die hand gesit is, sodanige eiendom belasbaar word van die datum van sodanige van die handsitting af as of die eiendom op dié datum oorgedra was aan die persoon ten gunste van wie sodanige van die handsitting gemaak was en vanaf die datum sal deur sodanige persoon belasting daarop verskuldig wees. Ten opsigte van die jaar waarin die van die handsitting gemaak is kan die plaaslike bestuur belasting hef op sodanige eiendom op dieselfde basis as dié waarop belasting op andere eiendom binne die gebied van sodanige plaaslike bestuur vir die jaar gehef was en die persoon ten gunste van wie die van die handsitting gemaak

- (11) vir die aanplanting en beskerming van bome, blomme en struikgewasse op die eiendom van die raad, asook vir die versorging, afkap of verwydering van sodanige bome en vir die voorkoming van die verwydering of beskadiging daarvan;
- (12) vir die verkoop van onopgeëiste verlore goedere wat op die eiendom van die raad gevind word;
- (13) vir die handhawing van tug en welvoeglikheid onder die besoekers by die badplase en vir die weiering van toegangsverlof aan of uitsetting van persone wat dit nie nakom nie;
- (14) oor die algemeen vir die doelmatige beheer oor en bestuur van die badplase.

Alle regulasies wat die raad opstel en wat die goedkeuring van die Administrateur wegdra, moet in die *Offisiële Koerant* gepubliseer word.

**20.** In die regulasies van die raad kan voorsiening gemaak word vir 'n boete of ander strawwe vir 'n oortreding daarvan, asook vir verskillende boetes of ander strawwe vir agtereenvolgende of voortdurende oortredings, dog geen boete mag meer as vyftig pond bedra nie.

Bevoegdheid om strawwe vir oortredinge van hierdie regulasies op te lê.

**21.** Dit word beskou dat 'n oortreding van een of ander van die regulasies van die raad, 'n oortreding van hierdie Ordonnansie is en elkeen wat skuldig is aan so 'n oortreding of aan 'n oortreding van een of ander van die bepalings van hierdie Ordonnansie, is vir elke sodanige oortreding strafbaar met die straf wat uitdruklik in die betrokke regulasie opgelê is en as daar geen straf voorgeskryf word nie, dan met 'n boete van hoogstens tien pond.

Strawwe waar nie anders bepaal nie.

**22.** Alle boetes en ander gelde betaalbaar in verband met 'n oortreding van hierdie Ordonnansie of een of ander regulasie, kan in enige bevoegde hof verhaal word.

Verhaal van boetes.

**23.** Waar daar kragtens hierdie Ordonnansie of een of ander regulasie 'n boete opgelê is en die veroordeelde persoon dit nie onmiddellik betaal nie, kan die hof wat die boete oplê, gelas dat sodanige persoon gevangenisstraf van hoogstens een maand, met of sonder harde arbeid, moet ondergaan, as die opgelegde boete nie meer as vyf pond bedra nie, of gevangenisstraf van hoogstens drie maande as die opgelegde boete meer as vyf pond bedra, en sodanige persoon moet die gevangenisstraf soos voornoem ondergaan tensy hy eerder die boete betaal.

Wanbetaling van boete.

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1933.

Artikel 19.

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1933.

—  
Artikel 19.

- (3) vir die benoeming van plaaslike bestuurskomitees en die voorskrywing van hulle bevoegdhede, werkzaamhede en pligte (met inbegrip van enige of alle van die bevoegdhede en pligte aan die raad toegeken deur Proklamasie kragtens artikel *ses-en-twintig*);
- (4) vir die beheer en beskikking oor reserwefondse wat die raad kragtens hierdie Ordonnansie geopen het;
- (5) vir die reëling van die badplase, die toegang daartoe, die voorkoming van onveroorloofde toegang daartoe, die openings- en sluitingsure en oor die algemeen die voorwaardes waaronder die badplase gebruik kan word en om te verhoed dat persone by 'n badplek ingaan of dit gebruik terwyl hulle aan aansteeklike, besmetlike of huidsiektes ly;
- (6) vir die reëling van die toevoer van water na die badplase en vir die voorkoming van die vermorsing, buitensporige gebruik, misbruikmaking of verontreiniging daarvan;
- (7) om, behoudens die betaling van skadevergoeding ten aansien van bestaande boorgate of putte, die gebruik van water uit, of die daarstelling, boor of grawe van, boorgate of putte op een of ander eiendom te verbied in gevalle waar dit tot bevrediging van die magistraat bewys kan word dat sodanige gebruik, daarstelling, boor of grawe watervoorrade, wat aan die raad behoort of onder sy beheer staan, op 'n nadelige wyse affekteer of verminder, of dit moontlikerwyse so kan affekteer of verminder.
- (8) vir die beskerming van eiendom, wat onder die toesig en beheer van die raad staan, teen beskadiging daarvan of bemoeiing daarmee en vir die verhaling van voldoende skadevergoeding ten aansien van beskadigde eiendom;
- (9) om voorsiening te maak vir die hou van behoorlike en doelmatige toesig oor al die grond wat aan die raad behoort of onder sy beheer staan, en om weiding daarop te reël of te verbied en om 'n tarief voor te skryf wat betaal moet word vir die aanhouding of weiding van vee;
- (10) vir die beskerming van flora en fauna op grond wat aan die raad behoort;

- verstande egter dat daar behalwe die voorgeskrewe reis- en verblyfstoelaes vir reise onderneem met die oog op die sake van die komitee, geen ander toelaes aan 'n lid van die plaaslike komitee betaal mag word nie;
- (24) voor die instelling van 'n plaaslike bestuur vir een of ander gebied wat onder die toesig en beheer van die raad gestel is, al die bevoegdhede uitoefen en pligte nakom wat spesiaal by proklamasie, uitgevaardig kragtens artikel *ses-en-twintig* van hierdie Ordonnansie, verleen of opgelê kan word;
- (25) alle produkte en neweprodukte wat vervaardig kan word deur middel van werke of ondernemings, wat die raad bevoeg is om uit te voer, verkoop teen pryse wat deur die raad vasgestel kan word;
- (26) vliegbane en staanplekke aanlê en in stand hou;
- (27) parke en tuine aanlê, daarstel in stand en aan die gang hou;
- (28) oor die algemeen alles doen wat nodig is ter verwesenliking van al die doeleindes waarvoor of in verband waarmee die raad bevoeg is om van tyd tot tyd regulasies op te stel, te wysig of te herroep en vir die toepassing van alle regulasies.

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Artikel 18.

**19.** Die raad kan, mits dit die goedkeuring van die Administrateur wegdra, van tyd tot tyd regulasies opstel, wysig of herroep wat nie met hierdie Ordonnansie in stryd is nie en wat een of ander van of al die navolgende aangeleenthede aangaan:—

Regulastes.

- (1) Vir die reëling van alles wat die raad kragtens hierdie Ordonnansie bevoeg is om te doen, daar te stel, in stand en aan die gang te hou en die betaling wat daarvoor gevra kan word, asook vir die invordering daarvan;
- (2) vir die reëling van die verrigtinge van die raad, die benoeming van 'n visevoorsitter as die voorsitter van die raad afwesig is, die aanstelling, bevoegdhede, pligte, betaling, verlof en ander voorregte van sy vol- en deelydse beamptes en bediendes en die betaling van reis- en verblyfstoelaes aan lede van die raad, asook aan lede van die plaaslike komitee en aan sy beamptes en bediendes;



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Artikel 18.

- (16) afsonderlike badplekke uithou vir die onderskeidelike gebruik van blanke persone, en van naturelle of Asiate of ander kleurlinge of enige ander persone, van welke ras ook al wat onder naturelle, Asiate of kleurlinge ingetroud is of met hulle saamwoon en die gebruik van genoemde badplekke tot sodanige persone beperk;
- (17) uit sy kas en onder voorwaardes deur hom gestel, aan sy beamptes en bediendes gratifikasies toestaan by hulle finale aftreding uit die diens van die raad;
- (18) die voordele, wat daar aan die badplase verbonde is, adverteer en rugbaar maak;
- (19) reserwefondse open vir kapitaaluitgawes of ander doeleindes;
- (20) betaling vra of 'n tarief vasstel in verband met die badplase of enige ander inrigting, onderneming, verkoping, artikel of diens wat kragtens hierdie Ordonnansie bevoeg is om daar te stel, te verskaf, te onderneem of in stand te hou;
- (21) met die toestemming van die Administrateur, uit sy kas aan raadslede toelaes betaal wat hyself kan vasstel, met dien verstande egter dat daar, behalwe die gewone reis- en verblyfstoelaes, geen toelaes vir bywoning van vergaderings van komitees van die raad betaal mag word nie;
- (22) alle nodige onkoste maak in verband met die verwesenliking van een of ander van die doeleindes van hierdie Ordonnansie wat die raad by magte is om te verwesenlik, of enige doel waarvoor daar nie in hierdie Ordonnansie spesiaal voorsiening gemaak is nie en in verband waarmee die Administrateur kan bepaal dat dit 'n doel is wat in verband staan met die uitoefening van sy bevoegdhede en pligte kragtens hierdie Ordonnansie;
- (23) mits dit die goedkeuring van die Administrateur wegdra, plaaslike bestuurskomitees benoem en aan hulle die bevoegdhede, werksaamhede en pligte (met inbegrip van enige of alle van die bevoegdhede en pligte aan die raad toegeken deur Proklamasie kragtens artikel *ses-en-twintig*) opdra wat by regulasie voorgeskryf word; met dien

- (7) by die badplase vermaaklikheidsplekke verskaf in stand en aan die gang hou of dit aan 'n persoon of persone verhuur onder voorwaardes deur die raad gestel;
- (8) by die badplase biblioteke en leeskamers verskaf, in stand en aan die gang hou;
- (9) op grond wat aan die raad behoort of onder sy beheer staan, kampplekke daarstel, verskaf, in stand hou, bestuur en aan die gang hou; en geboue vir besoekers daarop bou en dit verhuur onder voorwaardes deur die raad gestel;
- (10) gesondheidsdienste in verband met die badplase instel, in stand hou en uitvoer met die doel om nagvuil, urine, vuilwater, vuilgoed, dooie diere en alle ander soort afval te verwyder en onskadelik te maak of om op 'n ander manier daarvan ontslae te raak;
- (11) op grond wat onder sy beheer staan publieke gemakhuisies, private en urinale aanbring, oprig, verskaf en in stand hou;
- (12) (a) geboue wat die raad vir sy doeleindes nodig het, oprig in stand hou en repareer;
- (b) vir sy beamptes en bediendes woonhuise met hulle bybehorende buitegebou oprig, instand hou en repareer;
- (13) by die badplase bome of struikgewas aanplant, snoei of afkap;
- (14) in verband met die badplase kwekerie en boomaanplantingswerke daarstel, uitrus, instand en aan die gang hou met die doel om sierbome, plante of hout te produseer en van die hand te sit;
- (15) (a) roerende eiendom van die raad, met inbegrip van water of mineraalprodukte afkomstig uit mineraalbronne, of artikels wat die besoekers aan die badplase nodig het of begeer, verhuur, verkoop of op 'n ander manier van die hand te sit;
- (b) onroerende eiendom van die raad vir kort tydperke, van hoogstens tien jaar, verhuur onder voorwaardes en stipulasies deur die raad gestel;

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Artikel 18.

- (2) Gimnastiekinrigtings of dergelike inrigtings in verband met die badplase daarstel, oprig, in stand en aan die gang hou en sodanige inrigtings bestuur of dit verhuur onder voorwaardes en stipulasies wat die Administrateur moet goedkeur;
- (3) ontspanningsterreine daarstel, in stand en aan die gang hou op grond wat aan die raad behoort of onder sy beheer staan en in verband met sodanige ontspanningsterreine, akwariums, pawiljoens, kledkamers en gemakhuisies oprig, aanbring, daarstel, in stand en gaande hou, asook ander geriewe en enige ander geboue en bouwerke, van welke aard en vir welke doel ook al, wat die raad nodig en gerieflik ag, en die algemene bestuur daarvan en toesig en beheer daarvoor berus by die raad wat van tyd tot tyd—
- (a) die koste vir die gebruik daarvan kan vasstel; of
- (b) genoemde plekke of gedeeltes daarvan of regte daarop aan iemand, 'n klub of 'n ander liggaam kan verhuur en so iemand, klub of liggaam die reg kan gee om 'n tarief in verband daarmee vas te stel;
- (4) Mits dit die goedkeuring van die Administrateur wegdra, die gebruik van een of ander van genoemde ontspanningsterreine en/of die geboue wat daarby tuis hoort of enige gedeelte van sodanige terreine of geboue, aan 'n skool, sportklub of vereniging verhuur of afstaan onder voorwaardes wat die raad kan stel, en sodanige skool, sportklub of vereniging verlof gee om betaling vir toegang tot sodanige ontspanningsterrein te vra:
- (5) by sodanige ontspanningsterreine enige soort apparaat verskaf vir speletjies en ontspanning;
- (6) by een of ander van genoemde ontspanningsterreine of openbare badplase, wat kragtens subartikel (1) van hierdie artikel daargestel is, verversingskamers, kafees en restaurants oprig en in stand hou en sodanige verversingskamers, kafees en restaurants self bestuur of dit aan iemand, 'n klub of 'n ander liggaam verhuur onder voorwaardes deur hom gestel:

15. Die raad kan met die toestemming van die Administrateur, grond, deurgangsregte, waterregte of enige ander eiendom of serwi-tuut, wat vir die doeleindes van hierdie Ordonnansie nodig of wenslik is, verkry deur dit vrywillig aan te koop of te huur.

Raad kan  
grond  
verkry.

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16. Die raad kan met die toestemming van die Administrateur, onroerende eiendom van die raad verhuur, verkoop of op 'n ander manier vervreem of van die hand sit, met dien verstande dat al die geld wat die raad uit die verkoop van sodanige eiendom bekom, vir die aflossing en vereffening van bestaande skuld aangewend moet word, of waar daar nie sulke skuld bestaan nie, dan moet dit bestee word aan kapitaaluitgawes wat deur die finansiële komitee aanbeveel en deur die raad goedgekeur word. Waar daar nie sodanige skuld bestaan nie, kan die raad in plaas van sodanige geld vir kapitaaluitgawes te gebruik, dit in 'n reserwefonds stort, wat kragtens hierdie Ordonnansie vir toekomstige kapitaaldoel-eindes in verband met die badplase geopen kan word.

Raad kan  
grond  
vervreem.

Die uitdrukking „verhuur” wat in hierdie artikel en in artikel *seventien* gebesig word, beteken verhuur onder huurkontrak vir 'n tydperk van meer as nege jaar en elf maande.

17. Die raad kan, behoudens die bepalinge van die Dorpe- en Dorpsaanleg-Ordonnansie van 1931 of enige wysiging daarvan, of dié van enige ander wet betreffende die registrasie van landbouhoewes, dorpe stig op grond wat aan hom behoort, of kan sodanige grond in erwe opсны of op 'n ander manier onderverdeel om te dien as tuingronde, kleinhoewes of landbouhoewes en kan, behoudens dié bepalinge van artikel *sestien*, erwe of persele wat daarop geleë is, verhuur, verkoop of op 'n ander manier vervreem.

Raad kan  
dorpe  
stig, ens.

18. Die raad kan van tyd tot tyd—

- (1) openbare badplase van verskillende soorte daarstel, in stand en aan die gang hou met die doel om dit meer diensbaar vir die publiek te maak, en warmbronne op grond wat aan hom behoort, of onder sy beheer staan, uithou, ontwikkel en afskut; met dien verstande dat die raad by badplase soveel badplek gratis moet verskaf as wat die Administrateur nodig het vir die gebruik en voordeel van nooddruftiges wat deur die Provinsiale Sekretaris of 'n magistraat as sulks verklaar is;

Algemene  
bevoegd-  
hede van  
die raad.

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Artikel 10.

(2) Die raad moet voor of op die 31ste dag van Mei in elke kalenderjaar 'n verslag van sy bedrywighede gedurende die afgelope boekjaar aan die Administrateur instuur, welke verslag aan die Provinsiale Raad voorgelê moet word.

Begrotings. **11.** Die finansiële komitee moet minstens veertien dae voor die einde van elke boekjaar 'n volledige begroting van die inkomste en uitgawes van die raad vir die volgende boekjaar opmaak en dit op 'n gewone of buitengewone vergadering van die raad voorlê. Sodanige staat moet in die notule van die raad opgeneem en vir goedkeuring aan die Administrateur voorgelê word. Die geraamde uitgawe mag nie sonder die toestemming van die Administrateur oorskry word nie.

Auditering. **12.** (1) Die rekeninge van die raad moet deur die Provinsiale Auditeur nagesien word.

(2) Vir die doeleindes van sodanige auditering in die bepalings van artikels *nege-en-vyftig* en *sestig* van die „Plaaslike Bestuur Ordonnansie van 1926 ” of wysiginge daarvan, *mutatis mutandis* van toepassing.

#### BEVOEGDHEDE EN PLIGTE VAN DIE RAAD.

Aanstelling  
van  
beamptes  
en  
bediendes.

**13.** (1) Die raad kan na gelang hy nodig ag, beamptes en bediendes (voltyds of deelttyds) aanstel en kan aan sodanige beamptes en bediendes die salarisse en toelaes betaal wat hy vasstel, met dien verstande dat niemand wat lid van die raad is, of gedurende die vorige ses maande lid was, hiervolgens aangestel mag word nie.

(2) Die raad kan te eniger tyd sodanige beamptes en bediendes op kennisgewing van minstens een maand voor die tyd, of in die geval van wangedrag onmiddellik sonder kennisgewing skors, ontslaan of uit hulle poste uitsit.

Bevoegdheid om  
kontrakte  
aan te  
gaan.

**14.** Die raad kan die werke of dienste wat hy kragtens hierdie Ordonnansie bevoeg is om te onderneem of uit te voer, van departementsweë laat verrig of kan kontrakte in verband daarmee aangaan. Alle sodanige kontrakte wat wettiglik aangegaan is, is regsgeldig en stel die raad sowel as sy opvolgers en alle partye daarby, hulle opvolgers, erfgename of regsverteenvoerders (na gelang van omstandighede) onder geregtelike verbintenis.

item 5 van die Tweede Bylae van die Finansiële Verhoudingswet van 1913, of wysiginge daarvan, aan die Provinsie Transvaal opgedra is; en

(b) enige ander eiendom wat die raad ooreenkomstig artikel *vyftien* aanskaaf.

(2) Die stukke grond wat in die Tweede Skedule van hierdie Ordonnansie opgenoem word, word hierby onder die toesig en beheer van die raad gestel.

**6.** Dit is die werk en plig van die raad om terwille van die nut, voordeel en genot van die publiek, toesig oor die badplase te hou, dit te bestuur, te ontwikkel, uit te brei, te verbeter, te verander, in stand te hou en om die inkomste daardeur opgelewer te vermeerder, en mag die geld wat die Provinsiale Raad van tyd tot tyd tot sy beskikking stel, asook ander inkomste van die raad kragtens hierdie Ordonnansie, na gelang van noodsaaklikheid, alleen vir dié doel gebruik.

Werksaam-  
hede en  
pligte van  
die raad.

GELDSAKE, INKOMSTE, LENINGSBEVOEGDHEDE,  
REKENINGE EN AUDITERING.

**7.** Die inkomste van die raad bestaan uit fooie en ander gelde wat hy ontvang of geld wat hy kragtens die bepalings van hierdie Ordonnansie opneem en boetes wat hy vir oortredings van hierdie Ordonnansie of die regulasies ingevolge daarvan ontvang of verhaal.

Inkomste  
van die  
raad.

**8.** Die raad kan van tyd tot tyd deur middel van 'n bankdebit by enige bank geld opneem of lenings sluit tot sulke bedrae en onder sodanige voorwaardes as die Administrateur goedkeur. Sodanige voorskotte of lenings kan na willekeur opgeneem word op waarborg van al die grond, huur, goedere en inkomste van die raad.

Leningsbe-  
voegdhede.

**9.** Die raad moet 'n behoorlike stel boeke verskaf en sorg dat juiste rekeninge van alie somme geld wat vir rekening van en namens die raad ontvang en uitbetaal word gereeld daarin ingeboek word, asook die verskillende doeleindes waarvoor sodanige somme geld ontvang en uitbetaal is.

Boekhou.

**10.** (1) Die jaarlikse rekeninge van die raad moet voor of op 31 Mei van elke boekjaar opgemaak en 'n uittreksel daarvan in die *Offisiële Koerant* gepubliseer word, en vir die doeleindes van hierdie Ordonnansie is die boekjaar die twaalf maande tot en met die 31ste dag van Maart van elke kalenderjaar.

Boekjaar.

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Artikel 5.

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Artikel 4.

debit of 'n lening op te neem. Die voorsitter van die raad is ampshalwe lid van elke sodanige komitee.

(b) Elke komitee moet van hulle verrigtinge aan die raad verslag doen, dog behalwe vir sover die raad opdrag gee, vereis die optrede en verrigtinge van die komitee nie die goedkeuring van die raad nie.

(c) Elke komitee wat die raad benoem kan deur 'n meerderheid van stemme van die volligtige raad ontbind word nadat daar op 'n vorige vergadering te dien effekte kennis van voorstel gegee is, met dien verstande egter dat die finansiële komitee, wat in subartikel (7) genoem word nie sonder die toestemming van die Administrateur ontbind kan word nie.

(7) (a) Die raad moet 'n finansiële komitee benoem om die geldsake van die raad te reël en te beheer.

(b) Die raad mag geen uitgawe beloop nie, tensy daarvoor voorsiening gemaak is op 'n volledige begroting wat ooreenkomstig artikel *elf* deur die finansiële komitee voorgelê en deur die Administrateur goedgekeur moet word, en alle uitbetalings uit die fondse van die raad moet deur die finansiële komitee geskied, wat op elke gewone vergadering van die raad 'n lys van alle uitbetalings sedert die laaste vergadering ter insage moet voorlê.

(8) (a) Elke order, kennisgewing of ander stuk wat deur die raad gewaarmerk moet word, is voldoende gewaarmerk as dit onderteken is deur twee lede van die raad, of deur die sekretaris of deur 'n beampste van die raad wat behoorlik by besluit of regulasie van die raad daartoe gemagtig is.

(b) Elke kontrak en alle stukke en dokumente wat die raad wettiglik kan aangaan en teken word beskou dat dit behoorlik deur of namens die raad aangegaan of geteken is as dit onderteken is deur die voorsitter of deur een of meer van die lede van die raad of deur die sekretaris daarvan by besluit van die raad gemagtig.

(9) Behalwe soos hierin bepaal, kan die raad sy eie prosedure reël.

Bevoegdheid van die Administrateur om sekere stukke grond onder die toesig en beheer van die raad te stel.

5. (1) Die Administrateur kan van tyd tot tyd by wyse van 'n proklamasie in die *Offisiële Koerant*, ondervermelde stukke grond onder die toesig en beheer van die raad stel—

(a) Kroongrond wat die Goewerneur-generaal as 'n openbare gesondheidsoord uitgehou het en waarvoor die toesig en beheer ooreenkomstig artikel *twalf* (1) (a) en

(2) Die voorsitter van die raad (hierin verder die voorsitter genoem) kan te eniger tyd en moet, op skriftelike versoek van drie lede van die raad 'n buitengewone vergadering byeenroep; met dien verstande dat daar in die kennisgewing in verband met 'n buitengewone vergadering melding gemaak moet word van die doel van die vergadering.

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(3) Aan elke lid van die raad moet vooraf kennis gegee word in verband met die tyd waarop en die plek waar elke vergadering van die raad gaan plaasvind. Sodanige kennisgewing kan aan die lid persoonlik afgelewer of na sy gewone verblyfplek of sy besigheidsadres gestuur word en moet deur die voorsitter en die sekretaris van die raad onderteken wees. As daar per abuis nagelaat word om aan een of ander lid van die raad die kennis te gee, waarna in hierdie artikel verwys word, dan sal dit nie die regsgeldigheid van 'n vergadering affekteer nie.

(4) (a) 'n Meerderheid van die lede van die raad vorm 'n kworum.

(b) Die voorsitter het 'n gewone stem, en in die geval van 'n staking van stemme, nog boonop 'n beslissende stem.

(c) Die beslissing van die meerderheid van die stemme op 'n vergadering, is die beslissing van die raad en is finaal en afdoende.

(5) Die notule van die verrigtings op elke vergadering van die raad en die verskillende komitees daarvan, moet gereeld in boeke, vir die doel aangehou, opgeteken word en moet op dieselfde of die eersvolgende gewone vergadering bekragtig word. Alle notule op hierdie manier genotuleer en onderteken deur 'n lid van die raad wat homself die voorsitter noem of die voorsitter skyn te wees van die vergadering waarop die notule bekragtig is, word by gebreke van bewys dat dit foutief is, beskou as 'n juiste verslag van die verrigtinge op die vergadering waarvoor dit bedoel is om as notule te dien.

(6) (a) Die raad kan onder sy eie lede permanente komitees van 'n algemene of spesiale aard benoem vir sake wat na sy oordeel beter deur 'n komitee behartig kan word en kan, behoudens die bepalinge van die hieropvolgende subartikel aan enigeen van hierdie komitees met of sonder beperkings of voorwaardes na goedvinde, een of ander van sy bevoegdhede of pligte opdra, behalwe die bevoegdheid om geld deur middel van 'n bank-



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Artikel 3.

hierdie Ordonnansie en waar dit nodig is terwille van die doelmatiger vervulling van sy werksaamhede en pligte ingevolge daarvan, alles kan doen wat liggame met regsbevoegd-hede volgens wet geregig is om te doen; met dien verstande egter dat die raad geen lenings mag sluit nie, tensy dit ooreenkomstig die bepalings van artikel *agt* die goedkeuring van die Administrateur wegdra.

(9) Die raad wat kragtens hierdie Ordonnansie ingestel word, moet vir alle doeleindes beskou word as die opvolger van die Warmbadse Raad van Kuratore wat kragtens artikel *twee* van die „Warmbad (Toesig en Beheer) Ordonnansie van 1929” ingestel is, met dien verstande egter dat die ampstyd van die lede van genoemde raad op die inwerkingtredingsdatum van hierdie Ordonnansie beëindig, wanneer die Administrateur dan die lede van die nuwe raad ooreenkomstig subartikel (1) van hierdie artikel moet aanstel.

(10) Niks wat die raad doen of nalaat om te doen [behalwe waar dit in stryd is met subartikel (6) van hierdie artikel] of geen kontrak wat die raad aangaan en niks wat 'n lid, beampte of bediende van die raad, of iemand anders wat in opdrag van die raad handel, doen of nalaat om te doen, kan, as dit te goeder trou en terwille van die doeleindes van hierdie Ordonnansie gedoen of nagelaat is of as die kontrak te goeder trou en terwille van die doeleindes van hierdie Ordonnansie aangegaan is, so iemand persoonlik aan vervolging, aanspreeklikheid, 'n eis of 'n vordering, van welke aard ook al, blootstel nie; en die onkoste waarin die raad of so iemand soos vermeld verval, moet die raad uit sy inkomste betaal; met dien verstande dat niks in hierdie artikel daartoe dien om so 'n lid, beampte of bediende of iemand anders soos voornoem te onthef van die aanspreeklikheid om gedebiteer te word met die bedrag van enige uitbetaling wat die auditeur, aangestel deur die Administrateur kragtens artikel *twaalf* van hierdie Ordonnansie, afkeur en wat sodanige lid gemagtig het of met die magting waarvan hy hom vereenselwig het.

#### VERGADERINGE EN VERRIGTINGE VAN DIE RAAD.

Vergade-  
ringe en  
verrigtinge  
van raad.

4. (1) Die raad moet, vir die afhandeling van sake, so dikwels as wat nodig is of deur die raad of voorsitter bepaal word, 'n gewone vergadering hou, dog nie minder as eenkeer elke drie maande nie.

sulks aanbly, gereken vanaf die datum van die bekendmaking van hulle aanstelling in die *Offisiële Koerant* deur die Administrateur, maar kan weer benoem en aangestel word.

(4) 'n Lid van die raad moet sy ampsbediening op die raad neerlê as hy—

- (a) insolvent raak of sy boedel ten gunste van sy skuldeisers oormak;
- (b) swaksinnig word of weens 'n oortreding tot gevangenisstraf sonder die keuse van 'n boete veroordeel word;
- (c) sonder die verlof van die raad, van drie agtereenvolgende raadsvergaderinge wegbly, welke verlof nie vir 'n tydperk van langer as ses maande in een jaar toegestaan mag word nie;
- (d) sy pos bedank per brief aan die Administrateur gerig;
- (e) weens ampsversuim of wangedrag of om enige voldoende of gegronde rede deur die Administrateur uit sy pos ontslaan word.

(5) Ingeval 'n raadslid, om een of ander van die redes vermeld in subartikel (4), of vanweë sy afsterwe, sy ampsbediening op die raad neerlê, moet sy plek deur die Administrateur opgevolg word met inagneming van die bepalinge van subartikel (1) van hierdie artikel, en die persoon wat aangestel word in die plek van 'n lid wat sy ampsbediening op hierdie manier neerlê, moet dan vir die orige gedeelte van die tydperk, waarvoor sy voorganger aangestel was, as sulks optree.

(6) 'n Lid van die raad mag nie op of tydens 'n raadsvergadering of 'n vergadering van een of ander van die komitees daarvan, teenwoordig wees op of deelneem aan 'n bespreking van, of stem oor aangeleenthede waarby hyself, sy eggenote, sy vennoot of iemand in wie se diens hy of sy vennoot werksaam is of vir wie hy of sy vennoot as prokureur of agent optree, regstreeks of onregstreeks, geldelike belang het nie. As daar sulke sake te herde gebring word, moet hy die raad onmiddellik van sy belange daarby verwittig.

(7) Die ontstaan van 'n vakature onder die ledetal van die raad, raak nie die bevoegdhede van die raad niet.

(8) Die raad is 'n liggaam met regsbevoegdheid wat kan dagvaar en ook gedagvaar kan word, wat grond kan aankoop, besit en vervreem en wat, behoudens die bepalinge van

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Artikel 1.

Woord-  
bepaling.

gevaardig of opgestel is, tensy in stryd met die bepalings daarvan, van krag bly tot tyd en wyl dit kragtens die bepalings van hierdie Ordonnansie herroep of gewysig word.

2. Tensy in hierdie Ordonnansie klaarblyklik 'n ander uitleg aan die woord gegee moet word, beteken—

„Administrateur” die amptenaar benoem kragtens subartikel (1) van artikel *aght-en-sestig* van die „Zuid-Afrika Wet van 1909,” of wysiginge daarvan, handelende op gesag van die Uitvoerende Komitee van die Provinsie Transvaal;

„staatsbadplase” of „die badplase” of „badplase”, 'n stuk grond wat ooreenkomstig artikel *vyf* onder die toesig en beheer van die raad gestel is;

„raad”, die raad van kuratore wat kragtens artikel *drie* ingestel is;

„*Offisiële Koerant*”, die *Offisiële Koerant van die Provinsie Transvaal*;

„plaaslike bestuur”, 'n stadsraad, dorpsraad of 'n gesondheidskomitee wat kragtens die „Plaaslike Bestuur Ordonnansie van 1926”, of wysiginge daarvan, ingestel is;

„voorgeskrywe”, iets voorgeskryf by hierdie Ordonnansie of by die regulasies ingevolge daarvan opgestel.

Instelling  
van Raad.

3. (1) Ongeag die bepalings van enige wet, moet daar 'n raad van kuratore, met name die Raad van Kuratore vir Warmbadplase, ingestel word met die doel om, namens die Administrateur, die beheer oor en bestuur van die Staatsbadplase waar te neem. Genoemde raad moet bestaan uit minstens vyf en hoogstens sewe lede wat deur die Administrateur aangestel moet word, met dien verstande dat die Minister van Lande een van hierdie lede moet benoem en met dien verstande verder dat ingeval die benoempligtige owerheid versuim of weier om iemand te benoem, die Administrateur so iemand kan aanstel.

(2) Die Administrateur moet een van die lede van die raad tot voorsitter van die raad benoem en kan iemand anders aanstel om as sekretaris van die raad op te tree, wat egter nie 'n lid van die raad mag wees nie, tensy hy spesiaal as sulks aangestel word.

(3) Behoudens die bepalings van subartikels (1) en (4) van hierdie artikel, moet die raadslede vir 'n tydperk van hoogstens drie jaar as

<i>Naam van Raad.</i>	<i>Regegebied uitgesonderd Munisipaliteite.</i>	<b>Ord. No. 9 van 1933.</b>
Die Heidelberg „Wegenkommisie”	Maigstraatsdistrik Heidelberg.	—
„ Johannesburg	„ Johannesburg.	<b>Tweede</b>
„ Klerksdorp	„ Klerksdorp.	<b>Bylae.</b>
„ Krugersdorp	„ Krugersdorp.	
„ Letaba	„ Letaba.	
„ Lichtenburg	„ Lichtenburg.	
„ Lydenburg	„ Lydenburg.	
„ Marico	„ Marico.	
„ Middelburg	„ Middelburg.	
„ Nelspruit	„ Nelspruit.	
„ Pietersburg	„ Pietersburg.	
„ Piet Retief	„ Piet Retief.	
„ Pelgrimsrust	„ Pelgrimsrust.	
„ Potchefstroom	„ Potchefstroom.	
„ Potgietersrust	„ Potgietersrust.	
„ Pretoria	„ Pretoria.	
„ Rustenburg	„ Rustenburg.	
„ Schweizer Rencke	„ Schweizer Reneke.	
„ Standerton	„ Standerton.	
„ Springs	„ Springs.	
„ Ventersdorp	„ Ventersdorp.	
„ Vereeniging	„ Vereeniging.	
„ Wakkerstroom	Magistraatsdistrikte Volksrust en Wakkerstroom.	
„ Waterberg	Magistraatsdistrik Waterberg.	
„ Witbank	„ Witbank.	
„ Wolmaransstad	„ Wolmarans- stad.	
„ Zoutpansberg	„ Zoutpansberg.	

## ’N ORDONNANSIE

**Ord. No.  
10 van  
1933.**

Om die Ordonnansies betreffende die Toesig en Beheer oor Openbare Gesondheidsoorde (Warmbronne en Badplase) te Konsolideer en te Wysig en om Voorsiening te Maak vir Aangeleenthede in verband daarmee.

(Goedgekeur 27 Oktober 1933.)

(Datum van inwerkingtreding, 1 Desember 1933.)\*

(Afrikaanse kopie deur Goewerneur-Generaal  
geteken.)

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

1. Die Ordonnansies wat in die Eerste Herroeping van wette met voorbehoud. Skedule van hierdie Ordonnansie opgenoem word, word hierby herroep vir sover in die derde kolom van genoemde Skedule uiteengesit, met dien verstande dat alle proklamasies, kennisgewings en regulasies wat kragtens die bepaling van een of ander van die Ordonnansies, wat hierby herroep word, uit-

\*. Proklamasie No. 56, *Provinsiale Koerant* van 8 November 1933, bladsy 156.

Ord. No. Kort titel. **103.** Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Pad-Ordonnansie 1933, en tree in werking op 'n datum wat deur die Administrateur by Proklamasie in die *Offisiële Koerant* vasgestel word.

**Eerste Bylae.**

**WETTE HERROEP.**

(Artikel een.)

Nommer en Jaar van Aanneming.	Titel of Onderwerp van Wet.	In hoever herroep.
Ordonnansie No. 5 van 1912	„ De Wegen Ordonnantie,” 1912..	Geheel. *
Ordonnansie No. 8 van 1913	„ De Wegen Wyzigings Ordonnantie,” 1913	„
Ordonnansie No. 3 van 1914	„ De Wegen en Uitspanningen Wyzigings-Ordonnantie,” 1914	„
Ordonnansie No. 10 van 1923	„ De Wegen Wysigings-Ordonnantie,” 1923	„
Ordonnansie No. 13 van 1926	„ Die Munisipale Hoofweë Ordonnansie,” 1926	„
Ordonnansie No. 11 van 1927	„ Die Weë-Wysigings Ordonnansie,” 1927	„
Ordonnansie No. 19 van 1927	„ Die Weëfonds - Ordonnansie,” 1927	„
Ordonnansie No. 7 van 1928	Die Weë Wysigings Ordonnansie, 1928	„
Ordonnansie No. 14 van 1928	„ Die Weëfonds Wysigings Ordonnansie,” 1928	„
Ordonnansie No. 6 van 1930	„ Die Prowinsiale Paaie in Munisipaliteite Ordonnansie,” 1930	„
Ordonnansie No. 10 van 1931	„ Die Weë-Wysigings Ordonnansie,” 1931	„
Ordonnansie No. 15 van 1931	„ Die Weë (Uitspanning) Wysigings-Ordonnansie,” 1931	„

\* Behalwe artikels *vyf-en-veertig*, *ses-en-veertig*, *sewe-en-veertig*, *agt-en-veertig*, en *nege-en-veertig* en Skedule II.

**Tweede Bylae.**

(Artikel twaalf.)

„ WEGENKOMMISSIES ” INGESTEL VOLGENS DIE „ WEGEN ORDONANTIE,” 1912, WAT AS PADRADE INGESTEL KRAGTENS HIERDIE ORDONNANSIE, BESKOU MOET WORD.

<i>Naam van Raad.</i>	<i>Regsgebied uitgesonderd Munisipaliteite.</i>
Die Barberton	„Wegenkommissie ” Magistraatsdistrik Barberton.
„ Bethal	„ Bethal.
„ Belfast	„ Belfast.
„ Benoni	„ Benoni.
„ Bloemhof	„ Bloemhof.
„ Brits	„ Brits.
„ Carolina	„ Carolina.
„ Christiana	„ Christiana.
„ Ermelo	„ Ermelo.
„ Germiston	„ Germiston, Boksburg, en Brakpan.

**98.** Wanneer in die loop van die opening, aanleg of onderhoud van publieke paaie of aanbring van 'n pont deur of namens die Administrateur, enige direkte skade aan boorde, tuine of plantasies of aan gesaaides of gekweekte bome aangebring word (maar in geen ander geval nie), is die eienaar daarvan geregtig tot skadevergoeding soos deur die partye ooreengekom word; of by gebreke van so 'n ooreenkoms soos deur arbitrasie ooreenkomstig artikel *honderd* bepaal word.

Skadevergoeding weens beskadiging van boord tuine, bome en gesaaides.

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**99.** Geen regs-vordering kan teen die Transvaalse Provinsiale Administrasie ingestel word nie vir of ten opsigte van gelede of beeerde skade, weens versuim of nalatigheid van die Administrasie in verband met aangeleenthede betreffende die toestand van paaie en brugge onder sy toesig, of ten gevolge van dae deur 'n beampite van die Administrasie verrig in die uitoeftening van sy pligte in verband met sulke paaie of brugge, tensy—

Beperking van eise tot skadevergoeding.

- (a) skriftelike kennisgewing daarvan, duidelik en nadruklik die grond van regs-vordering en besonderhede van die eis vermeldende, binne 'n tydperk van dertig dae nadat die oorsaak van die geding ontstaan het op die Provinsiale Sekretaris gedien word; en
- (b) so 'n proses binne negentig dae nadat die oorsaak van die geding ontstaan het, ingestel word.

**100.** Wanneer in hierdie Ordonnansie bepaal word dat geskille of verskille deur arbitrasie geskik moet word, moet sodanige arbitrasie gereël word op 'n wyse in die „Expropriation of Lands and Arbitration Clauses Proclamation ” 1902, uiteengesit.

Beslegting van geskille deur arbitrasie.

**101.** Iemand wat weens 'n oortreding van hierdie Ordonnansie of die regulasies in verband daarmee uitgevaardig, veroordeel word, of versuim om 'n daarin voorgeskrewe verpligting na te kom, is, wanneer geen straf spesiaal daarvoor vasgestel is nie, by veroordeling onderworpe aan 'n boete van hoogstens vyftig pond, of by gebreke van betaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

Strawwe.

**102.** Alle proklamasies, kennisgewinge en regulasies gemaak en afgekondig kragtens die bepalinge van enige wet deur hierdie Ordonnansie herroep, bly, wanneer nie onbestaanbaar met die bepalinge hiervan nie, van krag totdat hulle ingevolge die bepalinge van hierdie Ordonnansie herroep of gewysig word.

Proklamasies, ens., wat van krag bly.

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—  
Artikel 92.

(g) die reëling van en beheer oor die aansluiting van privaat-paaie op publieke paaie;

(h) in die algemeen om 'n noukeurige uitvoering van die doeleindes van hierdie Ordonnansie te bevorder.

(2) Alle regulasies kragtens hierdie Ordonnansie gemaak, moet in die *Offisiële Koerant* gepubliseer word.

Ondermynde grond.

**93.** Waar dit in die belang van die veiligheid van die publiek nodig word om 'n bestaande publieke pad te verlê of te hernu, omdat die grond na die aanleg van die publieke pad ondermyn is, het die Administrateur die reg om die mynmaatskappy of eienaar van die betrokke myneiendom of ander persoon verantwoordelik vir so 'n ondermyning, te gelas om die ou pad te herstel of om 'n nuwe pad aan te lê op koste van so 'n persoon of maatskappy, en by versuim om binne 'n redelike tyd aan sodanige instruksies te voldoen het die Administrateur die reg om die werk self te laat uitvoer op koste van die mynmaatskappy of eienaar of ander persoon, soos voornoemd.

Boomaanplanting, en algemene verbeteringe.

**94.** Die Administrateur het die reg, of kan eienaars magtig, om bome te plant of om in die algemeen die grond binne die gebied van 'n publieke pad op ander wyse te verbeter. Iemand wat opsetlik sulke bome of verbeteringe beskadig, is skuldig aan 'n oortreding en onderworpe aan die strawwe, voorgeskrywe in artikel *honderd-en-een*.

Aanleg en onderhoud van kruispaaie oor vore, ens.

**95.** Die Administrateur is nie aanspreeklik vir die aanbring of onderhoud van brugge of kruispaaie van enige aard oor riole en waterlope wat vir afvoer van stormwater of vir die beskerming van publieke paaie gemaak is nie.

Paaie ens. bestaande voor hierdie Ordonnansie.

**96.** Nieteenstaande die bepalinge van hierdie Ordonnansie, moet alle paaie en omheininge, voorheen aangelê of opgerig ooreenkomstig die wette van krag voor die afkondiging van hierdie Ordonnansie, beskou word as volgens wet aangelê of opgerig.

Administrateur sluit plaasvervanger in.

**97.** Wanneer in hierdie Ordonnansie regte of bevoegdhede aan die Administrateur toegeken word, sluit die term „Administrateur” alle persone in wat behoorlik deur die Administrateur gemagtig is, of wat regmatig namens hom optree.

## HOOFSTUK XI.

## ALGEMEEN.

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**92.** (1) Die Administrateur kan van tyd tot tyd regulasies maak (nie teenstrydig met hierdie Ordonnansie nie) met betrekking tot alle of enige van die volgende doeleindes, nl. :— Regulasies.

- (a) vir die voorskrywing van die bevoegd- hede, verpligtinge en funksies van rade, ingestel ingevolge artikel *elf* en vir die bepaling van die bedrag betaal te word aan lede van die raad ander as *ex-officio* lede vir reis- en persoonlike onkoste terwyl vir die raad werksaam;
- (b) onderworpe aan die bepalinge van arti- kel *twaalf*, van Wet No. 10 van 1911, vir die beheer oor, bestuur van en werk met ponte en 'n tarief van koste in ver- band daarmee;
- (c) onderworpe aan die bepalinge van die Staatsdienswet 1923, of wysiginge daar- van, vir die voorskrywing van verplig- tinge en diensvoorwaardes van beamptes van die Administrasie, belas met die toepassing of uitvoering van die bepa- linge van hierdie Ordonnansie of die regulasies in verband daarmee uitge- vaardig;
- (d) vir die voorskrywing van die wyse waar- op kennisgewinge, deur hierdie Ordon- nansie vereis, gegee of gedien moet word en die aard en duur van sulke kennisgewinge, en om van eienaars van plase wat die opening, sluiting of ver- legging van publieke paaie verlang te vorder om kennisgewinge te dien effekte in die voorgeskrewe vorm te plaas en te vertoon op of in voorgeskrewe plekke en gedurende voorgeskrewe tydperke;
- (e) vir die voorskrywing van die metode om 'n register van uitspanplekke aan te hou, en die besonderhede wat daarin opge- neem moet word, en die regte van die publiek in verband met inspeksie daar- van, en om grondeienaars te verplig om uitspanplekke op hulle grond aan te wys deur middel van kennisgewingborde;
- (f) om geboue, werke of eiendom van die Administrasie, met inbegrip van bome, boorgate, putte en verbeteringe binne, onder of bo publieke paaie of uitspan- plekke teen skade of bemoeiing daarmee te beskerm;



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Uit-  
grawinge in  
publieke  
paaie.

**89.** Ingeval 'n gat of uitgrawing in 'n publieke pad gemaak is met die doel om 'n voertuig daaruit te trek, moet die verantwoordelike persoon van daardie voertuig die beskadiging van die pad onmiddellik herstel en die pad in goeie orde agterlaat.

Links hou  
uitgeson-  
derd in  
gevalle  
waar pad  
langs  
berghel-  
linge loop

**90.** (1) Alle reisigers op publieke paaie moet, wanneer hulle 'n voertuig teëkom, links van die pad hou, uitgesonderd waar die pad langs berghellinge loop, in welke geval 'n dalende voertuig deur diere getrek by die verbygaan van 'n ander voertuig, aan die binne- of bergkant moet hou.

(2) Iemand wat in stryd met die bepalinge van hierdie of van die twee voorafgaande artikels, of van regulasies uitgevaardig ingevolge artikel *sewe-en-tagtig* handel, is skuldig aan 'n oortreding en onderworpe aan die strawwe voorgeskrywe in artikel *honderd-en-een*.

Straf by  
gemis aan  
leier in  
sekere  
gevalle.

**91.** 'n Drywer of ander persoon, met die toesig oor 'n wa of ander voertuig belas wat deur osse of ander diere getrek en nie met leisels gestuur word nie, is wanneer hy geen leier vir die span by die wa of ander voertuig het nie, skuldig aan 'n oortreding en onderworpe aan die strawwe voorgeskryf in artikel *honderd-en-een*, in onderstaande gevalle:—

- (a) Wanneer hy deur die strate van 'n dorp of stad of ander streek gaan, vir die doel van hierdie artikel deur die Administrateur in die *Offisiële Koerant* by kennisgewing voorgeskrywe; mits so 'n gebied nie binne 'n munisipaliteit geleë is nie;
- (b) wanneer hy 'n ander voertuig nader, verbygaan of daardeur ingehaal word; met dien verstande dat die drywer van die inhalende voertuig voldoende waarskuwing van sy nadering gegee het;
- (c) wanneer hy deur 'n hek of drif of oor of onder 'n brug of spoorbaan gaan of daarby kom;

met dien verstande dat ten opsigte van so 'n ander gebied soos vermeld in paragraaf (a) hiervan, niemand weens oortreding van hierdie artikel veroordeel mag word nie, tensy die hof oortuig is dat die Administrateur in een of meer opvallende plekke in of naby so 'n streek 'n waarskuwing of waarskuwinge omtrent die bedoelde beperking vir die publiek laat opplak of ophang het en die waarskuwinge in leesbare toestand gehou word.

- (4) die reëling van die wiele en van die wydte van wielbande van voertuie wat oor publieke paaie gaan ;
- (5) die beperking van die snelheid van voertuie ;
- (6) onderworpe aan die bepalings van die „ Marskramers en Ventersordonnansie, ” No. 4 van 1930, of wysiginge daarvan : die gebruik van publieke paaie deur marskramers, venters en ander rondreisende handelaars ;
- (7) die apparaat wat gebruik moet word vir die rem en vasset van die wiele van voertuie ;
- (8) die wyse waarop 'n voertuig of diere oor of op 'n publieke pad of gedeelte van 'n publieke pad gedryf of gelei mag word ;
- (9) die aanhouding van voertuie, ten einde na te gaan of hierdie Ordonnansie of die regulasies daaronder nagekom word en om drywers en ander te dwing om die informasie te verstrek wat vir daardie doel vereis word ;
- (10) die skilder van name en adresse van eienaars op waens of ander voertuie ;
- (11) die reëling oor die algemeen van alle aangeleenthede wat nodig geag word vir die behoorlike toepassing en stiptelike nakoming van die bepalings van hierdie Ordonnansie.

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Artikel 87.

**88.** Dit is verbode—

Oor-  
tredinge.

- (1) om die wiele van 'n voertuig vas te sit wanneer op 'n publieke pad gereis word ;
- (2) om 'n slee of 'n aanhangsel wat buite die ryvlak van die wiele uitsteek, op publieke paaie te gebruik of te trek ;
- (3) om gebruik te maak van metaalplate of van remskoene op publieke paaie, tensy volstrek nodig vir veiligheid op besonder steil hellings, en in geen geval tensy die plate of remskoene minstens 6 duim breed is nie ;
- (4) om gebruik te maak van remme wanneer oor brugge op publieke paaie gegaan word.

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Besikiking  
oor  
stormwater.

**86.** (1) Die Administrateur is geregtig om in oorleg met die eienaar stormwater van of onder publieke paaie na privaateiendom af te lei, mits op die grond geen geboue, boorde of tuine, of ander verbeteringe staan of aangebring is nie, en hy is nie vir skade ten gevolge van bedoelde afleiding veroorsaak aanspreeklik nie. Ingeval dit nodig blyk om genoemde water af te lei op grond onder bebouing, behalwe soos hierbo aangegee, en daardeur skade veroorsaak word, is die eienaar van bedoelde grond geregtig tot sodanige skadevergoeding as deur partye ooreengekom word, of, by gebreke van 'n ooreenkoms, soos deur arbitrasie op die wyse hierin verder omskrywe, beslis word.

(2) Die bepalinge van hierdie artikel is nie van toepassing op provinsiale paaie wat binne 'n munisipaliteit geleë is nie.

## HOOFSTUK X.

### KONTROLERING VAN VERKEER.

Verkeers-  
regulasies  
publieke  
paaie.

**87.** Onderworpe aan die bepalinge van die „Motorvoertuie-ordonnansie” 1931, of wysiginge daarvan, en van hierdie Ordonnansie, kan die Administrateur van tyd tot tyd regulasies maak vir alle of een of meer van die volgende doeleindes:—

- (1) Die reëling, veiligheid en kontrolering van die verkeer op publieke paaie met inbegrip van die beperking van die gebruik van al sulke paaie of gedeeltes daarvan vir bepaalde voertuie in die algemeen of op vaste tye of seisoene; en die bepaling dat 'n genoemde publieke pad in gebruik beperk moet word tot verkeer in een bepaalde rigting; en in die algemeen vir die beter uitvoering van die doeleindes van hierdie hoofstuk van hierdie Ordonnansie;
- (2) die kontrolering van swaar voertuigverkeer, en die verbod in die algemeen of in 'n sekere seisoen op die gebruik van voertuie van 'n bepaalde soort, wat besonder nadelig is vir paaie; en ook vir die beperking van die gebruik van publieke paaie tot 'n bepaalde soort voertuig;
- (3) die vasstelling van die gewig wat oorbrugge vervoer mag word, en die tye wanneer en die snelheid waarmee 'n voertuig vergun kan word om daaroor te gaan;

**81.** (1) Dit is verbode—

(a) om op 'n publieke pad 'n hek te plaas op 'n plek waar dit ongeskik is om stil te hou;

(b) 'n hek te plaas wat nie vry oor die pad beweeg nie;

(c) om aan 'n hek oor 'n publieke pad penne of projeksies te heg wat, volgens die mening van die Administrateur, gevaarlik is of waarskynlik persone of diere kan beseer of eiendom kan beskadig.

Hekke moet nie op ongeskikte plekke geplaas word nie.

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(2) Iemand wat in stryd met hierdie artikel handel is skuldig aan 'n oortreding en onderworpe aan die strawwe voorgeskrywe in artikel *drie-en-veertig*.

**82.** Alle hekke wat in bestaande omheininge nodig is weens verlegging van paaie of aanleg van nuwe paaie deur die Administrateur, moet deur die Administrasie aangeskaf en opgerig word.

Hekke nodig by verlegging.

**83.** Iemand wat opsetlik 'n omheining of hek, behorende aan die Administrasie, of ander toestel of apparaat wat daarvan deel uitmaak, beskadig of verwyder, is skuldig aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens vyf-en-sewentig pond, of by gebreke van betaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of tot genoemde gevangenisstraf sonder keuse van 'n boete.

Oortredinge.

## HOOFTUK IX.

### VORE EN WATERLOPE.

**84.** Iemand wat graag bo-oor of onder deur 'n publieke pad water wil lei, moet dit op sy eie koste doen en na verkryging van die goedkeuring van die Administrateur, wat oor die soort deurlaat of ander geleiding wat gebruik moet word, kan besluit.

Aanleg van vore oor publieke paaie.

Met dien verstande, dat in geval van vore of ander kanale bestaande op die agtiende dag van Oktober 1912, vir die doel om water te lei, alle deurlate of ander werk nodig om die pad oor die vore en kanale te voer op koste van die Administrasie aangelê en verrig moet word.

**85.** Sonder toestemming van die Administrateur is niemand geregtig om op die een of ander wyse die waterpeil van 'n rivier, stroom of spruit te verhoog nie waardeur 'n publieke pad, brug of drif beskadig kan word.

Verhoging van waterpeil in driewe.

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—  
Artikel 79.

'n deurgang, beskadig of verwyder, is skuldig aan 'n oortreding en onderworpe aan die straf, voorgeskrywe in artikel *drie-en-veertig*.

(8) Iemand, wat opsetlik 'n deurgang ingevolge hierdie artikel gemaak, belemmer of moedswillig beskadig, is skuldig aan 'n oortreding en onderworpe aan die straf voorgeskrywe in artikel *honderd-en-een*.

(9) Die persoon, deur wie 'n deurgang gemaak word na aanleiding van hierdie artikel is nie aanspreeklik vir vergoeding van skade in verband met die deurgang veroorsaak, tensy aangetoon word dat bedoelde persoon by die aanleg, onderhoud of herstel van die deurgang of kennisgewingborde of in die uitvoering van 'n bepaling van hierdie artikel nalatig was.

Die beskerming in hierdie subartikel toegeken, strek sig ook uit tot die opvolger in eiendomsreg, van die persoon wat die deurgang gemaak het, en so 'n opvolger is alleen aanspreeklik vir vergoeding van skade, voortvloeiende uit sy eie nalatigheid, handelwyse of versuim in verband met die herstel of toestand van die deurgang of kennisgewingborde of by die uitvoering van die vereistes van die Administrateur.

(10) Die Administrateur wat vergunning verleen om ingevolge hierdie artikel 'n deurgang te maak is hoegenaamd nie vir vergoeding van skade, in verband met 'n deurgang gely, aanspreeklik nie.

(11) Vir die doel van hierdie artikel beteken 'n deurgang, 'n karspoor deur 'n opening in, of oor 'n omheining, langs of naas die baan van 'n publieke pad, gemaak of aangelê met die doel om vrye deurgang vir selfgedrewe voertuie te gee, terwyl dié van diere belet word. 'n Deurgang kan aangelê word deur 'n oprit te maak sodat motorvoertuie oor die top van die omheining gery kan word, of deur middel van 'n uitholling in of langs die pad en gedek met 'n oop rooster sodat motorvoertuie daaroor kan gaan, maar die deurtog van diere verhinder word.

Admini-  
strateur  
kan  
verwyde-  
ring van  
omheining,  
ens., gelas.

**80.** Die Administrateur kan gelas dat omheininge, hekke of ander afskuttinge of versperringe oor of langs publieke paaie verwyder word, indien aangelê in stryd met die bepalinge van hierdie Ordonnansie of van die Omheiningswet 1912 of wysiginge daarvan; of hy kan dit laat verwyder op koste van die eenaar of persoon wat die versperring veroorsaak het.

(2) Elke deurgang moet ingevolge die bepalinge van hierdie artikel gemaak word ooreenkomstig 'n plan wat aan die Administrateur voorgelê en deur hom goedgekeur moet word. Wanneer hy sy goedkeuring daaraan heg, kan hy voorwaardes stel waaronder die deurgang gemaak en onderhou moet word.

(3) Die persoon, wat 'n deurgang volgens die goedgekeurde plan maak, moet naby elke einde van die waspoor wat na so'n deurgang lei, 'n wit kennisgewingbord van so'n grootte en in so'n stand oprig, dat dit aan naderende persone onmiddellik in die oog val. Die woorde „Motor-deurgang” moet in swart letters op so'n bord geskilder word.

(4) Die eienaar wat so'n deurgang maak, moet dit op sy eie koste behoorlik onderhou en aan alle voorwaardes, deur die Administrateur kragtens subartikel (2) opgelê, voldoen.

(5) Die Administrateur kan per kennisgewing, in 'n opvallende plek by of naby elke einde van 'n deurgang tentoongestel, iedereen verbied om met 'n voertuig oor die deurgang te ry, as die gewig van die voertuig saam met die vrag daarop, meer is as die gewig in die kennisgewing genoem.

Iemand, wat oor 'n deurgang ry met 'n voertuig waarvan die gewig saam met die vrag meer is as die gewig in die kennisgewing genoem, maak hom skuldig aan 'n oortreding en is onderworpe aan die straf, voorgeskrywe in artikel *honderd-en-een* en is bowendien aanspreeklik vir skadevergoeding in verband met die koste van herstel van die deurgang veroorsaak deur sodanige gebruik en ten gevolge van verwonding of skade, deur persone gely, voor bedoelde herstelling aangebring is.

(6) 'n Deurgang kan gesluit en die kennisgewinge verwyder word as die publieke hek in verband waarmee die deurgang gemaak is, uit die pad verwyder word.

Kennisgewing van die sluiting van 'n deurgang moet aan die Administrateur gestuur word.

Die persoon wat die deurgang sluit, moet ooreenkomstig die vereistes van die Administrateur maatreëls neem ter beveiliging van persone wat van die pad gebruik maak.

(7) Iemand wat sonder wettige verontskuldiging 'n deurgang volgens hierdie artikel gemaak, vir 'n ander doel gebruik dan vir deurgang met 'n motorvoertuig, of wat moedswillig 'n kennisgewing in verband met

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Hingste  
en bulle  
moet opge-  
pas word.

**75.** Die eienaar of persoon belas met die toesig oor 'n perde- of donkiehings ouer as twee jaar, of 'n bul ouer as agtien maande, of 'n ram ouer as 8 maande, is verplig om sodanige diere op 'n uitspanplek op te pas, tensy dit onmoontlik is om dit te doen, waarvan bewys deur die aangeklaagde persoon gelewer moet word. Iemand wat hierdie artikel oortree is by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond of by gebreke van betaling, met gevangenisstraf (met of sonder harde arbeid) van hoogstens drie maande. Hierdie artikel is nie van toepassing op die eienaar, huurder of bewoner van die plaas, waarop die uitspanplek geleë is nie.

Uitspan-  
plekke in  
munisipali-  
teite  
is nie be-  
lasbaar nie.

**76.** (1) Belang in grond, bestaande uit 'n uitspanserwituut wat binne 'n munisipaliteit geleë is, is vrygestel van die bepalings van die „Plaaslike Bestuur Belasting Ordonnansie ” 1928, of wysiging daarvan.

(2) Die uitdrukking „munisipaliteit,” soos dit in hierdie artikel gebruik word, beteken die gebied of distrik onder die beheer en regsbevoegdheid van 'n plaaslike bestuur, wat volgens wet by magte is om belasting op onroerende eiendom te hef.

## HOOFSTUK VIII.

### OMHEINING EN HEKKE.

Omheining  
oor publieke  
paaie.

**77.** Alle eienaars van plase of gedeeltes van plase is geregtig om 'n omheining of muur oor 'n publieke pad te maak wat sy grond deurkruis, op voorwaarde dat so 'n omheining ooreenkomstig die bepalinge van artikel *agt-entwintig* van die Omheiningswet 1912, gemaak word.

Waarsku-  
wingsbord  
op hekke.

**78.** Iedereen wat verantwoordelik is vir die onderhoud van hekke oor 'n publieke pad, moet in die middel van so 'n hek 'n plaat vasmaak van twee vierkant-voet, wit geverf, en moet dit wit oorverf wanneer dit nodig is.

Motor-  
deurgange.

**79.** (1) Die eienaar van grond waardeur 'n nie-omheinde publieke pad loop, of die eienaar of verskillende eienaars van grond, begrens deur 'n nie-omheinde publieke pad, mag met toestemming van die Administrateur, 'n deurgang vir motorvoertuie op so 'n pad maak, op 'n plek waar die pad 'n omheining kruis, wat bedoelde grond insluit of daarvan die grens vorm.

onnodig, en ewemin is dit nodig dat die Registrateur van Aktes 'n aantekening in verband daarmee op die transportakte moet maak, steeds met dien verstande dat, ingeval 'n uitspanplek later aangewys word, so 'n uitspanplek op die volle grootte van die plaas bereken moet word, met inbegrip van enige gedeelte wat op bogemelde wyse aangewerf is.

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**73.** Iedereen wat op 'n publieke pad reis, is daartoe geregtig om sy vee op alle uitspanplekke te laat wei en te laat suip. As daar geen voldoende water op 'n uitspanplek is nie, mag die Administrateur redelike maatreëls neem om voldoende water daarop te verskaf, en solank geen drinkgeleentheid bestaan nie, is reisigers geregtig om, in oorleg met die eienaar, hulle vee uit enige rivier, stroom of ander natuurlike waterbron, wat naaste aan so 'n uitspanplek geleë is, te laat suip. Alvorens 'n uitspanplek ooreenkomstig hierdie Ordonnansie afgebaken is, het die eienaar van 'n plaas die reg om 'n plek vir uitspanning aan te wys.

Welding en watergee op uitspanplekke.

**74.** (1) Niemand mag langer as vier-en-twintig agtereenvolgende uur op 'n uitspanplek vertoef nie, behalwe met toestemming van die eienaar, huurder of ander persoon, wat geregtig is tot die weiregte op die grond waarop so 'n uitspanplek geleë is, of tensy hy daar opgehou word deur teenspoed, oorstromings of ander onvoorsiene omstandighede. Behalwe strawwe wat vir oortreding van hierdie artikel opgelê kan word, kan die diere van reisigers wat langer as vier-en-twintig uur oorbly, geskut word.

Hoelank reisigers op uitspanplekke mag vertoef en hoe gou hulle weer daarvan moet vertrek.

(2) Behoudens die bepalings van subartikel (1), mag niemand, wat met vee op publieke paaie trek, stadiger as 5 myl in elke vier-en-twintig uur trek nie, behalwe met die toestemming van die eienaar, huurder of ander persoon wat geregtig is tot die weiregte op die grond waarvoor hy trek, of tensy hy deur teenspoed, oorstromings of ander onvoorsiene omstandighede op trek vertraag word.

(3) By die berekening van die tyd ingevolge hierdie artikel, moet Sondae buite beskouing bly.

(4) Iemand wat in stryd met die bepalinge van hierdie artikel handel, maak homself skuldig aan 'n oortreding en is, by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond, of by gebreke van betaling, met gevangenisstraf (met of sonder harde arbeid) van hoogstens een maand.



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dit oorspronklik deel uitgemaak het, dan mag die oppervlakte van so 'n uitspanplek nie verminder word nie, behalwe deur die Administrateur, wat, nadat die Registrateur van Aktes ondersoek ingestel en verslag uitgebring het, sy beslissing kan gee oor die aangeleentheid, naamlik of die uitspanplek groter is as die stuk grond waaruit sodanige onderdele bestaan.

(3) Wanneer twee of meer stukke grond, waarvan een of meer kragtens hierdie Ordonnansie onderworpe is aan 'n uitspanserwituut, saamgevoeg word, moet die oppervlakte van die uitspan ten opsigte van die saamgevoegde grond in grootte gelyk staan aan die totale oppervlakte van die uitspanplekke van daardie stukke grond wat aan so 'n serwituut onderworpe is, met dien verstande dat die oppervlakte van die uitspanplek in verband met die saamgevoegde grond hoogstens een vyf-en-sewentigste deel van die totale voorgestelde saamgevoegde grond mag bedra, maar in elk geval minstens vyf morg moet wees, en dat die ligging van die uitspanplek binne enige gedeelte van die bedoelde saamgevoegde grond kan aangewys word.

Toon en  
registrasie  
van  
sertifikate.

**71.** (1) Voordat die transport van 'n gedeelte van 'n plaas, soos omskrywe in die voorafgaande artikel, geregistreer kan word, moet daar eers aan die Registrateur van Aktes 'n sertifikaat van die Provinsiale Sekretaris getoon word, ten effekte dat die uitspanserwituut wat oorspronklik op die hele plaas was, slegs van toepassing is op dié gedeelte waarop die uitspanplek afgebaken is; of ingeval daar geen uitspan afgebaken is nie, op dié gedeelte daarvoor aangewys ingevolge paragraaf (b) van subartikel (1) van die onmiddellik-voorafgaande artikel; met dien verstande egter dat die oppervlakte van die uitspangrond in elke geval eweredig moet wees aan die hele oppervlakte van die plaas voordat dit onderverdeel is.

(2) Sodra die transport van die gedeelte geregistreer is ooreenkomstig die sertifikaat genoem in subartikel (1) van hierdie artikel, moet die Registrateur van Aktes op die transportaktes van dié gedeeltes van die daarby betrokke plaas aantekene dat hulle onderworpe is aan 'n uitspanserwituut, of daarvan vry is, na gelang van die geval.

Wanneer  
sertifikate  
nie vereis  
word nie.

**72.** Wanneer grond vir publieke doeleindes aangewerf is deur onteiening of ander middels, is 'n sertifikaat, soos omskrywe in subartikel (1) van die onmiddellik-voorafgaande artikel,

(3) Wanneer 'n uitspanserwituut deur die Administrateur ooreenkomstig artikel *vyf-en-sestig* aangekoop is, kan die Administrateur sodanige stuk grond laat omhein en die wei van vee, wat nie aan reisigers op publieke paaie behoort of deur hulle opgepas word nie, daarop by wyse van regulasie verbied.

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69. Die Administrateur moet van alle uitspanplekke, wat soos hierbo bepaal afgebaken is, 'n register laat hou met vermelding van die plase waarop sulke uitspanplekke geleë is, die oppervlakte van die uitspanplekke en sodanige ander besonderhede as voorgeskrywe word.

Registrasie van uitspanplekke deur Administrateur.

70. (1) Wanneer, na die agtiende dag van Oktober 1912, die gehele plaas of 'n gedeelte daarvan wat aan 'n uitspanserwituut onderworpe is, opgemeet word vir transportdoeleindes of vir die uitreiking van 'n eiendomsbewys van 'n gedeelte of gedeeltes daarvan, dan is onderstaande bepalinge van toepassing:—

Waar uitspanplekke op onderverdeling van plaas moet kom.

(a) Ingeval 'n uitspanplek behoorlik ooreenkomstig hierdie Ordonnansie afgebaken is, moet die geregistreerde eienaar of sy regmatige verteenwoordiger die Administrateur skriftelik kennis gee dat so 'n opmeting gemaak is, en daarby aanstip op welke gedeelte van die opgemete plaas genoemde uitspanplek geleë is;

(b) Ingeval daar egter geen uitspanplek afgebaken is nie, moet die geregistreerde eienaar of sy wettige verteenwoordiger die Administrateur in verband daarmee skriftelik in kennis stel, wat daarna in oorleg met die eienaar moet bepaal op welke gedeelte van die plaas die uitspanserwituut moet kom.

(2) (a) Wanneer twee of meer stukke grond onderworpe aan 'n uitspanserwituut volgens hierdie Ordonnansie, gekonsolideer word, moet die oppervlakte van die uitspangrond ten opsigte van die konsolidasie een vyf-en-sewentigste deel van die totale voorgestelde gekonsolideerde grond beslaan, en die uitspanperseel kan dan uitgekies word sonder ag te slaan op die binne-grense van die verskillende onderdele, met dien verstande dat die oppervlakte van so 'n uitspanplek in geen geval minder as vyf morge mag wees nie.

(b) In gevalle waar daar op een of meer van sulke onderdele 'n uitspanplek bestaan ten opsigte van 'n groter stuk grond waarvan

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hierdie artikel bepaal word, aan die Administrateur te betaal nie.

(3) Vir die doel van artikels *drie-en-sestig* en *vier-en-sestig* sluit die term „eenaar” ook huurders of lisensiehouers in wat huurkontrakte of lisensies op Kroongrond hou met die reg op aankoop, mits sulke huurders hulle reg op aankoop uitgeoefen het en met goedkeuring van die verantwoordelike Minister handel.

Aankoop  
van  
uitspan-  
serwitute.

**65.** Die Administrateur kan van tyd tot tyd 'n serwitut op grond vir uitspandoeleindes aankoop teen 'n prys wat by ooreenkoms met die eenaar bepaal moet word.

Provinsiale  
Sekretaris  
moet  
sertifikate  
uitreik.

**66.** Wanneer die Administrateur een van die bevoegdhede uitgeoefen het, wat hom kragtens paragraaf (a), (b) of (c) van artikel *drie-en-sestig* of kragtens artikel *vier-en-sestig* (1) verleen word, en as die aangeleentheid ten opsigte waarvan sodanige bevoegdheid uitgeoefen is, behoorlik afgehandel is, moet die Landmeter-Generaal en die Registrateur van Aktes, by lewering deur die Provinsiale Sekretaris van 'n sertifikaat waaruit blyk dat so 'n aangeleentheid wel afgehandel is, die nodige aantekeninge onderskeidelik op die betrokke kaarte en transportaktes maak.

Flekkie  
waar geen  
uitspan-  
nings mag  
kom nie.

**67.** Geen uitspanning mag op grond waarop 'n gebou staan geleë wees nie, (en behoudens alle regte verkry kragtens enige Wet betreffende prospekter of delf vir edele of onedele metale of edelgesteentes) is iemand ewemin daartoe geregtig om op uitspangrond te bou, te ploeg of sig op 'n ander wyse met die weiregte van uitspanplekke, wat ingevolge hierdie Ordonnansie afgebaken is, te bemoei; met dien verstande dat, behoudens soos bepaal in die onmiddellik hieropvolgende artikel, dit geensins beskou mag word dat die bepalinge van hierdie artikel die eenaar verbied om sy vee op die uitspanplek te laat wei nie.

Afkamp  
van uit-  
spanplekke.

**68.** (1) Enige eenaar is daartoe geregtig om, desverkieende, sy uitspanplek te omhein, mits hy voldoende toegang daartoe aan die reisende publiek verskaf.

(2) Die eenaar wat graag 'n uitspanplek wil omhein, kan by die Administrateur om 'n bydrae tot die koste van omheining aansoek doen. Die Administrateur kan dan met die eenaar ooreenkom wat betref die aard van die omheining wat opgerig gaan word, die hekke daarin asook die koste daarvan en word die omheining en hekke volgens die ooreenkoms opgerig, dan moet die Administrateur die helfte van die koste van die materiaal vir die omheining en hekke bydra.

deponeer as wat die Administrateur voldoende ag om die uitgawes wat in verband met so 'n aansoek gemaak moet word, te dek; en hy moet ook 'n waarborg gee om alle uitgawes bo die gedeponeerde bedrag te betaal; en in geval van 'n vermindering kragtens paragraaf (b) moet hy nog 'n bedrag betaal soos ooreengekom word, gelykstaande aan die waarde van daardie gedeelte van die serwituut wat soos voorgestel ten gunste van die eienaar van die grond afgestaan moet word.

(2) Behoudens die voorafgaande, is iedereen wat die ligging van 'n uitspanplek (ooreenkomstig hierdie Ordonnansie afgebaken), verander of die bakens versit, skuldig aan 'n oortreding en onderworpe aan die strawwe in artikel *eenhonderd-en-een* voorgeskrywe.

64. (1) Wanneer 'n uitspanplek volgens die mening van die Administrateur in sy geheel of gedeeltelik nie meer vir uitspandoeleindes gebruik word of daarvoor nodig is nie, of in spesiale gevalle waar die Administrateur meen dat dit in die belang van die publiek sou wees om dit te doen, is hy geregtig om, op aansoek van die grondeienaar betrokke by so 'n serwituut en in oorleg met die raad, so 'n uitspanserwituut geheel of gedeeltelik te kanselleer; met dien verstande dat die eienaar aan die Administrateur 'n billike en redelike bedrag moet betaal vir die ontheffing van sy grond, hetsy geheel of gedeeltelik, van so 'n serwituut; en verder met dien verstande dat, by die berekening van so 'n bedrag, verbeteringe op so 'n uitspan aangebring, in geen geval in aanmerking geneem mag word nie. Steeds met dien verstande dat kennisgewing van die voorneme van die Administrateur om stappe ingevolge hierdie artikel te doen, minstens eenkeer in die *Offisiële Koerant* en in een of meer nuusblaaië, wat in die distrik sirkuleer, gepubliseer moet word; en verder met dien verstande dat die Administrateur daarvan oortuig moet wees dat daar binne een maand vanaf die eerste publikasie van so 'n voorneme, geen voldoende redes teen sodanige stappe aangevoer is nie. Alle gelde wat ingevolge hierdie artikel ontvang word, en bedrae ooreenkomstig die slotsin van subartikel (1) van artikel *drie-en-sestig* betaal, moet in die Provinsiale Inkomstefonds gestort word.

Kansellasië,  
ongebruikte  
uitspanplekke.

(2) Nieteenstaande andersluidende bepalings in hierdie artikel aangaande die kansellering van 'n uitspanserwituut op onvervreemde Kroongrond, is dit nie nodig om sodanige bedrag as wat in subartikel (1) van

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(5) Waar 'n onderverdeling van 'n plaas of gedeelte daarvan opgemeet is voor die agtiende dag van Oktober 1912, maar die transport daarvan nie voor genoemde datum geregistreer is nie, word so 'n onderverdeling beskou as 'n plaas vir die doel van hierdie hoofstuk van hierdie Ordonnansie.

Grootte  
van  
uitspan-  
plek.

**62.** (a) Die bedoelde uitspanserwituut beslaan 'n oppervlakte van een vyf-en-sewentigste gedeelte van die grootte van al sulke plase; met dien verstande dat die oppervlakte in geen geval uit minder as vyf morge mag bestaan nie.

(b) Alle publieke uitspanplekke staan onder die beheer en bestuur van die Administrateur en kan, onderworpe aan die bepalinge van hierdie Ordonnansie, gebruik word vir die doel van uitspanplekke met inbegrip van uitkamp en parkeer van motorvoertuie.

Adminis-  
trateur kan  
uitspan-  
serwituute  
bepaal en  
verander.

**63.** (1) As dit van tyd tot tyd met toestemming of op aansoek van die grondeienaar wenslik blyk, of, indien daar nie by wyse van arbitrasie ingevolge artikel *honderd* met die eienaar tot 'n ooreenkoms geraak kan word nie, dan is die Administrateur geregtig om, in oorleg met die raad—

(a) enige onbepaalde of algemene uitspanserwituut op plase te omskryf, af te baken en te beperk tot 'n bepaalde stuk grond;

(b) die oppervlakte van 'n opgemete of gedomarkeerde uitspanserwituut in te perk;

(c) die ligging van 'n opgemete of gedomarkeerde uitspanserwituut te verander;

steeds met dien verstande dat kennisgewing van die Administrateur om volgens hierdie artikel te handel, eenkeer in die *Offisiële Koerant* en in een of meer nuusblaaië wat in die distrik in omloop is, gepubliseer moet word; en verder met dien verstande dat die Administrateur oortuig is dat binne een maand van die publikasie van sodanige voorneme, geen voldoende rede teen so 'n handelswyse aangevoer is nie; en verder met dien verstande dat, in geval van enige verandering hieronder van die ligging van 'n uitspanserwituut wat alreeds opgemeet en geregistreer is, sodanige opmeting en registrasie gekanselleer en die nuwe uitspanserwituut in die plek daarvan opgemeet en geregistreer moet word; en verder met dien verstande dat, alvorens op aansoek van bedoelde grondeienaar voornoemd ingevolge hierdie artikel gehandel word, laasgenoemde by die Provinsiale Sekretaris sodanige bedrag moet

(3) As gedeeltes van 'n pad na 31 Maart 1934 as 'n provinsiale pad geproklameer is, dan word die onkoste in verband met die aanleg van sodanige gedeeltes beskou as gemaak gedurende die boekjaar waarin sodanige pad as 'n provinsiale pad geproklameer is.

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## HOOFSTUK VII.

### UITSPANPLEKKE.

**61.** (1) Elke plaas in hierdie Provinsie wat op die agtiende dag van Oktober 1912, in die kantoor van die Registrateur van Aktes geregistreer was, en elke plaas voorheen nog nie as sodanig opgemeet nie, wat deur die Kroon na daardie datum toegeken is (uitgesonderd plase van honderd morge of kleiner) is onderworpe aan 'n uitspanserwituut ten gunste van die publiek.

(2) Elke plaas soos voornoemd, wat groter is as drie-duisend-sewe-honderd-en-vyftig morge, is onderworpe aan twee afsonderlike uitspanserwituute, steeds met dien verstande dat die totale oppervlakte van die twee uitspanplekke nie meer as een vyf-en-sewentigste deel van die oppervlakte van so 'n plaas mag wees nie.

(3) Ingeval 'n plaas soos bogenoemd, na die agtiende dag van Oktober 1912, of na die grondbrief soos hierbo bedoel, na gelang van die geval, onderverdeel is in twee of meer gedeeltes, rus die serwituute alleen op een gedeelte van die aldus onderverdeelde plaas, waaroor besluit moet word op die wyse hierin verder bepaal. Of anders, in gevalle waar dit gerieflik is om 'n uitspanplek te maak op twee of meer gedeeltes van 'n plaas, kan genoemde reg op sulke gedeeltes rus, met dien verstande dat die gedeeltes van die uitspanplek aanmekaar grens, en verder met dien verstande dat die vereiste kaarte, aantonende die bedoelde uitspanplek, getoon en geregistreer word op koste van die eienaar of eienaars van die gedeeltes van die plaas wat aldus onderverdeel is.

(4) Voordat transport van 'n gedeelte van 'n plaas, onderworpe aan 'n uitspanserwituut ooreenkomstig hierdie Ordonnansie, geregistreer word, moet die registrateur van aktes hom oortuig, hetsy deur middel van skriftelike bewys of andersins, dat die eienaar kennis gekry het dat genoemde serwituut op sy gedeelte van die plaas kom.

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bedrag van die gelde deur alle plaaslike besture gedurende die boekjaar ontvang vir lisensies ingevolge genoemde Ordonnansie aan persone uitgereik wat buite die regsbevoegdheid van 'n plaaslike bestuur woon, oortref met meer as die bedrag wat kragtens subartikel (1) van hierdie artikel in die fonds, ten opsigte van daardie boekjaar, gestort moet word, dan moet 'n bedrag gelykstaande aan bedoelde saldo uit die Provinsiale Inkomstefonds in die fonds gestort word.

(3) Ongeag andersluidende bepalings in hierdie artikel vervat, bly die bepalings van die Weëfonds (Opskorting van Betaling, 1932-1933) Ordonnansie, 1932, hierby regsgeldig.

Betalinge  
uit fonds,

59. (1) Die fonds moet in elke boekjaar gedebiteer word met—

- (a) die bedrae nodig vir rente en aflossing op leninge, spesiaal gesluit vir die aanleg van provinsiale paaie op 'n aflossingstermyn van twintig jaar;
- (b) 'n bedrag van agt persent op die totale uitgawes vir aanleg van sulke paaie gedurende die onmiddellik voorafgaande boekjaar.

(2) Enige bedrae wat in die fonds oorbly nadat die gelde vereis ooreenkomstig subartikel (1) van hierdie artikel, verskaf is, kan aangewend word vir die aanleg van provinsiale paaie; met dien verstande dat in elke boekjaar 'n bedrag van agt persent op die totale uitgawes vir die aanleg van sulke paaie gedurende die onmiddellik voorafgaande boekjaar teen die fonds gedebiteer moet word.

(3) Die totaal van die bedrae van agt persent op die uitgawes in verband met die aanleg van provinsiale paaie, waarmee die fonds ooreenkomstig die bepalinge van die twee voorafgaande subartikels gedebiteer is, moet in die algemeen aangewend word vir die onderhoud van die paaie wat aldus aangelê is en mag nie vir ander doeleindes bestee word nie.

Onkoste in  
verband  
met die  
maak van  
sekere  
provinsiale  
paaie.

60. (1) Die koste in verband met die maak van enige gedeelte van 'n provinsiale pad, wat uit 'n ander bron as die fonds bestry is, word beskou as uit die fonds bekostig, en die onkoste in verband met die aanleg van sodanige gedeeltes word op £600 per myl bereken.

(2) As gedeeltes van 'n pad voor of op 31 Maart 1934 as 'n provinsiale pad geproklameer is dan word die onkoste in verband mee die aanleg van sodanige gedeeltes beskou as gedurende die boekjaar 1933-34 gemaak.

rente teen vyf persent per jaar deur die Administrateur van die plaaslike bestuur ingevorder kan word op dieselfde wyse asof die aldus uitgegewe bedrag 'n lening was, gewaarborg deur die eiendom en inkomste van die plaaslike bestuur ooreenkomstig die bepalinge van artikel *een-en-vyftig* van die „ Plaaslike Bestuur Ordonnansie.”

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## HOOFSTUK VI.

### OPENING VAN 'N PADFONDS.

55. Vir die doel van hierdie hoofstuk van hierdie Ordonnansie beteken—

Definisie.

„ provinsiale pad,” enige publieke pad wat deur die Administrateur ooreenkomstig artikel *nege*, of artikel *sewe-en-veertig* of die onmiddellik daarop volgende artikel tot 'n provinsiale pad geproklameer is.

56. Die Administrateur kan van tyd tot tyd by proklamasie in die *Offisiële Koerant* 'n publieke pad vir die doel van hierdie hoofstuk tot 'n provinsiale pad verklaar.

Proklamasie  
provinsiale  
paaie.

57. (1) Daar moet 'n padfonds geopen word (hierin verder die fonds genoem) wat gebruik moet word vir die aanleg en onderhoud van provinsiale paaie en vir die betaling van rente en aflossingsbedrae op kapitaalfondse wat vir die aanleg van sulke paaie aangewend is. Die totaal van sulke kapitaalfondse wat in 'n bepaalde jaar geleen word, mag die bedrag van £60,000 nie oorskry nie.

Padfonds  
geopen.

(2) Die Administrateur word met die beheer van die fonds belas.

58. (1) Onderstaande minimum-bedrae in verband met die genoemde boekjare moet uit die Provinsiale Inkomstefonds in die Padfonds gestort word:—

Geld vir  
fonds.

1933-34	...	...	...	£140,000
1934-35	...	...	...	147,500

Gedurende die finansiële jare 1935-36 en 1936-37, en in die volgende boekjare moet die bedrag £155,000 wees, totdat 'n ander reëling deur die Provinsiale Raad getref word.

(2) Indien die gedeelte van die gelde ontvang ingevolge subartikel (1) van artikel *twee-en-vyftig* van die „ Motorvoertuie-Ordonnansie,” 1931, of wysiginge daarvan, deur alle plaaslike besture gedurende enige boekjaar, waartoe die Administrateur kragtens genoemde artikel geregtig is, die helfte van die



Ord. No. Same-  
9 van stelling  
1933. van raad.

53. (1) As die Administrateur van mening is dat 'n plaaslike bestuur versuim het om 'n grootpad of gedeelte daarvan aan te lê, te onderhou, of te herstel, kan hy oorgaan tot die samestelling van 'n raad, om aanbevelinge te maak betreffende die maatreëls wat geneem moet word vir die aanleg of herstel van so 'n pad of gedeelte daarvan, ten einde aan die behoeftes van die reisende publiek te voldoen.

(2) Genoemde rade moet bestaan uit—

(a) 'n lid, benoem deur die padraad wat regsbevoegdheid besit oor die grootpad buite die munisipale grense as 'n verlenging van die grootpad binne die munisipaliteit;

(b) 'n lid, benoem deur die betrokke plaaslike bestuur;

(c) 'n lid, omtrent wie die twee lede, benoem deur bedoelde padraad en die betrokke plaaslike bestuur, ooreengekom het, met dien verstande—

(i) dat ingeval die twee lede betreffende die benoeming van 'n derde lid nie ooreen kan kom nie, so 'n lid deur die Administrateur genoeminee moet word;

(ii) dat as die plaaslike bestuur in gebreke bly om binne een maand na kennisgewing deur die Administrateur 'n lid van die raad te benoem, die raad moet bestaan uit 'n lid deur genoemde padraad en 'n lid deur die Administrateur benoem.

(3) Die Administrateur kan op 'n besluit van die raad, wat by meerderheid van stemme aangeneem is, die plaaslike bestuur skriftelik versoek om so 'n pad of gedeelte daarvan binne 'n tydperk wat deur hom bepaal moet word, aan te lê of te herstel.

Adminis-  
trateur se  
bevoegd-  
heid by  
versuim  
van plaas-  
like  
bestuur om  
nodige werk  
uit te voer.

54. Indien die plaaslike bestuur in gebreke bly om die vereiste werksaamhede binne die aangegewe tydperk uit te voer, of indien die Administrateur oortuig is dat die plaaslike bestuur binne die genoemde tydperk nie die nodige maatreëls vir die voltooiing van die vereiste werk neem nie, kan hy 'n persoon of persone magtig om die vereiste werk te doen of uit te voer, en om in verband daarmee, of vir die uitvoering van die werk of maatreëls, soveel uit te gee as hy nodig oordeel; met dien verstande dat alle gelde deur die Administrateur kragtens hierdie artikel uitgegee met

49. (1) Die Administrateur kan van tyd tot tyd provinsiale paaie aanlê, onderhou, en herstel vir sower fondse dit veroorloof.

Konstruksie en onderhoud provinsiale paaie.

Ord. No. 9 van 1933.

(2) Alle plaaslike besture is bevoeg om met die Administrasie ooreenkomste aan te gaan om oor 'n bepaalde afstand 'n beter klas provinsiale pad aan te lê en te onderhou, as die Administrateur voorstel om te laat maak, en om die geskatte verskil in die koste van die aanleg van so 'n beter klas pad uit hulle inkomste by te dra. So'n ooreenkoms kan bepaal dat die werk deur die Plaaslike Besture self, namens en ten behoeve van die Administrasie, onderneem en uitgevoer word.

50. (1) Die plaaslike bestuur en nie die Administrateur nie, is verantwoordelik vir die verspreiding van alle stormwater wat op enige plek van 'n provinsiale pad afgevoer word, en moet 'n behoorlike reëling maak vir die verspreiding daarvan ter bevrediging van die Administrateur, en is verantwoordelik vir alle koste wat in verband daarmee gemaak word.

Stormwater.

(2) Die Administrateur is hoegenaamd nie aanspreeklik vir enige skade wat deur of vanweë sodanige stormwater veroorsaak is nie.

## HOOFTUK V.

### GROOTPAAIE IN MUNISIPALITEITE.

51. Tensy klaarblyklik 'n ander menig daaraan geheg word, beteken in hierdie hoofstuk van hierdie Ordonnansie—

Definisies,

„raad,” 'n raad ingestel kragtens die bepalinge van artikel *drie-en-vyftig*;

„grootpad,” 'n pad wat deur 'n munisipaliteit loop en aansluit op en 'n verlenging is van 'n grootpad (soos omskrywe in artikel *twee*) buite die grense van so 'n munisipaliteit, maar sluit nie in enige gedeelte van die pad nie, wat bekend staan as die Hoofrifpad en in die eerste bylae van Ordonnansie No. 17 van 1928, of wysiginge daarvan omskrywe is, nog 'n provinsiale pad as sodanig geproklameer kragtens die bepalinge van artikel *sewe-en-veertig*; en sluit in brugge of driewwe waaroor so 'n grootpad loop.

52. Die bepalinge van hierdie Hoofstuk van hierdie Ordonnansie is op alle munisipaliteite van toepassing.

Toepassing van Hoofstuk.

Ord. No.  
9 van  
1933.

## HOOFTUK IV.

### PROVINSIALE PAAIE IN MUNISIPALITEITE.

- Definieie** 45. In hierdie hoofstuk van hierdie Ordonnansie beteken die uitdrukking „provinsiale pad” ’n pad of gedeelte van ’n pad in ’n munisipaliteit, wat—
- (i) aansluit op en ’n verlenging is van ’n provinsiale pad buite ’n munisipaliteit en as sodanig geproklameer kragtens artikel *ses-en-vyftig*; en
  - (ii) op die grens van ’n munisipaliteit aanvang en ongeveer op ’n punt eindig (of vice versa) waar persele, erwe of standplase begin, waarop eiendomsbelasting gehef kan word kragtens enige wet betreffende die heffing van belastinge deur Plaaslike Besture; en
  - (iii) by proklamasie in die *Offisiële Koerant* kragtens artikel *sewe-en-veertig* deur die Administrateur vasgestel en omskrywe is.
- Toepassing van hoofstuk.** 46. Die bepalinge van hierdie hoofstuk van hierdie Ordonnansie is op alle munisipaliteite van toepassing.
- Proklamasie, provinsiale paaie.** 47. Die Administrateur kan van tyd tot tyd by proklamasie in die *Offisiële Koerant*—
- (a) bepaal op welke punt in ’n munisipaliteit ’n provinsiale pad vir die doel van hierdie hoofstuk van hierdie Ordonnansie sal eindig;
  - (b) enige bepaling van hierdie Ordonnansie na goedvinde *mutatis mutandis* ten opsigte van so ’n pad toepas;
- met dien verstande dat, sonder die toestemming van die Minister van Mynwese geen pad volgens hierdie bepaling tot ’n provinsiale pad verklaar mag word nie, op grond wat ingevolge die Edele en Onedele Metalenwet, 1908 (Transvaal), of wysiginge daarvan geproklameer is; of grond, wat iemand kragtens mynbrief besit, soos by so ’n wet omskrywe, tensy die loop van daardie pad kragtens die bepalinge van daardie wet of bedoelde wysiginge uitgehou is vir die doel van ’n pad; of op grond, wat as ’n alluviale delwery kragtens die bepalinge van die „Edelgesteente-wet” van 1927 of wysiginge daarvan, of enige vorige wet, geproklameer is.
- Beheer provinsiale paaie.** 48. Die kontrole en beheer van alle provinsiale paaie berus by die Administrateur vanaf die datum van ’n proklamasie ingevolge die bepalinge van die voorafgaande artikel, waarby die grense van so ’n pad vasgestel word.

**42.** (1) Behoudens die bepalinge van wette betreffende die oprigting van waarskuwings-  
 tekens op publieke paaie, mag niemand in, bo of op 'n publieke pad 'n bord, kennisgewing, raamwerk, omheining, stellasio of ander toestel oprig, aanlê, plaas of vertoon deur middel waarvan 'n advertensie van enige soort vertoon kan word (hierin verder in die onderhawige artikel 'n versperring genoem).

Advertensie op publieke paaie belet.

Ord. No. 9 van 1933.

(2) Die Administrateur word hierby gemagtig om sonder kennisgewing al sulke versperrings wat in stryd met hierdie artikel op of bo bedoelde paaie opgerig of geplaas is, te laat verwyder en te vernietig, en om van die persoon wat vir so 'n oortreding verantwoordelik is, die onkoste in te vorder waarin hy in verband met so 'n verwydering of vernietiging verval het.

(3) Iemand wat in stryd met hierdie artikel handel, maak homself skuldig aan 'n oortreding en is by veroordeling onderworpe aan die strawwe voorgeskrywe in artikel *drie-en-veertig*.

**43.** Behoudens die bepalinge van hierdie Ordonnansie, is iemand wat—

Oortredinge.

- (a) 'n publieke pad gebruik terwyl dit aangelê of herstel word; of
- (b) wat 'n publieke pad sluit, verlê, versteur, versper of op enige wys daarop inbreuk maak; of
- (c) moedswillig of voorbedagtelik water oor sulke paaie laat loop;

skuldig aan 'n oortreding en kan hy by veroordeling gestraf word met 'n boete van hoogstens tien pond (£10), of by gebreke van betaling tot gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens een maand, en in geval van 'n tweede of volgende veroordeling tot 'n boete van hoogstens vyf-en-twintig pond (£25), en by gebreke van betaling tot gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande.

**44.** Iemand wat uitspan, uitkamp of vuur maak op 'n straatweg, is skuldig aan 'n oortreding, en by veroordeling onderworpe aan die strawwe in die voorafgaande artikel voorgeskrywe.

Uitspan en vuurmaak op straatweë verbied.

Ord. No.  
9 van  
1933.

—  
Artikel 38.

die streek inspekteer en 'n ondersoek instel, en daarna sy aanbevelinge met dokumente en sketskaart van die streek die Administrateur vir sy beslissing toestuur.

OORSKRYDING, BELEMNERING, ENS., OP  
PUBLIEKE PAAIE.

Verbod  
ongemag-  
tigde  
handelinge,  
ens.

39. (1) Tensy gemagtig kragtens hierdie Ordonnansie of ander wette, mag niemand—

- (a) op 'n publieke pad inbreuk maak deur geboue, bouwerke, omheininge, vore, kanale, slote of ander belemmeringe te maak of op te rig of deur pypleidinge, draad of kables op, oor of onder so 'n pad te lê;
- (b) op 'n straatweg hout, klippe, rotsblokke, boomstompe, afval, puin, ashope of ander gevaarlike belemmeringe agterlaat; of glas, erdewerk, blikke, spykers of ander stukke metaal, of ander materiaal of voertuie, ten einde die verkeer te belemmer, of die persone wat so 'n straatweg gebruik in gevaar te bring, of te veroorsaak dat hulle eiendom beskadig word;
- (c) die grond, dekking, gruis, uitgrawinge, erdwalle of rirole van publieke paaie, opgrawe, verplaas, of op enigerlei manier verander.

(2) Iemand wat in stryd met hierdie artikel handel, is skuldig aan 'n oortreding, en by veroordeling onderworpe aan die strawwe voorgeskrywe in artikel *drie-en-veertig*.

Adminis-  
trateur kan  
handelwyse  
magtig wat  
in Artikel  
39 verbied  
is.

40. Die Administrateur kan, onder voorwaardes deur hom vasgestel, 'n handelwyse skriftelik magtig wat in die voorlaaste artikel verbied is, indien hy oortuig is dat daaruit geen materiële skade vir die publieke pad of nadeel vir die publiek kan voortvloei nie.

Lê van  
trein-,  
trem- of  
trollie-  
spore, ens.

41. (1) Niemand mag sonder skriftelike vergunning van die Administrateur:—

- (a) 'n trein-, trem-, of trolliespoor oor 'n publieke pad lê nie; of
- (b) 'n brug oor, of 'n deurlaat of duikweg onder so 'n pad aanbring; of
- (c) enige elektriese of ander drade oor, of enige ondergrondse kables onder 'n publieke pad of uitspanplek aanlê nie.

(2) Vir elke vergunning volgens hierdie artikel toegestaan kan die Administrateur 'n vaste of jaarlikse bedrag eis teen so 'n tarief as wat hy in elke geval kan vasstel.

en uitgawes as hy redelik vind, deur die applikant of beswaarmakers aan die Administrasie betaal moet word, in so 'n verhouding as hy billik ag, met inagneming van die uitslag van die ondersoek, en nadat so 'n order gegee is, kan sodanige bedrag in enige hof met die nodige regsbevoegdheid ingevorder word.

Ord. No.  
9 van  
1933.

—  
Artikel 35.

**36.** Nieteenstaande andersluidende bepalinge in die voorafgaande vyf artikels:—

Verlegging  
binne  
grense van  
eiendom.

- (1) is die geregistreerde eienaar van enige grond wat graag 'n ander publieke pad as 'n grootpad, binne die grense van sy eiendom wil verlê, geregtig om skriftelik daarom by die Voorsitter aansoek te doen, wat, nadat hy hom deur ondersoek oortuig het dat die belange van die reisende publiek daardeur nie benadeel sal word nie, so 'n aansoek aan die Administrateur moet deurstuur met sy aanbeveling;
- (2) is die Administrateur bevoeg om bedoelde eienaar te magtig om die pad in so 'n rigting te verlê as die Padinspekteur aandui; altyd met dien verstande dat bedoelde eienaar, voordat hy die ou pad sluit, die nuwe pad in behoorlike orde bring ter bevrediging van die Administrasie;
- (3) mag so 'n verlegging nie uitgevoer word nie, tensy kennisgewing van sy voorneme om dit te doen minstens een-en-twintig dae van tevore deur bedoelde eienaar in die *Offisiële Koerant* gepubliseer is.

**37.** Nieteenstaande andersluidende bepalinge in hierdie Ordonnansie, is, in ieder geval van verlegging of sluiting van 'n publieke pad op grond, wat iemand kragtens mynbrief besit, die bepalinge van Deel III van die „Local Authorities Roads Ordinance” van 1904, of wysiginge daarvan, *mutatis mutandis* van toepassing.

Sluiting of  
verlegging  
van pad op  
myngrond.

#### OPENING VAN NUWE PUBLIEKE PAAIE.

**38.** 'n Nuwe publieke pad kan geopen word op versoek van minstens vyf-en-twintig eienaars, wat in die distrik woon waardeur die pad verlang word. Die versoek moet gerig word aan die Administrateur, wat na ontvangs daarvan die petisie na 'n Kommissie, ingestel ooreenkomstig artikel *twee-en-dertig*, moet verwys. Die Kommissie moet na behoorlike kennisgewing, soos by regulasie voorgeskrywe,

Opening  
nuwe  
publieke  
paaie.

Ord. No.  
9 van  
1933.

VERLEGGING VAN GROOTPAAIE.

Verlegging  
van groot-  
paaie.

**30.** Die eienaar van 'n plaas wat 'n grootpad daarop wil verlê, kan daarom aansoek doen by die Administrateur, wat na oorleg met die Raad, en na sodanige verder ondersoek as hy nodig oordeel, so 'n verlegging kan toestaan op sulke voorwaardes as hy goedvind.

VERLEGGING VAN ANDER PUBLIEKE PAAIE; EN  
BENOEMING VAN KOMMISSIES.

Sluiting  
Publieke  
paaie, uit-  
gesonderd  
grootpaaie.

**31.** Die eienaar van 'n plaas wat graag 'n ander publieke pad as 'n grootpad, wil sluit, verlê of andersins die verkeer daaroor belemmer, moet skriftelik daarom aansoek doen by die Voorsitter van die Raad (hierna „die Voorsitter ” genoem) van die distrik waarin die plaas geleë is.

Kommissie  
van  
ondersoek.

**32.** As volgens die mening van die Voorsitter 'n aansoek ingevolge die bepalinge van die voorafgaande artikel gemaak, redelik is, moet hy so 'n aansoek aan die Administrateur deurstuur, wat dan 'n kommissie kan benoem van hoogstens drie belangelose persone om 'n ondersoek na die meriete van genoemde aansoek in te stel, en daarvoor rapport aan hom uit te bring.

Ondersoek  
na kennis-  
gewing.

**33.** Bedoelde Kommissie moet, nadat hy soos by voorgeskrewe regulasie kennis gegee het, waarin van iedereen wat beswaar het teen die toestaan van bedoelde aansoek, verlang word om sy beswaar binne een-en-twintig dae na die eerste publikasie van so 'n kennisgewing skriftelik by die Voorsitter in te dien, die streek wat by die aansoek betrokke is, so nodig, inspekteer en 'n volledige ondersoek instel na die verdienste daarvan en die besware daarteen, en moet daarna so spoedig moontlik daarvoor sy rapport aan die Administrateur instuur.

Adminis-  
trateur kan  
volgens  
kommissie-  
rapport  
handel.

**34.** Die Administrateur kan, na oorweging van die rapport van die Kommissie, by kennisgewing in die *Offisiële Koerant* verklaar dat genoemde publieke pad gesluit is of verlê word, soos uiteengesit in bedoelde kennisgewing, en so 'n kennisgewing moet 'n sketskaart van die publieke pad wat aldus gesluit of verlê word, insluit.

Betref-  
fonde  
koste.

**35.** Alle koste en uitgawes van die Kommissie moet in die eerste instansie deur die Administrasie gedra word, maar na afloop van die ondersoek, kan die Administrateur gelas dat die gehele of sodanige gedeelte van die koste

word; met dien verstande dat dit nie sonder toestemming van die eienaar uit 'n gemaakte dam of put of boorgat geneem mag word nie;

- (4) om bome of kreupelhout af te kap en te verwyder waar dit vir die aanleg van publieke paaie nodig is; met dien verstande dat sulke bome na afkapping aan die eienaar van die grond waar bedoelde bome gekap is, sal toebehoor.

**28.** Die regte toegestaan aan die Administrateur ooreenkomstig die bepalinge van die laaste vyf voorafgaande artikels kan deur die kontrakteurs, wat die paaie, brugge en driewwe namens hom aanlê, bou of herstel, uitgeoefen word; met dien verstande dat in geval van skade deur 'n kontrakteur veroorsaak, vergoeding volgens hierdie Ordonnansie betaalbaar, op die Administrateur verhaal kan word, wat op sy beurt skadeloosstelling van die kontrakteur kan eis; en verder met dien verstande dat enige kontrakteur vir die lewering van diere aan die Administrasie vir of in verband met sodanige aanleg, bou of herstel soos hierbo genoem, die regte kan uitoefen, toegestaan kragtens subartikel (2) van die voorafgaande artikel, as sulke regte spesifiek by skriftelike ooreenkoms tussen die genoemde kontrakteur en die Administrateur toegestaan is.

Kontrakteurs kan regte toegestaan aan Administrateur uitoefen.

#### PONTE.

**29.** (1) Die Administrateur het die reg om ponte op riviere aan te bring en te onderhou en om die nodige landings- en ankerplekke binne en buite die grense van die pad, en die nodige aannaderingswerke daartoe te maak. Onderworpe aan die bepalinge van artikel *twaalf* van Wet No. 10 van 1911, besit hy ook die reg om vir vervoer van voertuie, reisigers en vee daarmee 'n sekere bedrag te vra wat van tyd tot tyd vasgestel word. Hy is verder geregtig om kontrakte te sluit vir die bou, onderhoud, verhuur of huur van ponte op sulke voorwaardes met betrekking tot tariewe as hy goedvind.

Aanbring en onderhoud van ponte, ens.

(2) Die Administrateur kan met die Administrasie van naburige geweste saamwerk vir die aanbring van ponte op riviere, wat hierdie Provinsie van so 'n gewes skei, en kan ooreenkomste met so 'n Administrasie sluit betreffende alle aangeleenthede in verband met die kontrole, bestuur en onderhoud van sulke ponte.

Ord. No.  
9 van  
1933.

—  
Artikel 27.



Ord. No.  
9 van  
1933.

Opening  
van  
omheininge  
en aanleë  
van paaie  
na steen-  
groewe.

**26.** Om bedoelde materiaal te verkry het die Administrateur die reg om so-nodig openinge in omheininge en paaie na steengroewe en ander plekke te maak: met dien verstande dat sulke openinge deeglik toegemaak moet word teen oorskryding of afdwaling van vee gedurende die werksaamhede, en dat die omheining na affloop van die werk weer behoorlik herstel word, en dat enige steengroef of ander uitgraving, in die loop van die werksaamhede gemaak, wat gevaar kan oplewer, na voltooiing van die werksaamhede of deeglik omhein, of opgevol, of op ander wyse veilig gemaak moet word; en verder met dien verstande dat geen skade aan bewerkte landerye, bome, omheininge en ander bouwerke of verbeteringe van die eienaar van sulke privaatgronde waaroor die materiaal vervoer word, veroorsaak mag word nie.

VERDER REGTE VAN DIE ADMINISTRATEUR, MET BETREKKING TOT OPRIGTING VAN TENTE, ENS.

Oprigting  
van tente,  
ens., op  
privaat-  
grond.

**27.** Die Administrateur besit verder die reg:—

- (1) Waar geen ander geleentheid beskikbaar is nie:—
  - (a) Om tente of ander tydelike woninge op te rig vir die gerief van beamptes of arbeiders wat diens doen of werksaam is op paaie of wat ander werk in verband daarmee verrig of vir opberging van goedere, gereedskap en uitrusting; of
  - (b) om masjinerie en uitrusting op privaatgrond te plaas en te bère; met dien verstande dat die grond vir sulke doeleindes vereis, in oorleg met die eienaar uitgekies moet word.
- (2) om, wanneer daar binne die grense van die pad of uitspanplek geen voldoende weiveld beskikbaar is nie, op enige privaatgrond, op 'n plek deur hom met inagneming van die belange van die eienaar aangewys, die diere te laat wei wat vir die uitvoering van die werksaamhede nodig is; met dien verstande dat die diere op so 'n wyse en plek moet wei dat hulle nie die gesaaides, tuine of boorde kan beskadig of met die vee van die eienaar deurmekaar kan raak nie;
- (3) om die nodige water te neem of andersvoorsiening daarin te maak, wat vir 'n behoorlike uitvoering van die werksaamhede en vir diere en arbeiders vereis

herstel van so 'n pad moet laat beraam, en in geval die herstelwerk deur sulke plaaslike inwoners uitgevoer word, kan hy toestem om tot op die helfte van die werklike koste daarvan by te dra, of anders kan die Administrateur die werk self laat uitvoer as die Raad hom bewys lewer dat die plaaslike inwoners bygedra het, of goedgekeurde waarborg gestel het dat hulle minstens die helfte van die aldus geskatte bedrag sal bydra, hetsy kontant, by wyse van arbeid of op 'n ander manier, soos deur die Administrateur goedgekeur.

Ord. No.  
9 van  
1933.  
—  
Artikel 22.

#### VERKRYGING VAN MATERIAAL.

**23.** Die Administrateur besit die reg om van 'n plaas alle materiaal te neem en weg te voer of te laat neem en te laat wegvoer wat nodig is vir die aanleg, onderhoud of herstel van die publieke paaie binne die grense van so 'n plaas (met inbegrip van brugge buite die loop van sulke paaie).

Verkryging  
van  
materiaal.

**24.** As 'n plaas nie voldoende of geskikte materiaal besit nie, is die Administrateur geregtig om dit van die aangrensende grond of van ander plase of van enige dorpsgrond (uitgesonderd van opgemete erwe) waar die materiaal wel verkrygbaar is, te neem en weg te voer.

Verkryging  
van  
materiaal  
van plase  
of aangren-  
gende  
grond.

**25.** (1) Die Administrateur is geregtig om 'n plek of plekke uit te kies wat hy op so 'n plaas of dorpsgrond, na gelang van omstandighede, geskik ag vir verkryging van sodanige materiaal, met dien verstande dat die eienaar desverlangd geregtig is om 'n ander plek of plekke aan te wys vir genoemde doel en as laasgenoemde plek of plekke deur die Administrateur ewe bereikbaar bevind word met betrekking tot die afstand en ewe geskik wat hoeveelheid en hoedanigheid van materiaal betref as die plek deur hom uitgekies dan moet die materiaal van die plek of plekke, deur die eienaar aangewys, geneem word.

Adminis-  
trateur kan  
terrein vir  
verkryging  
van  
materiaal  
uitkies.

(2) Die Administrateur is nie geregtig om besit te neem van materiaal waaraan die eienaar handarbeid bestee het nie, of om klippe of ander materiaal van 'n huis, kraal of mure of werf te neem, en hy is nie geregtig om die materiaal oor 'n groter omtrek as vier myl van die plek of plekke, gekies volgens subartikel (1) van hierdie artikel, te vervoer nie, sonder vergoeding, waarvan die bedrag in geval van geskil deur arbitrasie, soos omskrywe in artikel *honderd* vasgestel moet word.

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Artikel 20.

openbaar, soos hierby vereis, kan by veroordeling gestraf word met 'n boete van hoogstens vyf-en-sewentig pond en by gebreke van betaling tot gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande, en die hof wat hom veroordeel het, kan sy setel vakant verklaar en sy setel moet daarop vakant word; met dien verstande egter dat die hof so 'n order nie mag maak nie as bewys gelewer word dat die versuim van so 'n lid om die verklaring te maak aan siekte, afwesigheid van die distrik of die een of ander oorsaak van soortgelyke aard te wyte is, en nie die gevolg van gebrek aan goeder trou was nie.

(4) Dit is die plig van die Provinsiale Auditor om aan die Administrateur alle gevalle te rapporteer waarin daar volgens sy mening versuim is om aan die bepalinge van hierdie artikel te voldoen.

### HOOFTUK III.

#### AANLEG, ONDERHOUD, OPENING, SLUITING EN VERLEGGING VAN PUBLIEKE PAAIE.

Algemene  
bevoegd-  
hede van  
Adminis-  
trateur.

**21.** Onderworpe aan die bepalinge van hierdie Ordonnansie en van die „Motorvoertuie-Ordonnansie,” 1931 of wysiginge daarvan, en wanneer fondse dit veroorloof, besit die Administrateur bevoegdheid en gesag in die navolgende sake en aangeleenthede:—

- (1) Die aanleg, onderhoud en kontrole van alle groot- en distrikspaaie, en, onderworpe aan die bepalinge van artikel vier, die vasstelling van die breedte daarvan;
- (2) die aanskaffing en onderhoud van sulke mylpale, seinpale, padwysers en waarskuwingstekens, as nodig geag word vir die voorligting van persone of veiligheid van diere en voertuie op alle publieke paaie;
- (3) die verskaffing en onderhoud van uitspanplekke, putte en drinkplekke, vir gebruik van die publiek op sulke paaie;
- (4) die oprigting, konstruksie en onderhoud aan die padkant of elders van geboue en wonings vir die doel van hierdie Ordonnansie.

Herstelling  
van dis-  
triks- en  
voetpaaie.

**22.** Ingeval 'n distrikspad of voetpad herstel moet word, kan die inwoners in die onmiddellike nabyheid van bedoelde pad, deur die Raad daarom by die Administrateur aansoek doen, wat daarop die geskatte koste van

met, of werkzaam is aan paaie, brugge en uit-spanplekke kragtens hierdie Ordonnansie aangelê, gebou of onderhou, aanstel en ontslaan.

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19. (1) Geen lid van die raad mag stem in verband met, of deelneem aan, of in sy hoedanigheid van lid teenwoordig wees by, die bespreking van enige aangeleentheid deur die Raad, waarby hy self, sy eggenote, sy vennote of sy naaste bloedverwante direk of indirek geldelike belang het.

Stemming  
van belang-  
hebbende  
lede.

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(2) 'n Lid wat met voorkennis die bepalinge van hierdie artikel oortree maak hom skuldig aan 'n oortreding en sy setel op die raad word by veroordeling *ipso facto* vakant.

20. (1) Aan 'n lid van 'n raad is uithoofde van sy amp nie verbied om met die Administrasie of die raad te kontrakteer nie, hetsy as verkoper, koper of andersins, nog sal 'n kontrak of ooreenkoms, gesluit deur of namens die Administrasie of namens die raad, of 'n subkontrak of later ooreenkoms in verband met so 'n kontrak, waarin 'n lid van die raad op enige wyse direk of indirek belang het, weens genoemde rede ongeldig beskou of verwerp word.

Kontrak-  
tering  
toegestaan.

(2) Waar 'n lid van 'n raad, op ander wyse dan as aandeelhouer by 'n maatsakppy met beperkte aanspreeklikheid, belang het in 'n kontrak of ooreenkoms met die Administrasie of die raad, of subkontrak of later ooreenkoms in verband met sulke kontrakte of ooreenkoms, waarmee volgens die voorwaardes daarvan uitgawes of ontvangste van een-honderd pond of meer, deur die Administrateur of raad, gegaar gaan, dan is dit die plig van so 'n lid om voordat so 'n kontrak of ooreenkoms deur die Administrasie of die raad vasgestel of goedgekeur word (as sy belang daarby dan bestaan of indien sy belang daarby later verkry word, om dan binne 'n redelike tyd en in iedere geval minstens een maand na die verkryging van sodanige belange) die ware toestand aan die Administrateur sowel as aan die Raad te openbaar, en sodanige blootlegging moet op 'n vergadering van die raad gemaak en per brief aan die Provinsiale Sekretaris meegedeel word, wat dit aan die Administrateur moet rapporteer, en so 'n openbaarmaking moet in die notule van die raadsvergadering genoteer word wanneer die verklaring deur die betrokke raadslid gemaak word.

(3) 'n Raadslid wat hierdie artikel oortree deur te versuim om sy belang by enige kontrak of ooreenkoms met die Administrasie of die raad, of subkontrak of later ooreenkoms te

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Skorsing en  
ontslag van  
lede.

14. Die Administrateur kan 'n raadslid in sy amp skors of ontslaan weens onbekwaamheid om as sodanig te fungeer, of weens wangedrag, of ander gegronde en geldige redes.

Ampstyd.

15. Onderworpe aan die bepalinge van subartikel (2) van artikel *sestien* en behoudens die bepalinge van subartikel (2) van artikel *elf*, moet elke raadslid vir 'n tydperk van drie jaar dien vanaf die datum van sy benoeming.

Opvulling  
van  
vakatures.

16. (1) As 'n lid van die Raad gedurende sy ampstyd sterf, bedank, of kragtens bestaande wetgewing onbevoeg bevind word, of op ander wyse sy setel op die raad neerlê, kan die Administrateur 'n opvolger benoem om die aldus ontstane vakature op te vul.

(2) Die lid wat ooreenkomstig hierdie artikel benoem word, sal slegs gedurende die onafgelope ampstermyn van sy voorganger, fungeer.

Kworum.

17. Drie lede van 'n raad met inbegrip van die voorsitter vorm 'n kworum, met dien verstande dat, waar die lidmaatskap van 'n raad minder as vyf is, met inbegrip van die voorsitter, die kworum uit twee lede sal bestaan, waarvan een die voorsitter moet wees; en verder met dien verstande dat gedurende sy afwesigheid van die setel van die magistraatsdistrik, die voorsitter die senior-amptenaar op die personeel van die magistraat skriftelik kan benoem om gedurende sodanige afwesigheid as voorsitter op te tree.

Bevoegd-  
hede en  
verpligting  
van  
padrade.

18. (1) Die Raad:—

- (a) Besit sodanige bevoegdhede, verpligtinge en funksies as voorgeskryf word;
- (b) moet die Administrateur help en adviseer in verband met alle aangeleenthede betreffende publieke paaie en uitspanplekke binne sy distrik;
- (c) moet alle informasie insamel en deurstuur wat deur die Administrateur vereis word in verband met die toepassing van hierdie Ordonnansie of van die regulasies ingevolge daarvan uitgevaardig; en
- (d) moet in die algemeen al daardie werksaamhede uitvoer wat die Administrateur van tyd tot tyd aan die Raad opdra.

(2) Indien daartoe gemagtig volgens regulasie deur die Administrateur gemaak en in die *Offisiële Koerant* gepubliseer, kan 'n raad in oorleg met die padinspekteur, ploegbase, blanke arbeiders en padwerkers, wat by die dag betaal word, en wat nodig is in verband

hoogstens ses ander persone, wat deur die Administrateur benoem kan word met inagneming van die bepalinge van artikel *twaalf*; mits dat die Administrateur behalwe sodanige persone ander persone as *ex-officio* lede van 'n raad kan benoem—'n aldus benoemde *ex-officio* lid is geregtig om deel te neem aan die werksaamhede van die raad, dog is nie geregtig om te stem nie. Die Administrateur kan van tyd tot tyd die bedrag bepaal aan 'n *ex-officio* lid betaal te word vir reis- en persoonlike onkoste terwyl hy vir die raad werksaam is;

- (b) die regsgebied van rade, ingestel kragtens hierdie artikel, uitbrei, wysig of inperk, en te eniger tyd bedoelde rade ophef of ontbind as voldoende redes daarvoor aangevoer word.

(2) Die rade, ingestel kragtens 'n wet wat by hierdie Ordonnansie herroep word en in die tweede bylae hiervan opgeneem is, word beskou as padrade kragtens hierdie Ordonnansie ingestel, en die lede daarvan as kragtens hierdie Ordonnansie benoem, en hulle bly in funksie vir die tydperke waarvoor hulle benoem is, onderworpe aan die bepalinge van hierdie Ordonnansie.

**12.** Niemand mag tot lid van 'n raad vir 'n distrik benoem word of as lid fungeer nie:— Diskwalifikasies.

- (a) Wat te eniger tyd veroordeel is tot gevangenisstraf sonder keuse van 'n boete, tensy aan hom gracie verleen is, of tensy sy straf tyd minstens drie jaar voor sy benoeming uitgedien is; of
- (b) wat swaksinnig is of onder kuratele staan; of
- (c) wie se boedel in likwidatie of in trus is vir sy krediteure; of
- (d) wat 'n ongerehabiliteerde bankroetier is; of
- (e) wat 'n uitlander is.

**13.** 'n Lid van die Raad moet sy amp neerlê:— Omstandighede in verband met aftrede van lede.

- (a) In een van die omstandighede omskrywe in die voorafgaande artikel; of
- (b) as hy deur die Administrateur ooreenkomstig artikel *veertien* uit sy amp ontslaan is; of
- (c) as hy veroordeel is weens 'n oortreding van artikel *negentien*.

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streek of gebied; en verder met dien verstande dat sonder toestemming van die Minister van Mynwese, geen pad volgens hierdie artikel tot 'n Provinsiale Pad verklaar mag word nie op grond, wat geproklameer is krachtens die „Edele en Onedele Metalen-Wet” 1908 (Transvaal), of wysiging daarvan; of op grond, wat iemand krachtens mynbrief besit, soos in genoemde wet omskrywe, tensy die loop van daardie pad uitgehou is vir die doel van 'n pad ingevolge die bepalinge van daardie wet of bogenoemde wysiging; of op grond, geproklameer as 'n alluviale delwery krachtens die bepalinge van die „Edelgesteente-Wet” 1927, of wysiging daarvan, of ingevolge vorige wette.

(2) Vanaf en na die datum van 'n proklamasie, uitgevaardig ingevolge subartikel (1) hiervan, word en bly die aldus geproklameerde pad 'n publieke pad, onderworpe aan die bepalinge van die onmiddellik-hieropvolgende subartikel, en die Administrateur kan van tyd tot tyd sulke paaie laat regmaak, onderhou en herstel vir sover fondse dit veroorloof.

(3) 'n Proklamasie ingevolge die bepalinge van hierdie artikel uitgevaardig, kan te eniger tyd, as voldoende redes daarvoor aangevoer word, deur die Administrateur na goedvinde ingetrek, gewysig of aangevul word.

Beskikking  
oor en be-  
sitting  
van grond  
vir publieke  
paaie.

10. Die Administrateur of iemand wat op sy gesag in daardie opsig handel, kan na kennisgewing aan die eienaar of eienaars oor soveel grond beskik as vereis word en dit in besit neem vir die opening of aanleg van publieke paaie, of vir enige ander bykomstige doeleinde in verband met die uitoefening van die verpligtinge of bevoegdhede in hierdie Ordonnansie verleen of opgelê ten opsigte van sodanige pad, met dien verstande dat hierdie bepaling nie van toepassing is nie op persele, erwe, hoewe of standplase, geleë in 'n landstreek of gebied, genoem in subartikel (1) van die voorafgaande artikel.

## HOOFSTUK II.

### SAMESTELLING EN BEVOEGDHEDE EN VERPLIGTINGE VAN PADRADE.

Same-  
stelling van  
padrade.

11. (1) Die Administrateur kan van tyd tot tyd by proklamasie in die *Offisiële Koerant*:—

(a) Vir 'n landstreek buite 'n munisipaliteit 'n raad instel, 'n padraad genoem, bestaande uit 'n magistraat wat as voorsitter moet optree, en minstens drie en

bestaan het maar gesluit is, en die loop van so 'n pad bepaal na ondersoek en rapport deur die Raad;

- (c) 'n publieke pad tot 'n grootpad, distriks- of voetpad verklaar, na gelang van omstandighede; met dien verstande dat sonder die toestemming van die Minister van Mynwese, geen pad tot 'n publieke pad verklaar mag word nie op grond, geproklameer kragtens die „Edele en Onedele Metalen-Wet” 1908 (Transvaal) of wysiginge daarvan; of op grond wat iemand kragtens mynbrief besit soos in genoemde Wet omskrywe, tensy die loop van daardie pad uitgehou is vir die doel van 'n pad ingevolge die bepalinge van daardie Wet of bogenoemde wysiginge; of op grond, geproklameer as 'n alluviale delwery kragtens die bepalinge van die „Edelgesteente-Wet” van 1927 of wysiginge daarvan, of ingevolge vorige Wette;
- (d) onderworpe aan die bepalinge van artikel *sewe-en-dertig*, publieke paaie na ondersoek en rapport deur die raad, sluit of verlê.

8. (1) Onderworpe aan die bepalinge van die „Motorvoertuie-Ordonnansie” 1931, of wysiginge daarvan, kan die Administrateur te allen tyde, en na sodanige kennisgewing as hy goed ag, publieke paaie tydelik of vir goed sluit vir enige bepaalde soort vervoer of tydelik vir alle vervoer; of tydelik so 'n pad verlê vir herstel of ander doeleindes, na goedvinde van die Administrateur, en hy kan op ander wyse die vervoer op al sulke publieke paaie reël.

Tydelike  
sluiting  
van  
publieke  
paaie.

(2) Iemand wat van so 'n publieke pad gebruik maak wanneer dit tydelik of gedeeltelik kragtens die bepalinge van hierdie artikel gesluit is, maak homself skuldig aan 'n *oortreding* en is by veroordeling strafbaar met die strawwe voorgeskrywe in artikel *drie-en-veertig*.

9. (1) Nieteenstaande enige teenstrydige bepalinge in hierdie Ordonnansie, is die Administrateur geregtig om by proklamasie in die *Offisiële Koerant* 'n pad, lopende deur 'n landstreek of gebied, genoem in subparagrafe (i), (ii), en (iii) van paragraaf (b) van die definisie van „publieke pad” in artikel *twee* tot 'n Provinsiale Pad te verklaar; mits dat bedoelde pad in verbinding staan met en 'n verlenging is van 'n grootpad buite so 'n land-

Bevoegd-  
hede van  
Adminis-  
trateur om  
paaie in  
sekere  
streek as  
provinsiale  
paaie te  
proklameer.

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Artikel 2.

van die Plaaslike Bestuur Ordonnansie, maar wat nog geen regspersoonlikheid daar- onder verkry het nie;

- geregistreerde eienaar," die persoon wat in die kantoor van die Registrateur van Aktes as die eienaar van 'n eiendom geregistreer is of sy regmatige verteenwoordiger;
- „ padkant," daardie gedeelte van 'n publieke pad wat nie die straatweg uitmaak nie;
- „ straatweg," daardie gedeelte van 'n publieke pad wat gemaak en vir voertuig-verkeer bestem is of gebruik word, of op daardie tydstip vir voertuig-verkeer in die algemeen redelikerwyse bruikbaar is.

## HOOFSTUK 1.

### PUBLIEKE PAAIE.

Klassifika-  
sie van  
publieke  
paaie.

3. Vir die doel van hierdie Ordonnansie word die publieke paaie in hierdie Provinsie in die navolgende klasse verdeel:—

- (a) Grootpaaie.
- (b) Distrikspaaie.
- (c) Voetpaaie.

Breedte  
van  
publieke  
paaie.

4. Die breedte van publieke paaie, met inbegrip van die padkant moet as volg wees:—

- (a) Grootpaaie, een-honderd Kaapse voet;
- (b) distrikspaaie, vyftig Kaapse voet;
- (c) voetpaaie, hoogstens vyftien Kaapse voet;

met dien verstande dat die Administrateur die breedte kan verminder wanneer hy van die noodsaaklikheid daarvan oortuig is.

Brugge en  
driewe  
gedeeltes  
van  
publieke  
paaie.

5. Vir die doel van hierdie Ordonnansie moet brugge en driewe in die loop van 'n publieke pad as gedeeltes van dié publieke pad beskou word.

Beheer oor  
publieke  
paaie berus  
by Admini-  
strateur.

6. Alle publieke paaie binne hierdie Provinsie staan en bly onder die kontrole en toesig van die Administrateur.

Bevoegd-  
hede van  
Adminis-  
trateur  
betreffende  
opening,  
sluiting of  
verlegging  
van paaie.

7. (1) Die Administrateur kan van tyd tot tyd na gelang van omstandighede by proklamasie in die *Offisiële Koerant*:—

- (a) 'n Pad tot 'n publieke pad verklaar;
- (b) afkondig dat 'n publieke pad sal loop oor grond waar voorheen geen pad bestaan het nie, of waar 'n pad voorheen

*honderd-nege-en-veertig* van die Plaaslike Bestuur Ordonnansie verkry het nie;

„eienaar,” die eenaar, huurder of bewoner van ’n eiendom of sy regmatige verteenwoordiger;

„voorskryf,” voorgeskryf by hierdie Ordonnansie of deur die Administrateur by regulasie ingevolge hierdie Ordonnansie;

„Provinsie,” die Provinsie Transvaal;

„publieke pad”—

(1) paaie as sodanig geproklameer kragtens hierdie Ordonnansie, of wat volgens hierdie of enige ander Ordonnansie as publieke paaie aangewys is;

(2) alle weë of paaie, hoe ook ontstaan (nie lopende oor grond wat ingevolge of vir die doel van wette betreffende die delf van edele en onedele metale of edelgesteentes geproklameer is nie, of oor grond wat iemand kragtens mynbrieffbesit, soos in bedoelde wette omskrywe), wat in die ongestoorde gebruik van die publiek was of waaroor die publiek die reg van verkeer gedurende ’n tydperk van minstens vyftien jaar gehad het;

(3) alle paaie wat in terme van artikel *nege* of *sewe-en-veertig* tot provinsiale paaie geproklameer word, so lank so ’n proklamasie van krag is;

met dien verstande dat behalwe soos in artikel *nege* en in Hoofstukke IV en V hiervan bepaal, geen bepaling van hierdie Ordonnansie op ’n pad van toepassing is nie—

(a) binne ’n munisipaliteit; of

(b) in ’n landstreek buite ’n munisipaliteit wat bestaan uit—

(i) grond, in verband waarmee ’n dorpsregister in ’n registrasiekantoor van aktes geopen is; of

(ii) grond, wat gesertifiseer is as ’n landbouhoeve volgens die bepalinge van artikel *een* van die „Landbouhoeven (Transvaal) Registratiewet” 1919, of wysiginge daarvan; of

(iii) die regsgebied van ’n gesondheidskomitee, ingestel kragtens artikel *honderd ses-en-veertig*

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**Artikel 2.**

- of voorgestelde pad en alle nodige aan-naderingswerke, uitgrawinge, walle, duikweë, deurlate, slote, riole, damme, randstene, omheinings, parapette, afskuttinge en enige ander werk of ding wat deel uitmaak van, of in verband staan met, of tot so 'n pad behoort;
- „ distrik,” die distrik of landstreek onder die regsbevoegdheid van 'n raad;
- „ distrikspad,” 'n publieke pad, wat geen grootpad of voetpad is nie;
- „ plaas,” ook stukke grond geregistreer as 'n plaas of gedeelte van 'n plaas in die kantoor van die Registrateur van Aktes, onderworpe aan die bepalinge van sub-artikel (5) van artikel *een-en-sestig*;
- „ Offisiële koerant,” die *Offisiële Koerant van die Provinsie Transvaal*;
- „ plaaslike bestuur,” 'n stadsraad, dorpsraad of 'n gesondheidskomitee, ingestel kragtens die bepalinge van die Plaaslike Bestuur Ordonnansie as 'n liggaam met regspersoonlikheid;
- „ Plaaslike Bestuur Ordonnansie,” die Plaaslike Bestuur Ordonnansie, No. 11 van 1926 of wysiginge daarvan;
- „ magistraat,” die magistraat van 'n Magistraatsdistrik met inbegrip van amptenare wat volgens wet as sodanig optree;
- „ grootpad,” 'n publieke hoofweg of straatweg waaroor of waarop die algemene verkeer plaasvind en wat ooreenkomstig hierdie Ordonnansie as 'n grootpad geproklameer is;
- „ onderhou,” „, onderhoud,” ook om die pad, met inbegrip van alle brugge, ponte, vere, driwwe en sementdriwwe in die loop van so 'n pad, en alle aan-naderingswerke, uitgrawinge, walle, duikweë, deurlate, slote, riole, damme, randstene, omheinings, parapette, afskuttinge en enige ander werksaamhede of dinge wat 'n gedeelte uitmaak van, of in verband staan met, of behoort tot, so 'n pad in goeie orde en herstel te hou, en verder ook enige rekonstruksie, verandering, verlegging, verwyding of verbetering van so 'n pad;
- „ munisipaliteit,” die gebied of distrik wat onder die regsbevoegdheid van 'n plaaslike bestuur gestel is, maar sluit nie in die regsgebied van 'n gesondheidskomitee wat geen regspersoonlikheid ingevolge subartikel (3) van artikel

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Vir die Konsolidasie en Wysiging van die wette betreffende  
Publieke Paaie en Uitspanplekke in hierdie Provinsie en  
om alle ander sake in verband daarmee te reël.

(Goedgekeur 24 Oktober 1933.)

(Datum van inwerkingtreding, 1 Desember 1933.)\*

(Afrikaanse kopie deur Goewerneur-Generaal  
geteken.)

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

## INLEIDING.

1. Die wette in die Eerste Bylae van hierdie <sup>Herroeping</sup> Ordonnansie opgenoem, word hierby herroep <sup>van Wette.</sup> vir sover uiteengesit in die derde kolom van genoemde bylae, saam met die bepalinge van alle ander wette wat in stryd is met hierdie Ordonnansie; met dien verstande dat geen een van die bepalinge wat in hierdie Ordonnansie vervat is, so vertolk kan word dat dit die bepalinge van die „Edele en Onedele Metalen-Wet,” 1908 (Transvaal), of wysiginge daarvan, of regte ingevolge daarvan verkry, kan herroep, wysig of andersins verander of affekteer.

2. Tensy klaarblyklik 'n ander betekenis <sup>Definisies.</sup> bedoel word, beteken in hierdie Ordonnansie:—

- „Administrateur,” die amptenaar benoem kragtens subartikel (1) van artikel *ag-en-sestig* van die „Zuid-Afrika Wet,” 1909, of wysiginge daarvan, handelende op gesag van die Uitvoerende Komitee van die Provinsie.
- „Administrasie,” die Provinsiale Administrasie van Transvaal;
- „raad,” die padraad, ingestel ingevolge artikel *elf*;
- „brug,” ook 'n deurlaat en/of sementdrijf;
- „voetpad,” publieke paaie wat bestaan of aangelê word vir verkeer te voet, te perd en met pakkdiere;
- „aanlê” en „aanleg,” ook opmeting, afbakening, uithaal van boomstompe, vorming en maak van paaie en die aanleg van brugge, ponte, vere, driwwe of sementdriwwe ten dienste van so 'n pad

\* Proklamasie No. 59, *Provinsiale Koerant* van 15 November 1933, bladsy 203.

Ord. No.  
8 van  
1933.  
—  
Artikel 2.

ingesteld krachtens een Provinsiale Ordonnantie, proklamatie of regulatie waarop de Administrateur bij Proklamatie in de *Officiële Koerant* de bepalingen van deze Ordonnantie toegepast heeft;

„municipale beampte” insluit een beampte van het bestuur;

(2) Deur onderstaande woorde aan die woordbepaling van „municipaliteit” toe te voeg:—

„en ten aanzien van een bestuur betekenen het dorp of de plaats waarin de hoofdkwartieren van het bestuur gelegen zijn”.

(3) Deur onderstaande woorde aan die woordbepaling van „stadsraad” toe te voeg:—

„of een bestuur”.

(4) Deur onderstaande woorde aan die woordbepaling van „stadsraadslid” toe te voeg:—

„of van een bestuur”.

(5) deur onderstaande woorde aan die woordbepaling van „stadsklerk” toe te voeg:—

„en voorts insluit een superintendent of sekretaris van een bestuur”.

Wysiging  
van artikel  
2 van die  
hoofwet.

3. Subartikel (1) van artikel twee van die hoofwet soos gewysig deur artikel een van Ordonnansie No. 5 van 1918, word hierby gewysig deur onderstaande woorde na die woord „Unie” in te voeg:—

„met dien verstande dat, wanneer een kennisgeving deur een stadsraad moet worden gepubliceerd in een nuwsblad in omloop in de municipaliteit, die gepubliceerd moet worden zowel in Afrikaans in zodanig Afrikaans blad als in Engels in zodanig Engels blad. Waar beide de ambtelike talen echter geregeld als voertaal in een nuwsblad gebruik word hetwelk de Administrateur op aanzoek van een stadsraad, bij kennisgeving in die *Officiële Koerant* voor het doel van dit artikel geklassifiseer heeft als een nuwsblad hetwelk in twee talen verskijnt, kan zodanige kennisgeving in beide ambtelike talen gepubliceerd word”.

Kort titel.

4. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Plaaslike Autoriteite (Taal) Wysigingsordonnansie 1933.

- (h) om boete of ander strawwe voor te skryf vir die oortreding van een of ander regulasie wat die Administrateur of sodanige rade kragtens hierdie Ordonnansie gemaak het;
- (i) om oor die algemeen voorsiening te maak vir alle aangeleenthede wat nodig geag word vir die behoorlike toepassing en deeglike nakoming van die bepalings van hierdie Ordonnansie."

Ord. No.  
7 van  
1933.

Artikel 1.

2. Hierdie Ordonnansie kan vir alle doel- <sup>Korttitel</sup>  
eindes aangehaal word as die „Liefdadige  
Instellings (Kontrole) Wysigings-ordonnansie  
1933."

## 'N ORDONNANSIE

Om die „Plaatselike Autoriteite (Taal) Ordonantie,  
1916", in sekere opsigte te wysig.

Ord. No.  
8 van  
1933.

(Goedgekeur 27 September 1933.)

(Datum van inwerkingtreding, 18 Oktober 1933.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

**D**IT WORD deur die Provinsiale Raad van Trans-  
vaal as volg **BEPAAL**:—

1. Die lang titel van die „Plaatselike <sup>Wysiging</sup>  
Autoriteite (Taal) Ordonantie, 1916" <sup>van die</sup>  
(hierin verder die hoofwet genoem) word <sup>aanhef</sup>  
hierby gewysig deur na die woord „Municipaliteite" <sup>van die</sup>  
die woorde „Hospitaalbesturen, <sup>hoofwet.</sup>  
de Warmbad-Raad van Kuratoren en andere  
publieke lichamen" in te voeg.

2. Artikel een van die hoofwet word hierby <sup>Wysiging</sup>  
as volg gewysig:— <sup>van artikel</sup>  
<sup>1 van die</sup>  
<sup>hoofwet.</sup>

(1) Deur onderstaande woordbepalings daar-  
aan toe te voeg:—

„bestuur" beteken een hospitaal-  
bestuur, ingesteld kragtens de  
„Publieke Hospitale Ordonnansie  
1928", of wijzigingen ervan en in-  
sluiten de Warmbad-Raad van Kura-  
toren ingesteld kragtens de „Warm-  
bad (Toesig en Beheer) Ordonnansie  
1929", of wijzigingen ervan en  
voorts insluiten enige ander bestuur,  
raad, komitee of publieke lichaam

DORPE- EN DORPSAANLEG WYSIGINGS.  
8 LIEFDADIGE INSTELLINGS (KONTROLE) WYSIGINGS.

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Ord. No.  
6 van  
1933.

—  
Artikel 4.

(6) Die koste van 'n gemeenskaplike komitee moet deur die konstituerende plaaslike besture of deur een of meer van hulle, na gelang van ooreenkoms, bestry word, en as 'n geskil ontstaan aangaande watter plaaslike besture of bestuur sodanige koste moet betaal of die verdeling daarvan, moet die Administrateur oor die geskil beslis."

Kort titel. 5. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Dorpe- en Dorpsaanleg-Wysigings-ordonnansie 1933.

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Ord. No.  
7 van  
1933.

## 'N ORDONNANSIE

Om die „ Liefdadige Instellings (Kontrole) Ordonnansie 1926", in sekere opsigte te wysig.

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(*Goedgekeur 27 September 1933.*)

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(*Datum van inwerkingtreding, 18 Oktober 1933.*)

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(*Engelse kopie deur Goewerneur-Generaal geteken.*)

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

Wysiging van artikel 7 van Ordonnansie No. 5 van 1926 soos gewysig by Ordonnansie No. 21 van 1931.

1. Artikel *sewe* van die „ Liefdadige Instellings (Kontrole) Ordonnansie 1926 " soos gewysig by artikel *een* van Ordonnansie No. 21 van 1931, word hierby as volg gewysig:—

(1) deur ondervermelde woorde aan paragraaf (f) toe te voeg—

„ vir die magtiging van so 'n raad om vir bepaalde streke binne sy regsgebied plaaslike adviserende komitees in te stel en hulle bevoegdhede en pligte voor te skryf en om aan so 'n raad die bevoegdhede van die Administrateur vervat in artikels *drie* en *vyf* van hierdie Ordonnansie op te dra."

(2) deur ondervermelde nuwe paragrawe daaraan toe te voeg:—

„ (g) om toelae uit die Provinsiale Inkomstefonds aan sodanige rade te betaal en om hulle geldelike sake te reël;

(d) Die bepalings van hierdie subartikel moet beskou word as van krag met ingang vanaf 1 September 1932."

Ord. No.  
6 van  
1933.

4. Artikel *sewe-en-dertig* van die hoofwet word hierby herroep en deur onderstaande nuwe artikel vervang:—

Artikel 3.

„ 37. (1) Waar twee of meer plaaslike besture vir enigeen van die doeleindes van hierdie Ordonnansie gesamentlik wil optree, kan hulle ooreenkom om 'n gemeenskaplike dorpsaanlegkomitee vir dié doel te benoem en om met of sonder beperking van sodanige komitee ander bevoegdhede te verleen as dié om geld te leen of belasting te hef, wat enigeen van die konstituerende plaaslike besture vir daardie doeleindes kan uitoefen.

Herroeping van artikel 37 van die hoofwet en vervanging deur 'n nuwe artikel.

'n Komitee also benoem het in hierdie artikel betrekking op „ 'n gemeenskaplike komitee."

(2) Enigeen wat benoem is om 'n konstituerende plaaslike bestuur op 'n gemeenskaplike komitee te verteenwoordig, moet lid van minstens een van die konstituerende besture wees, maar dieselfde persoon kan benoem word om twee of meer van daardie besture te verteenwoordig.

(3) 'n Konstituerende plaaslike bestuur kan sy verteenwoordiger op 'n gemeenskaplike komitee benoem om as sodanig te dien solank hy as lid van een van die konstituerende plaaslike besture fungeer, of vir 'n korter tydperk.

(4) 'n Gemeenskaplike komitee kan, tensy minstens twee-derdes van die konstituerende plaaslike besture anders besluit, persone kies, of hulle ook al lede van 'n konstituerende plaaslike bestuur is of nie, om as addisionele lede van die komitee te dien, dog op so 'n manier dat die getal lede also gekies hoogstens die helfte van die getal benoemde lede van die komitee uitmaak.

(5) 'n Gemeenskaplike komitee kan, behoudens die voorskrifte waarmee alle konstituerende plaaslike besture ingestem het, sodanige en so 'n getal subkomitees benoem, bestaande of geheel of gedeeltelik uit lede van die komitee, soos die komitee goed dink.



Ord. No.  
6 van  
1933.

—  
Artikel 3.

of wysig, behoudens die bepaling van paragraaf (b) van hierdie subartikel en op aanbeveling van die raad, voorwaardes stel waar daar geen voorwaardes betreffende die stigting van die dorp bestaan nie, of kan hy enigeen van die voorwaardes, waaronder sodanige stigting goedgekeur is, wysig of verander of verder voorwaardes stel.

- (b) Die bevoegdheid hierby aan die Administrateur verleen, mag nie uitgeoefen word nie—
- (i) tensy die plaaslike bestuur geraadpleeg is;
  - (ii) tensy bewys gelewer word dat geen erf op so 'n algemene plan aangedui aan iemand anders as aan die Staat of die Goewerneur-generaal in trust vir 'n plaaslike bestuur getranspoteer of verhuur is nie; of, in geval 'n erf reeds also getranspoteer of verhuur is, die eienaar van die dorp of sy regsopvolger die eiendomsreg daarop onbeswaar terugverkry het; of
  - (iii) waar 'n erf, op so 'n algemene plan aangedui, reeds also getranspoteer of verhuur is en die eienaar van die dorp of sy regsopvolger dit nie soos voormeld terugverkry het nie, tensy by die Administrateur 'n order van die hof ingedien word waarby hy gemagtig word om sodanige bevoegdheid uit te oefen of 'n skriftelike verklaring van die eienaar of huurder van elke sodanige erf en van die houer van elke verband waardeur 'n erf aangedui op so 'n algemene plan verbind is, ten effekte dat hy geen beswaar teen die uitoefening van sodanige bevoegdheid het nie.
- (c) Die bepaling van hierdie artikel mag nie op so 'n wyse vertolk word nie dat die Administrateur die bevoegdheid besit om die naam van 'n dorp te verander.

**'N ORDONNANSIE**

Om die Dorpe- en Dorpsaanleg-Ordonnansie, 1931, in sekere opsigte te wysig.

Ord. No.  
6 van  
1933.

(Goedgekeur 6 April 1933.)

(Datum van inwerkingtreding, 26 April 1933.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

**1.** Artikel *ses* van die Dorpe- en Dorpsaanleg-Ordonnansie 1931 (hierin verder die hoofwet genoem) word hierby herroep en deur onderstaande nuwe artikel vervang:—

Herroeping van artikel 6 van die hoofwet en vervanging deur nuwe artikel.

„6. Op alle vergaderinge van die raad, bestaan 'n kworum uit die ondervermelde:—

- (a) Twee lede waarvan een die voorsitter moet wees as die ledetal van die raad hoogstens vier is;
- (b) drie lede as die ledetal van die raad vyf is;
- (c) vier lede as die ledetal van die raad meer as vyf is.”

**2.** Artikel *een-en-twintig* van die hoofwet word hierby herroep en deur onderstaande nuwe artikel vervang:—

Herroeping van artikel 21 van die hoofwet en vervanging deur nuwe artikel.

„21. Ingeval een of ander van die verordeninge of regulasies te eniger tyd deur of vir 'n plaaslike bestuur gemaak, in stryd is met die goedgekeurde voorwaardes betreffende die stigting van 'n dorp binne sy munisipaliteit, is sodanige verordeninge of regulasies vir sover dit teenstrydig is nie van krag of regsgeldig nie.”

**3.** Artikel *ses-en-twintig* van die hoofwet word hierby gewysig deur onderstaande nuwe subartikel daaraan toe te voeg:—

Wysiging van artikel 26 van die hoofwet.

- „(4) (a) Nieteenstaande andersluidende wetsbepalings, kan die Administrateur, telkens wanneer die Landmeter-generaal, by die uitoefening van een of ander van die bevoegdhede hom kragtens artikel *dertig* van die Opmetingswet No. 9 van 1927 verleen, 'n algemene plan van 'n dorp verander

Ord. No.  
4 van  
1933.

—  
Artikel 1.

sodanige publikasies, gelas dat bedoelde gegewens in die *Offisiële Koerant* gepubliseer word in plaas van in bedoelde nuusblad, of as voormelde wet publikasie van bedoelde gegewens in die *Offisiële Koerant* en in 'n nuusblad voorskryf, dat dit alleen in die *Offisiële Koerant* gepubliseer word, en in die een sowel as in die ander geval kan bedoelde Administrateur, as hy dit goedvind, op 'n wyse in 'n vorm en op 'n tyd wat hy mag bepaal, 'n beknopte kennisgewing, waarin die aandag gevestig word op die publikasie van bedoelde gegewens in die *Offisiële Koerant*, laat publiseer in een of ander nuusblad waarin bedoelde gegewens volgens voormelde wet gepubliseer moes geword het.

(2) So'n publikasie in die *Offisiële Koerant* word vir die toepassing van bedoelde wet, nieteenstaande sy voorskrifte, beskou as 'n publikasie in 'n nuusblad waarin voormelde gegewens volgens daardie wet moes of kon gepubliseer geword het.

Kort titel. 2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Wettelike Publikasies Ordonnansie, 1933.

Ord. No.  
5 van  
1933.

## 'N ORDONNANSIE

Om die Administrateur in staat te stel om die Verkiesinge van Skoolrade uit te stel.

(Goedgekeur 3 April 1933.)

(Datum van inwerkingtreding, 19 April 1933.)

(Afrikaanse kopie deur Goewerneur-Generaal geteken.)

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

Verlenging van bevoegdheid aan Administrateur om die verkiesinge van Skoolrade wat in 1933 gehou moes word, uit te stel.

1. Nieteenstaande andersluidende bepalings van die Onderwyswet 1907, of wysiginge daarvan, word die Administrateur hierby by Proklamasie in die *Provinsiale Koerant* bevoegdheid verleen om die verkiesinge van Skoolrade, wat in 1933 gehou moes word, vir twaalf maande uit te stel. By verskyning van genoemde Proklamasie, word die ampsduur van die huidige lede van Skoolrade verleng tot die dertigste dag van Junie 1934.

Kort titel. 2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Skoolraad-Verkiesingsordonnansie 1933.

## 'N ORDONNANSIE

Om die „Transvaal Hospitaalverpleegsters Pensioenen Ordonantie, 1919”, te wysig.

Ord. No.  
3 van  
1933.

(Goedgekeur 30 Maart 1933.)

(Datum van inwerkingtreding, 19 April 1933.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

1. Subartikel (1) van artikel drie van die „Transvaal Hospitaalverpleegsters Pensioenen Ordonantie”, 1919 (soos gewysig) word hierby gewysig deur onderstaande woorde aan die einde daarvan toe te voeg:—

Wysiging  
van artikel  
3 van  
Ordonnan-  
sie No. 13  
van 1919.

„ met dien verstande dat iedere verpleegster benoemd op of na de eerste dag van Mei 1933, niet in het vaste verplegingspersoneel mag worden opgenomen alvorens zij aan de raad een dokterscertifikaat ter bevrediging van de Administratie heeft getoond. Zodanige certifikaat moet in de vorm zijn welke de Administrateur bij regulatie voorgeschreven heeft.”

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die „Transvaal Hospitaalverpleegsters Pensioene Wysigingsordonnansie, 1933”.

Kort  
titel.

## 'N ORDONNANSIE

Om voorsiening te maak vir die vervanging van regtens voorgeskrewe bekendmaking in nuusblaaië deur bekendmaking in die **Offisiële Koerant**.

Ord. No.  
4 van  
1933.

(Goedgekeur 30 Maart 1933.)

(Datum van inwerkingtreding, 12 April 1933.)

(Afrikaanse kopie deur Goewerneur-Generaal geteken.)

**D**IT WORD deur die Provinsiale Raad van Transvaal as volg bepaal:—

1. (1) Wanneer een of ander wet aan die Administrateur of aan iemand in diens van die Transvaalse Provinsiale Administrasie die bevoegdheid verleen of die verpligting oplê om gegewens van watter aard ook al in 'n nuusblad te publiseer, dan kan die Administrateur volgens goedvinde, hetsy in een of ander bepaalde geval of oor die algemeen met betrekking tot alle of een of meer van

Admini-  
strateur  
kan regtens  
voor-  
geskrewe  
bekend-  
making in  
nuusblaaië  
deur  
bekend-  
making in  
Offisiële  
Koerant  
vervang.

Ord. No. 2  
van 1933.

## 'N ORDONNANSIE

Tot aanwending van 'n som van hoogstens £2,000,000 op Rekening vir die dienste van die Provinsie Transvaal gedurende die jaar wat eindig op die 31ste dag van Maart 1934.

(Goedgekeur 27 Maart 1933.)

(Datum van inwerkingtreding, 29 Maart 1933.)

(Afrikaanse kopie deur Goewerneur-Generaal geteken.)

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

£2,000,000  
mag  
verstrekk  
word uit  
die Prowin-  
siale  
Inkomste-  
fonds.

**1.** Op en na die eerste dag van April 1933 mag uit die Prowinsiale Inkomstefonds sulke somme geld verstrekk word, by mekaar geneem nie meer te bedra dan die som van twee miljoen pond nie, soos van tyd tot tyd mag nodig wees vir die diens van die Provinsie, vir die jaar wat eindig op die 31ste dag van Maart 1934, tot sulke tyd as die Raad daarvoor voorsiening gemaak het in 'n Toeëienings-ordonnansie.

Uitkerings  
onder  
hierdie  
Ordon-  
nansie  
aangemerk  
te word as  
voorlopige  
voor-  
skotte.

**2.** Alle somme wat uitgekeer word kragtens die bepalinge van hierdie Ordonnansie, sal aangemerk word as voorskotte op rekening van toelae wat sal verleen word in 'n Toeëienings-ordonnansie vir die jaar wat eindig op die een-en-dertigste dag van Maart 1934, en dadelik by die aanvang van sulke Toeëienings-ordonnansie sal hierdie Ordonnansie ophou van krag te wees, en uitkerings wat hieronder al gemaak is sal geag word uitkerings te wees gemaak kragtens die Toeëienings-ordonnansie en sal verantwoord word ooreenkomstig met die bepalinge daarvan; mits dat geen dienste waarop geen uitgawe gemaak was nie onder 'n behoorlike gemagtigde Toeëienings-ordonnansie gedurende die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1933, of waaroor geen wettige magtiging bestaan nie, sal geag word onder hierdie Ordonnansie gemagtig te wees.

£100,000  
kan van  
Weëfonds  
uitgereik  
word.

**3.** Hierby word sodanige somme geld as wat nodig is, in totaal hoogstens eenhonderd duisend pond, op die Weëfonds Rekening geboek tot tyd en wyl die Raad daarvoor voorsiening maak in 'n Toeëienings-ordonnansie.

Korte  
titel.

**4.** Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Toeëienings (Deel 1933-1934) Ordonnansie, 1933.

# 'N ORDONNANSIE

Ord. No. 1  
van 1933.

Tot aanwending van 'n verdere som geld van hoogstens £92,426 vir die diens van die Provinsie Transvaal vir die tydperk van die 1ste dag van April 1932 tot die 31ste dag van Maart 1933.

(Goedgekeur 27 Maart 1933.)

(Datum van inwerktrading, 29 Maart 1933.)

(Afrikaanse kopie deur Goewerneur-Generaal geteken.)

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

1. Die Provinsiale Inkomstefonds van Transvaal word hierby belas vir die dienste van die genoemde Provinsie, vir die tydperk van die 1ste dag van April 1932 tot die 31ste Maart 1933, albei dae inbegrepe, met 'n verdere som van hoogstens twee-en-negentig duisend vierhonderd ses-en-twintig pond bowe die somme waarin voorsien is deur die Toeëienings (1932-1933) Ordonnansie, 1933.

Provinsiale Inkomstefonds belas met £92,426.

2. Die geld deur hierdie Ordonnansie toegestaan sal aangewend word vir die doeleindes en vir die dienste wat genoem is in die skedule wat hierby gevoeg is, in ooreenstemming met die poste en subhoofde, besonderlik uiteengesit en genoem in die Begroting van Addisionele Toeëiening vir die genoemde tydperk, soas deur die Provinsiale Raad goedgekeur.

Hoe geld sal aangewend word.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Addisionele Toeëienings (1932-1933) Ordonnansie, 1933.

Korte titel.

### Skedule.

Nommer van Pos.	Diens.	Bedrag. £
1	Algemene Administrasie.....	1,126
3	Hospitale en Liefdadige Instellings.....	3,300
4	Weë, Brûe en Plaaslike Werke.....	80,065
7	Kapitaal Uitgawe— Spesiale Toelae van Unie Regering vir Weë-aanleg.....	7,935
		£92,426

**INHOUD.**  
(Alfabeties.)

NOMMER VAN ORDONNANSIE.	TITEL.	BLADSY.
1933		
1	Addisionele Toeënings (1932-1933).....	1
6	Dorpe- en Dorpsaanleg Wysigings.....	5
11	Dorpe- en Dorpsaanleg Verdere Wysigings.....	68
15	Hondereisies (Kontrole) Wysigings.....	81
7	Liefdadige Instellings (Kontrole) Wysigings.....	8
18	Lisensiering en Kontrole van Honde.....	87
12	Maatskappye Belasting.....	70
10	Minerale Baaie (Toesig en Beheer).....	51
19	Motorvoertuie Wysigings.....	92
17	Onderwyswet Wysigings.....	85
9	Pad Ordonnansie.....	11
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NOTA.—Die *Padverkeer Ordonnansie* is op die 6de September 1933 deur die Provinsiale Raad aangeneem. Volgens artikel *neëntig* van die Suid-Afrika Wet, 1909, was dit gereserveer vir verdere oorweging deur die Goewerneur-Generaal-in-Rade op die 29ste November 1933. As die Ordonnansie goedgekeur word sal dit verskyn in die 1934 Deel.



# ORDONNANSIES

VAN

# DIE PROVINSIE TRANSVAAL

# 1933

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GEPUBLISEER OP GESAG

*En gedruk onder toesig van die Staatsdrukker*

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DIE STAATSDRUKKER, PRETORIA

1934

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